



**JERICO UNION FREE SCHOOL DISTRICT**

**BOARD OF EDUCATION**

**POLICY MANUAL**

***Updated: March 22, 2024***

## **FOREWORD**

Contained herein are the policy statements formulated by the Board of Education of the Jericho Union Free 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or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education.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 Jericho Union Free School District shall be the minutes of the meetings of the Board of Education.

## **PHILOSOPHY STATEMENT**

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

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

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

**Jericho Union Free School District**

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## By-Laws

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

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

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

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

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

New York State Constitution  
Education Law Articles 35 and 37

Adopted: 1/22/98

## By-Laws

**SUBJECT: BOARD OF EDUCATION AUTHORITY**

As a body created under the Education Law of New York State, the Board of Education of the Jericho 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 unless the Board has taken official action to designate an individual member as the representative of the Board for a particular purpose. They have authority only when acting as a body duly called in session.

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

Adopted: 1/22/98

## By-Laws

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

The Board of Education of the Jericho 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 a term of three (3) years. The terms shall be overlapping, two members being elected for each of the first two of each series of three years, and one the third year.

Education Law Sections 1702(1) and 2101(2)

Adopted: 1/22/98

## By-Laws

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

A Board of Education member of the Jericho 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 of the District at least one (1) year prior to the election;
- e) Cannot be an employee of the Jericho Union Free School District;
- f) The only member of his/her family (that is, cannot be a member of the same household) on the Jericho 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;
- i) Cannot be a convicted felon or adjudged an incompetent or is otherwise ineligible to vote under Section 5-106 of the Election Law.

Education Law Sections 2012, 2102, 2103  
and 2103-a, and 2502  
Public Officers Law Section 3  
Election Law Section 5-106

Adopted: 1/22/98

## 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, and shall describe the specific vacancy on the Board of Education for which the candidate is nominated. This description shall include at least the length of the term of office and the name of the last incumbent, if any.
- 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 5 PM on the thirtieth day preceding the election at which time the candidates so nominated are to be elected.
- c) Voting will be by machine, and provision shall be made for the election by "write-in-vote" of any candidate not previously nominated.
- d) The hours of voting shall be as indicated by Board resolution.
- e) 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. The candidates receiving the largest number of votes shall be declared elected in accordance with Education Law. Candidates or their proxies may be present for the drawing.
- f) At least ten days prior to the election, the Board shall appoint at least two inspectors of election for each voting machine, and set their salary.
- g) The District Clerk shall attend the election and record the name and legal residence of each voter. The Clerk shall give written notice immediately to each person declared elected to the Board, informing him/her of the election and his/her term of office. The Clerk must also report the names and post office addresses of the elected members to the Clerk of the towns where situated.
- h) Only qualified voters as determined by Education Law (Section 2012) may vote at any District meeting or election.
- i) No electioneering will be allowed within one hundred (100) feet of the polling place.

(Continued)

## By-Laws

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

- j) When a term of office expires at the end of a school year and the office has become vacant at the time of election, the person elected to fill the new full term vacancy also fills the remaining days of the previous term, beginning his/her term of office immediately upon election.

Education Law Sections 2004, 2012, 2013,  
2018, 2025, 2029, 2032, 2034(7) (d),  
2105(14), and 2121

## By-Laws

**SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS**

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

Required contribution statements shall include:

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

The times for filing the statements are as follows:

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

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

(Continued)

**2007**

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2 of 2

By-Laws

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

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

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

Adoption Date: 10/12/06



**SUBJECT: ENFORCEMENT OF POLICIES, RESIGNATION, AND FILLING  
VACANCIES (BOARD OF EDUCATION)**

**Enforcement**

1. A Board member who violates any provision of the Board of Education Policy Manual may be subject to one or more of the following:

- a. a non-disciplinary verbal warning given in Executive Session;
- b. criticism in the form of a non-disciplinary written counseling memo outlining any behavior that violates the Board of Education Policy Manual with expectations for future conduct;
- c. removal from his/her position as a Trustee through the procedures outlined in paragraphs 5 and 6 below.
- d. other actions as determined by the Board as permitted or required by law.

2. A Board member, employee, student, parent, administrator, or other person who believes that a Trustee has violated any provision of the Board of Education Policy Manual should immediately contact the Superintendent of Schools, who shall raise the matter at the next scheduled Board meeting in executive session. Such complaint shall remain confidential to the greatest extent possible. The Board shall decide what if any further action is to be taken at that time. This includes but is not limited to the remedies set forth in Section 1 above.

3. Any discussions, deliberations, or consultations with counsel with respect to the complaint shall remain confidential and shall not be disclosed to the Board member who is the subject of the complaint or any other person until such time as the Board acts on the complaint.

4. Prior to acting on any such complaint, the subject Board members shall have the right to informally address the Board in executive session but shall not be required to do so. Such right shall be without prejudice to raising any defense in a future proceeding.

5. 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.

6. The Board may also remove a Board member for misconduct relating to the exercise of authority as a Board member. Behavior that is deemed threatening, antagonistic, intolerant, or hateful toward fellow board members, or other misconduct that substantially disrupts the Board of Education's ability to function, may be considered grounds for a removal proceeding initiated by the Board. A written copy of all charges made of such misconduct must be served upon the Board member at least ten days before the time designated for a hearing on the charges; and the Board member will be allowed a full and fair opportunity to refute such charges before removal.

**SUBJECT: ENFORCEMENT OF POLICIES, RESIGNATION, AND FILLING  
VACANCIES (BOARD OF EDUCATION)**

7. 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.

8. 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.

**Resignation**

Board members may resign at any District meeting, at which time the resignation shall be automatically accepted.

A Board member may resign by filing a written resignation with the District Clerk. The resignation shall take effect upon the date specified in the letter of resignation; but in no event more than thirty (30) days after filing with the District Clerk. If no effective date is specified, it shall take effect on the date of filing with the District Clerk.

**Filling Vacancies**

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

Education Law Sections 306, 1706,  
1709(17) (18), 2103(2), 2109, 2111, 2112, 2113,  
2502(8) and 2553(8)  
Public Officers Law Sections 30, 31 and 35

**Adopted: 3/21/24**

## By-Laws

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

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

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

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

Education Law Section 2012  
Election Law Article 5

Adopted: 1/22/98

## By-Laws

**SUBJECT: USE OF VOTING MACHINES**

- a) Voting machines may be used for recording the vote on elections and questions, or either, at School District meetings or elections, annual and special, or either, in Jericho Union Free School District of the Towns of Oyster Bay and North Hempstead, Nassau County, New York. The use of such machine shall be deemed a compliance with any provision of law requiring the vote to be by ballot.
- b) The Board, may obtain the use of such machines from the Nassau County Board of Elections, and if not available such machine may be rented from any governmental or non-governmental source and the Superintendent is authorized to pay reasonable rental and transportation costs as required.
- c) The voting machines shall be set up and the voting take place in such schools within the District and between such hours as the Board may from time to time determine.
- d) Voting machines must be examined by election inspectors prior to each election to make sure that all public counters are set at zero, that the ballot labels are properly placed, and that each machine is in proper condition for use.

Education Law Section 2035(1)  
Election Law Section 3-224

Adopted: 1/22/98

## By-Laws

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

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

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

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

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

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

Adoption Date: 10/12/06

**SUBJECT: ABSENTEE BALLOTS**

The Board of Education authorizes the District Clerk or a Board designee to provide absentee ballots to qualified District voters. Absentee ballots may be used for the election of School Board members, District public library trustees and for the adoption of the annual budget, 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/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 will be provided to the absentee voter.

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

- a) He or 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 or she has duties, occupations or business responsibilities or studies which require being outside of the country or city of residence on the day of the District election/vote;
- c) He or she will be on vacation outside of the country or city of residence on the day of the District election/vote;
- d) He or 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 or she will be absent from the District on the day of the District election/vote by reason of accompanying spouse, parent, or child who is or would be, if he or she were a qualified voter, entitled to apply for the right to vote by absentee ballot.

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

**SUBJECT: ABSENTEE BALLOTS (continued)**

An absentee ballot must reach the office of the District Clerk/designee not later than 5:00 p.m. on the day of the election/vote in order for his or her vote to be canvassed.

A list of all persons to whom absentee ballots have been issued will be maintained by the District Clerk/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 this list, file a written challenge of the qualifications as a voter of any person whose name appears on the list, stating the reason for the challenge.

The written challenge will be transmitted by the District Clerk 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 this list by making his or her reasons known to the election inspector before the close of the polls.

Education Law §§ 1501-c, 2014, 2018-a, 2018-b, and 2613a

**Adopted: 12/16/21**

## 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

**Adopted: 4/23/2020**



## By-Laws

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

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

Education Law Sections 1604, 1709 and 1804

**Indemnification**

The District will provide legal defense for School Board members being sued for events arising from the individual's performance of duties, provided the member was, at the time of the incident, acting in the discharge of his/her duties within the scope of his/her authority as a Board member.

Education Law Sections 3023, 3028 and 3811

## By-Laws

**SUBJECT: GENERAL PROVISIONS OF BOARD MEMBERSHIP**

In general, it may be stated that while the members of the Board of Education are elected locally they are State officers responsible for the government of a political subdivision of the State.

Each Board member is a trustee of the entire community for the management of the School District. Therefore, it is the policy of the Board of Education to encourage members of the community to visit Board meetings and to make their wants and wishes known. In considering the suggestions from the community, the Board will take the following principles into consideration:

- a) The School District is a subdivision of the State, locally controlled; therefore, it is the purpose of the Board of Education to operate the District for the welfare of the entire State, as well as the local district.
- b) The Board member represents the entire District; therefore, it is the purpose of the Board of Education to operate the District for the educational welfare of the entire District, rather than for any part of the district or for any group in the District.
- c) The Board member is an officiating member of the Board of Education only when the Board is in session. The Board of Education recognizes this as a sound principle because each member then reserves his/her judgment on matters until he/she has an opportunity to hear the recommendation of the Superintendent and discuss it with other members of the Board of Education.
- d) The Board of Education sees the schools as an institution trying to meet the educational needs of a changing community. Therefore, it recognizes the necessity of continually evaluating present procedures so that they may be constantly adjusted to meet these changes as they occur.
- e) The Board of Education recognizes it has a unique function to interpret the schools to the community and the community to the schools.

## By-Laws

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

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

The elected officers of the Board of Education are:

- a) President;
- b) Vice President.

Education Law Sections 1701 and 2105(6)

Adopted: 1/22/98

## By-Laws

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

The President's duties include the following:

- a) Presides at all meetings of the Board;
- b) Calls special meetings as necessary or on request;
- c) Serves ex-officio as a member of all committees;
- d) Executes documents on behalf of the Board;
- e) Acts as temporary chair of the District's Annual Meeting and Special District meetings;
- f) Performs the usual and ordinary duties of the office.

Education Law Section 1701

Adopted: 1/22/98

## By-Laws

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

The duties of the Vice-President shall be:

- a) To preside at all meetings in the absence of the President;
- b) By resolution of the Board, to sign documents in case of absence or disability of the President.

Education Law Section 1701

Adopted: 1/22/98

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

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

The following shall be appointed annually:

- a) District Clerk;
- b) District Treasurer;
- c) Deputy Treasurer;
- d) Tax Collector and Deputies;
- e) District Auditor (independent);
- f) Treasurer, Extra classroom Activities Account;
- g) Internal Auditor.

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

- a) Census Enumerator and assistants;
- b) District Physician;
- c) Supervisors of Attendance;
- d) Committee on Special Education and Committee on Preschool Special Education;
- e) Records Management Officer;
- f) AHERA Local Educational Agency (L.E.A.) designee;
- g) Title IX/Section 504/ADA Compliance Officer;
- h) Internal Auditor;
- i) Audit Committee.

## By-Laws

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

The following may also be appointed:

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

**Designations**

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

- a) Petty Cash Fund(s);
- b) Official Newspaper(s);
- c) Official Bank Depositories;
- d) Official Bank Signatories;
- e) Purchasing Agent;
- f) Certifier of Payrolls.

**Authorizations**

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

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

Education Law Section 1709

Adopted: 10/12/06

## By-Laws

**SUBJECT: DUTIES OF THE DISTRICT CLERK**

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

- a) Attends all meetings of the Board and keeps a record of its proceedings and records, by name, those in attendance;
- b) Prepares minutes of the meetings of the Board, obtains approval of the minutes by the Board at the next meeting and forwards copies of the minutes to each member of the Board of Education;
- c) Sends notices of special meetings to members of the Board; contacts and communicates with members as required;
- d) Sees that the proper legal notices and announcements are published on all specifications and items out on bid, in accordance with state law;
- e) Maintains an up-to-date record of Board policies and by-laws;
- f) Files and preserves records, books and papers of the Board of Education and its officers.
- g) Delivers to, and collects from, the President (or Vice President) such papers for signature as may be necessary;
- h) 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;
- i) Records Board action on all schedules of claims and certifies same on warrant to Treasurer;
- j) Maintains records of bonded indebtedness of the Jericho School District;
- k) Administers oaths of office, as required by Section 10, Public Officers Law;
- l) Maintains and files an accurate poll list for each annual election and for special vote;
- m) Arranges for procurement of voting machines;
- n) Arranges for the printing of voting machine strips and sample ballots after approval of proofs by the Board of Education;

(Continued)



**SUBJECT: DUTIES OF THE DISTRICT CLERK (Cont'd.)**

- o) Arranges for polling place and gives written notice of appointment to persons appointed as inspectors of election;
- p) Confirms election results to newly elected Board members and the Town Clerk;
- q) Calls all meetings to order in the absence of the President and Vice-President;
- r) Post public notices of Special Board meetings;
- s) 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

**By-Laws****SUBJECT: DUTIES OF THE SCHOOL DISTRICT TREASURER**

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

- a) Acts as custodian of all moneys belonging to the School District and lawfully deposits these moneys in the depositories designated by the Board;
- b) Pays all authorized obligations of the District as directed, including payments of bond principal and interest;
- c) Maintains proper records and files of all checks, and approved payment of bills and salaries;
- d) Makes all such entries and posts to all such financial ledgers, records and reports, including bond and note registers, as may be properly required to afford the District an acceptable and comprehensive financial accounting of the use of its moneys and financial transactions;
- e) Signs all checks drawn on District fund accounts provided that the District's Claims Auditor has attested to the authority to issue the check based upon proper evidence of a charge against the District's funds;
- f) Safeguards either his/her electronic signature and/or the check-signing machine and signature plate, personally overseeing all preparation of checks;
- g) Assumes other duties customary to the office.

Education Law Sections 2122, 2130 and 2523

Local Finance Law Sections 163 and 165

8 NYCRR Sections 170.2(g), 170.2(o) and 170.2(p)

9 NYCRR Section 540.4

**Adopted: 3/20/14**

## By-Laws

**SUBJECT: DUTIES OF THE INDEPENDENT AUDITOR**

The Board by law shall appoint an independent certified public accountant or an independent public accountant, and a copy of the certified audit in a form prescribed by the Commissioner must be accepted by the Board and furnished annually to the State Education Department.

The duties of the independent auditor shall be as follows:

- a) Examines the balance sheet of the School District at the close of its fiscal year and the related statements of transactions in the various funds for the fiscal year then ended.
- b) Conducts such examination in accordance with generally accepted auditing standards and includes such tests of the accounting records and such other auditing procedures as are necessary in the circumstances.
- c) Renders an opinion on the financial statements prepared at the close of the fiscal year.
- d) Prepares such financial statements for publications as may be required by law.
- e) Makes such recommendations to the Board concerning its accounting records, procedures, and related activities as may appear necessary or desirable.
- f) Performs such other related services as may be requested by the Board.

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 30th 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 Section 2116-a  
8 New York Code of Rules and Regulations  
(NYCRR) Section 170.2

Adoption Date: 11/9/06

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

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

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

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

**Qualifications**

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

The Claims Auditor should not be:

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

-Continued-

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

- 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) An employee of the District;
- i) close or immediate family member of an employee, officer, or contractor providing services to the District. A "close family member" is defined as a parent, sibling or nondependent child; an "immediate family member" is a spouse, spouse equivalent, or dependent (whether or not related).

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

**Delegation of the Claims Audit Function**

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

- 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.

The Board remains ultimately responsible for auditing all claims

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

**Adopted: 11/18/21**

## By-Laws

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

The Extra classroom Activities Funds Treasurer is appointed by the Board of Education and is responsible for the supervision of the extra classroom activities funds.

The Treasurer's duties include the following:

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

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

Adopted: 1/22/98

## By-Laws

**SUBJECT: DUTIES OF THE SCHOOL ATTORNEY**

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

- a) Legal counsel on matters referred to him/her to determine legality of procedure;
- b) Matters related to "due process" hearings or procedures.



**SUBJECT: DUTIES OF THE SCHOOL PHYSICIANS / NURSE PRACTITIONERS**

The duties of the School Physicians/Nurse Practitioners shall include, but are not limited to, the following:

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

Education Law Sections 902 and 913

**Adopted: 8/14/23**

## By-Laws

**SUBJECT: EDUCATIONAL GOALS**

The Board of Education of the Jericho School District is committed to excellence in education. The Board seeks to maintain this excellence through constant review of its philosophy and objectives.

Since system wide educational goals are most important, a joint formulation of goals by the Board and Superintendent will be established annually so as to maintain the quality of education in the School District.

The goals will set standards for the direction of education at elementary, middle and secondary schools.

The Board of Education will meet with the Superintendent of Schools annually to evaluate the progress in achieving these goals.

Further, the Superintendent and the Board of Education shall provide each other with specific suggestions for further improving their performance in the leadership of the School District.

**SUBJECT: CODE OF ETHICS AND BEST PRACTICES FOR SCHOOL BOARD  
MEMBERS**

The Board of Education believes that the adherence of school Board members to ethical standards and best practices in addition to those set forth in Policy 6110 will serve to increase the effectiveness of the Board of Education while also setting a positive example for all stakeholders of the Jericho Union Free School District.

1. A school Board member, operating under the highest ethical standards must:

- a) Observe and enforce State and federal laws and regulations pertaining to education.
- b) Accept office as a Board member as a means of unselfish service.
- c) Transact school business only in public session unless action taken in executive session is permitted under law.
- d) Represent the entire community without fear or favor.
- e) Remember at all times that he/she is one of a team.
- f) Delegate action to the chief school administrator and understand the Board's role of policy making, planning and appraisal.
- g) Employ only competent, trained personnel and these only on the recommendation of the chief school administrator.
- h) Preserve the right of teachers to teach controversial issues fairly and without bias.
- i) Act always in a manner that promotes public confidence in the integrity and impartiality of the School Board.

j) Not allow family, social, political, or other relationships to influence the Board member's conduct or judgment.

k) Clearly state, whenever communicating about issues related to the district, that he/she is communicating a personal opinion and is not speaking for the Board.

l) **Make a good faith effort to serve with integrity and to the best of one's ability.**

2. In their official capacity, school Board members:

a) Should not engage in any personal or commercial activity which presents a conflict of interest or an appearance of impropriety which would bring discredit upon the school district, its staff and/or its students.

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By-Laws

**SUBJECT: CODE OF ETHICS AND BEST PRACTICES FOR SCHOOL BOARD  
MEMBERS (continued)**

b) Must never use one's position as a school board member to benefit either oneself, a family member or any other individual or entity in a manner inconsistent with the law or one's sincere belief that one is acting in the best interest of the school

district and all stakeholders.

c) Must keep confidential all matters that one is privy to as a school board member that would constitute a violation of law to disclose and should keep confidential all matters that would gratuitously harm or embarrass one or more individuals or would fail to serve any goal of the school district.

d) **Must** recuse themselves in any decision process and/or vote in which the Board member's impartiality might be reasonably **and appropriately** questioned.

3. Each school Board member should:

a) Attend all school board meetings absent exigent circumstances.

b) Be prepared for school board meetings by reviewing relevant information supplied by the superintendent or board clerk.

c) Be well-versed in Robert's Rules of Order and the Open Meetings Law.

d) **Communicate and interact in a civil and professional manner with fellow board members, the superintendent and district stakeholders with the aim of serving as role models for all students.**

e) Stay informed of current issues in education and the Jericho community.

f) Participate in training and educational opportunities relevant to board service.

g) Make decisions based on a careful review and discussion of relevant facts.

h) Vote consistent with a sincere belief regarding what is in the best interest of students and other stakeholders, free from bias or favoritism.

i) Respect and abide by each decision of the board, regardless of one's personal vote.

Adopted: 2/8/24

**SUBJECT: BOARD OF EDUCATION CODE OF CIVILITY**

The Board of Education believes that informed debate characterized by frank and civil discourse among Board members strengthens the effectiveness of the Board. It follows that the Board also believes that hostile and disruptive conduct by Board members serves to undermine the effectiveness of the Board. The Board also recognizes the ability of individual Board members to cultivate the values of civility and mutual respect in the Jericho Community through leading by example.

By enacting this Policy, the Board makes clear its expectations for the conduct of Board members during both public and executive sessions. Any Board member who is acting in his/her capacity as a Board member is to be held to a higher standard of conduct than other staff members, including administrators, teachers, students and community members. This Policy applies to interactions between and amongst Board members, between Board members and staff, between Board members and students as well as between Board members and members of the community.

The Board of Education of the Jericho Union Free School District requires that, we as Trustees:

1. Always treat each other with courtesy and respect:

- a. Board members shall give their full attention to fellow Board members while that person is speaking, listening carefully and respectfully without interrupting.
- b. Board members shall communicate their opinions and concerns in a courteous manner, without yelling or offensive language, gestures, or profanity.
- c. Board members shall treat each other in a civil tone, with respect and dignity and without hostility or expressions of disdain.
- d. Board members shall not threaten or cause physical or bodily harm to another.
- e. Board members shall not bully, belittle, or tease one another and shall not allow others to do so in our presence.
- f. Board members shall not demean others and shall not be abusive or obscene in any of our communications.
- g. Board members shall treat all staff, students, teachers, administrators, and members of the general public as we are required by this policy to treat each other.

**SUBJECT: BOARD OF EDUCATION CODE OF CIVILITY (continued)**

2. Take responsibility for our own actions:

- a. Board members shall share information honestly and in a timely manner.
- b. Board members shall refrain from displays of temper.
- c. Board members shall not disrupt or attempt to interfere with the operation of a classroom or any other work or public area of a school or school facility including but not limited to sporting events, PTA meetings, District functions and District-sponsored events.

3. Cooperate with each other:

- a. Board members shall express disagreement in a way that is constructive to the process of effectively carrying out the District's business.
- b. Board members shall make informed decisions based upon reliable information.
- c. Board members shall notify each other when we have information that might help reach our common goal. This includes, but is not limited to, information about:
  - i. safety issues
  - ii. academic progress, changes that might impact a student's work.
  - iii. events in the community that might impact the school.
- d. Board members shall respond when asked for assistance.

Adopted: 2/8/24



## By-Laws

**SUBJECT: POLICY**

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

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

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

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

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

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

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

Adopted:11/9/06

## By-Laws

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

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

Adopted: 1/22/98

## By-Laws

**SUBJECT: ADEQUATE INFORMATION TO PRECEDE ACTION**

The Board shall not attempt to decide upon any question before examining and evaluating fully all aspects of the question. The Superintendent shall be given an opportunity to examine and to evaluate all pertinent information and to recommend action before the Board attempts to make a decision.

Adopted: 1/22/98

## By-Laws

**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. 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. 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.

Whenever such a meeting is to take place, there must be at least seventy-two (72) hours advance notice in accordance with the provisions of the Open Meetings Law. Notice of other meetings shall be given as soon as is practicable in accordance with law. When the District has the ability to do so, notice of the time and place of a meeting shall be conspicuously posted on the District’s internet website.

District records subject to release under FOIL, as well as any proposed rule, regulation, policy or amendment, that are on the Board agenda and scheduled to be discussed at a Board meeting, shall be made available upon request, to the extent practicable, prior to the meeting. Copies of such records may be made available for a reasonable fee. If the District maintains a regularly updated website and utilizes a high speed internet connection, such records shall be posted on the website to the extent practicable, prior to the meeting. The District may, but it is not required to expend additional funds to provide such records.

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

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

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.

## By-Laws

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

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

The Superintendent and members of his/her staff at the Superintendent's discretion shall attend all meetings of the Board. The Superintendent shall attend all executive session meetings of the Board except **meetings between the Board and the District's auditors and those meetings which concern the Superintendent's evaluation, employment status and salary determination.**

**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 Board of Education reserves the right to enter into executive session as specified in Policy #1730 – Executive Sessions.

**Quorum**

The Quorum for any meetings 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.

**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, Sections 103(d), 104 and 107

Adopted: 11/9/06

Revised: 11/15/12

## By-Laws

**SUBJECT: AGENDA FORMAT**

For regular Board meetings, the following format is used:

- a) Call to order;
- b) Approval of minutes of previous meeting(s);
- c) Reports from the Superintendent of Schools;
- d) Opportunity for public to be heard;
- e) Unfinished business;
- f) New business;
- g) Important Dates;
- h) Approval of Schedules;
- i) Adjournment.

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

## By-Laws

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

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

In an emergency, the twenty-four hour notice may be waived by unanimous consent of all Board members.

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.

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

Adopted: 1/22/98

## By-Laws

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

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

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

The District Clerk shall give notice of the time and place of holding the Annual Meeting and Election/Budget Vote by publishing such notice four (4) times within seven (7) weeks preceding the meeting. The first publication of the notice must be at least forty-five (45) days prior to the meeting. Such notice must appear in two (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), 2007(3), 2017(5), 2017(6), 2022(1),  
2504 and 2601-a(2)

NOTE: Refer also to Policy #1270 -- Absentee Ballots

Adoption Date: 11/9/06



## By-Laws

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

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

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

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

Education Law Sections 1716 and 2025

Adopted: 1/22/98

## By-Laws

**SUBJECT: ANNUAL ORGANIZATIONAL MEETING**

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

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

Education Law Section 1707

Adopted: 1/22/98  
Revised: 2/8/01

## By-Laws

**SUBJECT: QUORUM**

The quorum for any meeting of the Board shall be three 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: 1/22/98

## By-Laws

**SUBJECT: MINUTES**

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

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

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

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

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

Public Officers Law Section 106

Adopted: 1/22/98

## By-Laws

**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 or on confidential matters pertaining to children with disabilities. 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: 1/22/98

**Jericho Union Free School District**

**INTERNAL OPERATIONS**

**(Section 2000)**

**NUMBER**

**INTERNAL OPERATIONS**

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**SUBJECT: ORIENTING AND TRAINING BOARD MEMBERS**

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

- a) Giving the electee selected materials relating to the responsibilities of Board membership supplied by local, state, or national school-board associations or other professional organizations;
- b) Inviting the electee to attend Board meetings and to participate in its discussions;
- c) Having the Clerk supply material pertinent to meetings and explaining its use;
- d) Inviting the electee to meet with the Superintendent and other administrative personnel to discuss services they perform for the Board;
- e) Having the clerk provide a copy of or access to the Board's policies and bylaws;
- f) Providing the opportunity to attend a local, state, or national school-board association's orientation program.

**Board Member Training**

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

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

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

**Adopted: 12/14/2023**

## 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: 1/22/98  
Revised: 11/9/06



## Internal Operations

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

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

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

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

Adopted: 7/10/06

**SUBJECT: CITIZENS ADVISORY COMMITTEES TO THE BOARD****Public Participation**

Residents of the community especially qualified because of training, experience, or personal characteristics shall be encouraged to take an active part in school affairs. Such persons shall be invited to act as advisers to the Board of Education individually and in groups in various areas of improvement in the Jericho Public Schools.

The Board of Education and the administration shall give substantial weight to the advice they receive from all community groups interested in the Jericho Schools, but especially those individuals and groups they have invited or created to advise them regarding selected problems. However, in all instances the Board shall use its own best judgment in arriving at decisions.

Each member of the committee shall understand that his/her capacity is advisory, nothing more: that the Board is not bound to accept his/her recommendation and that the Board alone is legally responsible to the community.

**Types**

The various study committees shall adopt whatever committee structure and organization they deem appropriate to the assignment at hand. Most citizen's advisory committees will be made up of several technically competent persons chosen for expertness in a special field.

**Organization and Dissolution**

- a) Specific topics for study of well-defined areas of activity shall be assigned in writing to each committee immediately following its appointment.
- b) Upon completing its assignment, each committee either shall be given new problems or shall be dissolved promptly, but shall not be allowed to continue for prolonged periods without a definite assignment.
- c) Each committee shall be instructed as to the length of time each member is being asked to serve, the approximate the service the Board and/or the Superintendent wishes it to render, the resources the Board and/or the Superintendent intend(s) to provide, the appropriate dates on which the Board wishes it to submit reports, and the approximate date on which the Board wishes to dissolve the committee.
- d) Each committee shall be instructed as to the relationship it has to the Board of Education and the Superintendent, to individual Board members and administrators, to the administrator assigned to provide liaison, to the chairperson of the committee, and the remainder of the professional staff.

(Continued)

## Internal Operations

**SUBJECT: CITIZENS ADVISORY COMMITTEES TO THE BOARD (Cont'd.)**

- e) The Board of Education shall have sole power to dissolve any of the special study committees and shall reserve the right to exercise this power at any time during the life of any committee.

**Prospective Members**

The Superintendent shall maintain a list of citizens who have served on advisory committees, who are currently serving, who have expressed a willingness to serve, and who have been or appropriately might be recommended to such service. When committee members are needed, the Superintendent shall consult the list, circularize the community and then submit names of qualified persons, giving preference to those who have not previously served. The Board may appoint members from this list or from any other source they deem appropriate. All Board members shall serve as ex officio members without a vote and shall receive all notices and reports of said committees.

**Appointments**

All appointments of citizens to advisory committees for the Board shall be made by the Board.

All appointments of staff members to citizen's advisory committees for the Board shall be made by the Superintendent with the approval of the Board.

**Communication**

- a) Correspondence - Correspondence between the Board and the committee including a report to the Superintendent shall ordinarily be conducted by the chairperson with the advice of the administrative liaison. The chairperson shall transmit the contents of any communication from a committee to the Board President before the next meeting of the Board.
- b) Joint Messages - When a committee is ready to submit its final report on each assigned topic, the Board may, on request, attempt to arrange a joint meeting for the purpose of receiving the report.
- c) Reports - Each member of each committee shall have equal right in the preparation of the committee report. The final report shall represent the consensus of the committee.

The report shall be submitted in detail, with illustrative matter, but a resume, preferably one typewritten page, shall summarize the committee's findings.

(Continued)

**SUBJECT: CITIZENS ADVISORY COMMITTEES TO THE BOARD (Cont'd.)****Liaison Personnel**

The Superintendent shall appoint an administrator to provide liaison with each of the committees. The person serving in this capacity shall meet or communicate with committees and the committee chairperson as he/she deems proper keeping informed as to activities, providing for the use of resources, and advising in the preparation of reports. He/she shall report his/her own and all committee activities directly to the Superintendent, who, in turn, shall forward such information to the Board.

**Resources**

Citizens advisory and study committees shall be encouraged to draw upon a wide variety of resources both inside and outside the school system. Each committee shall be particularly encouraged to draw upon the talents of other local residents and to recommend to the Board the official appointment of any such additional members as the committee desires.

At the request of any committee, the Superintendent shall appoint a member of the clerical staff to assist it in carrying out the work assigned to it by the Board.

Arrangements for the use of supplies, equipment, and personnel from within the School System shall be made through the administrative liaison.

**Publicity Concerning Advisory Committees**

The Board shall see that the public is made aware of the services rendered by such committees of citizens as it may appoint and shall see that the public is informed of the major conclusions and recommendations made by such committees. All public announcements concerning the organization, membership, operation, recommendations and dissolution of such committees shall be made at such time and in such manner as the Board may choose.

## Internal Operations

**SUBJECT: MEMBERSHIP IN ASSOCIATIONS**

The School District shall be a member of the New York State and the Nassau County School Boards Associations. Additionally, the Board may maintain membership and participate cooperatively in other associations.

Education Law Section 1618  
Comptroller's Opinion 81-255

Adopted:12/21/06

## 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 School District. However, in order to control both the investment of time and funds necessary to implement this policy, the Board establishes the following guidelines:

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

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

## Internal Operations

**SUBJECT: COMPENSATION AND EXPENSES**

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

Education Law Sections 2118 and 2130  
General Municipal Law Section 77-b

Adopted: 1/22/98

## Internal Operations

**SUBJECT: BOARD SELF-EVALUATION**

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

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



**Jericho Union Free School District**

**COMMUNITY RELATIONS**

**(Section 3000)**

**NUMBER**

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## **COMMUNITY RELATIONS (Cont'd.)**

### **(Section 3000)**

### **NUMBER**

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## 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 or his/her designee. Copies of all final news releases will be sent to the Superintendent's Office.

In addition, newsletters 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.

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

## Community Relations

**SUBJECT: WEBSITE ACCESSIBILITY**

The District is committed to making information on its website accessible to all online visitors, including those individuals with hearing, vision, or cognitive disabilities, so that they have equal opportunity to obtain the same results, gain the same benefits, and reach the same levels of achievement.

The District has undertaken good-faith efforts to ensure that its website complies with the current New York State standards on website accessibility, which include conducting a regular and thorough audit of online content and functionality. The District will make all reasonable efforts to ensure that all new, newly added, or modified online content and functionality will be accessible to people with disabilities.

The District will consider the educational opportunities and benefits it provides through technology, how its technology provides these opportunities and benefits, whether the technology exists in a format that is accessible to individuals with disabilities, whether the technology can be modified, and the availability of a different technological device in making decisions that may affect access to its website. The District may address specific pages, information formats, or features; it may expressly identify the pages or information that may be deciphered by screen readers; and it may specify any readers that may need downloading on its website. Moreover, the District may provide links to information or features on its website to further assist users.

**Access Notice**

The District will post a notice on its website about how users may request access to information that they believe is not currently accessible. The District may request that users provide their name, email address, phone number, a description of the problem they experienced, and the location of the information they tried to access. The District will make all reasonable efforts to provide inaccessible information in an alternative format.

**Accessibility Contact Person**

The District will designate a person whom website users may contact if they experience accessibility issues. The District will post contact information and specify how to contact this person on its website home page.

**Exemptions**

The District may conclude that features, programs, applications, or activities on its website are not accessible if making them accessible would cause them to be fundamentally altered, or when ensuring accessibility would result in an undue financial and administrative burden. The District will maintain all documents supporting its exemption determinations as required by law.

(Continued)

**SUBJECT: WEBSITE ACCESSIBILITY (Cont'd.)**

**Training**

The District will provide website accessibility training as necessary to appropriate personnel, including any website content developers, webmasters, and procurement officials, and all others who develop, load, maintain, or audit its web content or functionality.

**Third-Party Sites**

Any links to third-party sites on the District's website are not under its control, and thus, the District is not responsible for the content or accessibility of third-party sites. Third-party sites may not comply with accessibility standards.

Section 508 of the Rehabilitation Act of 1973, as amended, 29 USC § 794(d)  
Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC § 794  
Title II of the Americans with Disabilities Act of 1990, 42 USC § 12101, et seq.  
Individuals with Disabilities Education Act (IDEA), 20 USC § 1400, et seq.  
28 CFR Part 35  
34 CFR Parts 104 and 300  
New York State Information Technology Policy No. NYS-P08-005

NOTE: Refer also to Policies  
#3420 -- Non-Discrimination and Anti-Harassment in the District  
#8130 -- Equal Educational Opportunities

**Adopted: 6/15/17**

## Community Relations

**SUBJECT: RELATIONS WITH THE MUNICIPAL GOVERNMENTS**

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

Adopted: 1/22/98

1998

3130

Community Relations

**SUBJECT: SENIOR CITIZENS**

The Board of Education will consider school related programs for Senior Citizens in accordance with Education Law and/or regulations of the Commissioner of Education.

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

Adopted: 1/22/98

## Community Relations

**SUBJECT: FLAG DISPLAY**

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

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

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

Education Law Sections 418 and 419  
Executive Law Sections 402 and 403  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 108.1-108.3

Adopted: 1/22/98  
Revised: 12/21/06



## Community Relations

**SUBJECT: VISITORS TO THE SCHOOL**

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

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

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 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. Prior to entry being permitted, the EVMS will check visitors against applicable databases. 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 or fail the check of applicable databases, may be asked to either wait in the school building lobby or to leave school premises.

Education Law Section 2801  
Penal Law Sections 140.10 and 240.35

**Adopted: 11/18/21**

## Community Relations

**SUBJECT: PUBLIC EXPRESSION AT MEETINGS**

All meetings of the Board shall be conducted in public, and the public has the right to attend all such meetings. Public expression at such meetings shall be encouraged 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 Board of Education reserves the right to enter into executive session as specified in Policy #1730 -- Executive Sessions.

NOTE: Refer also to Policy #1730 -- Executive Sessions

## Community Relations

**SUBJECT: UNRESOLVED COMPLAINTS**

Citizen complaints are to be handled by the administrative officer in charge of the unit closest to the source of the complaint. If the matter cannot be resolved by the appropriate teacher, coach, or other school employee, complaints will usually be handled by the building principal and/or his/her assistant.

The building principal must report unresolved complaints at the building level to the Superintendent and/or one of his/her assistants. The Superintendent may require the complainant's statement in writing.

If the complaint and related concerns are not resolved at the Superintendent level to the satisfaction of the complainant, he/she may report to the Board of Education.

**SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES**

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

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

**Complaints and Grievances Coordinator**

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

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

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

Title VII of the Civil Rights Act of 1964,  
42 United States Code (U.S.C.)  
Section 2001-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 2001-d, et seq. – Prohibits discrimination on  
the basis of race, color or national origin.

(Continued)

## Community Relations

**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

**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 2001-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 2001-d, et seq. – Prohibits discrimination on  
the basis of race, color or national origin.

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

(Continued)

## Community Relations

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

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.

## Community Relations

**SUBJECT: STUDENT PARTICIPATION**

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



## Community Relations

**SUBJECT: PARENT-TEACHER-STUDENT ASSOCIATION**

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

Adopted: 1/22/98

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

Direct solicitations of charitable donations from children in the District schools on school property 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 school related activities. In addition, no child shall be required to make such a donation by any class, club, etc.

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

- a) 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;
- b) Indirect forms of charitable solicitation on school premises that do not involve coercion, such as placing an anonymous bin or collection box in a hallway or other common area for the donation of food, clothing, other goods or money. However, collection of charitable contributions of food, clothing, other goods or funds from students in the classroom or homeroom is prohibited.

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

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

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

Adopted: 1/22/98  
Revised: 2/9/2010

## 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 Jericho Union Free Schools except as authorized by law or the Commissioner's Regulations.

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

Adopted: 1/22/98

**SUBJECT: USE OF SCHOOL FACILITIES**

The Board of Education will permit the use of School District facilities for the purposes set forth in Education Law Section 414, subject to the conditions and restrictions set forth in this policy.

Use of School District facilities may be permitted unless such facilities are in use for school purposes, or during educational programs. The School District reserves exclusive and nonreviewable judgment to determine if a requested use would interfere with or disturb the School District's educational programs.

Use of School District facilities should pertain to the general welfare of the school and/or community, in compliance with the New York State Education Law. Any such use, however, shall not be deemed an endorsement of the activity or purpose for which the facilities are used. The School District retains all rights of access to School District facilities including the space used by an organization pursuant to a permit issued hereunder.

A master calendar of approved uses of all School District buildings and grounds by outside organizations or individuals shall be kept by the Superintendent of Schools or their designee to avoid conflicts in the scheduling of the use of room(s) on the date(s) and/or hour(s) requested by outside organizations or individuals.

The conditions and restrictions set forth in this policy shall apply to the issuance of permission to utilize School District facilities (both indoor and outdoor).

Community based groups (that is, groups which are located within the geographic area covered by the School District and have a membership of district residents), and non-community based groups (that is, groups which are located outside the geographic area covered by the School District and have a membership of district residents) may be granted access to School District facilities.

When the Superintendent of Schools or designee determines that the requested use of School District facilities requires special equipment or supervision, the School District reserves the right to deny such use, or in the alternative, to condition such use upon the applicant's payment of additional fees. Only authorized personnel of the School District shall operate School District equipment. The School District is not responsible for user's equipment used in connection with the use of School District facilities.

Where an admission fee will be charged in connection with a request for the use of School District facilities, such use will only be permitted where the proceeds will be expended for an educational or charitable purpose.

**SUBJECT: USE OF SCHOOL FACILITIES**

The Board of Education, because of its responsibility for protecting the School District's building and property, may restrict use of space within buildings and on School District grounds to specific times and locations as follows:

1. No School District building will be permitted to be used after 11:00 pm during the school year.
2. The School District reserves the right to cancel any approved use of its facilities in the event of scheduling conflicts. The School District may also revoke a permit at any time. When schools are closed due to inclement weather, scheduled community use shall be automatically cancelled.
3. Priority for all facility space shall be determined as follows:
  - a. Regular school activities including classes, clubs, teams, etc;
  - b. Service Organizations, Parent Teacher Associations, Jericho Sports Leagues, Jericho Educational Foundation or other similar educational foundations
  - c. Other approved non-school groups, assigned in the order in which their applications are received.

The Superintendent of Schools or designee reserves the discretion to deny use of School District facilities described above, or to terminate use of School District facilities:

1. when the organization has failed to comply with the terms and conditions of a previous permit.
2. where the use has the effect of violating the Establishment Clause of the United States Constitution or other provisions of the United States or New York State Constitution;
3. where the use which could reasonably be expected to or actually does give rise to a riot or public disturbance;
4. where the use is inconsistent with or in violation of this policy or otherwise prohibited by law;
5. where the application is made for personal use. An individual not representing a participating organization or group will be denied use of facilities; or

**SUBJECT: USE OF SCHOOL FACILITIES**

Use of School District facilities will be decided by the Superintendent of Schools. The Superintendent's decision is subject to review by the Board of Education.

In addition to the conditions and restrictions set forth in this policy, non-community based groups must obtain the express written permission of the Superintendent of Schools in order to make use of School District facilities. The Superintendent of Schools will notify the Board of Education in a timely manner of every decision to approve the use of School District facilities by non-community groups.

Prohibited Uses

Any use not permitted by this policy is prohibited. In addition, the following uses are specifically prohibited.

1. Meetings sponsored by political organizations.
2. Meetings, entertainments, and occasions that are under the exclusive control of and the proceeds are to be applied for the benefit of a society, association or organization of a religious sect or denomination or of a fraternal, secret or exclusive society or organization, other than veterans' organizations or volunteer fire fighters or volunteer ambulance workers.
3. The use of School District facilities for the purpose of holding religious worship services, or otherwise as a house of worship.
4. Individual coaches employed by the School District shall not be permitted to run clinics on school grounds, outside of the coach's responsibilities as a coach appointed by the School District for a coaching position.
5. For any purpose that will in any way interfere with the use of school buildings, grounds, or other school property by the school.

**SUBJECT: USE OF SCHOOL FACILITIES**

**Application Requirements**

Applications for use of any school facility shall be submitted to the Superintendent of Schools or designee in writing on the form prescribed by the School District. A use permit application is available in the Office of the Superintendent. Applications must be submitted at least forty-five (45) days prior to the date(s) requested as practicable and shall be accompanied by written documentation providing the following information and/or establishing compliance with the following:

1. At least one of the participants must be a School District resident. The applicant shall provide the School District with a roster of participants, which roster includes the name(s) and addresses of the participants to the extent practicable.
2. The applicant shall provide the School District with evidence that it is a not-for-profit organization or a municipality within the School District, except with the express written permission of the Superintendent of Schools.
3. The applicant must clearly and completely describe the intended use of the School District facility in the application. The individual completing the application on behalf of the organization shall be authorized by the group or entity seeking permission and shall be a resident of the School District, a member of the staff of the organization, or a member of the staff employed by the School District with residence address provided and shall provide a valid photo identification with proof of address. All applications must be signed by an authorized agent of the group or organization requesting use. The applicant's signature on the application shall attest to the group or organization's intent to comply with all Board of Education policies and regulations and to use School District facilities strictly in accordance with the use described in the application.
4. Applicants must agree to pay the School District a user fee according to a fee schedule adopted by the School District if applicable. The School District reserves the right to waive user fees for groups that are associated with or sponsored by the School District. The Superintendent of School or designee shall determine what personnel are required to be assigned in connection with a group's use of the School District's facilities, including but not limited to the number of custodians, security personnel, and other help.

**SUBJECT: USE OF SCHOOL FACILITIES**

5. The applicant shall describe the responsibility for and means by which it proposes to provide security, crowd and litter control and pick-up.
6. Evidence of the insurance requirements set forth on the application must be submitted to the School District at least three (3) weeks prior to the date of the requested use as practicable. Applicants will be required to sign a hold harmless agreement in favor of the School District in a form prescribed by the School District.
7. Permits shall be valid only for the facility, use, dates, and time specified in the permit.
8. The applicant may not subcontract for services on School District property without advance written approval of the School District. Any outside group hired by the applicant must fill out their own application and include insurance and endorsements as required herein of the applicant.
- 9. The applicant may not transfer its use of facilities permit to any other entity.**
10. The request for the use of the School District's facilities must be approved by the Superintendent of Schools or designee. The Superintendent of Schools or designee shall have the right to request additional information from the applicant in order to determine whether to grant the application.

**Requirements for Use of School District Facilities**

In the event the use of one of the School District's facilities is approved, the individual or organization to whom a permit has been issued (hereinafter the "User") shall adhere to the following requirements:

1. The User must comply with all federal, state, local and School District laws, rules and regulations. The User and its members will review School District Board Policy #3270 and be familiar with all rules and restrictions pertaining to use of District's facilities.
2. The User must follow the School District's emergency evacuation plan. Prior to the start of the event, an announcement should be made regarding emergency evacuation procedures.



**SUBJECT: USE OF SCHOOL FACILITIES**

3. The User shall not be permitted to make a profit in connection with the use of School District facilities.
4. The User is responsible for the conduct both of participants and spectators and for making provisions with the School District to handle anticipated crowds. The User must provide an adult volunteer (must be at least 21 years of age) to monitor the entrance of the facility. The volunteer is responsible for admitting only authorized individuals into the building and must remain at the entrance to the facility for the duration of the time slot authorized for the organization's use.
5. Individuals under eighteen (18) years old are required to be supervised by an adult at all times.
6. The User will ensure that all doors are to remain locked and closed during its approved time slot for the use of the facility. Doors must not be propped open at any time. All doors must be locked when the User exits the building at the conclusion of their use.
7. Where a large assemblage is expected, the User is required to arrange for adequate police, fire, security and health services protection.
8. Gambling is prohibited at all times in the school buildings or on school property.
9. The use, possession, sale or distribution of alcohol or controlled substances is prohibited at all times in school buildings or on school property. Smoking, use of e-cigarettes, personal vaporizers (nicotine and non-nicotine based) and all other tobacco/nicotine/cannabis/cannabinoid hemp use, is prohibited on school grounds and in school facilities.
10. Pyrotechnic devices and any fire producing device shall not be permitted on School District property at any time.
11. Trampolines, inflatable "bounce houses" and/or slides, and any other similar type of temporary installation shall not be permitted on School District property at any time.
12. Fencing, shelters, sanitary facilities, cooking facilities (including barbeques or other sources of heat) and any other temporary structure or installation, shall not be used on School District property without prior permission.

**SUBJECT: USE OF SCHOOL FACILITIES**

13. The User shall not permit vehicles to be illegally operated or parked. Motor vehicles shall not be permitted to be operated on any School District athletic field without prior authorization. The School District reserves the right to tow illegally parked vehicles at the User's expense. These restrictions do not apply to motor vehicles operating in response to an emergency.
14. The User's will ensure that the facilities are left in proper condition. Any equipment moved should be returned to its proper place. The User will safeguard the School District's property and make sure that all water bottles and any other refuse are disposed of properly and leave the facility in the condition in which it was found. The cost of any additional cleanup or repair of any damage will be billed to the User. The User shall be required to pay for all vandalism, losses, and damage for which they may be directly or indirectly responsible.
15. Spectators are not permitted to have food or drink (other than water in bottles or other closed containers) in auditorium or gymnasium at any time. Chairs and tables may not be placed on gym floors or other playing surfaces. No pets are permitted anywhere on school grounds or in school buildings except individuals who require a service animal with proper documentation.
16. Accidents shall be reported to School District administration as soon as possible and an incident report will be sent to the Superintendent of Schools by the close of the following business day.
17. During the approved activity, the User shall present the permit for verification upon request by School District staff.
18. The permit issued shall be subject to immediate cancellation by the Superintendent of Schools or designee in the event the user authorizes, condones or suffers unsafe conditions or activities in connection with its use, fails to comply with the terms of this policy, uses School District equipment without authority, leaves the premises in an unsafe or unclean condition, or fails to prevent vandalism to School District property.
19. Issuance of a permit shall not limit the right of access to the facility by School District staff.

Ref: Education Law §414

**Adopted: 9/21/23**

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

**School Buildings**

It shall be the policy of the Board to encourage the greatest possible use of school buildings for community-wide activities. This is meant to include use by the Boy Scouts of America, the Girl Scouts of America, and recognized civic or social organizations in accordance with law. -Procedures for the use of school buildings are set forth in policy 3270. Monthly reports will be made to the Board regarding use of the school facilities.

**Materials and Equipment**

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

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

Administrative regulations will be developed to assure the lender's responsibility for, and return of, all such materials and equipment.

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

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

This statute provides for the following:

- a) No covered entity shall deny equal access or a fair opportunity to meet or discriminate against any group affiliated with the Boy Scouts of America or any other Title 36 patriotic youth group that requests to conduct a meeting within the covered entity's designated open forum or limited public forum.

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

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

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

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

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

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#5640 -- Smoking/Tobacco Use  
#7310 -- School Conduct and Discipline  
#7320 -- Alcohol, Tobacco, Drugs and Other Substances  
(Students)  
#7410 -- Extracurricular Activities  
*District Code of Conduct on School Property*

**Adopted: 9/21/23**

## Community Relations

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

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

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

Vehicle and Traffic Law Section 1670

Adopted: 1/22/98

Community Relations

**SUBJECT: PUBLIC ACCESS TO RECORDS**

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

A Records Access Officer shall be designated by the Superintendent, subject to the approval of the Board of Education, who shall have the duty of coordinating the School District's response to public request for access to records.

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

Education Law Section 2116  
Public Officers Law Section 87  
21 New York Code of Rules and Regulations (NYCRR)  
Part 9760

Adoption Date: 1/22/98  
Revised: 1/18/07

## 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: 1/22/98

**SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY**

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

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

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

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

- a) Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property and at school functions, and conduct, dress and language deemed unacceptable and inappropriate on school property; provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions; the appropriate range of disciplinary measures which may be imposed for violation of such Code; and the roles of teachers, administrators, other school personnel, the Board of Education and parents/persons in parental relation to the student;
- b) Provisions prohibiting discrimination and harassment against any student, by employees or students on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or verbal threats, intimidation or abuse, of such a severe nature that:
  - 1. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
  - 2. Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.

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



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

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

- c) Standards and procedures to assure security and safety of students and school personnel;
- d) Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;
- e) Provisions prescribing the period for which a disruptive student may be removed from the classroom for each incident, provided that no such student shall return to the classroom until the Principal (or his/her designated School District administrator) makes a final determination pursuant to Education Law Section 3214(3-a) (c) or the period of removal expires, whichever is less;
- f) Disciplinary measures to be taken for incidents on school property or at school functions involving the use of tobacco, the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, harassment and threats of violence;
- g) Provisions for responding to acts of discrimination and harassment against students by employees or students on school property or at a school function pursuant to clause (b) of this subparagraph;
- h) Provisions for detention, suspension and removal from the classroom of students, consistent with Education Law Section 3214 and other applicable federal, state and local laws, including provisions for school authorities to establish procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;
- i) Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;
- j) Provisions ensuring the Code of Conduct and its enforcement are in compliance with state and federal laws relating to students with disabilities;
- k) Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;

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

- l) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;
- m) Provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition as defined in Articles 3 and 7 of the Family Court Act will be filed;
- n) Circumstances under and procedures by which referral to appropriate human service agencies shall be made;
- o) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. For purposes of this requirement, as defined in Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law Section 3214(3-a) and the provisions set forth in the Code of Conduct on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, as applicable;
- p) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a) (a). However, the suspending authority may reduce the suspension period on a case-by-case basis consistent with any other state and federal law;
- q) A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior and a safe and supportive school climate, which shall be written in plain-language, publicized and explained in an age-appropriate manner to all students on an annual basis; and
- r) Guidelines and programs for in-service education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management.

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

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

The Code of Conduct shall be reviewed on an annual basis, and updated as necessary in accordance with law. The District may establish a committee pursuant to Education Law Section 2801(5) (a) to facilitate review of its Code of Conduct and the District's response to Code of Conduct violations. The School Board shall reapprove any updated Code of Conduct or adopt revisions only after at least one (1) public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties. The District shall file a copy of its Code of Conduct and any amendments with the commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

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

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

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

**Privacy Rights**

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

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

Adoption Date: 6/15/2012

## Community Relations

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

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

In addition, the making and/or production of any weapon, bomb, device, material animate or inanimate, that is used for, or is readily capable of causing death or bodily injury is prohibited.

Penal Law §§ 265.01-265.06

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

**Adopted: October 18, 2018**

## 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 Student Discipline Code of Conduct and collective bargaining agreements, as may be necessary.

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

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

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

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

This policy will be enforced in accordance with applicable laws and regulations, as well as collective bargaining agreements and the Student Discipline 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 Student Discipline Code of Conduct.

Adopted: 2/8/01

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

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

**Prohibited Conduct**

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

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

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

**SUBJECT:NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT  
(continued)**

Harassment includes unwelcome verbal, written, or physical conduct which offends, denigrates, or belittles an individual because of his or her membership in a protected class. This conduct includes, but is not limited to: derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting, or the display or circulation of written materials or pictures, which includes internet, cellular and/or online materials, which would have a material disruption of the education process. Harassment also includes micro aggression, which is defined as everyday verbal, nonverbal and environmental slights, snubs or insults, whether intentional or unintentional, that communicate hostile, derogatory or negative messages to target persons based solely upon their marginalized group membership.

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

**Civil Rights Compliance Officer**

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

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

The CRCO for the District is Assistant Superintendent for Curriculum and Instruction.



**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT  
(continued)****Investigation of Complaints and Grievances**

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

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

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

If an investigation reveals that discrimination or harassment has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable laws and regulations, as well as any and all relevant codes of conduct, District policies and administrative regulations, collective bargaining agreements, and/or third-party contracts.

**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.

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

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination and/or harassment. Complaints of retaliation may be directed to the CRCO. In the event the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity, or to the Superintendent.

**SUBJECT:NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT  
(continued)**

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

**Additional Provisions**

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

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

A copy of this policy and its accompanying 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.

**SUBJECT:NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT  
(continued)**

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)  
October 26, 2010 OCR Dear Colleague Letter (Harassment and Bullying)  
April 4, 2011 OCR Dear Colleague Letter (Sexual Violence)  
April 24, 2015 OCR Dear Colleague Letter (Title IX Guidance)  
Executive Law Section 290 et seq.  
Prohibits discrimination on the basis of age, race, creed, color, national origin, sex,  
sexual orientation, disability, military status, or marital status.  
Military Law Sections 242 and 243

NOTE: Refer also to Policies #6121 -- Sexual Harassment of District Personnel #6122 -- Complaints and Grievances by Employees #7550 -- Complaints and Grievances by Students #7531 -- Sexual Harassment of Students

**Adopted: March 31, 2022**

## Community Relations

**SUBJECT: UNIFORM VIOLENT AND DISRUPTIVE INCIDENT REPORTING SYSTEM (VADIR)**

In compliance with the Uniform Violent and Disruptive Incident Reporting System (VADIR), the District will record each violent or disruptive incident that occurs on school property or at a school function. 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.

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 and 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 Education Law Section 2802, 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 website: <http://www.emsc.nysed.gov/irts/>

Education Law Sections 2801(1) and 2802  
Vehicle and Traffic Law Section 142  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2 (gg)

**Adoption Date: 6/15/2012**

**SUBJECT: DIVERSITY, EQUITY, AND INCLUSION IN THE DISTRICT****Overview**

Research shows that all students benefit when schools implement strong diversity, equity, and inclusion (DEI) policies and practices. These benefits include academic, cognitive, civic, social-emotional, and economic. This is true regardless of a school's geographic location or the demographic composition of its students and staff.

This policy provides a framework as to how the District will foster DEI in its schools. This policy considers the entirety of the educational process by addressing the following essential elements: governance; teaching and learning; family and community engagement; workforce diversity; diverse schools and learning opportunities; and student supports, discipline, and wellness. It is just one component of the District's overall commitment to maintaining a diverse, equitable, and inclusive educational and work environment.

The District may develop a DEI plan to manage and coordinate the execution of this policy.

Inquiries about this policy may be directed to the District's DEI Coordinator.

It is not the intention of this policy to serve as a form of censorship of instructional materials.

**Defining Diversity, Equity, and Inclusion**

For purposes of this policy:

- a) "Diversity" includes, but is not limited to: race; color; ethnicity; nationality; religion; socioeconomic status; veteran status; education; marital status; language; age; gender; gender expression; gender identity; sexual orientation; mental or physical ability; genetic and/or medical condition; political affiliation or ideology; and learning style.
- b) "Equity" includes, but is not limited to, seeking the fair treatment, access, and opportunity for all while striving to identify and eliminate barriers that have prevented the full participation of all groups.
- c) "Inclusion" includes, but is not limited to, authentically bringing traditionally excluded individuals and/or groups into processes, activities, and decision/policy making in a way that shares power and ensures equal access to opportunities and resources.

These descriptions are not intended to be exhaustive. Rather, they are meant to be foundational and provide clarity to the concepts of diversity, equity, and inclusion.

(Continued)

**SUBJECT: DIVERSITY, EQUITY, AND INCLUSION IN THE DISTRICT (Cont'd.)****Governance**DEI Committee

The District will establish-a DEI Committee which will meet periodically throughout the year. The purpose of the DEI Committee is to assist the District in creating and implementing plans that advance the District's commitment to maintaining a diverse, equitable, and inclusive environment where all individuals feel valued and respected. As needed, the DEI Committee will also review District policies, practices, and programs and provide suggestions as to how they could potentially be modified to better promote DEI.

The District will actively seek members for the DEI Committee through the use of email, newsletters, the District's website, the District's social media page(s), and/or advertisements.

The DEI Committee will be representative of all stakeholders, and may include (to the extent possible), but not be limited to, representatives from the following groups:

- a) Students;
- b) Parents and persons in parental relation;
- c) District/building administrators;
- d) Teachers, including at least one special education teacher;
- e) Guidance staff, including at least one school psychologist, social worker, or counselor;
- f) Other District staff;
- g) The Board; and
- h) Community members.

(Continued)

## Community Relations

**SUBJECT: DIVERSITY, EQUITY, AND INCLUSION IN THE DISTRICT (Cont'd.)****DEI Coordinator**

The Superintendent will designate a District employee to serve as its DEI Coordinator.

The DEI Coordinator will be a member of the DEI Committee and convene and coordinate the activities and plans of the DEI Committee.

**Teaching and Learning**

The District will continue to advance inclusive and culturally responsive teaching and learning through, but not limited to, the following means: curricula in all content areas; books and instructional materials; pedagogical practices and professional development; classroom grouping policies and practices; student support systems for all developmental pathways; full and equitable opportunities to learn for all students; and multiple assessment measures. As part of this effort, the District will seek to:

- a) Implement a culturally responsive-sustaining education framework that embeds the ideals of diversity, equity, and inclusion by creating student-centered learning environments that:
  - 1. Affirm cultural identities;
  - 2. Foster positive academic outcomes;
  - 3. Develop students' abilities to connect across lines of difference;
  - 4. Elevate historically marginalized voices; and
  - 5. Contribute to individual student engagement, learning, growth, and achievement through the cultivation of critical thinking.

(Continued)

## Community Relations

**SUBJECT: DIVERSITY, EQUITY, AND INCLUSION IN THE DISTRICT (Cont'd.)**

- b) Develop curricula that incorporates diverse perspectives, materials, and texts so that students are taught topics not just from one single perspective, but from multiple perspectives.
- c) Offer coherent opportunities for students to actively participate in experiences that prepare them for a lifetime of civic engagement, including, for example, completing projects that enable them to apply the learning they have acquired within and across subject areas.
- d) Include academic discussions about racism and bigotry when appropriate.

**Family and Community Engagement**

The District will strive to foster family and community engagement practices that are based on mutual trust, confidence, and respect. As part of this effort, the District will seek to:

- a) Encourage participation from all stakeholders in community building conversations.
- b) Reduce language barriers through various means, including, but not limited to, providing translated communications when appropriate.
- c) Leverage partners such as the county government and local community organizations in developing DEI programs and activities for the District.

**Workforce Diversity**

The District will strive to create a workforce that is not only diverse and inclusive, but one that recognizes and values the differences among people. As part of this effort, the District will seek to:

- a) Recruit and retain a diverse workforce in all areas and at all levels, thereby reducing stereotypes and preparing students for an increasingly global society.
- b) Provide staff with opportunities for professional development on cultural proficiency.

**Diverse Schools and Learning Opportunities**

The District will strive to promote diverse, equitable, and inclusive classrooms in which students have equal access and opportunities to learn and realize their full potential. As part of this effort, the District will seek to:

(Continued)



**SUBJECT: DIVERSITY, EQUITY, AND INCLUSION IN THE DISTRICT (Cont'd.)**

- a) Eliminate the inappropriate uses of the terms and phrases within District schools that perpetuate negative stereotypes and minimize student opportunities.
- b) Create coursework, programs, and activities that are accessible to all students, regardless of their disability status, native language, income level, or any other basis.

**Student Supports, Discipline, and Wellness**

The District will strive to focus on the well-being of the "whole child." As part of this effort, the District will seek to:

- a) Employ programs and practices that enhance all students' self-identity, self-confidence, and self-esteem.
- b) Maintain non-discriminatory discipline policies and practices.
- c) Consider and address the full range of student developmental pathways.

**Training**

To foster DEI in its schools, the District will provide DEI training, as appropriate. This training may be delivered in various forms including, but not limited to: workshops; instructor-led classes; webinars; videos; workbooks; pamphlets; and/or emailed information. Although specific objectives will vary from training to training, in general, trainings will be designed to:

- a) Increase awareness of the content of this policy and/or various DEI issues; and
- b) Promote a welcoming and inclusive environment for all District community members.

Special trainings may be provided to members of the DEI Committee.

**Notification**

The District will share information about this policy via the District website and/or District-wide communications, as appropriate.

NOTE: Refer also to Policy #8241 -- Patriotism, Citizenship, and Human Rights Education

**Adopted: 7/11/22**

**SUBJECT: EMERGENCY CLOSINGS/DELAYED OPENINGS**

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

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

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

Adoption Date: 1/22/98

Revised: 1/18/07

**SUBJECT: MEALS AND REFRESHMENTS**

The Board of Education believes that it is appropriate to provide reasonable refreshments and/or meals at district meetings and events that are being held for educational purposes.

The Board recognizes that each year there may be a number of instances where Board members and/or administrators are expected to participate, by virtue of their responsibilities, in activities of a combined business and social nature. These include, but are not limited to, district-wide events open to the school community, such as an annual PTA Recognition Dinner, and retirement dinners.

The Superintendent shall develop procedures to ensure the implementation of this policy.

Adopted: 5/26/05

Revised: 11/9/06

2001 4000

Administration

**Jericho Union Free School District**

**ADMINISTRATION**

**(Section 4000)**

**NUMBER**

**ADMINISTRATION**

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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.

Education Law Sections 1709 and 2503(5)

Adoption Date: 1/22/98

Revised: 1/18/07

## Administration

**SUBJECT: ADMINISTRATIVE PERSONNEL**

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

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

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

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

## Administration

**SUBJECT: ADMINISTRATIVE ORGANIZATION AND OPERATION**

The basic principles of Administrative Organization and Operation are:

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

1998

4211

Administration

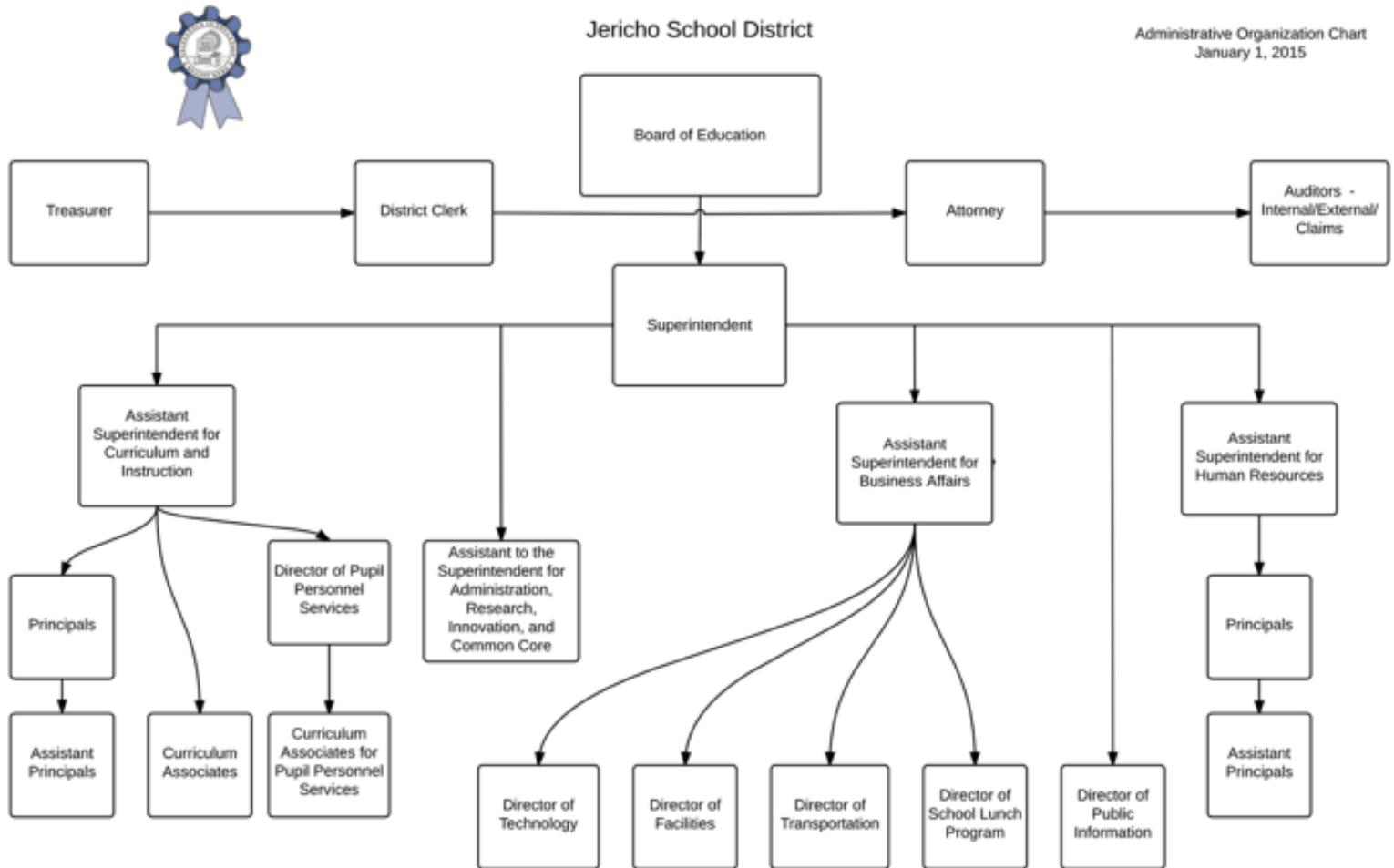
**SUBJECT: LINE RESPONSIBILITY**

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

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

Adopted: 1/22/98





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 3013

Adoption Date: 2/15/07

1998

4230

Administration

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

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

Adopted: 1/22/98

## Administration

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

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

2007 4250

Administration

**SUBJECT: USE OF COMMITTEES**

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

Adoption Date: 2/15/07

## Administration

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

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

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

**Evaluation of Administrative Staff**

The Board shall direct the Superintendent to conduct an 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 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: 1/22/98

## Administration

**SUBJECT: SUPERINTENDENT OF SCHOOLS**

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

(Continued)

## Administration

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

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

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

Adopted: 2/15/07



## Administration

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

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

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

Education Law Section 1711

Adopted: 1/22/98

1998

4410

Administration

**SUBJECT: PROFESSIONAL DEVELOPMENT OPPORTUNITIES**

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

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

Participation shall be limited by available resources and reimbursement guidelines.

General Municipal Law Section 77-b

Adopted: 1/22/98

**Jericho Union Free School District**

**NON-INSTRUCTIONAL/BUSINESS OPERATIONS**

**(Section 5000)**

**NUMBER**

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### **(Section 5000)**

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### **(Section 5000)**

### **NUMBER**

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**(Section 5000)**

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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 District-level administrators, Principals, Directors, Coordinators, teachers, and other personnel. The process of budget planning and development should allow for community input and contain numerous opportunities for public information and feedback.

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

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

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

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

In accordance with Commissioner's Regulations, the budget will be presented in three (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 the component.

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

(Continued)

**Non-Instructional/Business Operations**

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

compromised claims; and all facilities costs of the School District, including facilities lease expenditures, the annual debt service and total debt for all facilities financed by bonds and notes of the School District, and the costs of construction, acquisition, reconstruction, rehabilitation or improvement of school buildings, provided that such budget shall include a rental, operations and maintenance section that includes base rent costs, total rent costs, operation and maintenance charges, cost per square foot for each facility leased by the District, and any and all expenditures associated with custodial salaries and benefits, service contracts, supplies, utilities, and maintenance and repairs of school facilities; and

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

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

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

(Continued)



**Non-Instructional/Business Operations**

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

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.

**School District Report Card**

Each year the District shall supply data as required by the State Education Department (SED) and will receive a School District Report Card, sometimes referred to as a New York State Report Card. The Report Cards provide enrollment, demographic, attendance, suspension, dropout, teacher, assessment, accountability, graduation rate, post-graduation plan, career and technical education, and fiscal data for public and charter schools, districts and the State. The Report Cards are generated from the supplied data and are in a format dictated by SED. The School District Report Cards consist of three (3) parts:

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

School District Report Cards are also available online at the SED website:  
<https://reportcards.nysed.gov/>

**Non-Instructional/Business Operations****SUBJECT: BUDGET PLANNING AND DEVELOPMENT (Cont'd.)****Property Tax Report Card**

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

The Property Tax Report Card shall include:

- a) The amount of total spending and total estimated school tax levy that would result from adoption of the proposed budget, and the percentage increase or decrease in total spending and total school tax levy from the School District budget for the preceding school year; and
- b) The projected enrollment growth for the school year for which the budget is prepared, and the percentage change in enrollment from the previous year; and
- c) The percentage increase in the average of the Consumer Price Indexes from January first of the prior school year to January first of the current school year as defined in Education Law; and
- d) The projected amount of the adjusted unrestricted fund balance that will be retained if the proposed budget is adopted; the projected amount of the adjusted restricted fund balance; the projected amount of the assigned appropriated fund balance; the percentage of the proposed budget that the adjusted unrestricted fund balance represents; the actual adjusted unrestricted fund balance retained in the School District budget for the preceding school year; and the percentage of the School District budget for the preceding school year that the actual adjusted unrestricted fund balance represents; and
- 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. Links to each school year's Property Tax Report Card can be found at:

<http://www.p12.nysed.gov/mgtserv/propertytax/>

**Non-Instructional/Business Operations**

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

**Tax Exemption Report**

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

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

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

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

Adopted: 1/22/98  
Revised: 2/8/01  
Revised: 2/15/07  
Revised: 3/14/13  
**Revised: 3/20/14**

**SUBJECT: SCHOOL DISTRICT BUDGET HEARING**

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

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

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

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

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

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

**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 or Special District Meeting at which the budget vote will occur. The availability of this budget information shall be included in the legal notice of the Annual and/or Special District Meeting; and copies of the proposed budget will also be available to District residents at the time of the Annual and/or Special District Meeting. Additionally, the Board will include notice of the availability of copies of the budget at least once during the school year in any District-wide mailing.

(Continued)

Non-Instructional/Business  
Operations

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

**Budget Notice**

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

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

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

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

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

(Continued)

Non-Instructional/Business  
Operations

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

Notice of Budget Hearing/Availability of Budget Statement:

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

Election and Budget Vote:

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

Budget Development and Attachments:

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

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

Adoption Date: 2/15/07  
Revised: 3/14/13

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 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 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 must adopt a contingency budget with a tax levy that is no greater than the prior year's levy.

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.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: BUDGET ADOPTION (Cont'd.)**

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

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

Adopted: 1/22/98  
Revised: 2/8/01  
Revised: 3/14/13



Non-Instructional/Business  
Operations

**SUBJECT: ADMINISTRATION OF THE BUDGET**

The Superintendent, working in conjunction with the administrative staff, is responsible to the Board for the administration of the budget. 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) Providing direction to the District in maintaining those records of accounting control as are required by the New York State Uniform System of Accounts for School Districts, the Board, and other procedures, as are deemed necessary.
- c) Keeping the various operational units informed through periodic reports as to the status of their individual budgets.

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

**Budget Transfers**

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

**Statement of the Total Funding Allocation**

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

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

**Adopted: 11/18/21**

Non-Instructional/Business  
Operations

**SUBJECT: CONTINGENCY BUDGET**

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

If the original proposed budget is not approved by District voters at the Annual District Meeting and Election, the Board has the option of either resubmitting the original or revised budget for voter approval at a special meeting held at a later date; or the Board may, at that point, adopt a contingency budget. If the Board decides to submit either the original or a revised budget to the voters for a second time, and the voters do not approve the second budget submittal, the Board must adopt a contingency budget and the tax levy cannot exceed the total tax levy of the prior year (0% levy growth).

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

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

Education Law Sections 2002, 2004, 2007, 2023,  
2024 and 2601-a

Adoption Date: 3/15/07  
Revised: 3/14/13

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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: 1/22/98  
Revised: 3/15/07

**SUBJECT: DISTRICT INVESTMENTS****Scope**

This investment policy applies to all moneys and other financial resources available for investment by the school district on its own behalf or on behalf of any other entity or individual.

**Objectives**

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

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

**Delegation of Authority**

The governing Board's responsibility for administration of the investment program is delegated to the Assistant Superintendent for Business Affairs 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 Jericho Union Free School District to govern effectively.

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

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

(Continued)

**SUBJECT: DISTRICT INVESTMENTS (Contd.)****Diversification**

It is the policy of the Jericho 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 Jericho Union Free School District for all moneys collected by any officer or employee of the government to transfer those funds to the Assistant Superintendent for Business Affairs within 30 days of deposit, or within the time period specified in law, whichever is shorter.

The Assistant Superintendent for Business Affairs 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 Depositories**

The banks and trust companies authorized for the deposit of monies are:

Depository Name  
Chase  
Flushing Commercial Bank  
Capital One  
Bancorp Bank  
New York Liquid Asset Fund (NYLAF)

**Collateralizing of Deposits**

In accordance with the provisions of General Municipal Law, Section 10, all deposits of Jericho 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:

a) 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.)**

- b) By an “irrevocable letter of credit” issued in favor of the (unit of government) by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100 percent of the aggregate amount of deposits and the agreed-upon interest, if any.
- c) By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

**Safekeeping and Collateralization**

Eligible securities used for collateralizing deposits shall be held by 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 local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events of default 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 local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Jericho Union Free School District or its custodial bank.

The custodial agreement shall provide the securities held by the bank or trust company, or agent of and custodian for, the local government, 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 of 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 local government a perfected interest in the securities.

If more than one bank is unable or for any reason does not provide third party collateral, then, in such event, School District monies may be invested in one or more of the banks permitted in this policy using single party collateral.

(Continued)

Non-Instructional/Business Operations

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

**Permitted Investments**

As authorized by General Municipal Law, Section 11, the Jericho Union Free School District authorizes the Assistant Superintendent for Business Affairs 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 for 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 LFL Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Jericho Union Free School District.
- 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 such investments;
- h) Certificates of Participation (COPs) issued pursuant to General Municipal Law Section 109-b;

(Continued)

Non-Instructional/Business Operations

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

- i) Obligations of this local government, 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-k, 6-l, 6-m, or 6-n.
- j) Certificates of deposit obtained through a depository institution that has a main office or branch in this state and that contractually agrees to place the funds in federally insured depository institutions through the Certificate of Deposit Account Registry Service (CDARS).
- k) Savings and/or demand deposit accounts placed through a depository institution that has a main or a branch office in this state and that contractually agrees to place funds in federally insured depository institutions through the Insured Cash Sweep Service (ICS).

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

**Authorized Financial Institutions and Dealers**

The Jericho 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 local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Jericho 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 Assistant Superintendent for Business Affairs is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

(Continued)



Non-Instructional/Business Operations

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

**Purchase of Investments**

The Assistant Superintendent for Business Affairs 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.

All purchased obligations, unless registered or inscribed in the name of the local government, 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 Jericho 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 custodian for, the local government, 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 local government a perfected interest in the securities.

(Continued)

Non-Instructional/Business Operations

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

**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 by agencies of the United States of America;
- d) No substitution of securities will be allowed;
- e) The custodian shall be a party other than the trading partner.

General Municipal Law Section 10, 11 and 39  
Education Law Sections 1604-a and 1723(a)  
Local Finance Law Section 165

(Continued)

Non-Instructional/Business Operations

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

Appendix A

Schedule of Eligible Securities

- ☒ (1) 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.
- ☐ (2) 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.
- ☒ (3) 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.
- ☒ (4) 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.
- ☐ (5) Obligations issued by states (other than the state of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- ☐ (6) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- ☐ (7) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- ☐ (8) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- ☐ (9) 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.

(Continued)

Non-Instructional/Business Operations

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

- \_\_\_\_(10) 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 no longer than 60 days from the date they are pledged.
- \_\_\_\_(11) Zero coupon obligations of the United States government marketed as "Treasury strips."

Adopted: 1/22/98  
Revised: 6/19/03  
Revised: 8/11/04  
Revised: 8/1/06  
Revised: 10/12/06  
Revised: 3/15/07  
Revised: 7/10/07  
Revised: 7/9/08  
Revised: 7/1/09  
Revised: 4/26/12  
Revised: 8/14/14  
Revised: 7/1/15  
Revised: 7/6/16  
Revised: 7/9/19  
Revised: 7/11/22  
**Revised: 7/6/23**

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

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

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

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

The Board of Education will not 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.

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

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

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

**Gift Giving**

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

(Continued)

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Non-Instructional/Business  
Opportunities

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

Additionally, all business contacts will be informed that gifts exceeding \$75.00 to District employees will be returned or donated to charity.

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

Adopted: 1/22/98  
Revised: 2/8/01  
Revised: 3/15/07

Non-Instructional/Business  
Operations**SUBJECT: PROPERTY TAX EXEMPTION FOR SENIOR CITIZENS**

Unless specifically exempted by law, real property used exclusively for residential purposes and owned by one or more persons, each of whom is sixty-five years of age or over, or real property owned by husband and wife, one of whom is sixty-five years of age or over, shall be exempt from taxation to the extent of fifty percent (50%) of the assessed valuation if the owners meet the criteria established by Board resolution, after public hearing.

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

Real Property Tax Law Section 467

Adopted: 1/22/98  
Revised: 3/15/07

Non-Instructional/Business  
Operations

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

**Sale of District Real Property**

No school property shall be sold without prior voter approval. 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 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 with adequate consideration, 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 or his/her designee may dispose of the equipment in any manner which he/she deems appropriate. The private sale of surplus equipment to school officials or employees involved in the purchasing function is generally prohibited.

Textbooks

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

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

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

General Municipal Law Sections 51 and 800 et seq.  
Educational Law Sections 1604 (3) (b) 1709 (3) and 2511

Adopted: 1/22/98  
Revised: 3/15/07



2007

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 Board of Education, the tax collector and the internal auditor be bonded prior to assuming their duties. Such bonds shall be in the amounts as determined and approved by the Board of Education.

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

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

Adopted: 1/22/98  
Revised: 3/15/07

2007

5320

Non-Instructional/Business  
Operations

**SUBJECT: EXPENDITURES OF SCHOOL DISTRICT FUNDS**

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

All claims shall be properly 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.

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

NOTE: Refer also to Policies #5820 -- Use of the District Credit Card  
#5810 -- Use of the District Cell Phone  
#6160 -- Conference/Travel Expense Reimbursement

Adoption Date: 3/15/07

2007

5321

Non-Instructional/Business  
Operations

**SUBJECT: USE OF FACSIMILE SIGNATURES**

The Board of Education authorizes, on all checks issued by the Jericho School District the use of facsimile/digital signatures of the President, Vice President, Clerk and Treasurer.

After the issuance of such checks for the various claims and vouchers against the District have been approved under the policies and procedures adopted by the Board of Education, the Assistant Superintendent for Business/Treasurer will cause such checks to be signed by facsimile/digital signature.

The Assistant Superintendent/Treasurer and the sureties on his or her official bond are liable for any illegal, improper or unauthorized use of these signature devices.

Adopted: 1/22/98

Revised: 6/19/03

Revised: 5/9/06

Revised: 3/15/07

**SUBJECT: WIRE TRANSFERS – ON-LINE BANKING**

It is the policy of Jericho UFSD to take advantage of online banking services offered by approved Depositories. It is the primary goal of this policy to ensure that use of Electronic Funds Transfers (EFT) and receipts are initiated, executed, and approved in a secure manner. These services may include, but not limited to, the ability to check bank balances and check clearing activity, make transfers between bank accounts, reconcile accounts, closely monitor cash balances, and initiate wire transfers.

A minimum of two people, designated by the Assistant Superintendent of Business Affairs are required to initiate and approve all wire transfers. All wire transfers require the approval of the Internal Claims Auditor. Journal entries to record such wire transfers are prepared by the District Treasurer and approved by the Assistant Superintendent for Business Affairs.

Although the school district's primary method of disbursement is check based, EFT's may also be used when a payment request meets one or more of the following conditions:

1. Legal or contractual agreements
2. Expedited payment is required
3. Standard industry practice
4. Guaranteed payment delivery requested
5. Most cost-effective payment procedure

Specific Procedures will be documented and included in the Administrative Regulation Manual.

**2007**

5330

Non-Instructional/Business  
Operations

**SUBJECT: BUDGET TRANSFERS**

The Superintendent is authorized to transfer funds within the budget up to \$25,000.00. Whenever changes are made, they are to be incorporated in the next Board agenda for information only.

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

Adoption Date: 3/15/07

Revised: 7/1/10

**2007**

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.

Local Finance Law Article 2

Adoption Date: 1/22/98  
Revised: 4/19/07

**SUBJECT: PRINCIPLES OF PURCHASING**

The Board subscribes to the following principles of purchasing:

- a) Requisitions – All purchases initiated by personnel shall follow the procedures for requisitions and purchases. The requisition is a formal request from a person in the School System for the purchase of supplies or equipment. It should be remembered that the requisition is a request and not a guarantee that a purchase will actually be made.
- b) The Purchase Order – The purchase order is a document that authorizes a vendor to deliver described merchandise or materials at a specified price.
- c) Procedures – Procedures shall be developed and administered by the Assistant Superintendent for Business for the requisitioning, purchasing, receipt, and distribution of the supplies and equipment.

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

Adopted: 1/22/98  
Revised: 6/19/03

Non-Instructional/Business  
Operations

**SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS**

The District will follow all applicable requirements in the Uniform Grant Guidance (2 CFR Part 200) whenever it procures goods or services using federal grant funds awarded through formula and/or discretionary grants, including funds awarded by the United States Department of Education as grants or funds awarded to a pass-through entity, such as the New York State Education Department, for subgrants.

**Uniform Grant Guidance Requirements**

Under the Uniform Grant Guidance, the District will, among other things:

- a) Use its own documented procurement procedures, which reflect applicable state, local and tribal laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in the Uniform Grant Guidance.
- b) Establish and maintain effective internal controls that provide reasonable assurance that the District is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. Internal controls means a process, implemented by the District, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:
  - 1. Effectiveness and efficiency of operations;
  - 2. Reliability of reporting for internal and external use; and
  - 3. Compliance with applicable laws and regulations.
- c) Comply with federal statutes, regulations, and the terms and conditions of the federal awards.
- d) Evaluate and monitor the District's compliance with statutes, regulations, and the terms and conditions of federal awards.
- e) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- f) Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the District considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.
- g) Maintain oversight to ensure contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(Continued)



**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:
  - 1. Rationale for the method of procurement;
  - 2. Selection of contract type;
  - 3. Contractor selection or rejection; and
  - 4. The basis for the contract price.
- l) Use time and material contracts, only after a determination that no other contract is suitable and the contract includes a ceiling price that the contractor exceeds at its own risk.
- m) Conduct all procurement transactions in a manner providing full and open competition consistent with the standards of the Uniform Grant Guidance.
- n) Conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference.
- o) Have written procedures for procurement to ensure that all solicitations:
  - 1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured; and
  - 2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids.

(Continued)

**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:
  - 1. Micro-purchases;
  - 2. Small purchase procedures;
  - 3. Sealed bids;
  - 4. Competitive proposals; and
  - 5. Noncompetitive proposals.
- r) Have a written method for conducting technical evaluations of the proposals received and for selecting recipients.
- s) Take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- t) Include in all contracts made by the District the applicable provisions contained in Appendix II of the Uniform Grant Guidance -- Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.
- u) Perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications.
- v) Negotiate profit as a separate element of the price for each contract in which there is not price competition and in all cases where an analysis is performed.
- w) Comply with the non-procurement debarment and suspension standards which prohibit awarding contracts to parties listed on the government-wide exclusions in the System for Award Management (SAM).

(Continued)

**2018**

**5413**

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Non-Instructional/Business  
Operations

**SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS  
(Cont'd.)**

2 CFR §§ 200.61, 200.303, 200.318, 200.319, 200.320, 200.321, 200.323, and 200.326  
2 CFR Part 200, App. II

NOTE: Refer also to Policies #5410 -- Purchasing: Competitive Bidding and Offering  
#5411 -- Procurement of Goods and Services  
#5570 -- Financial Accountability  
#5670 -- Records Management  
#6110 -- Code of Ethics for Board Members and All District Personnel  
#6161 -- Conference/Travel Expense Reimbursement

**Adopted: 10/18/18**

**SUBJECT: PROCUREMENT OF GOODS AND SERVICES****Preamble**

This policy enacted in accordance with the intent and requirements of General Municipal Law Section 104(b) is intended to establish purchasing and procurement criteria in the best interests of the taxpayers of the Jericho Union Free School District, by providing procedures to facilitate acquisition of goods, public works and services of maximum quality consistent with the lowest possible cost to the School District with respect to goods, public works and services that are not subject to public bidding and thereby to assure the prudent and economical use of public monies.

**Definitions**

- a) N.B. (No Bid) Purchase(s) - as used herein shall refer to procurement of public work projects and services, or the purchase of Goods, as herein defined for which Section 103 of the General Municipal Law does not require competitive bidding. The said N.B. Purchase items are as follows:
  - 1. Goods - equipment, material or supplies costing \$20,000 or less.
  - 2. Public works - refers to items costing \$35,000 or less which comprises work projected including materials or services.
- b) Specialized services - includes professional or unique services. "Unique services as used herein refers to services which require particular training and/or experience, consulting services, and such other services as have been previously determined by the Commissioner of Education and/or courts of competent jurisdiction not to require bidding.
- c) Standardized items - refers to Goods as to which the Board of Education, by resolution approved by an affirmative vote of three-fifths of its total authorized membership (not reducible by absences, abstentions or vacancies), has stated in such resolution that for reasons of efficiency or economy, there is a need for standardization of identified items. In all other respects and irrespective of cost, purchase order for N.B. purchases for Goods standardized by such resolution shall be subject to the requirements of this policy.
- d)
  - 1. Sole Source Goods - refers to N.B. Purchases of Goods, the procurement of which is in the best interests of the District and which can be procured only from a single manufacturer or supplier.
  - 2. Sole source public work (projects or services) - refers to public works projects or services which are of such a nature that special equipment and/or materials and/or special expertise are required for repair of equipment or the construction or repair of structures in order to assure a competent result, and such public work projects and services can only be procured from an exclusive vendor.

(Continued)

## Non-Instructional/Business Operations

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

- e) Emergency procurement - refers to procurement of goods, and/or public work projects or services which are urgently required as a result of unanticipated events or circumstances in order to prevent imminent (a) disruption of school and/or District operation, (b) hazard to the health and/or safety of students or school personnel, or substantial damage to school equipment or property.
- f) Exempt purchase(s) - refers to N.B. Purchases from or through contracts made by the following entities which are exempt from public bidding requirement, as follows:
  - 1. BOCES Vendor Contracts - Goods and public work projects and services available from vendors that, pursuant to public bidding as required by law, have entered into Blanket Purchase Agreements with the Nassau Board of Cooperative Educational Services (BOCES) requiring such vendors, in accordance with provisions in such BOCES/Vendor contracts, to make available, supply and sell goods and public work projects and services as specified in such contracts to school districts within the geographical boundaries of Nassau County at prices and in amounts provided by such contracts.
  - 2. State of New York, Bureau of General Services - Purchase Contracts - Goods from vendors who have entered contracts with the State of New York to supply and sell to municipalities within the State of New York Goods specified in such contracts at prices and in amounts provided by such contracts.
  - 3. Nassau County Purchase Contracts - Goods from vendors who have entered into blanket purchase agreements with the County of Nassau requiring such vendors to make available, to all municipal agencies within the County of Nassau, Goods at prices and in amounts provided by such contracts.
  - 4. Purchases from the following agencies of the State of New York are exempt from the requirement of this policy:
    - (a) New York State Department of Correctional Services;
    - (b) New York State Institute of the Blind;
    - (c) New York State Handicapped Services.

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

5. "Piggybacking" onto Another Municipality's Purchase Contract

Whenever it is feasible, in the best interests of the District and permitted by applicable contract terms, purchases of materials, supplies or equipment (except printed material), shall be made through New York State and County Government contracts. The District, may, when permitted by law and applicable contract terms, utilize contracts let by the United States of America, any agency thereof, any state or any other county or political subdivision or district therein if such contract was let in a manner consistent with New York State law and made available for use by the District.

g) "Best Value" contract award

Purchase contracts may be awarded on the basis of best value, as defined in section one hundred sixty-three of the State Finance Law, to a responsive and responsible bidder provided documentation in the procurement record includes a quantification of the criteria to be utilized in evaluating proposals, the rating assigned to each criterion, and the evaluation results of the bids received. Specifically, the specifications should include the evaluation criteria the school district intends to use in making an award, as well as the relative importance and/or weight each criteria will have and upon which a determination of "best value" will be made.

**Procedures**

- a) The Purchasing Agent for the Jericho Union Free School District shall comply with the provisions established by amendments to Chapter 413 of the Laws of 1991 of the State of New York, which, in part, amends Subdivision 1 of Section 103, Article 5A, of the General Municipal Law. All contracts for public works from any non-exempt entity involving an expenditure of more than \$35,000 and all purchases of Goods from any non- exempt entity involving an expenditure of more than \$20,000 shall be awarded in accordance with specifications (lowest responsible bidder or best value).

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

- b) The Purchasing Agent, in making N.B. Purchases involving Public Work Projects or services, or of goods, as herein defined, shall give due prior consideration to the procurement and/or purchase of such items which may be available as "Exempt Purchase(s)" from or through entities recited in paragraph (f) Definitions of this policy provided that nothing herein shall be deemed to require that any procurement or purchase shall be made from any Exempt Purchase source if it appears, based on the District specifications, that a lower price is available from a responsible "non-exempt" purchase source.
- c)
  - 1. Expenditures for purchase of Goods or public work projects and services over \$3,000, shall be made, based on items involved and three (3) written quotes. Such quotes shall be submitted to the Business Office prior to purchase order processing so that the quotes may be attached to the Alphabetical Copy to be reviewed by the Purchasing Agent and the Claims Auditor.
  - 2. Expenditure for Goods and Services under \$3,000 may be made from current catalogs or from co-operative bids without the solicitation of quotes.

**When neither Competitive Bidding regulations nor Quotes are required**

Goods and Services or public works projects which are not required by law to be bid or are not required by Jericho Union Free School District policy to have three written quotes (less than \$3,000) will be provided in a manner so as to ensure the prudent and economical use of public monies in the best interest of the tax payers. Alternative proposals may be secured by written, verbal quotations or any other appropriate method of procurement. If such alternative proposals are secured a written statement documenting such alternatives shall be attached to the Alphabetical copy of the purchase order so that such alternatives may be reviewed by the Purchasing Agent and the Claims Auditor

- d) Solicitations for vendor quotes and/or receipt of vendor quotes under this policy shall not apply to any of the following:
  - 1. Specialized services
  - 2. Sole source goods
  - 3. Sole source public works (projects and services)
  - 4. Emergency procurement
  - 5. Purchase of goods or procurement of public work projects and services for which the Board of Education has, by resolution established a need and authorization for standardization as provided by law, provided that this paragraph (f)(5) shall not eliminate compliance with this policy requiring solicitation and receipt of quotes unless such standardized items, to the purchasing agents best information, are sole source items as per (f), 1. 2. and 3.

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

- h) If the circumstances and urgency are such that emergency procurement of N.B. Purchases cannot be delayed for purposes of obtaining approval of the Board of Education, such procurements and/or purchases may be authorized by the Superintendent of Schools, or in his/her absence, the Assistant Superintendent of Schools or the Business Administrator.
- i) Purchasing Agent as used herein shall include the District Business Administrator or in his/her absence the Assistant Business Administrator and such other District personnel who are authorized to make purchases of goods or to authorize expenditures for public work(s) items to the monetary extent authorized by such administrator.
- j) Written copies of the three (3) written quotes required by this policy must be attached to the purchase order and retained in the district purchase records.
- k) In accordance with the intent and purpose of this policy as expressed by the foregoing preamble, subject to exceptions that may on occasion result by reason of the provisions of paragraph "d", N.B. Purchases(s) shall be made from responsible vendor who offer the lowest prices, consistent with the highest quality of goods and public works items in accordance with specifications. The purchasing agent, may, with respect to any particular N.B. purchase, require appropriate security from vendors.
- l) This policy shall be reviewed annually by the Board of Education of the Jericho Union Free School District as required by General Municipal Law Section 104-b(4)

Adopted: 1/22/98  
Revised: 8/11/04  
Revised: 7/10/07  
Revised: 7/5/11  
Revised: 1/17/13  
Revised: 2/27/14  
Revised: 7/11/22  
**Revised: 7/6/23**



**SUBJECT: PROCUREMENT OF PROFESSIONAL SERVICES**

**Personal/Professional Services** are those services offered by an independent contractor whose experience, expertise, specialized skills or reputation in the field are required in order to meet the needs of the JUFSD and the students the district serves. Examples are: consultants, legal services, auditing services, graphic artists, speakers, and services for a student's special educational needs. Selection of a professional service provider shall be based on a variety of criteria including, but not limited to, demonstrated competence, knowledge, references and unique qualifications to perform the services, in addition to offering a fair and reasonable price that is consistent with current market conditions. Additional criteria may be used as appropriate to the circumstances or service to be provided.

**Award of Contract**

The decision to award a contract shall be based on the ability of the provider to provide quality services and to comply with all applicable laws, rules and regulations. Evaluation criteria shall include review of the qualifications of the firm's or individual's proposed staff, the financial stability of the firm, prior experience, proposed technical strategies/methodologies, and the proposed schedule of fees.

For the students of the school district who have special educational needs, the district will consider the following factors in determining the specific provider:

- Flexibility and responsiveness of a provider in order to provide services in a timely manner
- Ability of the provider to meet the student's schedule
- Provider's knowledge of the service required and his/her knowledge of Jericho programs
- Capacity of service provider
- Provider's expertise and training of a specific methodology needed to meet the needs of the student's IEP
- Sensitivity to a provider's history with the student and/or parents

**Based on the evaluation criteria, the JUFSD will not necessarily choose the lowest proposed fee for services. The award of any contract will be made as judged to be in the best interest of the JUFSD and the children of the school district.**

The Superintendent shall develop appropriate regulations and procedures.

Adopted: 8/11/2010

1998

5430

Non-Instructional/Business  
Operations

**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 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.

Education Law Section 305(14)  
General Municipal Law, Article 18  
8 New York Code of Rules and Regulations  
(NYCRR) Section 170.2

Adopted: 1/22/98

1998

5510

Non-Instructional/Business  
Operations

**SUBJECT: ACCOUNTING OF FUNDS**

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

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

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

Education Law Section 2116-a

Adopted: 1/22/98

Non-Instructional/Business Operations

**SUBJECT: AUDIT COMMITTEES**

The Audit Committee shall consist of

The Board of Education as a whole;

The Audit Committee members shall serve without compensation, but shall be reimbursed for any actual and necessary expenditure incurred in relation to attendance at meetings.

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

The 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.

Non-Instructional/Business Operations

**SUBJECT: AUDIT COMMITTEES (Cont'd.)**

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 evaluating 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) Any matter which may disclose the identity of a law enforcement agent or informer;
- b) Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed; and
- c) Discussions regarding proposed, pending or current litigation.

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

## Non-Instructional/Business Operations

**SUBJECT: INTERNAL AUDIT FUNCTION**

The District shall establish an Internal Audit Function. The Internal Audit Function shall include:

- a) Development of a risk assessment of District operations including, but not limited to, a review of financial policies and procedures and the testing and evaluation of District internal controls;
- b) An annual review and update of such risk assessment;
- c) Preparation of reports, at least annually or more frequently as the Board may direct, which analyze significant risk assessment findings; and
- d) Recommendation of changes for strengthening controls and reducing identified risks, and the specification of timeframes for implementation of such recommendations.

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

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

Education Law Sections 1950, 2116-b and 2116-c

Adopted: 1/26/06

Non-Instructional/Business Operations

**SUBJECT: FUND BALANCE POLICY**

GASB has issued Statement No. 54, *Fund Balance reporting and Governmental Fund Type Definitions* (GASB 54). The objective of this Statement 54 is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied.

**Fund Balance Classifications (pursuant to GASB Statement 54)**

Fund balance amounts will be reported by the District according to the following classifications:

**Non-spendable** – consists of assets that are inherently non-spendable in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, financial assets held for resale, and principal of endowments.

**Restricted** – consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation. Because the State regulates the establishment, funding and use of school district reserves, generally, reserves will be classified as restricted fund balance.

**Committed** – consists of amounts that are subject to a purpose constraint imposed by a formal action of the government's highest level of decision-making authority before the end of the fiscal year, and that require the same level of formal action to remove the constraint. The New York State Office of the State Comptroller at the present time believes that in New York State school districts will not have any committed fund balance.

**Assigned** – consists of amounts that are subject to a purpose constraint that represents an intended use established by the board or by their designated official. The purpose of the assignment must be narrower than the purpose of the general fund, and in funds other than the general fund, assigned fund balance represents the residual amount of fund balance. Assigned Fund Balance generally includes encumbrances and appropriated fund balance.

**Unassigned** – represents the residual classification for the government's general fund, and could report a surplus or deficit. In funds other than the general fund, the unassigned classification should be used only to report a deficit balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or assigned.

## Non-Instructional/Business Operations

**SUBJECT: FUND BALANCE POLICY (CONT'D)****General Policy**

Fund balance measures the net financial resources available to finance expenditures within current or future periods. The District's Unassigned General Fund Balance will be maintained to provide the District with financial stability and a margin of safety to fund unanticipated contingent expenditures that may occur unexpectedly during the fiscal year. The Unassigned General Fund Balance used for these purposes may only be appropriated by resolution of the Board of Education unless voter approval is required.

Any portion of Fund Balance may be applied or transferred for a specific purpose either by voter approval if required by law or by formal action of the Board of Education if voter approval is not required. Amendments or modification to the applied or transferred fund balance must also be approved by formal action of the Board of Education.

The Board of Education shall delegate the authority to assign fund balance, for encumbrance purposes, to the person(s) to whom it has delegated the authority to sign purchase orders.

In circumstances where an expenditure is incurred for a purpose for which amounts are available in multiple fund balance classifications (e.g., expenditures related to reserves) the expenditure is to be spent first from the restricted fund balance to the extent appropriated by either budget vote or board approved budget revision and then from the unrestricted fund balance. Expenditures incurred in the unrestricted fund balances shall be applied first to the assigned fund balance to the extent that there is an assignment and then to the unassigned fund balance.

The Board of Education reserves the right to assess the current financial condition of the District and then determine the order of application of expenditures to which fund balance classification will be charged.

The Board of Education, on an annual basis, will review the District's reserve funds and fund balances.

“Governmental Accounting Standards Board Statement No. 54”

Adopted: 9/18/14



1998

5520

Non-Instructional/Business  
Operations

**SUBJECT: EXTRACLASSROOM ACTIVITIES FUND**

An extra classroom 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. All funds in the extra classroom activities fund shall be kept according to standards of good financial management. 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 extra classroom funds shall be on a cash basis and no accounts shall remain unpaid at the end of the school year. The building principals, with approval of the Superintendent of Schools, shall set up procedures for receipt and payment from the extra classroom activities fund in their respective buildings.

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

Adopted: 1/22/98

Non-Instructional/Business  
Operations**SUBJECT: PETTY CASH FUNDS AND CASH IN SCHOOL BUILDINGS****Petty Cash Funds**

A petty cash fund of not more than one hundred dollars (\$100) will be maintained in the District Office and 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.

**Cash in School Buildings**

Not more than \$100, whether District or extraclassroom funds will be held in the vault in the Main Office of each District School Building. Under no circumstances shall cash be left in classroom areas or desks. The District will not be responsible for funds left unprotected.

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

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

**Adopted: 11/18/21**

1998

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: 1/22/98

**SUBJECT: MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS)**

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

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

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

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

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

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

1998

5560

Non-Instructional/Business  
Operations

**SUBJECT: USE OF FEDERAL FUNDS FOR POLITICAL EXPENDITURES**

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

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

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

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

NOTE: Refer also to Policy #6430 -- Employee Activities.

Adopted: 1/22/98

**Non-Instructional/Business Operations****SUBJECT: FINANCIAL ACCOUNTABILITY**

School districts must have internal controls in place to ensure that:

- a) The goals and objectives of the District are accomplished;
- b) Laws, regulations, policies, and good business practices are complied with;
- c) Audit recommendations are considered and implemented;
- d) Operations are efficient and effective;
- e) Assets are safeguarded; and
- f) Accurate, timely and reliable data are maintained.

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

- a) The District's code of ethics addresses conflict of interest transactions with Board members and employees. Transactions that are less-than-arm's length are prohibited. Less-than-arm's length is a relationship between the District and employees or vendors who are related to District officials or Board members.
- b) The Board requires corrective action for issues reported in the Certified Public Accountant's (CPA's) management letter, audit reports, the Single Audit, and consultant reports.
- c) The Board has established the required policies and procedures concerning District operations.
- d) The Board routinely receives and discusses the necessary fiscal reports including the:
  - 1. Treasurer's cash reports,
  - 2. Budget status reports,
  - 3. Revenue status reports,
  - 4. Monthly extra-classroom activity fund reports, and
  - 5. Fund balance projections (usually starting in January).

(Continued)

**Non-Instructional/Business Operations****SUBJECT: FINANCIAL ACCOUNTABILITY (Cont'd.)**

- e) The District has a long-term (three to five years) financial plan for both capital projects and operating expenses.
- f) The District requires attendance at training programs for Board members, business officials, treasurers, claims auditors, and others to ensure they understand their duties and responsibilities and the data provided to them.
- g) The Board has an audit committee to assist in carrying out its fiscal oversight responsibilities.
- h) The District's information systems are economical, efficient, current, and up-to-date.
- i) All computer files are secured with passwords or other controls, backed up on a regular basis, and stored at an off-site or in a secure fireproof location.
- j) The District periodically verifies that its controls are working efficiently.
- k) The District requires all members of the Business Office staff to take leave time during which time another staff member performs the duties of the staff on leave. Staff may also schedule transactions and other responsibilities to occur electronically before taking a leave.

**Audit Response**

Periodically, the District receives audit reports from the External (Independent) Auditor and/or the Office of the New York State Comptroller. The Board will review all audit recommendations in consultation with the Audit Committee, and respond appropriately. Independent and Comptroller audit reports will be made available for public inspection. Notice of the availability of independent and Comptroller audit reports will be published in the District's official newspaper or one having general circulation in the District. If there is no newspaper, notice must be placed in ten (10) public places within the District. Additionally, final audit reports from the Office of the NYS Comptroller should be posted on the District website, if one is available, for a period of five (5) years.

8 NYCRR Section 170.12

General Municipal Law Section 33(2)(e) and 35(1)(2)

[NY Education Law Section 2116-a](#)

**Adopted: 3/20/14**

**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*

(Continued)



*may be warranted. Rather, when school officials receive a complaint or report of alleged financial improprieties/fraud and/or wrongful conduct that may be criminal in nature, law authorities should be immediately notified.*

**SUBJECT: ALLEGATIONS OF FRAUD (Cont'd.)**

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

**Prohibition of Retaliation**

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

**Knowingly Makes False Accusations**

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

Non-Instructional/Business  
Operations**SUBJECT: MEDICAID COMPLIANCE PROGRAM POLICY**

The School District shall comply with New York State and federal laws and regulations related to the School District's participation as a provider of care, services or supplies under the Medicaid program.

The School District as a provider receiving or submitting Medicaid claims of at least \$500,000 in any consecutive twelve-month period, has established and implemented a Medicaid Compliance Program designed to detect and prevent fraud, waste and abuse.

As required by the New York State Office of the Medicaid Inspector General (hereinafter referred to as the OMIG), the School District's Medicaid Compliance Program is comprised of the following core elements:

1. Written policies and procedures that describe compliance expectations as embodied in a code of ethics applicable to all School District personnel, including Board members. Such compliance expectations or standards of conduct shall include provisions designed to: implement the operation of the Medicaid Compliance Programs; provide guidance to employees and others on dealing with potential compliance issues; identify how to communicate compliance issues to appropriate personnel; and describe how issues are investigated and resolved;
2. A designated employee who will be responsible for the day-to-day operation of the Medicaid Compliance Program. This employee's job duties may be exclusively related to Medicaid compliance issues or may be combined with other duties, provided that the Medicaid compliance portions of the employee's duties are satisfactorily fulfilled. The designated employee shall report directly to the School District Superintendent or the Superintendent's designee and shall also periodically report directly to the Board of Education on the School District's Medicaid Compliance Program activities;
3. Training and education of all affected School District employees and other persons associated with the School District's Medicaid Compliance Program, including, but not limited to, members of the District's Board of Education. Such training shall occur periodically and shall be made a part of any required training or orientation for new employees, Board members, volunteers and/or others on dealing with the School District's Medicaid Compliance Program;

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: MEDICAID COMPLIANCE PROGRAM POLICY (Cont'd.)**

4. Communication lines and processes directed to the School District's designated employee who will be responsible for the day-to-day operation of the Medicaid Compliance Program. Such communication lines and processes shall be accessible to all School District employees, Board members, volunteers and others associated with the School District's Medicaid Compliance Program. The communication lines and processes are designed to allow employees to report compliance issues, including the anonymous and confidential good faith reporting of any practice or procedure related to Medicaid reimbursement of school or preschool supportive health services, that an employee believes is inappropriate;
5. Disciplinary procedures that encourage good faith and fair dealing in the School District's Medicaid Compliance Program by all affected individuals. Such disciplinary procedures shall include procedures that articulate expectations for reporting and assisting with the resolution of compliance issues and also provide sanctions for the failure to report suspected problems and participating (either actively or passively) in non-compliant behavior;
6. A system for the routine identification of Medicaid compliance risk areas in the School District's Medicaid Compliance Program. Self-evaluation of such risk areas may be accomplished by, but not necessarily limited to, internal audits and external audits, as appropriate;
7. A system for responding to, investigating, correcting and reporting compliance issues as they are raised, including the development of procedures and systems to reduce the potential for recurrence, identifying and reporting compliance issues to the OMIG and refunding overpayments; and
8. A policy of non-intimidation and non-retaliation against any person for the good faith participation in any aspect of the administration of the School District's Medicaid Compliance Program including, but not limited to, the reporting of potential issues, assisting as a witness with any investigation, evaluation, audit, remedial actions or reporting to appropriate officials as provided in Sections 740 and 741 of the New York State Labor Law.

Social Services Law Section 363-d  
18 NYCRR Part 521

NOTE: Refer also to Policies #5570 - Financial Accountability  
#5571 - Allegations of Fraud  
#5572 - Audit Committee  
#5573 - Internal Audit Function  
#6110 - Code of Ethics for Board Members and All District Personnel  
*District Medicaid Compliance Program*

Adoption Date: 10/14/10

1998

5610

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, and bus and student accident insurance.

The Board shall carry insurance to protect the District's real and personal property against loss or damage. This property shall include school buildings, the contents of such buildings, school grounds and automobiles.

The Board may also purchase liability insurance to pay damages assessed against Board members and District employees acting in the discharge of their respective duties, within the scope of their employment and/or under the direction of the Board.

All insurance policies, along with an inventory of the contents of the building, should be kept in a fireproof depository or with the appropriate insurance agent for safekeeping and referral purposes. The Superintendent shall review the District's insurance program annually and make recommendations to the Board if more suitable coverage is required.

Public Officers Law Section 18  
General Municipal Law Section 6-n  
Education Law Sections 1709(8), 3023, 3028, and 3811

Adopted: 1/22/98

1998

5620

Non-Instructional/Business  
Operations

**SUBJECT: INVENTORIES**

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

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

Uniform System of Accounts for School  
Districts (Fiscal Section)

Adopted: 1/22/98

**SUBJECT: FIXED AND CAPITAL ASSET INVENTORIES, ACCOUNTING AND TRACKING**

The Superintendent or his/her designee will maintain a continuous and accurate inventory of fixed assets 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:

- a) Maintain an inventory of assets;
- b) Establish accountability;
- c) Determine replacement costs; and
- d) 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.

Intangible assets, such as internally-generated computer software, right-to-use lease assets for nonfinancial assets leases that meet the requirements of GASB Statement No. 87, and right-to-use subscription assets for subscription-based information technology arrangements (SBITAs) that meet the requirements of GASB Statement No. 96, will also be recorded as capital assets. The threshold for capitalizing intangible assets will be \$35,000, based on the total contract value for the duration of the non-cancellable period of the contract. Intangible asset will be amortized in a systematic and rational manner over the shorter of the useful life of the underlying asset or the term of the lease arrangement.

(Continued)

**SUBJECT: FIXED AND CAPITAL ASSET INVENTORIES, ACCOUNTING AND TRACKING  
(Cont'd.)**

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;
- 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.

(Continued)

2023

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3 of 3

Non-Instructional/Business  
Operations

**SUBJECT: FIXED AND CAPITAL ASSET INVENTORIES, ACCOUNTING AND TRACKING  
(Cont'd.)**

**Management of Assets Acquired Under a Federal Government Grant or Subgrant**

Inventories will be maintained for assets acquired with funds obtained through federal grant programs. A separate inventory will be maintained for each program. Each inventory will record assets in the same manner as the District's fixed asset inventory. Assets will be labeled to specify the source of funds used to purchase the item. All Title I assets will include "Title I" on the label. These inventories will track assets for at least five years from the date of receipt.

When original or replacement assets acquired under a federal grant or subgrant are no longer needed for the original project or for other activities currently or previously supported by a federal agency, the District will dispose of the assets as follows:

- a) Assets with a current per-unit fair market value of less than \$5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.
- b) Assets with a current per-unit fair market value of greater than \$5,000 may be retained or sold and the awarding agency will have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the assets.
- c) No federal approval is necessary to dispose of an asset costing over \$5,000 but approval from the New York State Education Department (SED) is necessary. Once SED has determined that it has no other need for the use of the asset, the District may proceed with selling it.

School 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 Extra-classroom Funds**

Title to all equipment acquired with extra-classroom 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 extra-classroom activity club acquiring it.

34 CFR Parts 74-99, 200

SED Finance Pamphlet, The Safeguarding, Accounting, and Auditing of Extra-classroom Activity Funds,  
2015

Uniform System of Accounts for School Districts (Fiscal Section)

**Adopted: 4/19/23**



Non-Instructional/Business  
Operations

**SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE**

**Operation and Maintenance**

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

**Construction and Remodeling of School Facilities**

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

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

Plans and specifications submitted to the Commissioner will bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications must also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

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

**Carbon Monoxide Detection Requirements**

All new and existing District buildings that have appliances, devices, or systems that may emit carbon monoxide, and all attached garages, must have a means to detect carbon monoxide. Buildings include school buildings, administrative buildings, bus maintenance facilities, concession stands, and field houses.

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

(Continued)

Non-Instructional/Business  
Operations

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

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

**Inspections**

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

In accordance with the Asbestos Hazard Emergency Response Act (AHERA), the District will inform all employees and building occupants (or their legal guardians) at least once each school year about all asbestos inspections, response actions, post-response action activities, as well as triennial re-inspection activities and surveillance activities that are either planned or in progress. The District will provide yearly notification to parent, teacher, and employee organizations on the availability of the District's asbestos management plan and any asbestos-related actions taken or planned in the school.

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

**Comprehensive Public School Building Safety Program (RESCUE)**

To ensure that all District facilities are properly maintained and preserved and provide suitable educational settings, the Board 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 Building Safety Program, the Uniform Code of Public School Building Inspections, and the Safety Rating and Monitoring as prescribed in Commissioner's regulations. For this reason, the District shall develop a Comprehensive Public School Building Safety Program in accordance with Commissioner's regulations.

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)**

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

- a) A five (5) year capital facilities plan which will include an appraisal of the following: the educational philosophy of the District, with resulting administrative organization and program requirements; present and projected student enrollments; space use and State-rated student capacity of existing facilities; the allocation of instructional space to meet the current and future education program and service needs, and to serve students with disabilities in settings with nondisabled peers; priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and the provision of additional facilities.
- b) A District-wide building inventory, which will include information pertaining to each building including, but not limited to:
  1. Type of building, age of building, size of building;
  2. Rated capacity, current enrollment;
  3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and
  4. Summary of triennial Asbestos Inspection reports.
- c) 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:
  1. Establishing a Health and Safety Committee;
  2. Development of detailed plans and a review process of all inspections;
  3. Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the District's Health and Safety Committee for oversight, and a copy kept on permanent file.
- e) Procedures to ensure the safety of the building occupants while a construction/renovation project is taking place. These procedures will include:

(Continued)

Non-Instructional/Business  
Operations

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

1. Notification to parents, staff and the community at least two (2) months in advance of a construction project of ten thousand dollars (\$10,000) or more to be conducted in a school building while the building is occupied; provided, however, that in the case of emergency construction projects, such notice shall be provided as far in advance of the start of construction as is practicable;
2. A plan to ensure that all contractors comply with all health and safety issues and regulations, and wear photo identification badges;
3. An opportunity for the District's Health and Safety Committee to conduct a walk-through inspection of newly renovated or constructed areas to confirm that the area is ready to be reopened for use; and
4. An emergency plan which will address potential concerns with the capital project including, but not limited to, evacuation procedures, fire drills, and structural failures.

Asbestos Inspection: 40 CFR

Part 763, Subpart E 15 USC

§§ 2641-2656

Carbon Monoxide Detection: 19

NYCRR § 1228.4 Fire

Inspection: Education Law § 807-

a

8 NYCRR § 155.4

Health and Safety Committee: 8 NYCRR §

155.4(d)(1)

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

Legionella Protection: 10 NYCRR § 4.1, *et seq.*

Plans and Specifications: Education Law

§§ 408, 408-a and 409 8 NYCRR §§

155.1 and 155.2

19 NYCRR §§ 1221-1240

Structural Safety Inspections: Education Law §§ 409-d,

409-e, 3602 and 3641(4) 8 NYCRR §§ 155.1, 155.3, and

155.4(b)(1)

**Adopted: 11/18/21**

Non-Instructional/Business  
Operations

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

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

The management of hazardous waste from its point of generation to the ultimate disposal is regulated through specific Federal and State laws.

The Board directs the Superintendent to adopt rules to ensure District implementation of applicable Federal and State laws pertaining to the identification, transportation, treatment, storage, and disposal of hazardous wastes.

Environmental Protection Agency  
40 Code of Federal Regulations (CFR) Parts 261 and  
262  
6 New York Code of Rules and Regulations  
(NYCRR)  
Part 371

Adopted: 4/19/07

Non-Instructional/Business  
Operations

**SUBJECT: Fuel Inventory Operations**

The Superintendent shall develop a written procedure to govern fuel inventory. The following items will be included in the procedure:

1. Fuel Inventory Cycle
2. Ordering Fuel
3. Accepting Delivery
4. Disposition of Fuel
5. Access to Fuel Pump
6. Report and Record Fuel Transactions

Adoption Date: 9/18/2009

Non-Instructional/Business  
Operations

**SUBJECT: SMOKING, TOBACCO, AND CANNABIS (MARIJUANA) USE**

The following actions are prohibited on school grounds and at school functions: smoking; vaping; using tobacco products; and/or using or ingesting any form of cannabis.

Smoking and vaping are prohibited within 100 feet of the entrances, exits, or outdoor areas of any of the District's schools. However, this prohibition does not apply to smoking or vaping in a residence, or within the real property boundary lines of residential real property.

Exceptions may exist for authorized medical cannabis use.

**Definitions**

For purposes of this policy, the following definitions apply:

- a) "Electronic cigarette" (or "e-cigarette") means an electronic device delivering vapor inhaled by an individual user, and includes any refill, cartridge, and any other component of such a device.
- b) "School function" means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.
- c) "School grounds" means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's preschool, nursery school, elementary, or secondary school's legally defined property boundaries as registered in the County Clerk's Office, as well as any vehicles used to transport children or school personnel.
- d) "Smoking" means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance containing tobacco, cannabis, or cannabinoid hemp.
- e) "Tobacco products" means cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water, or any other tobacco products.
- f) "Vaping" means the use of an electronic cigarette.
- g) "Cannabis" means any form of cannabis.

**Notification**

The District will prominently post signs prohibiting smoking and vaping on school grounds in accordance with applicable law. Appropriate District officials will inform individuals smoking or vaping in a non-smoking area that they are in violation of law and/or District policy.

(Continued)

Non-Instructional/Business  
Operations

**SUBJECT: SMOKING, TOBACCO, AND CANNABIS (MARIJUANA) USE (Cont'd.)**

The District will communicate this policy to staff, students, parents/guardians, volunteers, visitors, contractors, and outside groups through means such as the District's *Code of Conduct*, student handbooks, newsletters, announcements, facilities use forms/agreements, and/or the prominent display of this policy in appropriate locations.

**Prohibition of Tobacco Promotional Items/Tobacco Advertising**

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

- a) On school grounds;
- b) In any vehicles used to transport students or school personnel;
- c) At school functions;
- d) In school publications;
- e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District's *Code of Conduct* and applicable collective bargaining agreements.

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

The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

20 USC §§ 6081-6084 and 7971-7974  
41 USC § 8101 et seq.  
Education Law § 409  
Penal Law § 222.10  
Public Health Law §§ 1399-n, 1399-o, 1399-p, and 1399-aa  
8 NYCRR §§ 155.5 and 156.3

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials, and Equipment  
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)  
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)  
#8240 -- Instruction in Certain Subjects  
District *Code of Conduct*

**Adopted: 10/21/21**



**SUBJECT: ENERGY/WATER CONSERVATION AND RECYCLING OF SOLID  
WASTE**

The Board of Education recognizes the importance of energy and water conservation and is committed to the analysis, development, and initiation of conservation measures throughout the District for the purpose of reducing energy consumption.

**Recycling**

The Superintendent will develop a program for the source separation and segregation of recyclable or reusable materials in the District. This District-wide recycling plan shall include:

- a) A conservation education program to teach students about their social responsibility for preserving our resources, and involvement of all students and personnel in a comprehensive effort to reduce, reuse and recycle waste materials;
- b) A concerted effort to purchase recycled items and biodegradable rather than non-biodegradable products;
- c) Separation of waste into appropriate categories for the purpose of recycling;
- d) A cooperative effort with community recycling programs.

General Municipal Law Section 120-aa

Adopted: 1/22/98

Non-Instructional/Business

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH)**

**School Food Service Program (Lunch)**

The Board has entered into an agreement with the New York State Education Department to participate in the National School Lunch Program, to receive commodities and subsidies from the U.S. Department of Agriculture. In return, the District provides free and reduced-price meals to elementary and secondary students in schools and serves meals that meet Federal requirements.

The Superintendent or his/her designee shall have the responsibility to carry out the rules of the School Lunch Program. The determination of which students are eligible is the responsibility of the Reviewing Official and Verification Official or the Office of Temporary and Disability Assistance 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 meals and milk by using the Direct Certification Matching Process, a dataset supplied by the Office of Temporary and Disability Assistance, and made available by the State Education Department. Any student receiving federal assistance through Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance to Needy Families (TANF) is automatically eligible for free meals and milk. There is no need for families to complete further applications. School Districts shall notify parents or guardians of such eligibility, giving them the opportunity to decline free meals and milk 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.

-Continued-

Non-Instructional/Business

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH) (Cont'd.)**

Child Nutrition Program Authorization

Since the District participates in one or more Child Nutrition Programs, the Superintendent has developed 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) Ongoing communication of the policy to parents and students.

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.

Restrictions on Sale of Milk Prohibited

Schools that participate in the National School Lunch Program may not directly or indirectly restrict the sale or marketing of fluid milk products at any time or in any place on school premises or at school-sponsored events.

Food Substitutions for Children with Disabilities

Federal regulations governing the operation of Child Nutrition Programs, Part B of the Individuals with Disabilities Education Act, and Section 504 of the Rehabilitation Act of 1973 require that children with disabilities be offered the opportunity to participate in all academic and nonacademic activities including the school nutrition programs. The District will make reasonable accommodations to those children with disabilities whose disabilities restrict their diets, such as providing substitutions and/or modifications in the regular meal patterns. Such meal substitutions for students with disabilities will be offered at no extra charge. A student with a disability must be provided substitutions in food when that need is supported by a statement signed by a physician attesting to the need for the substitutions and recommending alternate foods.

-Continued-

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH) (Cont'd.)**

However, the school food service is not required to provide meal services (for example, School Breakfast Program) to students with disabilities when the meal service is not normally available to the general student body, unless a meal service is required under the student's individualized education program (IEP) or Section 504 Accommodation Plan as mandated by a physician's written instructions.

Food Substitutions for 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/legal guardian.

Prohibition Against Adults Charging Meals

Adults should pay for their meals at the time of service.

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:

- a) Critical control points and critical limits;
- b) Monitoring procedures;

-Continued-

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH) (Cont'd.)**

- c) Corrective actions;
- d) Verification procedures;
- e) Recordkeeping requirements; and
- f) Periodic review and food safety program revision.

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: 1/22/98

Revised: 2/8/01

Revised: 11/20/14

**Revised: 12/14/17**

**SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING**

It is the District's goal to provide students with access to nutritious no- or low-cost meals each school day and to ensure that a student whose parent/guardian has unpaid meal charges is not shamed or treated differently than a student whose parent/guardian does not have unpaid meal charges.

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

The intent of this policy is to establish procedures to address unpaid meal charges throughout the District in a way that does not stigmatize, distress, or embarrass students. The provisions of this policy pertain to regular priced reimbursable school lunch and snack meals only. Charging of items outside of the reimbursable meals (a la carte items, adult meals, etc.) is expressly prohibited.

**Access to Meals**

- a) Free meal benefit eligible students will be allowed to receive a free lunch meal of their choice each day. A la carte items or other similar items must be paid/prepaid.
- b) Reduced meal benefit eligible students will be allowed to receive a lunch of their choice for an amount not to exceed \$.25 each day. A student will be allowed to charge a maximum of ten (10) meals to their account after the balance reaches zero. The charge meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the District to withhold a meal. A la carte items or other similar items must be paid/prepaid.
- c) Full pay students will pay for meals at the District's published paid meal rate each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the District to withhold a meal. A la carte items or other similar items must be paid/prepaid.

(Continued)

**SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING  
(Cont'd.)****Ongoing Staff Training**

- a) Staff will be trained annually and throughout the year as needed on the procedures for managing meal charges using the State Education Department (SED) Webinar or the District's training program.
- b) Staff training will include ongoing eligibility certification for free or reduced price meals.

**Parent Notification**

- a) Parents/guardians will be notified that a student's meal card or account balance is exhausted within six (6) days and then every seven (7) days thereafter.
- b) Parents/guardians will be notified that a student has accrued unpaid meal charges within six (6) days of the charge and then every seven (7) days thereafter.

**Parent Outreach**

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

**Minimizing Student Distress**

- a) Staff will not publicly identify or stigmatize any student in line for a meal or discuss any outstanding meal debt in the presence of any other students.
- b) Students with unpaid meal charges will not be required to wear a wristband or handstamp, or to do chores or other work to pay for meals.
- c) Staff will not throw away a meal after it has been served because of the student's inability to pay for the meal or because of previous unpaid meal charges.
- d) Staff will not take any action directed at a student to collect unpaid meal charges.

(Continued)

**SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING  
(Cont'd.)**

- e) Staff will deal directly with parents/guardians regarding unpaid meal charges.

**Ongoing Eligibility Certification**

- a) Staff will conduct direct certification through the New York Student Identification System (NYSSIS) or using SED Roster Upload at least monthly to maximize free eligibility.
- b) Staff will provide parents/guardians with free and reduced price application and instructions at the beginning of each school year in the school enrollment packet.
- c) If the District uses an electronic meal application, it will provide an explanation of the process in the school enrollment packet and instructions on how to request a paper application at no cost.
- d) The District will provide at least two additional free and reduced price applications throughout the school year to families identified as owing meal charges.
- e) The District will use its administrative prerogative to complete an application on a student's behalf judiciously, and only after using exhaustive efforts to obtain a completed application from the student's parent/guardian. The District will complete the application using only available information on family size and income that falls within approvable guidelines.
- f) The District will coordinate with the foster, homeless, migrant, and runaway coordinators at least monthly to certify eligible students.

**Prepaid Accounts**

Students/Parents/Guardians may pay for meals in advance via [www.payschoolscentral.com](http://www.payschoolscentral.com) or with a check payable to Jericho School District. Further details are available on the District's webpage at [www.jerichoschools.org](http://www.jerichoschools.org). Funds should be maintained in accounts to minimize the possibility that a student may be without meal money on any given day. Any remaining funds for a particular student will be carried over to the next school year.

To obtain a refund for a withdrawn or graduating student, a written or e-mailed request for a refund of any money remaining in the student's account must be submitted. Students who are graduating at the end of the year will be given the option to transfer any remaining money to a sibling's account through a written request or refunded a minimum of \$3.00 and above.

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



**SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING  
(Cont'd.)****Jericho School District Meal Modification Plan Accommodating Individuals with Disabilities in the Child Nutrition Program**

Schools must make substitutions for students who are considered to have a disability under 7-CFR 15b.3 and whose disability restricts their diet. 7CFR 210.10(m).

The Civil Rights Authorities that pertain to this plan are as follows:

- Title VI of the Civil Rights Act of 1964; Civil Rights Restoration Act of 1987; Section 504 of the Rehabilitation Act of 1973; ADA of 1990; ADA of 2008; Title IX of the Education Amendments of 1972; Age Discrimination Act of 1975; 7 CFR Parts 15, 15a, 15b, and 15c; FNS 113-1; Executive Order 12250; Executive Order 13166; 28 CFR 41; USDA Departmental Regulation 4330-2; 2017 Edition of Accommodating Children with Disabilities in the School Meal Programs.

**ADA Amendments Act of 2008: Implementation**

- The term “substantially limits” requires a lower degree of functional limitation than the standard previously applied by the courts. An impairment does not need to prevent or severely or significantly restrict a major life activity to be considered “substantially limiting”. Nonetheless, not every impairment will constitute a disability.
- The term “substantially limits” is to be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA.
  - The determination of whether an impairment substantially limits a major life activity requires an individualized assessment, as was true prior to the ADA.
  - With one exception (“ordinary eyeglasses or contact lenses”), the determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication or hearing aids.
  - An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
  - In keeping with Congress’s direction that the primary focus of the ADA is on whether discrimination occurred, the determination of disability should not require extensive analysis.

**Adopted: 8/14/23**

**SUBJECT: WELLNESS**

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

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

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

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

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

**Goals to Promote Student Wellness**

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

(Continued)

**SUBJECT: WELLNESS (Cont'd.)**Nutrition Promotion and Education

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

- a) Nutrition education will be integrated within the comprehensive health education curriculum and other instructional areas, as appropriate, and taught at every grade level, K through 12. Nutrition education will follow applicable New York State Standards and be designed to help students acquire:
  1. Nutrition knowledge, including, but not limited to: the benefits of healthy eating; essential nutrients; nutritional deficiencies; principles of healthy weight management; the use and misuse of dietary supplements; and safe food storage, handling, and preparation.
  2. Nutrition-related skills, including, but not limited to: planning healthy meals; understanding and using food labels; critically evaluating nutrition information, misinformation, and commercial food advertising; assessing personal eating habits; and setting and achieving goals related to these concepts.
- b) Marketing and Promotion
  1. The District will promote nutrition education activities that involve parents, students, and the community.
  2. The District will promote healthy food and beverage choices for all students and encourage participation in school meal programs. This will occur by using Smarter Lunchroom techniques which guide students toward healthful choices and ensuring that 100% of foods and beverages promoted to students meet the "Smart Snacks in School" Nutrition Standards, which can be found on the United States Department of Agriculture's (USDA) official website.
  3. The District will promote school and community awareness of this policy through various means, such as publication on the District website.
  4. The District will encourage and promote wellness through social media, newsletters, and an annual family wellness event.
  5. Marketing and advertising of foods and beverages on school campuses during the school day will be consistent with nutrition education and health promotion. As such, schools will restrict food and beverage marketing to the promotion of those foods and beverages that meet the nutrition standards set forth by the Healthy, Hunger-Free Kids Act's "Smart Snacks in Schools" Rule and that are consistent with this policy.

(Continued)

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

## c) Additional provisions

1. Parents and teachers will be provided with a list of healthy party ideas, including non-food celebration ideas.
2. Parents will be provided with a list of classroom snacks and beverages that meet Smart Snacks nutrition standards.
3. School personnel are strongly discouraged from using food as a reward or withholding food as punishment under any circumstance; teachers and other appropriate school staff will be provided with a list of alternative ways to reward students.
4. District staff will be encouraged to model healthy eating, drinking, and physical activity behaviors for students.

Physical Activity

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

(Continued)

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

- b) The District will ensure that the following standards are met to achieve its goals relative to physical education and physical activity:
1. The District will have a Board-approved Physical Education Plan on file with the New York State Education Department that meets or exceeds the requirements set forth in Section 135.4 of the Commissioner's regulations.
  2. The District recognizes the importance of physical education classes in providing students with meaningful opportunities for physical exercise and development. Consequently, the District will ensure:
    - (a) All physical education classes are taught or supervised by a certified physical education teacher;
    - (b) All physical education staff receive professional development relevant to physical education on a yearly basis;
    - (c) Interscholastic sports, intramural sports, and recess do not serve as substitutes for a quality physical education program;
    - (d) Students are afforded the opportunity to participate in moderate to vigorous activity for at least 50% of physical education class time;
    - (e) It provides adequate space and equipment for physical education and conforms to all applicable safety standards;
    - (f) An age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education is implemented, with a focus on students' development of motor skills, movement forms, and health-related fitness;
    - (g) A physical and social environment is provided that encourages safe and enjoyable activity for all students;
    - (h) Activities or equipment are adapted to meet the needs of students who are temporarily or permanently unable to participate in the regular program of physical education. In doing so, the District will abide by specific provisions in 504 Plans and/or individualized education programs (IEP). To that end, the Committee on Special Education (CSE) will ensure that a certified physical education teacher participates in the development of a student's IEP, if the student may be eligible for adapted physical education;

(Continued)

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

All students, including students in need of adaptive physical education, will be encouraged to participate in physical fitness programs and competitions.

3. All students will be required to fulfill the physical education requirements set forth in the Commissioner's regulations as a condition of graduating from the District's schools.
- c) All classroom teachers, and particularly those engaged in the instruction of K through 5 students, are strongly encouraged to incorporate into the school day short breaks for students that include physical activity, especially after long periods of inactivity. Teachers are encouraged to incorporate kinesthetic learning approaches into core learning subjects when possible so as to limit sedentary behavior during the school day. Additionally, all elementary students will be offered one daily period of recess for a minimum of 20 minutes. This requirement will not apply on days where students arrive late, leave early, or are otherwise on campus for less than a full day. Outdoor recess will be offered when weather permits. In the event that indoor recess is necessary, it will be offered in a place that accommodates moderate to vigorous physical activity.
- d) Physical activity during the school day, including, but not limited to, recess or classroom activity breaks, will not be withheld for disciplinary action unless the student is a danger to him or herself or others. Classroom teachers will be provided with a list of ideas for alternative ways to discipline students. Recess, physical education, or other physical activity time will not be cancelled for instructional make up time.

Other School-Based Activities

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

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

(Continued)

**SUBJECT: WELLNESS (Cont'd.)****b) Access to School Nutrition Programs**

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

**c) Meal Environment**

The District will ensure:

1. School dining areas have sufficient space for students to sit and consume meals;
2. School dining areas are clean, safe, and pleasant environments that reflect the social value of eating;
3. Enough serving areas are provided to ensure student access to school meals with a minimum of wait time;
4. Lunch times are scheduled near the middle of the school day;
5. Students are given adequate time to eat healthy meals;
6. Students and staff have access to free, safe, and fresh drinking water throughout the school day and where school meals are served.

**d) Community Access to District Facilities for Physical Activities**

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

**e) Community Partnerships**

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

(Continued)

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

## f) Community Involvement, Outreach, and Communications

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

## g) Before and After School Activities

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

## h) Active Transport

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

**Nutrition Guidelines**

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

School Meals

All schools within the District participate in the USDA child nutrition programs, including the NSLP. School meals will, at a minimum, meet the program requirements and nutrition standards of this program. The District is committed to ensuring that meals through the NSLP are accessible to all students, are served in sanitary settings, are appealing to children, and meet or exceed those nutrition requirements established by local, state, and federal law and regulation. All school meals served in the District schools comply with the Healthy, Hunger-Free Kids Act of 2010.

(Continued)



**SUBJECT: WELLNESS (Cont'd.)**Competitive Foods and Beverages Sold and Served to Students During the School Day

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

Competitive Foods and Beverages Served to Students During the School Day

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

**Professional Development**

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

**Implementation and Evaluation of the Wellness Policy**

- a) The District will establish an implementation and evaluation plan for this policy in order to monitor its effectiveness and the possible need for modification over time. To this end, the District will designate a District Wellness Coordinator to ensure that the District meets the goals and mandates of this policy.
- b) The designated Wellness Coordinator will also serve as liaison with community agencies in providing outside resources to help in the development of nutritional education programs and promotion of physical activities.
- c) Evaluation and feedback from interested parties, including an assessment of student, parent, teacher, and administration satisfaction with the wellness policy, are welcomed as an essential part of the District's evaluation program.

(Continued)

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

- d) The District will document the financial impact, if any, to the school food service program, school stores, and vending machine revenues based on the implementation of the wellness policy.
- e) Assessments of compliance with the District's wellness policy and implementation efforts will be repeated on a triennial basis. The assessment will include:
  - 1. Compliance with the wellness policy;
  - 2. How the wellness policy compares to model wellness policies; and
  - 3. Progress made in attaining the goals of the wellness policy.

The position/person responsible for managing the triennial assessment is the Director of School Lunch Program. The District will, as necessary, revise and update this wellness policy, but at least every three years following the triennial assessment, and develop work plans to facilitate its implementation.

- g) The triennial assessments and policy updates will be provided to the Board, posted on the District's official website, and distributed to the District Wellness Committee, parent-teacher organizations, building principals, and school health services personnel within the District. Printed copies will also be made available to community residents upon request.

**Annual Notification**

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

(Continued)

**SUBJECT: WELLNESS (Cont'd.)****Recordkeeping**

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

- a) The written wellness policy;
- b) Documentation demonstrating that this policy has been made available to the public;
- c) Documentation of efforts to review and update this policy;
- d) Documentation to demonstrate compliance with the annual public notification requirements;
- e) The most recent assessment on the implementation of this policy;
- f) Documentation demonstrating the most recent assessment on the implementation of this policy has been made available to the public.

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

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

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

Education Law § 915

8 NYCRR § 135.4

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

**Adopted: 12/14/17**

**SUBJECT: RECORDS MANAGEMENT**

A records management officer shall be designated by the Superintendent, subject to the approval of the Board of Education. Such records management officer shall coordinate the development of and oversee a program for the orderly and efficient management of records, including the legal disposition or destruction of obsolete records, and be given the authority and responsibility to work with other local officials at all levels in the development and maintenance of the records management program.

In addition, a Records Advisory Board may be created to assist in establishing and supporting the records management program. The District's legal counsel, the fiscal officer, and the Superintendent/designee may comprise the Advisory Board.

The Superintendent shall develop appropriate regulations and procedures.

**Retention and Disposition of Records**

The Superintendent shall retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule ED-1, established pursuant to Part 185, Title VIII of the Official Compilation of Codes, Rules and Regulations of the State of New York and Article 57-A of the Arts and Cultural Affairs Law.

8 New York Code of Rules and Regulations  
(NYCRR) Section 185  
Public Officers Law Section 65-b  
Local Government Records Act of 1987

Adopted: 1/22/98

**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION**

The District values the protection of private information of individuals in accordance with applicable law and regulations. The District is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the Information Security Breach and Notification Act and Board policy.

a) "Private information" means \*\*personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

1. Social security number;
2. Driver's license number or non-driver identification card number; or
3. Account number, credit or debit card number, in combination with any required security code, access code, or password, which would permit access to an individual's financial account.

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

\*\*"Personal information" means any information concerning a person which, because of name, number, symbol, mark or other identifier, can be used to identify that person.

b) "Breach of the security of the system" means unauthorized acquisition or acquisition without valid authorization of computerized data, which compromises the security, confidentiality, or integrity of personal information maintained by the District. Good faith acquisition of personal information by an employee or agent of the District for the purposes of the District is not a breach of the security of the system, provided that the private information is not used for, or subject to unauthorized disclosure.

**Determining if a Breach Has Occurred**

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or person without valid authorization, the District may consider the following factors, among others:

- a) Indications that the information is in the physical possession or control of an unauthorized person, such as a lost or stolen computer or other device containing information;
- b) Indications that the information has been downloaded or copied;

(Continued)

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

- c) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported; or
- d) System failures.

**Notification Requirements**

a) For any computerized data owned or licensed by the District that includes private information, the District will disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure to affected individuals will be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The District will consult with the State Office of Information Technology Services to determine the scope of the breach and restoration measures.

b) For any computerized data maintained by the District that includes private information which the District does not own, the District will notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

The notification requirement may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. The required notification will be made after the law enforcement agency determines that the notification does not compromise the investigation.

**Methods of Notification**

The required notice will be directly provided to the affected persons by one of the following methods:

- a) Written notice;
- b) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form; and a log of each such notification is kept by the District when notifying affected persons in electronic form. However, in no case will the District require a person to consent to accepting such notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;

(Continued)

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

- c) Telephone notification, provided that a log of each notification is kept by the District when notifying affected persons by phone; or
- d) Substitute notice, if the District demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000, or that the affected class of subject persons to be notified exceeds 500,000, or that the District does not have sufficient contact information. Substitute notice will consist of all of the following:
  - 1. Email notice when the District has an email address for the subject persons;
  - 2. Conspicuous posting of the notice on the District's website page, if the District maintains one; and
  - 3. Notification to major statewide media.

Regardless of the method by which notice is provided, the notice will include contact information for the notifying District and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

In the event that any New York State residents are to be notified, the District will notify the New York State Attorney General (AG), the New York State Department of State, and the New York State Office of Information Technology Services as to the timing, content, and distribution of the notices and approximate number of affected persons.

In the event that more than 5,000 New York State residents are to be notified at one time, the District will also notify consumer reporting agencies, as defined in State Technology Law Section 208, as to the timing, content, and distribution of the notices and approximate number of affected persons. This notice will be made without delaying notice to affected New York State residents. A list of consumer reporting agencies will be compiled by the AG and furnished upon request to school districts required to make a notification in accordance with State Technology Law Section 208(2), regarding notification of breach of security of the system for any computerized data owned or licensed by the District that includes private information.

State Technology Law §§ 202 and 208

**Adopted: 8/13/19**

**SUBJECT: SAFETY AND SECURITY**

The Board of Education of the Jericho 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 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 is made aware of physical and/or verbal threats to students must immediately report these threats against students to the next level of supervisory authority for prompt action. The immediate supervisor must then inform the Superintendent/designee, including any action taken, after learning of such threats to students.

The District shall disseminate this policy to all employees in order to ensure staff awareness.

**Hazard Communication Standard**

All personnel shall be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard.

(Continued)



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Non-Instructional/Business  
Operations

**SUBJECT: SAFETY AND SECURITY (Cont'd.)**

The Superintendent/designee shall maintain a current record of the social security numbers of every employee who handles toxic substances.

The Board directs the Superintendent to develop rules and regulations to insure District implementation of this policy which shall include awareness information, employee training and record keeping.

New York State Labor Law  
12 New York Code of Rules and  
Regulations (NYCRR) Part 820  
Article 28  
Occupational Safety and Health  
Administration (OSHA)  
29 Code of Federal Regulations  
(CFR) 1910.1200

Adopted: 1/22/98

**SUBJECT: SCHOOL SAFETY PLANS**

The District considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-wide school safety plan and the building-level emergency response plan(s) will be designed to prevent or minimize the effects of violent incidents and emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies. These plans will be reviewed and updated by the appropriate team on at least an annual basis and adopted by the Board by September 1 of each school year.

The Board will make the District-wide school safety plan available for public comment at least 30 days prior to its adoption. The District-wide school safety plan may only be adopted by the Board after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. The District-wide school safety plan and any amendments must be submitted to the Commissioner, in a manner prescribed by the Commissioner, within 30 days of adoption, but no later than October 1 of each school year.

Building-level emergency response plan(s) and any amendments must be submitted to the appropriate local law enforcement agency and the state police within 30 days of adoption, but no later than October 1 of each school year. Building-level emergency response plan(s) will be kept confidential and are not subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.

**District-Wide School Safety Plan**

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the District, addresses crisis intervention, emergency response and management at the District level, and has the contents as prescribed in Education Law and Commissioner's regulations.

The District-wide school safety plan will be developed by the District-wide school safety team appointed by the Board. The District-wide school safety team will include, but not be limited to, representatives of the Board, teacher, administrator, and parent organizations, school safety personnel, and other school personnel including bus drivers and monitors. At the discretion of the Board, a student may be allowed to participate on the District-wide school safety team.

The District-wide school safety plan will include, but not be limited to:

- a) Policies and procedures for responding to implied or direct threats of violence by students, teachers, other school personnel including bus drivers and monitors, and visitors to the school, including threats by students against themselves, which includes suicide;

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

- b) Policies and procedures for responding to acts of violence by students, teachers, other school personnel including bus drivers and monitors, and visitors to the school, including consideration of zero-tolerance policies for school violence;
- c) Appropriate prevention and intervention strategies, such as:
  - 1. Collaborative arrangements with state and local law enforcement officials, designed to ensure that school safety officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;
  - 2. Nonviolent conflict resolution training programs;
  - 3. Peer mediation programs and youth courts; and
  - 4. Extended day and other school safety programs;
- d) Policies and procedures for contacting appropriate law enforcement officials in the event of a violent incident;
- e) A description of the arrangements for obtaining assistance during emergencies from emergency services organizations and local governmental agencies;
- f) Procedures for obtaining advice and assistance from local government officials, including the county or city officials responsible for implementation of Executive Law Article 2-B, State and Local Natural and Man-Made Disaster Preparedness;
- g) The identification of District resources which may be available for use during an emergency;
- h) A description of procedures to coordinate the use of District resources and manpower during emergencies, including identification of the officials authorized to make decisions and of the staff members assigned to provide assistance during emergencies;
- i) Policies and procedures for contacting parents, guardians, or persons in parental relation to District students in the event of a violent incident or an early dismissal;
- j) Policies and procedures for contacting parents, guardians, or persons in parental relation to an individual District student in the event of an implied or direct threat of violence by the student against themselves, which includes suicide;
- k) Policies and procedures relating to school building security, including, where appropriate: the use of school safety officers, school security officers, and/or school resource officers; and security devices or procedures;

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

- l) Policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including, but not limited to, the identification of family, community, and environmental factors to teachers, administrators, school personnel including bus drivers and monitors, parents and other persons in parental relation to students of the District or Board, students, and other persons deemed appropriate to receive the information;
- m) Policies and procedures for annual multi-hazard school safety training for staff and students, provided that the District must certify to the Commissioner that all staff have undergone annual training by September 15 on the building-level emergency response plan which must include components on violence prevention and mental health, provided further that new employees hired after the start of the school year will receive training within 30 days of hire or as part of the District's existing new hire training program, whichever is sooner;
- n) Procedures for the review and conduct of drills and other exercises to test components of the emergency response plan, including the use of tabletop exercises, in coordination with local and county emergency responders and preparedness officials;
- o) The identification of appropriate responses to emergencies, including protocols for responding to bomb threats, hostage-takings, intrusions, and kidnappings;
- p) Strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence, and establishing anonymous reporting mechanisms for school violence;
- q) A description of the duties of hall monitors and any other school safety personnel, the training required of all personnel acting in a school security capacity, and the hiring and screening process for all personnel acting in a school security capacity;
- r) A system for informing all educational agencies within the District of a disaster;
- s) The designation of the Superintendent or designee, as the District Chief Emergency Officer whose duties will include, but not be limited to:
  - 1. Coordinating the communication between school staff, law enforcement, and other first responders;
  - 2. Leading the efforts of the District-wide school safety team in the completion and yearly update of the District-wide school safety plan and the coordination of the District-wide school safety plan with the building-level emergency response plan(s);

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

3. Ensuring staff understanding of the District-wide school safety plan;
  4. Ensuring the completion and yearly update of building-level emergency response plans for each school building;
  5. Assisting in the selection of security related technology and development of procedures for the use of the technology;
  6. Coordinating appropriate safety, security, and emergency training for District and school staff, including required training in the emergency response plan;
  7. Ensuring the conduct of required evacuation and lock-down drills in all District buildings as required by law; and
  8. Ensuring the completion and yearly update of building-level emergency response plan(s) by the dates designated by the Commissioner; and
- t) Protocols for responding to a declared state disaster emergency involving a communicable disease that are substantially consistent with the provisions in Labor Law Section 27-c.

**Building-Level Emergency Response Plan**

Building-level emergency response plan means a building-specific school emergency response plan that addresses crisis intervention, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

Building-level emergency response plan(s) will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board. The building-level emergency response team will include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel including bus drivers and monitors, community members, local law enforcement officials, local ambulance, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

Classroom door vision panels will not be covered except as outlined in the building-level emergency response plan.

Education Law § 2801-a ; Labor Law § 27-c ; 8 NYCRR § 155.17

**Adopted: March 31, 2022**

**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 or his/her designee. Only this spokesperson shall talk to and maintain a timely flow of information to the media.

The Superintendent/designee shall be responsible for informing staff of the crisis plan that is to be developed by both administration and the crisis response team.

Non-Instructional/Business  
Operations**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN  
PUBLIC SCHOOL FACILITIES**

The School District shall provide and maintain on-site in each *instructional school facility* functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each such facility shall have sufficient automated external defibrillator equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors enumerated in Commissioner's Regulations.

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 mean 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, and to ensure ready identification of the location of the AED units as enumerated in the District's Public Access Defibrillation Collaborative Agreement.

(Continued)

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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)  
Sections 135.4 and 136.4

Adoption Date: 5/17/07



Non-Instructional/Business  
Operations**SUBJECT: EXPOSURE CONTROL PROGRAM**

The District shall establish an exposure control program designed to prevent and control exposure to infectious disease. 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 on universal precautions
- 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.
- 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.

U.S. Department of Labor  
OSHA Instructional CPL2-244B

**Adopted: 10/18/21**

**SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES**

The Board of Education contends that a student shall not be denied the right to attend school or continue his/her education nor shall an employee be denied the right to continue his/her employment who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

Administrative regulations and procedures shall be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff in the District.

The Superintendent shall also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

This policy should be reviewed on an annual basis and revised as legislation warrants.

Confidentiality: Public Health Law,  
Article 27-F

Adopted: 1/22/98  
Revised: 7/10/07  
Revised: 7/1/10  
Revised: 7/11/22  
**Revised: 7/6/23**

1998

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Non-Instructional/Business  
Operations

**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.

Education Law Sections 3602(7) and 3635 et seq.

Adopted: 1/22/98

**SUBJECT: IN-DISTRICT TRANSPORTATION**

- a) It is the intent of the Board of Education of the Jericho Union Free School District to comply with the letter and the spirit of the New York State Education Law and of the Commissioner of Education's regulations and decisions pertinent to the transportation of students, and these shall govern any questions not covered by specific declaration of policy herein.
- b) Students Entitled to and Privileged to Transportation Service
  - 1. Only those students shall be granted transportation who meets the age requirements of the Jericho School District. The student must be five years old on or before December 1, to be eligible.
  - 2. Transportation shall be provided for all pupils in grades K-12 between their homes and the schools they legally attend.
  - 3. Bus routes will be established so that an authorized bus stop is available within a reasonable walking distance of the home of every resident student entitled to transportation service that distance not to exceed one-half mile subject to exceptions set forth in Policy 5740, Transportation - Student Health and Safety.
  - 4. Any student unable, because of physical infirmities, to walk to and from school or the bus stop, as required by paragraphs b (2) and b (3) herein may obtain a certificate from the Superintendent permitting direct pickup and delivery of such student from and to his/her home.
  - 5. Subject to the prior claim of resident students to transportation service, any student not residing within the District but attending a District school may be transported on any District bus trip over a regularly established bus route by obtaining a certificate from the Superintendent authorizing the transportation requested between the specified points on bus trips specified. Such certificates may be terminated at will in the event that granting of bus privileges to non-resident students cause overloading of a bus trip.
- c) Bus Transportation Between Home and School

Riding Time Limits

In establishing riding limits, consideration may, if practicable, be given to the following criteria:

(Continued)

**SUBJECT: IN-DISTRICT TRANSPORTATION (Cont'd.)**

1. Distance from home to school
2. Grade attended

Exceptions to the established riding limits may be made only in the case of a temporarily or permanently physically disabled student for whom the school physician has approved transportation.

**SUBJECT: OUT-OF-DISTRICT TRANSPORTATION**

- a) No child shall be granted transportation unless he/she meets the age requirements of the Jericho School District. The child must be five years old on or before December 1, to be eligible.
- b) Application must be made each year for private and parochial schools. For people living in the District, applications must be made on or before April 1, for the coming year. Parents or guardians moving into the District on or after April 1 are required to submit requests for student transportation to a private or parochial school within 30 days after the establishment of residence. No late request of a parent or guardian for transportation shall be denied where a reasonable explanation is provided for the delay. Reasonable explanations for delayed requests shall be judged by the Board of Education. Among other reasons that may be found to constitute unreasonable delay for such transportation, delayed requests resulting from late enrollment, in any non-public school shall not be deemed a reasonable basis for a late request.
- c) Transportation to private and parochial schools shall be granted only to children living within the State required mileage, fifteen (15) miles from their home to the school in which they are accepted. The distance shall be measured as follows:  
  
From a designated point on the curb of the school driveway directly in front of the main entrance of the school building along the center of the most direct practical public highway to a point in the road directly in front of the main front door of the residence.
- d) No student shall be transported if the distance between his/her home and the school he/she attends are three-quarters of a mile or less.
- e) Transportation between home and school will be provided for each physically or mentally disabled child attending a school outside the District when such educational placement has been approved by the Board of Education pursuant to procedures prescribed by law.
- f) Transportation of eligible resident children between their homes and schools outside the District shall be arranged by the School District.
- g) Late bus transportation for non-public schools shall be provided for a specific school where there are at least five Jericho resident students attending that school who will ride the late bus on a daily basis.

**Transportation of Students With Disabilities**

- a) The Board of Education will provide special transportation for students with disabilities who would otherwise not be able to attend school either in a regular or special class within Jericho School District or outside Jericho School District in an approved program.

(Continued)

**SUBJECT: OUT-OF-DISTRICT TRANSPORTATION (Cont'd.)**

- b) The Board of Education will provide special transportation for temporarily disabled students who would not otherwise be able to attend their regular school but are able to participate in the normal school program without danger to themselves or others.

Such transportation will be provided only when the student will be absent for a period of three weeks or more following the request because of the disability. In such cases, the transportation may be started one week after the request or as soon thereafter as possible. Exceptions may only be made in the case of high school students when the absence may endanger the student's graduation or success on the Regent's examinations. In these cases, a period of three weeks may be used as the guideline.

Special transportation will normally consist of a reserved seat on the bus when the student is a regular bus rider. When the student is not normally transported, a reserved seat will be provided and a pick-up point will be designated in the same way as determined for regular bus routes.

In an unusual situation, and where adjudged necessary, disabled student, door to door service will be provided. The Board recognizes the possibility of a disabled student who cannot walk to a regular bus stop but might be able to attend school. This would be unusual because the student who cannot walk to a bus stop would normally not be able to participate in the school program without endangering him/her self or others.

All requests must include the recommendation of the attending physician, review by the school physician and approval by the school administration.

Education Law Sections 3621, 3635,  
4401(4), 4404, and 4405

**SUBJECT: TRANSPORTATION - ATHLETICS AND AFTER SCHOOL ACTIVITIES****Purpose**

The following procedure has been developed to insure safe, efficient and prompt transportation of a) school athletic teams, both from practice, scrimmage and to away athletic events and their return, and b) students participating in all other authorized extra curricular events.

**Away Activities**

- a) All students must remain on the bus to the athletic or other event and must be returned to the school of origin. It is the responsibility of the coach or teacher "in charge" to be certain that no student leaves the bus en route to or from each event. Exceptions may be made by the coach or teacher with parental permission only.
- b) The coach or teacher is required to stay with the team or group until each member is dismissed and to travel on the same bus with the team or group at the same time.
- c) In the event the regularly scheduled "late" buses have departed from the high school by the time the activity bus returns from an event, the bus driver shall wait for students to change clothes, etc., and drive all students home. The bus shall depart at the direction of the coach or teacher who is responsible to see that all team or group members are provided transportation.
- d) All bus drivers are to be furnished a list of phone numbers to call in case of emergency and/or breakdown. Telephone list is also to be furnished to the principal and Director of Athletics for distribution to team coaches or teachers. On each day a team is scheduled to be transported the Transportation Manager shall in case of change inform the athletic director and the coach or teacher the name of the person "on call" on the particular evening in case of emergency.
- e) The Middle/Senior High School Principal shall hold the coach of each athletic team responsible for the development of a list of telephone numbers of each team member. Each coach shall also be responsible for the development of a procedure whereby, in the event of an unusual delay or emergency, upon calling the parent of the first team member would set into motion a "chain reaction" where each parent will call one or two other parents and, as a result, those two will call two others and so forth until all parents are notified.
- f) The High School Athletic Department and the High School Principal shall review the bus requirements within each athletic season to ascertain the number of buses required for athletics. Such review to be made at the end of the 1st week, 3rd week and 6th week of each athletic season.

(Continued)



**SUBJECT: TRANSPORTATION - ATHLETICS AND AFTER SCHOOL ACTIVITIES  
(Cont'd.)****Home Activities**

- a) The Transportation Manager shall designate a driver "in charge" of each group or section of late buses (for athletics as well as extracurricular activities) whose responsibility shall include re-distribution of bus loads by areas to avoid overcrowding.
- b) The Principal is responsible to identify the transportation needs of schools on a seasonal basis (fall, winter and spring) to the Transportation Manager. Requests for buses shall include the following information (1) Time transportation required (2) Activity (3) Number of students participating in activity (4) Number of buses required.

The Transportation Manager upon receipt of all requests for each season shall, in concert with the principal, prepare a comprehensive schedule of bus departure and departure points. Each schedule thus proposed shall be submitted to the Assistant Superintendent for approval before posting and distribution to high school personnel.

**SUBJECT: TRANSPORTATION - STUDENT HEALTH AND SAFETY****Travel Time and Spur Routes**

Routes and instructional schedules shall take cognizance of the fact that the school day starts when students enter the bus in the morning and ends when they leave the bus in the afternoon. The time spent in travel, added to that required by the instructional program, should not result in a day of such length that the students' health is adversely affected. The time spent in walking to and from the bus stop shall also be considered.

It is desirable that one hour be recognized as a standard of maximum riding time for the morning and for the afternoon trips. Such a standard adds as much as two hours to the school day and shall be considered only as a maximum. Shorter riding schedules are desirable wherever possible. "Spur routes" on side roads shall be made only when the distance to the end of the road is beyond 600 feet from the main road.

**Temporary Relocation of Bus Stops or Disqualification of Roads for Bus Entry**

The Superintendent of Schools or designee may relocate bus stops temporarily at his/her discretion where temporary emergency conditions exist that create a safety hazard to students.

Although the Superintendent or his/her designee assigns or reassigns regular bus stops, this provision relating to temporary bus stop relocation is intended to meet special temporary hazardous conditions. Under no circumstances is it intended to change or amend existing policy relating to mileage requirements, but under circumstances of a temporary emergency a bus stop may be changed in variance to this policy.

On direction of the Superintendent of Schools or designee, buses will not enter any road(s) which are not maintained reasonably free of snow and ice, pot-holes or surface disrepair or any other impediments that prevent free and safe access and movement thereon.

If bus entry is prohibited for any of the above reasons, temporary discontinuance due to hazard or that a road is disqualified for entry, the half-mile maximum walking distance to bus stops for transportable students shall be measured from the point at which temporarily hazardous or disqualified road(s) intersects with a road(s) accessible to and usable by school buses in accordance with this transportation policy.

Upon termination of the temporary emergency, or removal of reason(s) for road disqualification, the bus entry shall be permitted in accordance with existing policy.

**Bus Stops**

The designation of bus stops, so long as not inconsistent with walking distance requirements shall be in the sole discretion of the Superintendent of Schools or designee.

(Continued)

**SUBJECT: TRANSPORTATION - STUDENT HEALTH AND SAFETY (Cont'd.)****Walking Conditions to the Bus Stop**

The maximum walking distance to bus stops shall not exceed one-half mile. No side road shall be entered by a school bus which is not of sufficient width at the turnaround point of such road to permit a sixty passenger bus to negotiate such turnaround on a continuous forward motion. If any student resides on a side road which shall not be entered due to insufficient turnaround width, the maximum walking distance for students (one-half mile) shall be computed from the point that such side road intersects with a road accessible and usable by school buses under this policy.

**Safety Guidelines**

While a student is under the supervision of the school organization either in the classroom, playground or school bus, he/she is subject to the rules and regulations of the Board of Education.

To enjoy the privilege of transportation to and from school, the Board of Education expects students to observe the regulations. In the case of students who do not follow the rules or directives of drivers and other staff in authority such students may be subject to disciplinary actions by building principals.

Adopted: 1/22/09

**SUBJECT: QUALIFICATIONS OF BUS DRIVERS**

A person shall be qualified to operate a bus only if such person:

- a) Is at least twenty-one years of age;
- b) Has been issued a currently valid driver's license or permit which is valid for the operation of a bus in New York State;
- c) Has passed the annual bus driver physical examination administered pursuant to Regulations of the Commissioner of Education and the Commissioner of Motor Vehicles. In no case shall the interval between physical examinations exceed a 12-month period;
- d) Is not disqualified to drive a motor vehicle under Sections 509-c and 509-cc and any other provisions of Article 19-A of the Vehicle and Traffic Law;
- e) Has on file at least three statements from three different persons who are not related to the driver/applicant pertaining to the moral character and to the reliability of such driver/applicant;
- f) Has completed, or is scheduled to complete, State Education Department safety programs as required by law;
- g) Is in compliance with federal law and regulations, as well as District policy and/or regulations, as it pertains to meeting the standards governing alcohol and controlled substance testing of bus drivers if and when applicable.
- h) Has taken and passed a physical performance test at least once every two (2) years and/or following an absence from service of sixty (60) or more consecutive days from his/her scheduled work duties;
- i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

(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 years;
- c) Investigate the person's employment record during the preceding three years;
- d) Require such person to submit to the mandated fingerprinting procedures;
- e) Request the Department of Motor Vehicles to initiate a criminal history check;
- f) Require that newly hired bus drivers take and pass the physical performance test, as mandated by Commissioner's Regulations, before they transport students.

Sections 509-c, 509-cc, and Article 19-A of the  
Vehicle and Traffic Law Education Law Section 3624  
15 New York Code of Rules and Regulations  
(NYCRR) Part 6  
8 New York Code of Rules and Regulations (NYCRR)  
Section 156.3  
Omnibus Transportation Employee Testing Act of 1991  
(P.L. 102-143)  
49 United States Code (U.S.C.) Section 521(b)  
49 Code of Federal Regulations (C.F.R.) Parts 40,  
382, 391, 392, and 395

NOTE: Refer also to Policy #5751 -- Drug and Alcohol Testing For School Bus Drivers and Other Safety-Sensitive Employees.

Adopted: 1/22/98

Revised: 2/8/01

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES**

In order to help prevent accidents and injuries resulting from the misuse of drugs and/or alcohol by school bus drivers, the Board adopts this policy in compliance with federal and state law and regulation.

The District has designated the following individual to answer driver questions about this policy and related materials: Director of Transportation.

**Drug and Alcohol Testing Program**

School bus drivers are subject to drug and/or alcohol testing in a variety of circumstances. The District will comply with all federal and state law and regulation regarding the implementation of a drug and alcohol testing program for school bus drivers.

The District will either establish and manage its own drug and alcohol testing program or by contract have a consortium/third-party administrator manage all, or part of, its drug and alcohol testing program for school bus drivers.

The District will ensure that vendors or contract bus companies either establish and manage their own drug and alcohol testing program or by contract have a consortium/third-party administrator manage all, or part of, their drug and alcohol testing program for school bus drivers.

Under federal law and regulation, individuals who operate a Commercial Motor Vehicle (CMV) designed to transport 16 or more occupants (including the driver) and are subject to commercial driver's license (CDL) requirements established by the United States Department of Transportation are safety-sensitive employees and are subject to the following drug and/or alcohol testing:

- a) **Pre-employment drug testing** which will be conducted after a conditional offer to hire has been extended, but before the actual performance of safety-sensitive functions for the first time. This pre-employment testing will also be required when employees transfer to a safety-sensitive position.
- b) **Random drug and/or alcohol testing** which will be conducted on an unannounced basis.

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (continued)**

- c) **Reasonable suspicion drug and/or alcohol testing** which will be conducted when reasonable suspicion exists that a driver has engaged in prohibited use of drugs and/or alcohol. The required observation for reasonable suspicion drug and/or alcohol testing must be made by a supervisor or official who has been trained in accordance with federal law and regulation.
- d) **Post-accident drug and/or alcohol testing** which will be conducted as soon as practicable following certain occurrences involving a CMV operating on a public road.
- e) **Return-to-duty drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct before the driver returns to perform a safety-sensitive function.
- f) **Follow-up drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct and has returned to performing a safety-sensitive function. This testing will be conducted on an unannounced basis in accordance with a written follow-up testing plan developed by a substance abuse professional (SAP).

All procedures used to test for the presence of drugs and/or alcohol will conform to the requirements outlined in federal law and regulation for protecting the driver, ensuring the integrity of the testing process, safeguarding the validity of the test results, and ensuring that all test results are attributed to the correct driver.

Under New York State law and regulation, all school bus drivers are subject to pre-employment and random drug and alcohol testing in accordance with the provisions and requirements of federal regulations, regardless of commercial driver's license endorsement. Every school bus driver will be included in the random testing pool and must submit to testing when selected.

**Prohibitions and Consequences for School Bus Drivers**

Under federal law and regulation, individuals who operate a CMV designed to transport 16 or more occupants (including the driver) and are subject to CDL requirements established by the United States Department of Transportation are prohibited from:

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (continued)**

- a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive activities for not less than 24 hours, but no punitive action will be taken by the employer;
- b) Using alcohol while performing safety-sensitive functions.
- c) Performing safety-sensitive functions within eight hours after using alcohol;
- d) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
- e) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.
- f) Refusing to submit to a pre-employment drug test;
- g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver uses any drugs, as defined by federal law and regulation. This prohibition does not apply when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV.
- h) Reporting for duty, remaining on duty or performing a safety-sensitive function, if the driver tests positive for drugs.

Additionally, under New York State law, all school bus drivers are prohibited from:

- a) Consuming a drug or intoxicating liquor, regardless of its alcoholic content, or be under the influence of a drug or intoxicating liquor, within six hours before going on duty or operating, or having physical control of a bus;
- a) Consuming a drug or intoxicating liquor, regardless of its alcoholic content while on duty, or operating, or in physical control of a bus; or



**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (continued)**

- c) Possessing a drug or intoxicating liquor, regardless of its alcoholic content while on duty, operating or in physical control of a bus. However, this paragraph does not apply to the possession of a drug or intoxicating liquor which is transported as part of a shipment or personal effects of a passenger or to alcoholic beverages which are in sealed containers.

It is the employer's responsibility to ensure that no school bus driver:

- a) Violates any of the above listed provisions of New York State law; or
- b) Be on duty or operate a school bus if, by a person's general appearance or by a person's conduct or by other substantiating evidence, a person appears to have consumed a drug or intoxicating liquor within the preceding eight hours.

Any violation of this policy and or District procedures, and applicable federal and state law and regulation by a school bus driver will be grounds for disciplinary action and penalties pursuant to District policy and collective bargaining agreements, as well as the sanctions provided for in federal law including but not limited to fines, suspensions, and/or discharge in accordance with the District's and/or the vendors' or contract bus companies policies, collective bargaining agreements, and applicable law.

Drivers who 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).
- 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 controlled substance test with a verified negative result if the conduct involved controlled substance use.
- d) The driver 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.

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (continued)****Prohibitions and Consequences for Vendors or Contract Bus Companies**

Any significant violation of this policy or District procedures, and applicable federal and state law and regulation by a vendor or contract bus company and its employees will result in revocation of its contract for the transportation of students.

**Employee Notification**

The Superintendent of Schools shall ensure that each driver 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 or his/her designee shall ensure that a copy of these materials is distributed to each driver, 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 or designee will further ensure that each school bus driver receives educational materials concerning: the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

The Superintendent 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.

The Superintendent or his/her designee shall establish regulations necessary to implement this policy.

**Records Management and Retention**

Employee records relating to drug and/or alcohol testing, as well as to substance abuse and/or alcohol prevention programs, will be maintained in accordance with law and regulation. All employee drug and/or alcohol testing will be kept confidential and will only be revealed as required or authorized by law or regulation

49 USC §§ 31136 and 31306; 49 CFR Parts 40, 382, and 383 Vehicle and Traffic Law §§ 142, 509-g, 509-1

**Adopted: March 31, 2022**

2005 5810

Non-Instructional/Business Operations

**SUBJECT: USE OF THE DISTRICT CELL PHONE**

The Board of Education recognizes that certain district employees are required to carry cellular phones in order to meet their job responsibilities. A School District-owned cell phone will be issued to a District employee when required by that employee's job duties as determined by the Superintendent or his/her designee.

The Superintendent shall develop procedures to ensure the implementation of this policy.

Adopted: 5/26/05

**SUBJECT: USE OF THE DISTRICT CREDIT CARDS**

Superintendent:

The School District may issue a credit card in its name to the Superintendent for his/her use for authorized school district expenses.

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

All expenditures incurred on a district credit card must be accompanied by a receipt. Any expenditure made on meals should be appropriately documented with a receipt, name and location of restaurant, the names of those in attendance, and purpose of the meeting.

The school district must be reimbursed for any personal or unauthorized purchases made with the School District credit card.

Designated Employees:

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

Expenses incurred on each credit card shall be paid in such a manner as to avoid interest charges. The credit card(s) shall be locked in a secure place.

The designated employee to whom a credit card is issued shall be responsible for its use and shall not allow the card to be used by anyone else or for any unauthorized purchases. Any unauthorized use shall subject the card holder to disciplinary action in accordance with the law, District policy, and/or the terms of a negotiated agreement.

The Superintendent shall develop procedures to ensure the implementation of this policy.

Adopted: 5/26/05

Non-Instructional/Business Operations

**SUBJECT: USE OF DISTRICT COMPUTERS**

The Board of Education believes that it is appropriate to allow the use of the District's computers inside and outside the school in order to enhance, enrich, and facilitate teaching and administrative duties as well as school communications.

Staff members shall exercise appropriate professional judgment and common sense when using the District's computers. While District employees have a reasonable right to privacy in their use of the District's network and computers, the Jericho School District reserves the right to ensure professional standards and compliance with rules, regulations and statutes.

The Jericho School District, as determined by the Superintendent or his/her designee, may provide computers, networks and Internet service to staff members in order to meet their job responsibilities.

The Superintendent shall develop procedures to ensure implementation of this policy.

Adopted: 5/26/05

Non-Instructional/Business Operations

**SUBJECT: USE OF DISTRICT WEB SITE**

The Jericho Web Site is an important community resource. It is the district's public face to the world. Our site is used to post information about curriculum, school programs, administration and the Board of Education. It is also a place to publish and share student work. It is essential that all posted material reflect the high standards of our district.

The Superintendent shall develop procedures to ensure the implementation of this policy.

Adopted: 5/26/05

## Jericho Union Free School District

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**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT  
PERSONNEL****General Provisions**

Officers and employees of the Jericho School District hold their positions to serve and benefit the public, and not to obtain unwarranted personal or private gain in the exercise of their official powers and duties. The Board of Education recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This policy establishes those standards.

The provisions of this policy are intended to supplement Article 18 of the General Municipal Law and any other law relating to ethical conduct of District officers and employees and should not be construed to conflict with those authorities.

**Standards of Conduct**

The following rules and standards of conduct apply to all officers, including Board members, and employees of the Jericho School District.

Gifts

No person may directly or indirectly solicit, accept, or receive any gift having a value of \$75 or more under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence the individual in the performance of his or her official duties or was intended as a reward for any official action on the part of the individual. This prohibition applies to any gift, including money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form.

Confidential Information

No person may disclose confidential information acquired by him or her in the course of his or her official duties or use this information to further his or her personal interests.

Conflicts of Interest

Except as permitted by law, no person may have an interest in any contract with the District when he 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.

Likewise, unless permitted by law, no chief fiscal officer, treasurer, or his or her deputy or employee, may have an interest in a bank or trust company designated as a depository, paying agent, registration agent, or for investment of funds of the District.

(Continued)

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT  
PERSONNEL (Cont'd.)**

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 subcontracts. The District may, however, set standards for situations where the financial interest is not substantial or the gift is an unsolicited item of 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 of: 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 or she is an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by him 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, not prohibited by law.

Representing Others in Matters Before the District

No person may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the District. Likewise, no one may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the District, where the individual's compensation is contingent upon any action by the District with respect to the matter.

Disclosure of Interest in Contracts and Resolutions

Any District officer or employee who has, will have, or later acquires an interest in or whose spouse has, will have or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with the District must publicly disclose the nature and extent of that interest in writing. The disclosure must be made when the officer or employee first acquires knowledge of the actual or prospective interest, and must be filed with the person's immediate supervisor and the Board of Education. Any written disclosure will be made part of and included in the official minutes of the relevant Board meeting.

(Continued)

Personnel

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT  
PERSONNEL (Cont'd.)**

Investments in Conflict with Official Duties

No person may invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his or her official duties, or that would otherwise impair his or her independence of judgment in the exercise or performance of his or her official powers or duties.

Private Employment

No person may engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

Future Employment

No person may, after the termination of service or employment with the District, appear before the District on behalf of his or her employer in relation to any case, proceeding, or application in which he or she personally participated during the period of his or her service or employment with the District or which was under his or her active consideration while he or she was with the District.

Notice of Code of Ethics and General Municipal Law Sections 800-809

The Superintendent will ensure that a copy of this code of ethics is distributed to every District officer and employee, and that a copy of General Municipal Law Sections 800-809 is posted conspicuously in each District building. The failure to distribute this code of ethics or to post General Municipal Law Sections 800-809 will have no effect on either the duty of District officers and employees to comply with their provisions, or the ability of the District or other relevant authorities to enforce them.

**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.

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT  
PERSONNEL (Cont'd.)**

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 Jericho 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.

Penalties

Any person who knowingly or intentionally violates any of the provisions of this policy may be fined, suspended, removed from office or employment, or subject to additional or other penalties as provided by law.

Education Law § 410  
General Municipal Law Article 18 and §§ 800-809  
2 CFR § 200.318(c)(1)

**Adopted: March 31, 2022**

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of this District to provide, through a positive and effective program, equal opportunities for employment, retention and advancement of all people regardless of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, or predisposing genetic characteristics.

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

The term "military status" means a person's participation in the military service of the United States or the military service of the state, including but not limited to, the armed forces of the United States, the army national guard, the air national guard, the New York naval militia, the New York guard, and such additional forces as may be created by the federal or state government as authorized by law.

Provisions will be provided for the publication and dissemination, internally and externally of this policy to ensure its availability to interested citizens and groups.

Additionally, administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination. Those intending to file a grievance due to alleged discrimination must follow the grievance procedure as established by the District.

Age Discrimination in Employment Act,  
29 United States Code (USC) Section 621  
Americans With Disabilities Act,  
42 United States Code (USC) Section 12101 et seq.  
Prohibits discrimination on the basis of disability.  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.  
Title VI of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000d et seq.  
Prohibits discrimination on the basis of race, color or national  
origin.  
Title VII of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000e et seq.  
Prohibits discrimination on the basis of race, color, religion,  
sex or national origin.  
Title IX of the Education Amendments of 1972,  
20 United States Code (USC) Section 1681 et seq.  
Prohibits discrimination on the basis of sex.

(Continued)

**2007**

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Personnel

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)**

Civil Rights Law Section 40-c

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

Executive Law Section 290 et seq.

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

Military Law Sections 242 and 243

Adoption Date: 6/14/07

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE**

The District is committed to maintaining a discrimination-free work environment. Sexual harassment is one form of workplace discrimination. This policy addresses sexual harassment in the workplace and is one component of the District's commitment to a discrimination-free work environment. The District will post this policy prominently via the District website.

Sexual harassment is a form of employee misconduct, a violation of District policy, and unlawful. Employees of every level who engage in sexual harassment, including supervisory personnel who engage in sexual harassment, who knowingly allow such behavior to continue, or fail to report suspected sexual harassment will be subject to remedial and/or disciplinary action by the District. Sexual harassment may also subject the District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability.

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

- a) Employees;
- b) Applicants for employment;
- c) Paid or unpaid interns; and
- d) Non-employees, which include anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace.

Sexual harassment in the workplace can occur between any individuals, regardless of their sex or gender. Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school grounds, school buses or District vehicles, and at school-sponsored events, programs, or activities, including those that take place at locations off school premises. It can also occur while employees are traveling for District business. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment, even if they occur away from school grounds, on personal devices, or during non-work hours.

**What Constitutes Sexual Harassment**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

(Continued)



## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- a) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- b) Such conduct is made either explicitly or implicitly a term or condition of employment; or
- c) Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any covered person who feels harassed should report the conduct so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment

The following describes some actions that may constitute unlawful sexual harassment and that are strictly prohibited:

- a) Physical acts of a sexual nature, such as:
  - 1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and
  - 2. Rape, sexual battery, molestation or attempts to commit these assaults.
- b) Unwanted sexual advances or propositions, such as:

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; and
  2. Subtle or obvious pressure for unwelcome sexual activities.
- c) Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- d) Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- e) Sexual or discriminatory displays or publications anywhere in the workplace, such as pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as:
1. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  2. Sabotaging an individual's work; and
  3. Bullying, yelling, or name-calling.

**Prohibition of Retaliatory Behavior (Whistle-Blower Protection)**

Unlawful retaliation can be any action that could discourage a covered person from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of a complaint of sexual harassment. Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- a) Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;

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## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- b) Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- c) Opposed sexual harassment by making a verbal or informal complaint of harassment to a supervisor, building principal, other administrator, or the Civil Rights Compliance Officer (CRCO);
- d) Reported that another employee has been sexually harassed; or
- e) Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

**Reporting Sexual Harassment**

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless it knows about it. Any covered person who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, building principal, other administrator, or the CRCO. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is posted on the District website, and all covered persons are encouraged to use this complaint form. Persons who are reporting sexual harassment on behalf of another person should use the complaint form and note that it is being submitted on another person's behalf.

Any person who believes they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

**Supervisory Responsibilities**

All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the CRCO. In the event the CRCO is the alleged harasser, the report will be directed to the Superintendent.

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors, building principals, and other administrators will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors, building principals, and other administrators will also be subject to discipline for engaging in any retaliation.

**Investigating Complaints**

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All persons involved, including complainants, witnesses, and alleged harassers will be accorded due process, as outlined below, and in accordance with any applicable collective bargaining agreements to protect their rights to a fair and impartial investigation.

The District will not tolerate retaliation against anyone who files complaints, supports another's complaint, or participates in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- a) Upon receipt of a complaint, the CRCO will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. In the event that the CRCO is the alleged harasser, the complaint will be directed to another CRCO or District designee for investigation.
- b) If a complaint is verbal, encourage the individual to complete the complaint form, which is available on the District website, in writing. If he or she refuses, prepare a complaint form based on the verbal reporting.
- c) If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.
- d) Request and review all relevant documents, including all electronic communications.

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## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- e) Interview all parties involved, including any relevant witnesses. If a student is involved, the District will follow all applicable District policies and procedures regarding questioning students.
- f) Create written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - 1. A list of all documents reviewed, along with a detailed summary of relevant documents;
  - 2. A list of names of those interviewed, along with a detailed summary of their statements;
  - 3. A timeline of events;
  - 4. A summary of prior relevant incidents, reported or unreported; and
  - 5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- g) Keep the written documentation and associated documents in a secure and confidential location.
- h) Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- i) Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

If an investigation reveals that discrimination or harassment has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable laws and regulations, as well as any and all relevant codes of conduct, District policies and administrative regulations, collective bargaining agreements, and/or third-party contracts.

**Annual Training**

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

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

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## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

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

**Legal Protections and External Remedies**

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

Aside from the District's internal process, individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, an individual may seek the legal advice of an attorney.

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

**State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects covered persons, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file with DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the District does not extend your time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

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

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

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

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 USC § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An individual alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

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

Title IX

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments of 1972.

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

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## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**Local Protections

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

Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.

Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.

29 CFR § 1604.11(a)

34 CFR Subtitle B, Chapter I

Civil Service Law § 75-B

Executive Law Article 15

Labor Law § 201-g

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District  
#6122 -- Employee Grievances  
#7531 -- Sexual Harassment of Students

**Adopted: 1/17/19**



**SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES**

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

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

**Complaints and Grievances Coordinator**

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

Prior to the beginning of each school year, the District shall issue an appropriate public announcement which advises students, parents/guardian, employees and the general public of the District's established grievance procedures for resolving complaints of discrimination based on sex or disability. Included in such announcement will be the name, address and telephone number of the 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, sexual orientation, age, military status, veteran status, marital status, or predisposing genetic characteristics.

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

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Personnel

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

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

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

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

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

Military Law Sections 242 and 243

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

Adoption Date: 8/14/07

## Personnel

**SUBJECT: EVALUATION OF PERSONNEL: PURPOSES**

The administration shall undertake a continuous program of supervision and evaluation of all personnel in the School District in order to promote improved performance and to make decisions about the occupancy of positions. Evaluation of teachers providing instructional services or pupil personnel services as defined pursuant to Commissioner's Regulations will be conducted in accordance with the District's Annual Professional Performance Review (APPR).

The primary purposes of this evaluation are:

- a) To encourage and promote self-evaluation by personnel;
- b) To provide a basis for evaluative judgments by school administrators.

8 New York Code of Rules and Regulations (NYCRR)  
Sections 80-1.1 and 100.2(o) (2)

Revised: 6/14/07  
Adoption Date: 1/22/98

**SUBJECT: HEALTH EXAMINATIONS**

The Board reserves the right to request a health examination at any time during employment, at School District expense, in order to determine whether any employee can perform the essential functions of the position with or without reasonable accommodation.

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician/nurse practitioner and the Superintendent, such procedure is deemed necessary.

All bus drivers (district employed or vendor/contract bus company employed) and substitute bus drivers shall have yearly physical examinations. Each bus driver shall have a physical examination within the four (4) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a thirteen-month period.

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician shall take precedence over all other medical advice.

All medical and health related information will be kept in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Health Insurance Portability and Accountability Act of 1996  
(HIPAA), Public Law 104-191  
45 Code of Federal Regulations (CFR) Parts 160 and 164  
Education Law Sections 913 and 3624  
8 New York Code of Rules and Regulations (NYCRR)  
Section 156.3(2)  
10 New York Code of Rules and Regulations (NYCRR)  
Part 14  
15 New York Code of Rules and Regulations (NYCRR)  
Part 6

Revised: 6/14/07  
Adopted: 1/22/98

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STAFF)**

**Prohibited Conduct**

The Board, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, will set a positive example for students.

The Board, therefore, prohibits consuming, sharing selling, using and/or possessing of illegal drugs, counterfeit and designer drugs, drug paraphernalia or alcohol in the workplace, or when the effects of these actions may impair job performance. Additionally, the Board prohibits the misuse and/or unprescribed use of prescription and over-the-counter drugs in the workplace or when the effects of these actions may impair job performance.

In accordance with law, regulation, and District policy, smoking and vaping are prohibited on school grounds; within 100 feet of the entrances, exits, or outdoor areas of any of the District's schools; and/or at any school-sponsored event or activity that occurs off school grounds.

**Disciplinary Measures**

Staff will be informed of the range of penalties or consequences, up to and including, termination of employment that may be imposed for engaging in prohibited conduct in accordance with any applicable law, District policy, collective bargaining agreement, and/or other similar document.

**Information on Substance Use Related Services**

The Superintendent has designated one or more individuals to provide information regarding where and how to find available substance use related services to students, parents, and staff.

The designated individual for the District is the High School Social Worker.

Any information provided by a student, parent, or staff member to the designated individual(s) will not be used in any school disciplinary proceeding and will, in addition to any other applicable privilege, be considered confidential in accordance with law.

20 USC §§ 6083(a), 7118, and 7973(a)

41 USC § 8101 et seq. Civil Service Law § 75

Education Law §§ 409, 2801, 3020-a, and 3038 Public Health Law § 1399-o

NOTE: Refer also to Policies #3410 -- Code of Conduct

#5640 -- Smoking/Tobacco Use

#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)

*District Code of Conduct*

**Adopted: 4/28/22**

**SUBJECT: DRUG-FREE WORKPLACE**

It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) 1308.11-1308.15. An acknowledgment form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

"Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the School District.

The Board of Education directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

In addition to complying with Federal legislation regarding the use of drugs, the Board of Education prohibits any employee to be under the influence, to use, to have in his or her possession or to distribute in any way alcohol on school property or at school sponsored activities off school property.

Drug-Free Workplace Act

20 United States Code (USC) Section 7101 et seq.

21 United States Code (USC) Section 812

21 Code of Federal Regulations (CFR) 1308.11-1308.15

34 Code of Federal Regulations (CFR) Part 85

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#6150 -- Alcohol, Drugs and Other Substances (School Personnel)  
#6560 -- Employee Assistance Program (EAP)  
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)  
*District Code of Conduct on School Property*

Adoption Date: 7/10/07

## Personnel

**SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT PROGRAMS**

It is the policy of the District that attention be given to in-service and pre-service staff development programs. The Superintendent is directed to arrange in-service education programs that will help employees master new methods to help employees to improve techniques already being used in the schools, with the object of improving their professional competencies.

The Board of Education will provide the means necessary to make staff in-service opportunities possible.

Members of the staff shall be encouraged to continue their formal education as well as to attend their respective work-related workshops, conferences and meetings, and to take an active part in organizations.

**Mentoring Programs for First Year Teachers**

Effective February 2, 2004, first year teachers must participate in a mentoring program as a component of the School District's Professional Development Plan. The purpose of the mentoring program is to increase the retention of new teachers and improve their ability to assist students in attaining State learning standards. The mentor's role is to provide guidance and support to a new teacher. However, additional mentor responsibilities may be negotiated and reflected in a collective bargaining agreement.

Education Law Sections 1604(27), 3004 and 3006  
General Municipal Law Sections 77-b and 77-c  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 52.21(b) (3) (xvi), 52.21(b) (3) (xvii), 80-3.4(b) (2), 80-  
5.13, 80-5.14 and 100.2(dd)

Adopted: 7/10/07

Personnel

**SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING**

**Registration**

All employees who are certificate holders must register with the State Education Department (SED) every five years through the TEACH system. An employee is a certificate holder if they hold a permanent or professional certificate in the classroom teaching service, a permanent or professional certificate in the educational leadership service (i.e., school building leader, school district leader, or school district business leader), or a Level III Teaching Assistant certificate. Only registered employees may teach or supervise in the District.

Employees who were certificate holders prior to July 1, 2016 had to apply for initial registration during the 2016-2017 school year and each subsequent five-year period thereafter.

Any individual who is issued a new certificate is automatically registered with SED. These certificate holders must renew their registration every five years during their birth month.

Any certificate holder who fails to register by the beginning of the appropriate registration period may be subject to late filing penalties.

Certificate holders must notify SED of any change of name or mailing address within 30 days of such change through the TEACH system. Any certificate holder who willfully fails to inform SED of changes to their name and/or address within 180 days of such change may be subject to moral character review.

**Continuing Teacher and Leader Education (CTLE) Credit Hours**

All continuing teacher and leader education certificate holders (CTLE certificate holders) must successfully complete a minimum of 100 hours of acceptable CTLE hours during each five-year registration period to maintain a valid certificate. An employee is a CTLE certificate holder if they hold a professional certificate in the classroom teaching service, a professional certificate in educational leadership service, or a Level III Teaching Assistant certificate. This requirement may be completed at any time over the course of a five-year period. Credit hours cannot carry over to subsequent registration periods.

(Continued)



**SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING (Cont'd.)**

SED sets high standards for courses, programs, and activities that qualify for CTLE credit, and it must approve all CTLE sponsors. Generally, acceptable CTLE will be in the content area of any certificate title held by an individual or in pedagogy.

The District will describe opportunities for teachers and administrators to engage in CTLE in its professional learning plan. The District will annually certify, in a format and on a timetable prescribed by the Commissioner of Education, that the requirements to have a professional learning plan for the succeeding school year have been met and that it has complied with the professional learning plan for the current school year.

**Language Acquisition CTLE and Exemption**

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

A minimum of 15% of the required CTLE hours for employees holding a Level III Teaching Assistant certificate will be dedicated to language acquisition addressing the needs of ELLs and integrating language and content instruction for ELLs.

**CTLE Adjustments**

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

Any employee holding a certificate in the classroom teaching service who obtains certification from the National Board for Professional Teaching Standards will be considered CTLE-compliant for the registration period in which they obtain this certification. However, the employee must still meet any language acquisition requirements.

(Continued)

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Personnel

**SUBJECT:     REGISTRATION AND PROFESSIONAL LEARNING (Cont'd.)**

**Recordkeeping and Reporting Requirements**

Employees must maintain a record of completed CTLE hours for at least three years from the end of the applicable registration period. The record must include the title of the program, the total number of hours completed, the number of hours completed in language acquisition addressing the need of ELLs, the sponsor's name, any identifying number, attendance verification, and the date and location of the program.

The District will maintain a record of any professional development it conducts or provides for at least seven years from the date of completion. These records will be available for review by SED.

Education Law Sections 3006, 3006-a, and 3012-d  
8 NYCRR Subpart 80-6  
8 NYCRR Sections 100.2(dd) and 154-2.3(k)

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

**Adopted: 12/14/2023**

## Personnel

**SUBJECT: CONFERENCE/TRAVEL EXPENSE REIMBURSEMENT**

Conference travel will be for official business utilizing a cost-effective and reasonable method of travel.

All conference travel must have a completed Travel Conference Request Form on file which has been approved by the appropriate supervisor. The Superintendent or designee must approve those Travel Conference Requests which have reimbursable employee expenses. Travel Conference Request Forms are only to be used by District employees.

All conference reimbursement requests must be submitted using a Travel Conference Reimbursement Form.

Expenses for overnight-approved travel will be reimbursed when accompanied by original receipts for lodging and other reimbursable expenses. Meal expenses for overnight travel will only be reimbursed based on the Board approved per diem rates which are modeled after the United States General Services Administration per diem rates.

New York State sales tax cannot generally be reimbursed. Sales tax may, however, be reimbursed when it is an actual and necessary expense. A Sales Tax-Exempt Form can be obtained prior to travel for hotel accommodations.

Original receipts are required when submitting for parking and tolls, however "EZ Pass" statements may be substituted with the appropriate charges highlighted.

General Municipal Law § 77-b(2)

**Adopted: 4/28/22**

## Personnel

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES**

Unless otherwise authorized in accordance with law and regulation, the District shall not employ or utilize a prospective school employee, as defined below, unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The School District shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. For purposes of this provision of law, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI).

Prior to initiating the fingerprinting process, the District shall furnish the applicant with written notice on a form prepared by the Commissioner of Education addressing the fingerprinting requirements and the applicant's right to obtain, review and seek correction of his/her criminal history information. Additionally, where the prospective school employee is not already in the SED criminal history file, the District shall obtain the signed, informed consent of the applicant to perform the criminal history check. Every set of fingerprints taken shall be promptly submitted to the Commissioner of Education for purposes of clearance for employment.

Where the prospective school employee is already in the SED criminal history file, the District shall request the clearance for employment on forms or an equivalent manner prescribed by SED. Furthermore, the District shall notify SED, in a manner prescribed by the Department, of a prospective school employee who has commenced employment with or began providing services for the District, the date of the commencement of such employment or service, and the position held by such individual. Similarly, the District shall notify SED, in a manner prescribed by the Department, of a fingerprinted employee who has been separated from employment with the District or ceased providing services for the School District, and the date of such separation from employment or cessation of services. All criminal history records processed by DCJS and the FBI and sent to the Commissioner of Education are confidential. The records may not be published or in any way disclosed to persons other than the Commissioner unless otherwise authorized by law.

Unless otherwise exempted pursuant to law, the applicant shall be responsible for the payment of fees to SED for a criminal history record check. However, if approved by Board resolution, the District may authorize the payment of such fees on behalf of prospective employees. The Board is also authorized to waive the payment of such fees in cases of unreasonable financial hardship to the applicant or his/her family. If the Board decides to waive payment of the fees for the prospective employee, payment of the fees becomes the District's responsibility.

**Who Must Be Fingerprinted**

All "prospective school employees" of the School District must be fingerprinted. For purposes of this policy and the applicable provisions in law and Commissioner's Regulations, "prospective school employee" shall mean any individual who will reasonably be expected by the School District to

(Continued)

## Personnel

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)**

provide services which involve direct contact, meaning in person, face-to-face communication or interaction, with students under the age of twenty-one (21) and who is either:

- a) Seeking a compensated position with the District and is not currently employed by the District or a student enrolled in the instructional program of a grade level in the School District; or
- b) An employee of a provider of contracted services to the School District who is to be placed within the District; or
- c) A worker who is to be placed within the District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law, directly or through contract; or
- d) Any individual who is employed by or associated with a supplemental educational services provider and who will provide supplemental educational services through direct contact with eligible children, regardless of the location in which such services are delivered.

**Individuals Who Are Specifically Excluded**

Individuals excluded from a criminal history record check/fingerprinting pursuant to this provision of law and regulation is those individuals who:

- a) Are seeking a position as a school bus driver or school bus attendant and are cleared for employment pursuant to the Vehicle and Traffic Law; or
- b) Have provided services to the District in the previous school year either in a compensated position, or as an employee of a provider of contracted services to the District, or as a worker placed within the School District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law directly or through contract; or
- c) Will reasonably be expected by the School District to provide services for the District on no more than five (5) days in the school year in which services are to be performed, provided that the District provides in-person supervision of such individual by one (1) or more employees of the District while that individual is providing such services. Individuals providing such time-limited and supervised services may include but shall not be limited to artists, guest lecturers and speakers, and sports officials.

Any prospective employee who previously has been fingerprinted in order to obtain certification, and whose fingerprints remain on file with the Division of Criminal Justice Services (DCJS), will not be required to be fingerprinted again for purposes of a criminal history record check.

(Continued)

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)****Removal from the SED Criminal History File**

Where individuals have been separated from employment at the School District and have not become employed in this District or another school district, BOCES or charter school within twelve (12) months of such separation, SED shall notify DCJS of such separation for the purpose of destroying the fingerprints of that individual. Further, upon request of such individual, SED shall notify DCJS prior to the expiration of such twelve-month period for the purpose of destroying his/her fingerprints. Such individuals shall be removed from the SED criminal history file.

**Conditional Appointments/Emergency Conditional Appointments**Conditional Appointments

Whenever possible, a "full" clearance will be received for all new employees requiring such clearance before they begin work for the District. However, upon the recommendation of the Superintendent of Schools, the Board of Education may conditionally appoint a prospective employee. A request for conditional clearance shall be forwarded to the Commissioner of Education along with the prospective employee's fingerprints as mandated pursuant to law. Such conditional appointment shall not commence until notification by the Commissioner that the prospective employee has been conditionally cleared for employment, and such conditional employment shall terminate when the School District is notified of the determination by the Commissioner to grant or deny full clearance; however, if full clearance is granted, the appointment shall continue and the conditional status shall be removed.

Prior to commencement of such conditional appointment, the District must obtain a signed statement for conditional employment from the prospective employee indicating whether, to the best of his/her knowledge; the prospective employee has a pending criminal charge or criminal conviction in any jurisdiction outside the state.

Emergency Conditional Appointments

Upon the recommendation of the Superintendent of Schools, the Board may make an emergency conditional appointment when an unforeseen emergency vacancy has occurred. When such an appointment is made, the process for conditional appointment as enumerated above must also be initiated.

Emergency conditional appointment may commence prior to notification from the Commissioner of Education on conditional clearance but shall terminate twenty (20) business days from the date such appointment commences or when the District is notified by the Commissioner that conditional clearance is either granted or denied, whichever occurs earlier; however, if conditional clearance is granted, the appointment shall continue as a conditional appointment.

(Continued)

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)**

Prior to the commencement of such appointment, the District must obtain a signed statement for emergency conditional appointment from the prospective employee indicating whether, to the best of his/her knowledge; the prospective employee has a pending criminal charge or criminal conviction in any jurisdiction.

An unforeseen emergency vacancy shall be defined as:

- a) A vacancy that occurred less than ten (10) business days before the start of any school session including summer school, or during any school session including summer school, without sufficient notice to allow for clearance or conditional clearance (however, this ten (10) business day timeframe provision shall not apply if the Board of Education finds that the School District has been unable to fill the vacancy despite good faith efforts to fill the vacancy in a manner that would have allowed sufficient time for full clearance or conditional clearance); and
- b) When no other qualified person is available to fill the vacancy temporarily; and
- c) When the emergency conditional appointment is necessary to maintain services which the District is legally required to provide or services necessary to protect the health, education or safety of students or staff.

**Safety of Students**

The District will develop internal building and/or program procedures to help ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. Such procedures will address the safety of students in the classroom, students attending off-campus activities under the supervision of the School District, and students participating in extracurricular and/or co-curricular activities (including sports and athletic activities).

Safety procedures to be addressed include, but are not limited to, the following: supervision of the employee holding conditional appointment/emergency conditional appointment as determined appropriate by the applicable building/program administrator; and periodic visitations by the building/program administrator to the classroom, program and/or activity assigned to the employee holding conditional appointment/emergency conditional appointment.

(Continued)

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Personnel

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)**

**"Sunset" Provision for Conditional Appointments/Emergency Conditional Appointments**

The provisions in law which permit the conditional appointment and/or emergency conditional appointment of employees pending full clearance from SED shall terminate, in accordance with legislation, on July 1, 2007; and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

Correction Law Article 23-A  
Education Law Sections 305(30), 1604, 1709, 1804, 1950,  
2503, 2554, 2590-h, 2854, 3004-b, 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)  
Sections 80-1.11 and Part 87

Adoption Date: 7/10/07



**SUBJECT: CONFERENCE ATTENDANCE**

The Board of Education acknowledges the importance of staff members attending conferences, meetings, and other appropriate activities to enhance their knowledge, to share their expertise, and to demonstrate their commitment to the education of the students in the district. The Board, through the Superintendent, therefore, authorizes attendance at such meetings and conferences. The approval of the Superintendent shall be required for any such meeting or conference.

Conference travel will be for official business and will be made utilizing a cost-effective and reasonable method of travel.

All conference travel must have a completed Travel Conference Request Form on file which has been approved by the appropriate supervisor. The Superintendent/designee approves those Travel Conference Requests which have reimbursable employee expenses.

All conference reimbursement requests must be submitted using a Travel Conference Reimbursement Form.

The Superintendent shall develop procedures to ensure the implementation of this policy.

General Municipal Law §77-b(2)

**Adopted: 11/17/16**

Adopted: 1/22/98

Revised: 5/26/05

## **SUBJECT: WORKPLACE VIOLENCE PREVENTION STATEMENT**

The School District is committed to the safety and security of its employees, students, visitors, contractors, and members of the surrounding communities. All employees are responsible for fostering an environment of mutual respect for each other as well as students, visitors, contractors and members of the community, following all policies, procedures and practices, and for assisting in maintaining a safe and secure work environment. To proactively address the potential for workplace violence, the School District has developed a Workplace Violence Prevention Program (WVPP) and will not tolerate any act of, or threats of, workplace violence.

Workplace Violence is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Acts of violence against the School District's employees where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving notifying law enforcement authorities when warranted.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on School District property will be removed from the School District's premises, as quickly as possible. Any individual found to be in violation of this policy will receive appropriate disciplinary action up to and including termination. Any disciplinary action will be in accordance with applicable laws, rules, regulations and collective bargaining agreements. Any employee of an outside contractor found to be in violation of this policy may result in suspension and/or termination of any business relationship (including existing contracts) and criminal prosecution of those involved.

The School District recognizes that its employees play an important role in identifying and reports acts, or threats of, workplace violence. Therefore, information pertaining to the identification and reporting of workplace violence will be disseminated to the School District's employees. All efforts will be made to keep reports of any act or threat of workplace violence confidential.

In addition, the School District will utilize authorized employee representatives to be involved in the School District's overall violence prevention program as follows:

**SUBJECT: WORKPLACE VIOLENCE PREVENTION STATEMENT  
(continued)**

To address the potential for workplace violence and to comply with the requirements of the New York State Workplace Violence Prevention Law, the School District's WVPP will include, but not be limited to:

1. Risk Evaluation: The School District will perform a risk evaluation of its facilities to determine the presence of factors or situations that might place employees at risk from occupational assaults and/or other forms of workplace violence. The results of this evaluation will be incorporated into the School District's written WVPP and reviewed annually by the School District's administrative staff.
2. Written Workplace Violence Prevention Program (WVPP): The School District has developed a written Workplace Violence Prevention Program (WVPP). The WVPP will be distributed to all employees. In addition, a copy of the WVPP will be maintained in the office of the Superintendent of Schools.
3. Training and Information: The School District will provide training and information to employees, at the time of initial hiring and annually thereafter, of the New York State Workplace Violence Prevention Law, the workplace risk factors identified in the School District's Risk Evaluation, and the location and availability of the School District's WVPP.
4. Review: The Superintendent of Schools or his/her designee will review workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

**Adopted: January 18, 2024**

## **EXPRESSION OF BREAST MILK IN THE WORKPLACE**

Employees of the School district have the right to express breast milk in the workplace.

### **Making a Request to Express Breast Milk at Work**

Employees wishing to request a room or other location to express breast milk in the workplace should do so by submitting a written request to their direct supervisor or individual designated by the School District for processing such requests. The School district will respond to this request for a room or other location to express breast milk in writing within five (5) days of its receipt of the request. In addition, the Superintendent of Schools or designees will meet with an employee who needs to express breast milk during the workday to establish a plan for providing the employee with breaks for this purpose.

### **Using Break Time for Breast Milk Expression**

Employees will be permitted to use their paid break time at least every three (3) hours for employees to express breast milk at the request of the employee. Unpaid breaks provided for the expression of breast milk will be at least twenty (20) minutes. Employees will be allowed to take a longer unpaid break if needed. Employees may opt to take shorter unpaid breaks.

Employees who work remotely have the same rights to unpaid time off for the purpose of expressing breast milk, as all other employees who perform their work in-person.

An employee will be permitted to work before or after their normal shift to make up any time used as unpaid break time to express breast milk, as long as this time falls within the normal work hours of the School District. Employees will not be required to make up their unpaid break time. In addition, an employee may voluntarily choose to continue to work while expressing breast milk in the lactation room. Time working while expressing breast milk must be compensated.

The time requested by an employee for the purpose of expressing breast milk will be provided for up to three years following childbirth.

### **Lactation Room Requirements**

In addition to providing the necessary time during the workday, the School District will provide employees with a private room or alternative location for the purpose of breast milk expression. Space provided for breast milk expression will be close to the work area of the employee using the space and will be in walking distance, and the distance to the location should not significantly extend an employee's needed break time. However, if the designated lactation room where such break will be taken is not close to an employee's work station, the provided break will be at least thirty (30) minutes.

## **EXPRESSION OF BREAST MILK IN THE WORKPLACE**

If a separate room or space is not available for lactation, the School District may use a vacant office or other available room on a temporary basis. This room must not be accessible to the public or other employees while an employee is using it for breast milk expression. The space provided for breast milk expression cannot be a restroom or toilet stall.

A separate space may not be available for every nursing employee. The School District may dedicate a single room or other location for breast milk expression. Should more than one employee at a time require access to a lactation room, the School District may dedicate a centralized location to be used by all employees.

As a last resort, any available cubicle may be used for breast milk expression. A cubicle can only be used if it is fully enclosed with a partition and is not otherwise accessible to the public or other employees while being used for breast milk expression. The cubicle walls must be at least seven feet tall to insure the employee's privacy.

In the event that School District would suffer undue hardship in providing a space in accordance with the above requirements, the School District will still provide a room or other location (other than a restroom or toilet stall) that is in close proximity to the work area where an employee can express breast milk in privacy and that meets as many of the requirements as possible. Undue hardship is defined as "causing significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business." Notwithstanding the foregoing, the School District will not deny an employee the right to express breast milk in the workplace due to difficulty in finding a location.

To ensure privacy, if the lactation room has a window, it must be covered with a curtain, blind or other covering. In addition, the lactation space should have a door equipped with a functional lock. If this is not possible (such as in the case of a fully enclosed cubicle), as a last resort, an employer must utilize a sign advising the space is in use and not accessible to other employees or the public.

The room or other location must:

- Be close to an employee's work area
- Provide good natural or artificial light
- Be private – both shielded from view and free from intrusion
- Have accessible, clean running water nearby
- Have an electrical outlet (if the workplace is supplied with electricity)
- Include a chair
- Provide a desk, small table, counter or other flat surface

## **EXPRESSION OF BREAST MILK IN THE WORKPLACE**

The space designated for expressing breast milk must be maintained and clean at all times.

If a refrigerator is available in the building in which the employee is assigned, the employee will be permitted to use the refrigerator to store breast milk. However, the School District is not responsible for and cannot ensure the safekeeping of expressed milk stored in any refrigerator in the workplace. Employees are required to store all expressed milk in closed containers and bring milk home each evening.

### **Complaints**

The School District will not discriminate against an employee who chooses to express breast milk in the workplace.

If an employee believes that they are experiencing retaliation for expressing breast milk in the workplace, or that their employer is in violation of this policy, the employee may contact the New York State Department of Labor's Division of Labor Standards at 1-888-52-LABOR, via email at [LSAsk@labor.ny.gov](mailto:LSAsk@labor.ny.gov), or by personally filing a complaint at the nearest Labor Standards office. A list of offices is available at <https://dol.ny.gov/location/contact-division-labor-standards>. Complaints are confidential.

In addition to such other rights the employee may have, the employee may exercise their rights under the federal PUMP Act by filing a complaint with the U.S. Department of Labor. Information concerning an employee's rights under the PUMP Act can be found at <https://www.dol.gov/agencies/whd/pump-at-workdol.gov/agencies/whd/pump-at-work>

The School District will notify all employees in writing through email or printed memo when a room or other location has been designated for breast milk expression. The School District will provide this policy in writing to all employees when they are hired and on an annual basis at the start of the school year. Employers are also required to provide the policy to employees as soon as they return to work following the birth of a child.

Cross Ref: 0100 Equal Opportunity

Ref: 29 USC §218d (Breastfeeding Accommodations in the Workplace) Labor  
Law §206-c

**Adopted: 2/8/24**

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Personnel

**SUBJECT: CERTIFIED PERSONNEL**

The Board of Education shall, upon the recommendation of the Superintendent, create, abolish, maintain and/or consolidate positions involving certified persons as necessary for the proper and efficient achievement of its goals.

All assignments and transfers shall be made in accordance with the provisions of law, Board of Education policies, and the employee's negotiated agreement.

8 New York Code of Rules and Regulations  
(NYCRR), Part 30  
Education Law Sections 2510 and 3013

Adopted: 1/22/98

## 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: 1/22/98



**SUBJECT: CERTIFICATION AND QUALIFICATIONS**

The following provisions shall govern certification and qualifications of District personnel:

- 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) Through the New York Patriot Plan, Commissioner's regulations have amended education law. Provisions extend the expiration dates for various certificate holders engaged in active military service for the period of active service and an additional 12 months from the end of such service. These also reduce the professional development requirements for certification holders called to active duty for the time of such active service.
- c) The original certificates and/or licenses must be presented for examination and copying in the Office of the Superintendent of Schools as soon as they are available to the employee. The copies will be maintained in the employee's personnel file in support of the legitimate employment of each affected employee. The failure of any such employee to possess the required certification or other licensure may result in the discharge of that employee.
- d) Whether or not the District verifies an individual's certification or licensure does not waive the responsibility of the employee to maintain what is required for his/her assignment.

**Qualifications of Teachers**

- a) The District must ensure that all newly hired teachers in Title I programs who teach core academic subjects are highly qualified per Regulations of the Commissioner of Education. The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. A "highly qualified" teacher is one who has obtained full state certification as a teacher, or has passed the state teacher licensing examination, holds a license to teach in the state and has at least a bachelor's degree, and also must show subject matter competency in the subjects they teach.
- b) The District is also required to provide to teachers who are not new to the profession the opportunity to meet the NCLB requirement to be highly qualified, in part, through passing a High Objective Uniform State Standard of Evaluation (HOUSSE). The HOUSSE shall be an evaluation, prescribed by the New York State Education Department and conducted locally either during a pre-employment review or at the time of an Annual Professional Performance Review (APPR), that enables a teacher who is beyond the first year of teaching to demonstrate subject

**SUBJECT: CERTIFICATION AND QUALIFICATIONS (Cont'd.)**

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.

- c) The District must ensure that on or after September 2, 2009 a candidate for a teaching certificate or license as a special education teacher shall, in addition to all other certification or licensing requirements, have completed enhanced course work or training in the area of children with autism.
- d) Enhanced training in the needs of autistic children shall also be completed by each certified school administrator or supervisor assigned on or after September 2, 2009 to serve as a special education administrator. Such training shall be provided prior to, or as soon as practicable following, assignment as a special education administrator. Individuals serving as special education administrators as of September 2, 2009 shall complete such training by such date. The enhanced course work or training shall be obtained from an institution or provider approved by the department except that a school district or a Board of Cooperative Educational Services (BOCES) may provide such training as part of its professional development program.

**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.

20 United States Code (USC) Section 7801(23)

34 Code of Federal Regulations (CFR) Sections 200.55 and 200.56

Education Law Sections 210, 305, 3001, 3001-a, 3004, 3006 and 3008

8 New York Code of Rules and Regulations (NYCRR) Subparts 52.21, 57-3, 80-1, 80-2, 80-3, 80.4, 80.5, 100.2(dd) and 100.2(o)

Adoption: 7/10/07

Revised: 3/19/10

**SUBJECT: INCIDENTAL TEACHING**

The Superintendent may assign a teacher to teach a subject not covered by such teacher's certificate or license for a period not to exceed five (5) classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment efforts, and provided that approval of the Commissioner of Education is obtained in accordance with the requirements as enumerated in Commissioner's Regulations.

Not later than twenty (20) business days after such an assignment, the Superintendent shall submit for approval an application, in a form satisfactory to the Commissioner, containing the following information:

- a) Evidence of extensive recruitment of a teacher certified in the appropriate area;
- b) The name and certification status of the teacher given such assignment;
- c) The subject which the teacher is being assigned to teach on an incidental basis and the total number of classes in the subject being taught on an incidental basis;
- d) The qualifications of the teacher to teach such subject on an incidental basis;
- e) The specific reasons why an incidental assignment is necessary;
- f) The anticipated duration of the incidental teaching assignment; and
- g) The number of applications, approved or pending, for authorization to make incidental teaching assignments in the same certification area for which the current authorization is being sought.

To be approved, the application shall demonstrate to the satisfaction of the Commissioner that an incidental teaching assignment is necessary, that the teacher assigned is the best qualified to teach the subject on an incidental basis, and that the requirements of Commissioner's Regulations have been met.

The Commissioner will issue a determination within twenty (20) business days of receipt of the District's application.

In the event that the application is disapproved, the Superintendent, within seven (7) business days of receipt of the notice of disapproval, shall terminate the incidental assignment. In the event that the application is approved, such approval shall be deemed to have commenced on the date of the incidental teaching assignment and shall terminate on the last day of the school year for which it is granted.

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Personnel

**SUBJECT: INCIDENTAL TEACHING (Cont'd.)**

The Superintendent may renew an incidental teaching assignment, in accordance with the requirements of Commissioner's Regulations, for any subsequent school year. In addition to submitting to the Commissioner the information noted above for initial approval of an incidental teaching assignment, a renewal application must provide a number of assurances, including that the teacher assigned a course on an incidental basis has completed, or has agreed to complete, within the prescribed time period, at least three (3) semester hours of credit or the equivalent leading to certification in the subject area of the incidental assignment.

8 New York Code of Rules and Regulations (NYCRR)  
Section 80-5.3

Adoption Date: 7/10/07

**SUBJECT: PROFESSIONAL CERTIFICATION: 100 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 100 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. The New York Patriot Plan was enacted to recognize members of the military, called to active duty, so that they were not discriminated against in employment or education because of their military status. Professional continuing education requirements for active military are waived during the period of military service or reduced proportionately for partial periods of service during certification. Certifications due to expire during military service are extended for the length of the service plus an additional 12 months after release from service. However, this shall not be construed to permit those who have had certifications revoked or suspended to continue to engage in such professions.

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 100 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):

**SUBJECT: PROFESSIONAL CERTIFICATION: 100 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT (Cont'd.)**

- a. The name of the professional certificate holder; His/her teacher certification identification number;
- b. The title of the program;
- c. The number of hours completed; and
- d. The date and location of the program.

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).

**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.

It is recommended that professional certificate holders develop their individual 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)

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

**Adopted: 3/31/22**

## Personnel

**SUBJECT: PROBATION AND TENURE****Probation**

Certified staff members shall be appointed to a probationary period by a majority vote of the Board of Education upon recommendation of the Superintendent of Schools.

Full-time certified staff members shall be appointed to a probationary period of three (3) years. However, the probationary period shall not exceed two (2) years for teachers previously appointed to tenure in this or another school district or BOCES within the state, provided the teacher was not dismissed from the former district. Additionally, up to two (2) years of service as a regular substitute teacher may be applied towards probationary service. This is sometimes referred to as Jarema Credit.

During the probationary period, a member shall be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance shall be assumed because of the possession by the member of the required certification or license.

**Tenure**

Certified staff members successfully completing a probationary period in the Jericho School District may be recommended (by the Superintendent of Schools) to the Board of Education for tenure appointment.

The Board will follow all applicable statutes regarding tenure.

Education Law Sections 3012 and 3031

**SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL**

The District may discipline tenured teachers and certain certified personnel in accordance with applicable law, including, without limitation, Education Law Sections 3012, 3020-a, and 3020-b; Commissioner's regulations; or applicable contract provisions.

**Ineffective Personnel**

The District or Board may bring incompetence charges against a teacher or building principal who receives two or more consecutive ineffective ratings under the APPR; the District or Board must bring incompetence charges against anyone who receives three consecutive ineffective APPR ratings. A single hearing officer from the American Arbitration Association's labor arbitration panel will govern the competency hearing. The hearing may be public or private, at the employee's discretion. The employee will have a reasonable opportunity to defend himself/herself, but will not be required to testify. Each party has the right to be represented by counsel, to subpoena witnesses, to cross-examine witnesses, and to make motions or applications. There will be a full and fair disclosure of witnesses and evidence to be offered by both the District and the employee. A record of the proceeding will be kept.

**Allegations of Abuse**

The Board may suspend, without pay, an employee charged with physically or sexually abusing a student pending an expedited probable-cause hearing. A single hearing officer will conduct the probable-cause hearing.

**Child Witnesses**

A child under 14 may be allowed to testify through live, two-way, closed-circuit television if the hearing officer determines by clear and convincing evidence that the child would suffer serious mental or emotional harm that would substantially impair his/her ability to communicate if required to testify live, and that using closed-circuit television would diminish the likelihood or extent of the child suffering serious mental or emotional harm. In making this decision, the hearing officer will consider applicable factors listed in Criminal Procedure Law Section 65.20, including: whether the offense was particularly heinous, the child's age and vulnerability, the child's susceptibility to psychological harm due to an underlying physical or mental condition, whether the accused occupied a position of authority over the child, if the offense charged was part of an ongoing course of conduct committed by the accused against the child over an extended period of time, use of a dangerous or deadly weapon, whether the child suffered serious physical injury, threats made against the child, the accused's access to the child, and expert testimony that the child would be particularly susceptible to psychological harm if required to testify in open court or to be in the physical presence of the accused.

(Continued)



**SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL  
(Cont'd.)**

**Automatic Revocation of Teacher and Administrative Certificates by the Commissioner of Education**

The Commissioner will revoke and annul the certificate of a teacher, teaching assistant, pupil personnel services professional, school administrator or supervisor, or superintendent convicted of:

- a) A sex offense for which registration as a sex offender is required under the Sex Offender Registration Act; or
- b) Any other violent felony offense committed against a child when the child was the intended victim of the offense.

These offenses include, but are not limited to, sexual misconduct, sexual abuse, rape, statutory rape, assault, various other criminal sexual acts, and certain kidnapping offenses. Annulment and revocation will be conducted in accordance with Education Law Section 305(7-a).

In addition, the Commissioner will revoke and annul the certificate of a school district administrator, school administrator or supervisor, or school business administrator convicted of fraud under Penal Law Section 195.20 which makes it a Class E felony to obtain government property, services, or other resources in excess of \$1,000;

- a) Through a systemic ongoing course of conduct with the intent to defraud; or
- b) By false or fraudulent pretenses, representations, or promises; or
- c) To make use of the property, services, or other resources for private business or other compensable nongovernment purposes.

Annulment and revocation will be conducted in accordance with Education Law Section 305(7-b).

Criminal Procedure Law §§ 65.00, 65.20, 65.30, and 380.95

Education Law §§ 305(7-a), 305(7-b), 2573(8), 2590-j (7), 3012, 3020-a, and 3020-b

Penal Law § 195.20

8 NYCRR Subpart 82-43

Correction Law Article 6-C

**Adopted: 8/27/15**

**SUBJECT: PROBATION AND TENURE FOR CERTIFIED STAFF APPOINTED  
PRIOR TO JULY 1, 2015**

**Probation**

Certified staff members shall be appointed to a probationary period by a majority vote of the Board of Education upon recommendation of the Superintendent of Schools.

Full-time certified staff members shall be appointed to a probationary period of three (3) years. However, the probationary period shall not exceed two (2) years for teachers previously appointed to tenure in this or another school district or BOCES within the state, provided the teacher was not dismissed from the former district. Additionally, up to two (2) years of service as a regular substitute teacher may be applied towards probationary service. This is sometimes referred to as Jarema Credit.

During the probationary period, a staff member shall be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance shall be assumed because of the possession by the staff member of the required certification or license.

**Tenure**

At the expiration of the probationary period or within six months prior thereto, the Superintendent shall make a written report to the Board recommending for appointment to tenure those certified staff members successfully completing a probationary period in the District. The Board may then by a majority vote appoint on tenure any or all of the persons recommended by the Superintendent.

The Board will follow all applicable statutes regarding tenure.

**Resolutions Making Appointments**

Each 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 educator will devote a substantial portion of his/her time;
- c) The date of commencement of probationary service or service on tenure in each such area;
- d) The expiration date of the appointment, if made on a probationary basis; and
- e) The certification status of the appointee in reference to the position to which the individual is appointed.

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## Personnel

**SUBJECT: PROBATION AND TENURE FOR CERTIFIED STAFF APPOINTED  
ON OR AFTER JULY 1, 2015****Probation**

Certified staff members will be appointed to a probationary period by a majority vote of the Board upon recommendation of the Superintendent.

Teachers, all other members of the teaching staff, administrators, directors, supervisors, principals, and all other members of the supervising staff, except associate, assistant, and other superintendents, will be appointed to a probationary period of four years. The probationary period will not exceed three years for teachers previously appointed to tenure in this or another school district or BOCES within the state, provided that the teacher was not dismissed from the prior district or BOCES and met the required annual professional performance review (APPR) rating in his/her final year of service there. Additionally, up to two years of service as a regular substitute teacher may be applied toward probationary service. (This is sometimes referred to as Jarema Credit.)

During the probationary period, a staff member will be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance will be assumed because the staff member attained the required certification or license.

A staff member's appointment may be discontinued at any time during his/her probationary period upon the recommendation of the Superintendent and by majority vote of the Board. Any person not recommended for tenure appointment will be notified in writing by the Superintendent no later than 60 days before his/her probationary period expires.

**Tenure**

The Board will follow all applicable laws and regulations regarding tenure.

At the expiration of the probationary period or within six months prior, the Superintendent will make a written report to the Board recommending for appointment to tenure: 1) those non-teaching certified staff members who successfully completed their probationary period in the District, and 2) teachers and principals who have been found competent, efficient, and satisfactory, and who have received APPR ratings of effective or highly effective in at least three of the preceding four years and who have not received a rating of ineffective in their final year of probation. By a majority vote, the Board may then appoint to tenure any or all of the persons recommended by the Superintendent.

**SUBJECT: PROBATION AND TENURE (Cont'd.)**

If the Board is acting upon a tenure recommendation for a teacher or principal whose final probationary APPR rating is not yet available, the Board may grant tenure contingent upon a teacher's or principal's receipt of a minimum APPR rating in the final year of the probationary period, or may delay such action until the rating becomes available. If a teacher or principal receives an APPR rating of ineffective in the final probationary year, the Board may not award tenure, but may extend that teacher's or principal's probationary term by an additional year. However, such teacher or principal may be eligible for immediate tenure if he/she successfully appeals the ineffective rating.

If no action on tenure has been taken when the initial probationary period expires, the teacher or principal will remain on probationary status until the end of the school year in which he/she has received at least three APPR ratings of effective or highly effective and the final year has not been ineffective.

**Resolutions Making Appointments**

Each Board resolution making a probationary appointment or an appointment on tenure will specify:

- a) The name of the appointee;
- b) The tenure area or areas in which the professional will devote a substantial portion of his/her 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 principals, the resolution must state that:

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 cannot receive a rating of ineffective in their final year of probation

- e) The certification status of the appointee in reference to the position to which the individual is appointed.

Education Law §§ 2509, 2573, 3012, 3012-c, 3012-d, 3014, and 3031  
8 NYCRR §§ 30-1.3, 80-3.6, 80-3.9, and 80-3.10

**Adopted 9/24/15**

1998

6214

Personnel

**SUBJECT: STAFF: SEPARATION**

A teacher may be dismissed upon provision of at least sixty (60) days' notice and pay during the probationary period only upon the recommendation of the Superintendent and majority vote of the Board in accordance with the Education Law, and in accordance with the appropriate labor contract.

The Board shall expect any teacher 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 teacher shall make every effort to terminate employment at the end of the school year. Resignations must be in writing and include the effective date.

Education Law Sections 3012, 3019-a, and 3031

Adopted: 1/22/98

1998

6215

Personnel

**SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS**

A probationary or permanent appointment of a teacher who is related by bloodline or legal process (including marriage) to any member of the Board of Education shall be subject to the consent of two-thirds of the members of the Board of Education 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: 1/22/98

**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 Jericho 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 Jericho 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.

**Eligibility for Service**

Per Commissioner's Regulations Section 80-5.4, there shall be three (3) categories of substitutes as follows:

- a) Substitutes with valid teaching certificates or certificates of qualification. Service may be rendered in any capacity, for any number of days. If employed on more than an "itinerant" basis, such persons will be employed in an area for which they are certified.
- b) Substitutes without a valid certificate, but who are completing collegiate study towards certification at the rate of not less than six (6) semester hours per year. Service may be rendered in any capacity, for any number of days, in any number of school districts. If employed on more than an "itinerant" basis, such persons will be employed in the area for which they are seeking certification.
- c) Substitutes without a valid certificate and who are not working towards certification. Service may be rendered for no more than forty (40) days per school year.

The Board of Education shall annually establish the ordinary rate for per diem substitute teachers.

Education Law Section 3023  
8 New York Code of Rules and Regulations (NYCRR)  
Section 80-5.4

Adoption Date: 7/10/07



*2007*

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, conditions of employment, and transfer of support staff shall be vested in the Superintendent of Schools who shall conduct such actions in compliance with all applicable contract provisions. The duties for each Civil Service employee shall be clearly defined.

Civil Service Law Section 63

Adoption Date: 7/10/07

1998

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 nonteaching 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: 1/22/98

## Personnel

**SUBJECT: MAINTAINING DISCIPLINE AND CONDUCT**

All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours and 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)

Adoption Date: 7/10/07

**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.
- c) When the third party needs to contact a particular staff member in case of an emergency during non-school hours.

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.

Public Officers Law Section 87  
8 New York Code of Rules and Regulations (NYCRR)  
Part 84

Adoption Date: 7/10/07

## Personnel

**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 or use school computer or email accounts, except as authorized by the Superintendent and/or designee.

NOTE: Refer also to Policy #5560 -- Use of Federal Funds for Political Expenditures.

Adopted: 1/22/98

Revised: 7/10/07

**SUBJECT: NEGOTIATIONS****Negotiating Teams**

The Board of Education hereby authorizes the appointment of appropriate negotiating teams of the Board to carry on the process of negotiation with the negotiating teams of the designated employee organization.

The Board designates the following groups as having a "community of interest" and directs the Superintendent to appoint the negotiating teams.

**Group I - Teachers' Unit**

- a) All certified and/or legally employed instructional personnel, of both probationary and tenure status, below the level of Department Heads;
- b) Registered Nurses (non-instructional);
- c) Social Workers, School Psychologists

**Group II - Non-Instructional Staff Unit**

Members of the non-instructional staff (clerical, custodial, maintenance, cafeteria, transportation), of both probationary and tenure status, up to but not including the rank of Superintendent of Buildings and Grounds, Manager of Cafeteria and Supervisor of Transportation.

**Group IV - Curriculum Associates' Unit**

All certified and/or legally employed instructional personnel at the level of Curriculum Associate.

**Group V - Administrators' Unit**

All certified and/or legally employed instructional personnel including Assistant Principals and Principals of both probationary and tenure status.

**Group VI - Learning Center Instructors' Unit**

All certified and/or legally employed instructional personnel defined as hourly part time employees to be hired as needed and to be retained as needed in non tenure status.

The negotiating teams of the Board shall have the authority to present, discuss, and negotiate in direct, personal meetings with the designated negotiating teams of employee groups.

(Continued)

2007

6440  
2 of 2

Personnel

**SUBJECT: NEGOTIATIONS (Cont'd.)**

Such negotiations shall continue until agreement is reached within the authority delegated by the Board, or until such time as the negotiating teams indicate that agreement cannot be reached. Reports of sessions and progress shall be presented to the Superintendent and Board regularly.

Adopted: 1/22/98  
Revised: 7/10/07

1998

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: 1/22/98



1998

6460

Personnel

**SUBJECT: JURY DUTY**

A District employee called for jury duty shall receive his/her full day's pay from the School District. No employee shall be entitled to receive the per diem allowance for any regularly scheduled workday on which jury duty is rendered if on such a day his/her wages are not withheld on account of such service.

Judiciary Law Section 521

Adopted: 1/22/98

**SUBJECT: STAFF ACCEPTABLE USE POLICY**

The Board of Education 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 agreement by the staff member that use of the DCS will be consistent with all district Board of Education policies including this Acceptable Use Agreement. Users consent to these policies upon accessing our network, signing into a district owned or provided device, and/or utilizing a user account created by the district.

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.

**SUBJECT: STAFF ACCEPTABLE USE POLICY (Cont'd.)**

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.

**Privacy Rights**

There is no expectation of privacy for users of the DCS. E-mail messages may be monitored by the District despite system features that create a sense of privacy. Administrative intervention and/or disciplinary action may be taken as a result of inappropriate, unprofessional, unauthorized or illegal use of the District's e-mail system. All use of the DCS can be monitored including but not limited to e-mail, web browsing, social media use, and applications utilized in some cases.

The Board of Education directs the Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy, addressing general parameters of acceptable staff conduct as well as prohibited activities so as to provide appropriate guidelines for employee use of the DCS. Parameters of staff acceptable use of the DCS are posted on the district's website under the Technology section.

**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, TikTok, Twitter, LinkedIn, 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.

(Continued)

**SUBJECT: STAFF ACCEPTABLE USE POLICY (Cont'd.)**

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 allowed 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, and should only be transmitted via encrypted email or password-protected shared folders or files. 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.

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 a set period of inactivity.

Staff data files and electronic storage areas will remain District property, subject to District control and inspection. The Technology Director and his designee(s) 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. **Users who fail to comply with these policies may lose access to Jericho's network and devices.**

NOTE: Refer also to Policies #5672 -- Information Security Breach and Notification  
#5674 -- Data Networks and Security Access  
#6411 -- Use of Email in the District  
#7243 -- Student Data Breaches  
#7316 -- Student Use of Personal Technology  
#8271 -- Internet Safety/Internet Content Filtering Policy

**Adopted: 7/6/23**

## 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 generally 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 termination of their employment.

Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one of the following events:

- a) Death of the covered employee; or
- b) Divorce or legal separation from the covered employee; or
- c) An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan; or
- d) The dependents of a covered employee reach the maximum age for dependent coverage.

Those who are eligible to continue coverage have up to sixty (60) days to complete the Continuation of Coverage Election Form. They must pay the full cost of their premium plus administrative costs incurred by the District.

Consolidated Omnibus Budget  
Reconciliation Act of 1985

1998

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)  
Workers Compensation Law, Sections 10.14-15

Adopted: 1/22/98

1998

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: 1/22/98

**SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES****Liability Protection Pursuant to Education Law**

The Board of Education recognizes its statutory obligation to indemnify School District employees (and in certain circumstances, Board of Education members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).

The District shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board of Education.

- a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board of Education; however, submission of relevant legal documents by the employee to the Board is also encouraged.
- b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

The District will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, the District will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board of Education.

**Public Officers Law Section 18**

The Board of Education hereby also confers the benefits of Section 18 of the New York State Public Officers Law upon the "employees" of the District, as defined in Section 18 of the Public Officers Law; and the District assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to District employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactments or provisions of law.

(Continued)



**SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND  
EMPLOYEES (Cont'd.)**

The term "employees" shall include members of the Board of Education; the Superintendent; District officers; District employees; volunteers expressly authorized to participate in a District sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of the District, whether or not compensated. The term "employee" shall also include a former employee, his/her estate or judicially appointed representative.

Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, the District shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties. Furthermore, the District shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Education.

The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the School District attorney or to the Superintendent a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the District based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the District's duty to defend and/or indemnify and save harmless to exist.

**Exceptions to Liability Coverage**

Indemnification coverage and/or provision of legal defense by the District will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the School District.

Public Officers Law Section 18  
Education Law Sections 1709(26) and (34-b),  
2560, 3023, 3028, and 3811  
General Municipal Law Sections 6-n and 52

Adopted: 1/22/98  
Revised: 2/8/01

**SUBJECT: LEAVES OF ABSENCE**

## a) In general, leaves of absence:

1. Shall be administered by the Superintendent.
2. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement.
3. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used.
4. Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.

## b) Leaves of absence, contractual, et al:

1. Employees who are members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted pursuant to provisions of contracts in effect between the District and each bargaining unit.

2. Unpaid leaves of absence shall not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent shall have discretion, where circumstances warrant, to approve leaves of absence for such purposes.
3. Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.
4. Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.

**Emergency Service Volunteer Leave**

Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers shall be granted leave from work with pay for up to twenty (20) days in any calendar year to participate in specialized disaster relief operations. This leave shall be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.

**2007**

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**Personnel**

**Military Leave**

The District will comply with state and federal laws regarding military leave and re-employment.

Uniformed Services Employment and Reemployment Rights  
Act of 1994 (USERRA)  
38 United States Code (USC) Sections 4301-4333  
Civil Service Law Sections 71-73  
Education Law Sections 1709(16), 3005, 3005-a and 3005-b  
General Municipal Law Section 92-c  
Military Law Sections 242 and 243

Adoption Date: 1/22/98  
Revised: 10/11/07

**Personnel**

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT**

The District allows eligible employees to take unpaid FMLA leave for a maximum of 12 work weeks in a 12-month period as determined by the District. Employees are eligible if they have been employed by the District for at least 12 months and for at least 1,250 hours of service during the previous 12-month period.

The District uses a fixed leave year based on the fiscal year to calculate the FMLA leave. In certain cases, FMLA leave may be taken on an intermittent or reduced schedule basis rather than all at once. The entitlement to leave for the birth or placement of a child expires at the end of the 12-month period beginning on the date of the birth or placement.

Eligible employees may be granted leave for one (1) or more of the following reasons:

- a) The birth of a child and care for the infant;
- b) Adoption of a child and care for the infant;
- c) The placement with the employee of a child in foster care;
- d) To care for a spouse, child or parent who has a "serious health condition" as defined by the FMLA;
- e) To care for an adult child who is incapable of self-care due to a disability (regardless of date of the onset of disability) and has a serious health condition;  
or
- f) The employee's serious health condition prevents the employee from performing his or her job.

A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider that renders the person incapacitated for more than three consecutive calendar days. An employee claiming a serious health condition must first visit a healthcare provider within seven days of the incapacity; the second visit must occur within 30 days of the incapacitating event. An employee claiming the need for continuous treatment under FMLA for a chronic serious health condition must visit a healthcare provider at least twice per year, and the condition must continue over an extended period of time. The condition may cause episodic rather than a continuing period of incapacity.

**Personnel**

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (continued)**

**Military Family Leave Entitlements**

Military Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative of that individual) of a "covered service member" who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave. Military Caregiver Leave may be combined with other forms of FMLA-related leave providing a combined total of twenty-six (26) weeks of possible leave for any single twelve (12) month period; however, the other form of FMLA leave when combined can not exceed twelve (12) of the twenty-six (26) weeks of combined leave.

The term "covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves.

"Qualifying Exigency" Leave/Call to Active Duty

An "eligible" employee is entitled to FMLA leave because of "a qualifying exigency" arising out of circumstances where the spouse, son, daughter, or parent of the employee is serving in either the National Guard or the Reserves and is on active duty during a war or national emergency called for by the President of the United States or Congress, or has been notified of an impending call to active duty status, in support of a contingency operation.

A "qualifying exigency" related to families of the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve personnel on (or called to) active duty to take FMLA protected leave to manage their affairs is defined as any one of the following reasons:

- a) Short-notice deployment;
- b) Military events and related activities;
- c) Childcare and school activities;
- d) Financial and legal arrangements;
- e) Counseling;
- f) Rest and recuperation;
- g) Post-deployment activities; and
- h) Any additional activities where the employer and employee agree to the leave.

Personnel

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (continued)**

In any case in which the necessity for leave due to a qualifying exigency is foreseeable, the employee shall provide such notice to the employer as is reasonable and practicable. This military-related leave is for up to twelve (12) weeks during a single 12-month period

**Special Provisions for Instructional Employees**

An instructional employee is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting (e.g., teachers, coaches, driving instructors, special education assistants, etc.). Teaching assistants and aides who do not have instruction as the principal function of their job are not considered an "instructional employee."

Intermittent Leave Taken By Instructional Employees

FMLA leave that is taken at the end of the school year and resumes at the beginning of the next school year is not regarded as intermittent leave but rather continuous leave. The period in the interim (i.e., summer vacation) is not counted against an employee and the employee must continue to receive any benefits that are customarily given over the summer break.

Intermittent leave may be taken but must meet certain criteria. If the instructional employee requesting intermittent leave will be on that leave for more than twenty percent (20%) of the number of working days during the period for which the leave would extend, the following criteria may be required by the employer:

- a) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

Appropriate notice for foreseeable FMLA leave still applies and all employees must be returned to an equivalent position within the school district. Additional work-related certifications, requirements and/or training may not be required of the employee as a contingent of their return to work

**Personnel**

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (continued)**

Leave Taken by Instructional Employees Near the End of the Instructional Year

There are also special requirements for instructional employees taking leave and the leave's relation to the end of the term. If the instructional employee is taking leave more than five (5) weeks prior to the end of the term, the District may require that the employee take the leave until the end of the term if the leave lasts more than three (3) weeks and the employee was scheduled to return prior to three (3) weeks before the end of the term.

If the instructional employee is taking leave less than five (5) weeks prior to the end of the term for any of the following FMLA-related reasons except qualifying exigency, the District may require that the employee remain out for the rest of the term if the leave lasts more than two (2) weeks and the employee would return to work during that two (2) week period at the end of the instructional term.

If the instructional employee begins taking leave during the three (3) weeks prior to the end of the term for any reason except qualifying exigency, the District may require that the employee continue leave until the end of the term if the leave is scheduled to last more than five (5) working days.

Any additional time that is required by the employer due to the timing of the end of the school year, will not be charged against the employee as FMLA leave because it was the employer who requested that the leave extend until the end of the term.

**Benefits and Restoration**

An employee is entitled to have group health insurance and benefits maintained while on leave. If an employee was paying all or part of the premium payments before leave, the employee will continue to pay his or her share during the leave period.

In most instances, an employee has a right to return to the same or an equivalent position following a leave. The Superintendent or designee may reassign an employee in accordance with any applicable collective bargaining agreement to a different grade level, building, or assignment consistent with the employee's certification and tenure area.

**Employee Notice and Medical Certification**

When leave is foreseeable, the employee must give at least 30 days' advance notice of when and how much leave he or she needs. When leave is not foreseeable, the employee must provide notice as soon as practicable.

Personnel

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (continued)**

The District may require an employee to submit certification from a healthcare provider to substantiate a leave request. If the certification is incomplete or insufficient, the District will identify in writing what information the employee must provide to correct the deficiency within seven days. If the employee fails to timely provide the requested information, the District may deny his or her FMLA leave request.

The District may also request a second opinion regarding the employee's medical status from a healthcare provider of its choice at its expense, and a third opinion from a provider agreed upon by the District and the employee, to be paid for by the District.

**FMLA Notice**

The District will display a general notice to employees about FMLA leave rights, that will include how to file a complaint, in each school building. The District will also provide a written general notice about the FMLA in the employee handbook to each new employee upon hire. The District has five days to supply this notice from the date of hire.

Family and Medical Leave Act of 1993 (as amended), Public Law 103-3 National Defense Authorization Act of 2008, Public Law 110-181  
10 United States Code (USC) 101(a) (13)  
29 USC §§1630.1 and 2611-2654  
29 CFR Part 825 and Part 1630  
42 USC §12102  
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191  
45 CFR Parts 160 and 164

NOTE: Refer also to Policy #6552 - Uniformed Services Employment and Reemployment Rights Act USERRA)/Military Leaves of Absence

**Adopted: 4/28/22**



## Personnel

**SUBJECT: EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The District will provide an Employee Assistance Program for employees who are experiencing personal difficulties. The purpose of the program is to assist employees in obtaining help to resolve such problems in an effective and confidential manner. This program recognizes that the primary obligation to seek assistance and to resolve the problem rests with the employee.

The Board recognizes that a wide range of problems that are not directly associated with an employee's job function may have an effect on an employee's job performance. The problems may involve physical illness, mental or emotional illness, alcohol abuse or alcoholism, drug abuse or dependency, or personal problems such as those of a marital, family, or financial nature.

Adopted: 1/22/98

**SUBJECT: EMPLOYMENT OF RETIRED PERSONS**

A retired person may be employed and earn compensation in a position in the School District, without any effect on his/her status as retired and without suspension or diminution of his/her retirement allowance subject to the conditions enumerated in Retirement and Social Security Law Section 211(1). However, there shall be no earning limitations on or after the calendar year in which any retired person attains age sixty-five (65).

No retired person may be employed in the District except upon approval of the Civil Service Commission or the Commissioner of Education unless otherwise authorized in accordance with law, as discussed below.

Two sections of the Retirement and Social Security Law (RSSL Section 211 and 212) affect a retiree's return to public employment in New York State. If a retiree returns to public employment, he/she may still be able to collect his/her pension depending upon:

- a) How much is earned after returning to work; and
- b) The retiree's age.

If a retiree is under age 65, he/she can return to public employment without approval or reduction in retirement benefits as long as his/her calendar year earnings do not exceed \$30,000 (the RSSL Section 212 limit). If a retiree's earnings will be more than the Section 212 limits, the employer must request and receive prior approval from the appropriate agency to hire the retiree under Section 211. This may help avoid a reduction or suspension of the retiree's pension. (Refer to subheading below for more information regarding RSSL Section 211 and the approval process.)

There is generally no restriction on a retiree's earnings beginning in the calendar year he/she turns 65, unless returning to public office.

**RSSL Section 211 Approval Process**

Approval for post-retirement employment of a person under the age of 65 whose calendar year earnings exceed \$30,000 may be granted only on the written request of the District giving detailed reasons related to the standards forth in Section 211; and on a finding of satisfactory evidence by the Civil Service Commission or the Commissioner of Education that the retired person is duly qualified, competent and physically fit for the performance of the duties of the position in which he/she is to be employed and is properly certified where such certification is required.

The District will prepare a detailed recruitment plan to fill such vacancy on a permanent basis when the need arises and will undertake extensive recruitment efforts to fill the vacancy prior to making a determination that there are no available non-retired persons qualified to perform the duties of such position.

(Continued)

**SUBJECT EMPLOYMENT OF RETIRED PERSONS (Cont'd.)**

Approvals to hire retired individuals may be granted for periods not exceeding two (2) years each, provided that a person may not return to work in the same or similar position for a period of one (1) year following retirement. However, in accordance with RSSL Section 212, a retiree may return to work in the same or similar position within the same year following retirement if his/her earnings are under \$30,000 or if he/she receives a Section 212 waiver, or other conditions exist as enumerated in law.

**Reporting Requirements and Disclosure**

- a) The School District shall report all money earned by a retired person in its employ in excess of the earnings limitation outlined in Retirement and Social Security Law Section 212 to the retirement system administered by the State or any of its political subdivisions from which the retired person is collecting his/her retirement allowance.
- b) The School District, when employing a retired person who is eligible to collect or is already collecting a retirement allowance from a retirement system administered by the State or any of its political subdivisions, shall report on an annual basis to the retirement system paying such retirement allowance and to the State Comptroller. This report shall consist of the re-employed retiree's name, date of birth, place of employment, current position, and all earnings.

**Public Record**

Any request for approval of the employment of a retired person, including the reasons stated, and the findings and determination of such request shall be a public record open for inspection in the Office of the Civil Service Commission, the Commissioner of Education, or the Board of Education making such findings and determination as specified in Retirement and Social Security Law Section 211.

Education Law Section 525  
Retirement and Social Security Law Sections 111, 211, 212, 217, and 411

Adoption Date: 3/19/10

**Jericho Union Free School District**

**STUDENTS**

**(Section 7000)**

**NUMBER**

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**NUMBER**

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**NUMBER**

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**NUMBER**

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**SUBJECT: HEAD LICE**

While a nuisance, head lice do not pose a public health risk. Consistent with accepted medical knowledge, no healthy child will be excluded from school due to an active case of head lice or the presence of nits (louse eggs). Children identified by the school nurse as having an active infestation of head lice will be sent home at the end of the day and their parents will be informed by the school nurse of their condition and advised to begin treatment.

The Superintendent shall develop regulations and procedures implementing this policy and shall ensure that those regulations or procedures are consistent with accepted medical knowledge and best nursing practice.

**Adopted: November 17, 2016**

2023 7110

Students

**SUBJECT: ATTENDANCE**

The Education Law requires that the students enrolled in the schools of this District attend school on every school day unless legally excused. The educational program offered by this District is predicated upon the presence of the student and requires continuity of instruction and classroom participation. The regular contact of students with one another in the classroom and their participation in a well-planned instructional activity under the tutelage of a competent teacher are vital to this purpose. Absences other than legal absences as defined by State regulations have a highly adverse effect on the student as well as the entire educational program. Therefore, the Board of Education urges all parents to make every effort for their children to be in attendance.

Education Law Sections 3205 and 3210

Adopted: 7/6/23

## Students

**SUBJECT: CLASS ATTENDANCE AND COURSE COMPLETION**

The District believes that classroom participation is related to and affects a student's performance and grasp of a subject matter and, as such, is properly reflected in a student's final grade.

Any student absent from a class more than 15% of the time, for any reason, (including legal and illegal absences), may not receive credit for the course. Generally, more than 27 absences in a full year course may result in loss of credit.

For courses meeting  $\frac{1}{2}$  year or  $\frac{1}{4}$  year, the same policy will apply. The 14th absence in a  $\frac{1}{2}$  year course and a 7th absence in a  $\frac{1}{4}$  year course may result in loss of credit and the procedures followed will use  $\frac{1}{2}$  and  $\frac{1}{4}$  of the absences, respectively, as guidelines.

Transfers and students re-enrolling after having dropped out will be expected to attend 85% of the scheduled class meetings during their time of enrollment. The procedures followed will be prorated according to their possible number of class meetings.

Attendance at school sponsored programs where instruction is substantially equivalent to the instruction which was missed shall be counted as the equivalent of regular attendance in class.

The student will have the opportunity to make up the classes and work missed as determined by the principal/designee. To assure due process, the implementation of this general attendance policy will be in accordance with rules and regulations as developed by the administration. Further, the District shall vigorously publicize and disseminate this policy in order to ensure faculty, student and parental awareness.

## 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 or before December 1st in order to register for Kindergarten.

A child who transfers into the School District at any time during the school year may be considered for admission to Kindergarten by the Superintendent of Schools.

**Other Grades**

Admission of children to other grades shall involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

**Proof of Age**

A student's birth certificate or other satisfactory evidence of age shall be presented at the time of initial registration. The child shall be entered under his/her legal name.

Education Law Sections 1712, 3202 and 3212

Adopted: 11/15/07

**SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS**

The School District has developed a plan for the diagnostic screening of all new entrants and students with low test scores.

A new entrant means a student entering the New York State public school system, pre-kindergarten through grade 12, for the first time, or re-entering a New York State public school with no available record of a prior screening.

Students with low test scores are students who score below level two on either the third grade English language arts or mathematics assessment for New York State elementary schools.

Such diagnostic screening will be utilized to determine which students:

- a) Have or are suspected of having a disability;
- b) Are possibly gifted; or
- c) Are possibly limited English proficient.

Such diagnostic screening shall be conducted:

- a) By persons appropriately trained or qualified;
- b) By persons appropriately trained or qualified in the student's native language if the language of the home is other than English;
- c) In the case of new entrants, prior to the school year, if possible, but no later than December 1 of the school year of entry or within fifteen (15) days of transfer of a student into a New York State public school should the entry take place after December 1 of the school year;
- d) In the case of students with low test scores, within thirty (30) days of the availability of the test scores.

**New Entrants**

For new entrants, diagnostic screening shall include, but not be limited to the following:

- a) A health examination by a physician/physician's assistant or nurse practitioner or submission of a health certificate in accordance with Education Law Sections 901, 903, and 904;

(Continued)

**SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)**

- b) Certificates of immunization or referral for immunization in accordance with Section 2164 of the Public Health Law;
- c) Vision, hearing and scoliosis screenings as required by Section 136.3 of Commissioner's Regulations;
- d) A determination of development in oral expression, listening comprehension, written expression, basic reading skills and reading fluency and comprehension, mathematical calculation and problem solving, motor development, articulation skills, and cognitive development using recognized and validated screening tools; and
- e) A determination whether the student is of foreign birth or ancestry and comes from a home where a language other than English is spoken as determined by the results of a home language questionnaire and an informal interview in English and the native language.

**Students with Low Test Scores**

For students with low test scores, diagnostic screening shall include, but not be limited to:

- a) Vision and hearing screenings to determine whether a vision or hearing impairment is impacting the student's ability to learn; and
- b) A review of the instructional programs in reading and mathematics to ensure that explicit and research validated instruction is being provided in reading and mathematics.

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.

**Results and Reports**

The results of the diagnostic screening shall be reviewed and a written report of each student screened shall be prepared by appropriately qualified School District staff. The report shall include a description of diagnostic screening devices used, the student's performance on those devices and, if required, the appropriate referral.

If such screening indicates a possible disability, a referral, with a report of the screening, shall be made to the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE) no later than fifteen (15) calendar days after completion of such diagnostic screening.

(Continued)

## Students

**SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)**

If such screening indicates a possibly gifted child, the name and finding shall be reported to the Superintendent of Schools and to the parents/legal guardians no later than fifteen (15) calendar days after completion of such screening. The term gifted child is defined as a child who shows evidence of high performance capability and exceptional potential in areas such as general intellectual ability, special academic aptitude and outstanding ability in visual and performing arts. Such definition shall include those children who require educational programs or services beyond those normally provided by the regular school program in order to realize their full potential.

If such screening indicates a child identified as possibly being of limited English proficiency, such child shall be referred for further evaluation in accordance with Part 154 of the Regulations of the Commissioner of Education to determine eligibility for appropriate transitional bilingual or free-standing English as a Second Language (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 on screenings. They shall have access to the screening results and obtain copies upon request. The results of all mandated screening examinations shall be in writing and shall be provided to the child's parent/guardian and to any teacher of the child within the school while the child is enrolled in the school. A letter will be sent to the parent/guardian of any child failing a screening.

**Confidentiality of Information**

The Board of Education's policy and administrative regulations in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) 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)  
Public Health Law Section 2164  
8 New York Code of Rules and Regulations (NYCRR) Parts 117, 136, 142.2 and 154

NOTE: Refer also to Policies #7131 -- Education of Homeless Children and Youth  
#7510 -- Student Physicals  
#8240 -- Instructional Programs: Driver Education, Gifted and Talented Education and Physical Education

Adoption Date: 3/19/2009

1998

7122

Students

**SUBJECT: ATTENDANCE RECORDS**

The Superintendent shall keep the Board informed as to its legal responsibilities for the compulsory education of the students of the District.

The system of recording attendance and the procedures to be used in keeping data shall be selected by the Superintendent.

The Superintendent shall instruct administrative and instructional personnel of the District regarding procedures for recording and maintaining attendance records.

Education Law Sections 3024, 3025 and 3211

Adopted: 1/22/98



1998

7122.1

Students

**SUBJECT: EXCUSES AND ABSENCES**

A written excuse, signed by parent/legal guardian, should be presented by the student on the day when returning to school following each absence. The Board directs the Superintendent to develop rules and regulations for dealing with truancy and excessive illegal absences.

Education Law Sections 3205 and 3210

Adopted: 1/22/98

1998

7122.2

Students

**SUBJECT: RELEASE TIME OF STUDENTS**

Written requests from the parent/legal guardian for the release of students generally will be honored. The appropriate time and reason for absence shall be recorded on the attendance record, using the procedures mandated by the state.

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  
Education Law Section 3210

Adopted: 1/22/98

## Students

**Admission of Resident Students/Residency Reverification**

The School District shall provide a public education to all persons residing in the School District between the ages of five and twenty-one who have not received a high school diploma. Residence is established by one's physical presence as an inhabitant within the district and intent to reside in the district. The child's residence is presumed to be that of his/her parent/guardian. No person shall be refused admission into or be excluded from the School District on account of any legally protected status as enumerated in policy 0100, Equal Opportunity, including race, creed, color, national origin, sex, gender (including gender identity and expression), sexual orientation, weight, religion, marital status, disability, or predisposing genetic characteristic.

A veteran of any age who has not yet received his/her high school diploma and who has been discharged under conditions other than dishonorable is eligible to attend school.

A non-veteran under twenty-one years of age who has received a high school diploma shall be permitted to attend BOCES upon payment of tuition.

**Required Documentation**

Parents/guardians must provide sufficient proof as set forth in the regulations that they reside in the School District when enrolling their children in School District schools. Examples of proof of residence include, but are not limited to:

1. A mortgage statement or deed of ownership;
2. A tax bill for the Town of Oyster Bay and/or Town of North Hempstead if the school district residence is located within the Town of North Hempstead;
3. A copy of a lease executed by the tenant and landlord;
4. Statements for utility bills;
5. A pay stub or income tax form showing the in-district address; or
6. A voter registration document or a state- or other government- issued ID.

In the event a lease is provided as proof of residency, the School District shall require that upon the expiration of the lease the parent/guardian of the student provide proof of the renewal of said lease. In the event the parent/guardian cannot provide such proof, the student must provide the School District with new proof of residency in accordance with this policy.

**Admission of Resident Students (continued)**

***Effective July 1, 2022, the School District will require each student to have provided verification of the student's residency in the year prior to the student's:***

- 1. entrance into the middle school and***
- 2. entrance into the high school***

Notwithstanding the foregoing, no family shall be required to verify its residency more than once in any twenty-four month period, unless one or more original proofs of residency have expired during this period or questions arise concerning the student's current residency status.

In the event the student's residency has not been verified, the parent/guardian of the student shall be notified as set forth below of the determination that the student is not a resident of the School District.

**Other Documentation**

New entrants must also present the following documents:

1. Proof of age - examples of acceptable forms of documentation include, but are not limited to, a birth certificate, baptismal record, or a passport (including a foreign passport);
2. Proof of immunization: dates for immunization against diphtheria, polio, measles, German measles (rubella), mumps, pertussis, tetanus, pneumoccal disease, Haemophilus influenza type B, hepatitis B, meningococcal disease and varicella); and
3. A health certificate from a licensed physician.

Students transferring from another school district are asked to provide the transfer or discharge notice from former school district (except for kindergarten students). Students with disabilities are asked to provide the IEP from the former school district.

**Admission of Resident Students (continued)****Determinations of Non-Residency**

Any decision by the School District that a child is not entitled to attend the schools of the district shall include notification of the procedures to obtain review of the decision within the School District. Prior to making a determination of entitlement to attend the schools of the School District, the Superintendent of Schools or his/her designee shall afford the child's parent, the person in

When the Superintendent of Schools or his/her designee determines that a child is not entitled to attend the schools of the School District because the child is not a resident of the School District, the Superintendent of Schools or his/her designee shall, within two (2) business days, provide written notice of its determination to the child's parent, to the person in parental relation to the child, or to the child, as appropriate. Such written notice shall state:

- (i) that the child is not entitled to attend the public schools of the School District;
- (ii) the specific basis for the determination that the child is not a resident of the School District, including but not limited to a description of the documentary or other evidence upon which such determination is based;
- (iii) the date as of which the child will be excluded from the schools of the School District; and
- (iv) that the determination may be appealed to the Commissioner of Education, in accordance with Education Law, section 310, within thirty (30) days of the date of the determination, and that the instructions, forms and procedure for taking such an appeal, including translated versions of such instructions, forms and procedures, may be obtained from the Office of Counsel at [www.counsel.nysed.gov](http://www.counsel.nysed.gov), or by mail addressed to the Office of Counsel, New York State Education Department, State Education Building, Albany, NY 12234 or by calling the Appeals Coordinator at (518) 474-8927.

**Foster Care**

Any child placed in foster care by the Department of Social Services or the Office of Children and Family Services will be admitted to attend the schools in the School District only as set forth in Section 3202 and 3244 of the Education Law.

**Admission of Resident Students (continued)****Family Homes**

Children cared for in free family homes and family homes at board located within the School District, when such family homes are the actual and only residence of the children, and who are not supported or maintained by a social services district or a state department or agency, shall be deemed residents of the School District for purposes of attending School District schools without tuition.

**Placement**

Any child reaching the age of five (5) on or before December 1 of any year will be eligible for kindergarten in the preceding September. Any child who meets these age requirements may be enrolled in kindergarten after the opening day of school. Any child enrolled in a kindergarten at another public, private or parochial school who does not meet these eligibility requirements will not be permitted to transfer into the School District during the year in which they are enrolled in kindergarten.

A child reaching the age of six (6) on or before December 1 of any year will be eligible for Grade 1 in the preceding September. A child who does not meet this age requirement, but who has satisfactorily completed a year's work in a kindergarten program approved by the New York State Education Department which provides substantially equivalent instruction to that of the local public school, may be enrolled in Grade 1 if requested by the parent/guardian.

A child entering the School District who has been enrolled in Grade 1 or above in another school district will be placed in the same grade. If it is determined that the child is not properly placed, an alternate placement will be made. If a student is enrolled in the School District from another country, the initial placement will be based upon the student's age and academic history which will be reviewed to determine appropriate grade placement.

**Fraud**

If any information or document has been falsified in connection with registration and/or placement, the Superintendent of Schools shall assess the educational status of the child and shall notify the parent/guardian in writing of the rejection of said documentation on this basis. Upon finding an intentional fraud, the Superintendent of Schools shall recommend appropriate action to the Board of Education and notify the parent/guardian in writing of his/her recommendation and the Board of Education's decision concerning the provision of educational services to their child. To the extent the Superintendent of Schools deems it appropriate, he/she shall notify the proper authorities of the fraudulent act.

**Admission of Resident Students (continued)****Review of Policy**

The Superintendent of Schools shall periodically review the operation of this policy.

Cross-ref:      6120 Equal Opportunity  
                     7131.1 Attendance Zones  
                     7131 Education Homeless Children and Youth  
                     7132 Admission of Non-Resident Students  
                     7510 Student Physicals  
                     7510 Administration Medication  
                     7514 Health Records

Ref:              Education Law §§305; 903; 904; 1709(13); 1805; 3202; 3205; 3208; 3209  
                     Executive Law §§532-b; 532-e  
                     Public Health Law §2164  
                     42 USC §§11431, et seq.  
                     School Enrollment Guidelines on the McKinney-Vento Act, 67 Fed. Reg. 10,697-10,701 (March  
                     8, 2002)  
                     Executive Law §§532-b; 532-e  
                     Social Services Law §§17; 62; 397  
                     8 NYCRR §§100.2; 174.2; 175.6

**Adopted 7/11/22**

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING**

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

**Identification of Students in Temporary Housing**

All districts are obligated to affirmatively identify all students in temporary housing. Therefore, the District will determine whether there are students in temporary housing within the District by using a housing questionnaire to determine the nighttime residence of all newly enrolled students and all students whose address changes during the school year. Not all students in temporary housing can be identified through social service agencies or shelters, as children may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. For this reason, the District uses a housing questionnaire that asks for a description of the current living arrangements of the child or youth to determine whether the child or youth meets the definition of a homeless child.

In addition to using the housing questionnaire, the District will also contact the local department of social services (LDSS) (i.e., the social services district) to identify students in temporary housing, as well as the local runaway and homeless youth shelter, and any other shelters located within District boundaries to ensure all students in temporary housing are properly identified and served.

**Definitions**

a) Feeder school means:

1. A preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;
2. A school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or
3. A school that sends its students to a receiving school in a neighboring school district.

b) Homeless child means:

1. A child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:

(Continued)



Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- (a) Sharing the housing of other persons due to a loss of housing, economic hardship, or a similar reason (sometimes referred to as "doubled-up");
  - (b) Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
  - (c) Abandoned in hospitals;
  - (d) A migratory child who qualifies as homeless under (a), (b), or (c) of this subparagraph or item 2) below; or
  - (e) An unaccompanied youth; or
2. A child or youth who has a primary nighttime location that is:
- (a) A supervised, publicly, or privately operated shelter designed to provide temporary living accommodations, including, but not limited to, shelters operated or approved by the state or LDSS, and residential programs for runaway and homeless youth established in accordance with applicable law; or
  - (b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting.
- c) Migratory child means a child or youth who made a qualifying move in the preceding 36 months:
- 1. As a migratory agricultural worker or a migratory fisher; or
  - 2. With, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher
- d) Preschool means a publicly funded prekindergarten program or a Head Start program administered by the District and/or services under the Individuals with Disabilities Act administered by the District.
- e) Receiving school means:
- 1. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

2. A school that enrolls students from a feeder school in a neighboring local educational agency.
- f) Regional placement plan means a comprehensive regional approach to the provision of educational placements for homeless children that has been approved by the Commissioner of Education.
- g) School district of current location means the public school district within New York State in which the hotel, motel, shelter or other temporary housing arrangement of a homeless child, or the residential program for runaway and homeless youth, is located, which is different from the school district of origin.
- h) School district of origin means the school district within New York State in which:
  1. The homeless child was attending a public school or preschool on a tuition-free basis or was entitled to attend when circumstances arose that caused the child to become homeless, which is different from the school district of current location;
  2. The child was residing when circumstances arose that caused the child to become homeless if the child was eligible to apply, register, or enroll in public preschool or kindergarten at the time the child became homeless; or
  3. The homeless child has a sibling who attends a school in the school district in which the child was residing when circumstances arose that caused the child to become homeless.
- i) School of origin means:
  1. The public school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool or a charter school;
  2. The designated receiving school at the next grade level for all feeder schools for a student in temporary housing who completes the final grade level served by the school of origin; and
  3. The public school or preschool in which the child would have been entitled or eligible to attend based on the child's last residence before the circumstances arose which caused the child to become homeless if the child becomes homeless after the child is eligible to apply, register, or enroll in the public preschool or kindergarten or if the child is living with a school-age sibling who attends school in the school district of origin.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- j) Unaccompanied youth means a homeless child or youth who is not in the physical custody of a parent or legal guardian.

**The McKinney-Vento Liaison for Students in Temporary Housing**

The District will designate an appropriate staff person, who may also be a coordinator for other federal programs, as the District liaison for students in temporary housing (otherwise referred to as the McKinney-Vento liaison). The District's McKinney-Vento liaison serves as one of the primary contacts between families experiencing homelessness and school staff, district personnel, shelter workers, and other service providers. The McKinney-Vento liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed.

The District's McKinney-Vento liaison must ensure that:

- a) Students in temporary housing are identified by school personnel and through coordination activities with other entities and agencies;
- b) Students in temporary housing enroll in, and have full and equal opportunity to succeed in, the District's schools;
- c) Students in temporary housing and their families receive educational services for which they are eligible, including Head Start programs administered by a local educational agency, Early Head Start, early intervention services under part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the District.
- d) Students and parents in temporary housing receive referrals to health care services, dental services, mental health and substance abuse services, housing services and other appropriate services;
- e) Parents or guardians of students in temporary housing are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- f) Parents and guardians of students in temporary housing, and unaccompanied youth, are fully informed of all transportation services, including transportation to and from the school district of origin and are assisted in accessing transportation services;
- g) Disputes regarding eligibility, school selection, enrollment and/or transportation are mediated in accordance with applicable laws and regulations;

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- h) Assistance in commencing an appeal, in accordance with applicable law, of a final determination regarding eligibility, enrollment, school selection, and/or transportation is provided to the student in temporary housing's parent or guardian or the unaccompanied youth;
- i) A record is maintained of all appeals of enrollment, school selection, and transportation;
- j) Public notice of the educational rights of students in temporary housing is posted in locations where these students receive services, such as schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of students in temporary housing, and unaccompanied youth;
- k) School personnel providing services to students in temporary housing receive professional development and other support;
- l) Unaccompanied youths:
  - 1. Are enrolled in school;
  - 2. Have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations; and
  - 3. Are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the McKinney-Vento liaison to receive verification of this status for purposes of the Free Application for Federal Student Aid (FAFSA);
- m) School personnel, service providers, advocates working with students in temporary housing, parents and guardians of students in temporary housing, and students in temporary housing are informed of the duties of the McKinney-Vento liaison; and
- n) Assistance with obtaining any necessary immunizations or screenings, or immunization or other required health records is provided to the parents or guardians of the students in temporary housing.

**School District and School Designations**

A designator will make the initial decision about which school district and school a student in temporary housing will attend. A designator is:

- a) The parent or person in parental relation (guardian) to a student in temporary housing;

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- b) The student in temporary housing, together with the McKinney-Vento liaison, in the case of an unaccompanied youth; or
- c) The director of a residential program for runaway and homeless youth, in consultation with the student in temporary housing, where the student is living in that program.

The District will ask the designator to designate one of the following as the school district of attendance for the student in temporary housing:

- a) The school district of current location;
- b) The school district of origin; or
- c) A school district participating in a regional placement plan.

The District will also ask the designator to designate one of the following as the school where a student in temporary housing seeks to attend:

- a) The school of origin; or
- b) Any school that permanently housed children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool.

A student in temporary housing is entitled to attend the schools of the school district of origin without the payment of tuition for the duration of his or her homelessness and through the remainder of the school year in which the student becomes permanently housed and for one additional year if that year constitutes the student's terminal year in that school building, subject to a best interest determination.

**Designation/STAC 202 Form**

The District will identify all students in temporary housing, and a designation form will be completed by the designator for all these students and any other student who claims homelessness. Designations must be made on the STAC 202 form provided by the Commissioner.

The appropriate designator must complete the designation form. The District makes designation forms available to a student in temporary housing who seeks admission to school or to the parent or person in parental relation who seeks to enroll the child in school.

The District will provide completed designation forms to the McKinney-Vento liaison immediately, but no later than two business days from the earlier date on which the child or youth either:

- a) Sought enrollment in school; or

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- b) Was placed in a temporary housing facility or residential facility for runaway and homeless youth.

Where a parent or person in parental relation or a child who is neither placed in a temporary housing facility by the LDSS nor housed in a residential program for runaway homeless youth, designates the District as the school district of current location, the District will forward to the State Education Department a completed designation form and a statement of the basis for its determination that the child is a homeless child entitled to attend the District's schools.

**Immediate Enrollment and Best Interest Determinations**

Upon identification of a child who is in temporary housing and/or receipt of a completed designation/STAC 202 form, the District will:

- a) Immediately review the designation form to ensure that it has been completed and admit the student in temporary housing even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation and even if the child or youth has missed application deadlines;
- b) Determine whether the designation made by the designator is consistent with the best interests of the student in temporary housing. In making best interests decisions the District will:
  - 1. Presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the wishes of the parent or guardian (or youth in the case of an unaccompanied youth); and
  - 2. Consider student-centered factors such as the effect of mobility on student achievement, education, health, and safety of the child, giving priority to the wishes of the child's parent or guardian (or the youth, if a homeless unaccompanied youth). If the District determines that it is in the best interest of the student in temporary housing to attend a school other than the school of origin or the designated school, the District will provide the parent or guardian (or youth, if an unaccompanied youth) with a written explanation of its determination, including information about the right to appeal.
- c) Provide the child with access to all of the District's programs, activities and services to the same extent as they are provided to resident students;
- d) Immediately contact the school district where the child's records are located in order to obtain a copy of these records and coordinate the transmittal of records for students with disabilities pursuant to applicable laws and regulations;

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- e) Immediately refer the parent or guardian of the student in temporary housing to the McKinney-Vento liaison who must assist in obtaining necessary immunizations or immunization or medical records if the child or youth needs to obtain immunizations or immunization or medical records;
- f) Forward the STAC 202 form to the Commissioner and the school district of origin, where applicable. In all cases, the District will give a copy of the completed STAC 202 form to the designator and keep a copy of the STAC 202 form for the District's records;
- g) Arrange for transportation in accordance with applicable laws and regulations; and
- h) \*Arrange for the child to receive free school meals.

**Request for Records**

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

**\*\*Tuition Reimbursement**

The District is eligible to request reimbursement from the State Education Department for the direct costs of educational services to students in temporary housing that are not otherwise reimbursed under special federal programs, when:

- a) The District is either the school district of current location or a school district participating in a regional placement plan;
- b) The District is designated as the school district of attendance; and
- c) The school district of origin for the student in temporary housing is within New York State.

All claims for reimbursement will be made on the STAC 202 form prescribed by the Commissioner of the State Education Department.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

In addition, the District is eligible for reimbursement for the direct costs of educational services, including transportation costs for students who continue enrollment in the District schools after finding permanent housing midyear in a different school district within New York State. In these cases, the District will directly bill the new district where the student permanently resides for all direct costs of educational services, including transportation, that are not otherwise reimbursed under special federal programs.

**Transportation Responsibilities**

The LDSS is responsible for providing transportation to students in temporary housing, including preschool students and students with disabilities who are eligible for benefits under Social Services Law §350-j and placed in temporary housing arrangements outside their designated districts. Where the LDSS requests that the District provide or arrange for transportation for a student in temporary housing in the circumstances above, the District will provide or arrange for the transportation and directly bill the LDSS so that the district will be fully and promptly reimbursed for the cost of the transportation.

If the District is the designated school district of attendance, the District will provide for the transportation of each student in temporary housing who is living in a residential program for runaway and homeless youth, including if the temporary housing is located outside the school district. The costs for transportation for each student in temporary housing who lives in a residential program for runaway youth and homeless youth located outside of the designated school district will be reimbursed by the State Education Department, to the extent funds are provided for the purpose, with the submission of a Runaway and Homeless Youth Act Transportation Program Form. Where the District provides transportation for a student living in a Runaway and Homeless Youth facility, the District will promptly request reimbursement using the Runaway and Homeless Youth Act Transportation Form.

The District will transport any student in temporary housing to their school of origin, including preschools and charter schools, where it is the designated district of attendance and the student in temporary housing is not entitled to receive transportation from the Department of Social Services.

When the District is designated as the school district of current location for a student in temporary housing and the student does not attend the school of origin, the District will provide transportation on the same basis as it is provided to resident students, unless the local transportation policy represents a barrier to the student's attendance in school.

If the student in temporary housing designates the District as the school district of attendance, transportation will not exceed 50 miles each way, unless the Commissioner determines that it is in the best interest of the child.

(Continued)



**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

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.

\*Where a student in temporary housing must cross state-lines to attend a school of origin, the District will coordinate with the District in the neighboring state to provide transportation services when:

- a) The student is temporarily living in New York State and continues to attend school in a neighboring state; or
- b) The student is temporarily living in a neighboring state and continues to attend school in New York State.

**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

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

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 student in temporary housing's parent or guardian or unaccompanied youth in bringing an appeal to the Commissioner of a final school district decision regarding enrollment, school selection and/or transportation. In the event of a dispute regarding eligibility, enrollment, school selection, and/or transportation, the District's McKinney-Vento liaison will:

- a) Provide the parent or guardian or unaccompanied youth with a copy of the form petition;
- b) Assist the parent or guardian or unaccompanied youth in completing the form petition;
- c) Arrange for the copying of the form petition and supporting documents for the parent or guardian or unaccompanied youth, without cost to the parent or guardian or unaccompanied youth;
- d) Accept service of the form petition and supporting papers on behalf of any District employee or officer named as a party, or the District if it is named as a party, or arrange for service by mail by mailing the form petition and supporting documents to any District employee or officer named as a party, and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board to accept service on behalf of the District;

(Continued)

**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 acknowledgement verifying that he or she has received the form petition and supporting documents and will transmit these documents on behalf of the parent, guardian or unaccompanied youth to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
- h) Accept service of any subsequent pleadings or papers, including any correspondence related to the appeal, if the parent or guardian or unaccompanied youth so elects. He or she will also make this correspondence available to the parent or guardian or unaccompanied youth; and
- i) Maintain a record of all appeals of enrollment, school selection, and transportation determinations.

**Coordination**

The District will coordinate the provision of services described in this policy with local social services agencies, housing providers and other agencies or programs providing services to students in temporary housing and their families, including services and programs funded under the Runaway and Homeless Youth Act.

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

The District will coordinate implementation of the above provision of services with the requirements of the Individuals with Disabilities Education Act (IDEA) for students with disabilities.

**\*Coordination with Title I**

The District acknowledges that students in temporary housing are eligible for services under Title I, Part A, whether or not they live in a Title I school attendance area or meet the academic requirements required of other children. The District will ensure that:

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- a) Title I, Part A funds are set aside as are necessary to provide students in temporary housing, who may have unique needs that differ from their permanently housed peers, with educationally related support services;
- b) Its local plan includes a description of how the plan is coordinated with McKinney-Vento;
- c) Its local plan describes the services provided to students in temporary housing;
- d) Its local plan describes the efforts it made to identify students in temporary housing, including unaccompanied youth, if the District reports that there are no students in temporary housing enrolled in the District. These efforts will include contacting the LDSS or Office of Children and Family Services (OCFS) to verify that there are no students in temporary housing in the District; and
- e) Its housing questionnaire asks about the living arrangements of the child or unaccompanied youth, including asking if he or she is living in a shelter; with relatives or others due to loss of housing or economic hardship; in an abandoned apartment/building; in a motel/hotel, camping ground, car, train/bus station or other similar situation due to the lack of alternative, adequate housing. Documentation of the District's efforts to identify students in temporary housing will be maintained on file and a copy of the housing questionnaire will also be kept on file.

**Reporting Requirements**

The District will collect and transmit to the Commissioner of Education, at the time and in the manner as the Commissioner may require, a report containing information as the Commissioner determines is necessary, including the numbers of homeless students, their grade, and their nighttime residence.

**\*Access to Free Meals**

The District will provide free meals to all children identified as homeless. They do not have to complete a free or reduced-price meal application. When the McKinney-Vento liaison or a shelter director provides a child's name to the District's school food service office, free school meals will commence immediately.

**Removal of Barriers**

The District will review and revise its policies that may act as barriers to the identification of students in temporary housing and their enrollment and retention in school, including barriers to enrollment and retention due to outstanding fees or fines, or absences.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

**Comparable Services**

The District will provide services to students in temporary housing comparable to those offered to other students in the District, including: transportation services; educational services for which the child or youth meets the relevant criteria, such as services provided under Title I or similar State or local programs; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

**Student Privacy**

Information about a student in temporary housing's living situation will be treated as a student education record and will not be deemed to be directory information under the Family Educational Rights and Privacy Act (FERPA). A parent or guardian or unaccompanied youth may consent to the release of a student's address information in the same way they would for other student education records under FERPA.

**Training**

All school enrollment staff, secretaries, school counselors, school social workers, and principals will be trained on the requirements for enrollment of students in temporary housing. Other staff members including school nutrition staff, school registered professional nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act (ESSA) of 2015, 42 USC § 11431, et seq.  
Education Law §§ 902(b) and 3209  
Executive Law Article 19-H  
8 NYCRR § 100.2(x)

**Adopted: 6/13/19**

**SUBJECT: ATTENDANCE ZONES**

The Board of Education effective September 1996, hereby designates the following attendance zones for the various schools:

- a) Jericho High School - all students in grades 9-12
- b) Jericho Middle School - all students in grades 6-8
- c) Three (3) K-5 elementary schools.

Cantiague School

All K-5 students residing within the following boundaries:

Eastern Boundary - Route 106-107 (North Broadway) between the Northern State Parkway and the Long Island Expressway. West along the southern side of the Long Island Expressway to Gate "C" of State University at Old Westbury, north along Old Westbury/Brookville Village border. Western Border - (Old Westbury Village Residents only) north and northwest along Old Westbury Village border to District boundary just north of Horseshoe Road.

Western Boundary - School District boundary south to a point just west of Copperfield Lane.

Southern Boundary - School District boundary from a point just west of Copperfield Lane, eastward including Westbury Village, Westbury Heath and West Birchwood, along Rockland Drive to Route 106-107.

George A. Jackson School

All K-5 students residing within the following boundaries:

Eastern Boundary - School District line from Deer Lane in the south to Eastwoods Road and Cecila Drive in the north.

Northern Boundary - School District line from Eastwoods Road and Cecila Drive in the east to Muttontown Road and Moraine Court in the west.

Western Boundary - School District line at Muttontown Road and Moraine Court, south to the eastern side of Brookville Road (Village of Muttontown border-Muttontown residents only) to Route 106 (eastern side), across Jericho Turnpike (Route 25), south to Route 106-107, eastern side only, past the Long

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Students

**SUBJECT: ATTENDANCE ZONES (Cont'd.)**

Island Expressway to Northern State Parkway (southern side) west along Northern State Parkway, to District line at Gardner Avenue and Northern State Parkway.

Southern Boundary - District line at Gardner Avenue and Northern State Parkway, east along District line to District border at Deer Lane.

Robert Seaman School

All K-5 students residing within the following boundaries:

Eastern Boundary - Route 106-107 at the northwestern corner of the Long Island Expressway at North Service Road. North along Route 106-107 across Jericho Turnpike (Route 25). Western side of Route 106 (Brookville Village border-Brookville residents only) along Brookville Road to the District border at Brookville Road just north of Black Rock Road.

Northern Boundary -- School District boundary beginning at Brookville Road and Black Rock Road west along district boundary to Northern Boulevard (Route 25A), just west of Cotillion Court.

Western Boundary -- District boundary at Northern Boulevard (Route 25A) west of Cotillion Court, South along Brookville Village border (Brookville residents only), east and then south (along Brookville/Old Westbury Village border) to Gate "C" of State University at Old Westbury and Long Island Expressway.

Southern Boundary -- Gate "C" of State University at Old Westbury and Long Island Expressway east along the northern side of the Long Island Expressway North Marginal Road to Route 106-107 at the northwest corner of the Long Island Expressway.

Exception

Any student who changes attendance zones during a school year shall be permitted to remain in the original attendance zone for the remainder of that year. In such instances, transportation shall be the responsibility of the parent or guardian. The student must attend the new attendance zone in the following school year.

Adopted: 1/22/98

## Students

**SUBJECT: NON-RESIDENT STUDENTS**

Applications for admission of a non-resident student to the Jericho Schools shall be accepted only from parents or persons who can produce satisfactory evidence of legal custody of such student. Such application shall be made on forms furnished by the School District upon request. A full response to all questions thereon and compliance with any directions stated on the application shall be a prerequisite to consideration for student admission under this policy. Applications must be submitted to the office of the Superintendent of Schools. Upon request applicant shall be required to furnish such additional information or clarification in writing if in the discretion of the Superintendent such information or clarification is necessary to evaluate eligibility under this policy. Failure to file a fully completed application or to promptly furnish additional information or clarification in writing upon request shall be deemed a withdrawal and cancellation of the application.

Permission to attend the schools of the District may be granted to non-resident students as follows:

- a) A student who becomes non-resident after May 1 may continue for the remainder of the school year in the school which he/she has been attending without payment of tuition. Such non-resident tuition free attendance and right of attendance under this provision shall not entitle student to attend District schools after the close of said school year and non-resident attendance in District schools under this provision shall not constitute "residency" but rather such student shall be deemed a non-resident under all other provisions of this policy as of the actual date that said student ceased to reside in the District.
- b) A child whose parents or legal custodian have contracted to purchase a residence or have leased property for residence in the District but who have not yet occupied same may be granted permission to attend a school in the District provided that the contract of sale, or lease, by its terms sets forth a conveyance date or lease commencement date not later than five (5) months after the date of first admission. In such cases if admission is granted subject to the conditions hereinafter provided, tuition may be waived for a period of five (5) months. A certified or registered letter should be forwarded to the District by the parent or person having legal custody immediately on occupancy of Jericho residence stating that the admitted child now resides at the particular Jericho address as a permanent resident.
- c) A student who successfully completes his/her junior year in the high school and becomes a non-resident after the end of such school year may be permitted to continue in the high school for his/her senior year without payment of tuition.
- d) An applicant seeking admission for a non-resident student shall be advised by notice set forth on the application that same will be considered on the basis of information furnished to the District. In the event that the application is granted based on inaccurate information, which information if correctly stated in the application would have resulted in a denial of same pursuant of this policy, then applicant shall be responsible to pay over to the District on demand the tuition costs that were waived in accordance with this policy.

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

- e) Except as otherwise specifically provided herein, all non-resident students authorized to attend District schools pursuant to this policy shall be admitted only on payment of tuition prorated for the period of attendance during which such students are attending as non-residents; students who become non-residents during a school year shall attend at tuition for the balance of the school year if they continue as students in the District's schools. All tuition payments shall be paid in equal monthly installments on the first day of each month.
- f) Any resident student who becomes a non-resident at any time after such student has been enrolled in and has attended the District's schools may, subject to the provisions of this policy relating to non-resident students, continue to attend District schools provided that such student attended District schools up to the last day of residency and applies to continue attending District schools commencing with the first school day that such student becomes a non-resident.
- g) Anything herein to the contrary notwithstanding, applications for attendance in District schools by non-residents shall be subject to the decision of the Board of Education. The Superintendent shall consider conformity of the application with the foregoing and following additional criteria and considerations and shall base his/her decision on the best interests of the (a) School District, including, without limitation, the fiscal impact on the District (b) applying non-resident students and (c) resident students.
- h) Additional criteria and considerations in determining approval of non-residents student applications are as follows:
  - 1. Classroom availability at time of application (including rejection if admission would result in the need to hire further personnel).
  - 2. Student must plan to attend as a full time student within the Jericho Schools.
  - 3. Prior school record of truancy or disciplinary problems.
- i) In the event that the Superintendent of Schools disapproves an application for non-resident attendance, the applicant may request in writing at least seven days before the next regular or special meeting of the Board of Education that the Board of Education review such application.
- j) In every case of non-residency, it shall be the responsibility of the parent to provide transportation.

(Continued)

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

k) Attendance in the Jericho Schools of non-resident students shall be subject to annual review on or before the regular August meeting of the Board of Education, in order to determine whether such attendance shall be continued during the school year of such August meeting. In the event that non-resident attendance of any student is discontinued the parents or guardians of the affected student shall be notified by mail within ten (10) days of such determination provided that any inadvertent delay of notification shall not affect such determination.

l) This policy is effective immediately upon approval by the Board of Education.

Unusual requests and circumstances shall be brought to the attention of the Board of Education.

Education Law Sections 1709(13), 2045 and 3202  
8 New York Code of Rules and Regulations  
(NYCRR) Section 174.2

**SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE**

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

**Definitions**

- a) **Child or youth in foster care** ("student in foster care") means a child who is in the care and custody or custody and guardianship of a local Commissioner of Social Services or the Commissioner of the Office of Children and Family Services.
- b) **Feeder school** means:
  - 1. A preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;
  - 2. A school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or
  - 3. A school that sends its students to a receiving school in a neighboring school district pursuant to applicable laws and regulations.
- c) **Foster care** means 24-hour substitute care for children placed away from their parents or guardians and for whom the state or tribal child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.
- d) **Preschool** means a publicly funded prekindergarten program administered by SED or a local educational agency or a Head Start program administered by a local educational agency and/or services under the Individuals with Disabilities Education Act (IDEA) administered by a local educational agency.
- e) **Receiving school** means:
  - 1. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or

(Continued)

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

2. A school that enrolls students from a feeder school in a neighboring local educational agency pursuant to applicable laws and regulations.
- f) **School district of origin** means the school district within New York State in which the child or youth in foster care was attending a public school or preschool on a tuition-free basis or was entitled to attend at the time of placement into foster care when the Social Services District or the Office of Children and Family Services assumed care and custody or custody and guardianship of such child or youth, which is different from the school district of residence.
- g) **School district of residence** means the public school district within New York State in which the foster care placement is located, which is different from the school district of origin.
- h) **School of origin** means a public school that a child or youth attended at the time of placement into foster care, or the school in which the child or youth was last enrolled, including a preschool or a charter school. For a child or youth in foster care who completes the final grade level served by the school of origin, the term school of origin will include the designated receiving school at the next grade level for all feeder schools. Where the child is eligible to attend school in the school district of origin because the child was placed in foster care after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or the child is living with a school-age sibling who attends school in the school district of origin, the school of origin will include any public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to be placed in foster care.

**District Foster Care Liaison**

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

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

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

- a) Submitted to SED;
- b) Provided, in writing, to the point of contact for any LDSS known by the District to have students in its custody; and
- c) Posted on the District website.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)****Designation of School District and School**

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

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

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

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

**Responsibilities When Designated as the School District of Attendance**

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

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

(Continued)

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

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

**Request for Records**

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

**Tuition Reimbursement**

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

**Transportation Responsibilities**

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

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

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

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

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

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

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

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

**Where the School of Origin is a Charter School**

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

**Dispute Resolution Process**

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

**Coordination with Other Agencies**

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

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

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

**Comparable Services**

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

(Continued)

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

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

45 USC § 6312

45 CFR § 1355.20(a)

US DOE, Non-Regulatory Guidance: Ensuring Stability for Children in Foster Care (June 23, 2016)

Education Law §§ 3202 and 3244

Memorandum from NY St. Educ. Department on Educational Stability and Transportation Provisions for Students in Foster Care Memo (December 2, 2016)

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

**Adopted: 6/13/19**



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Students

**SUBJECT: INVOLUNTARY TRANSFER OF STUDENTS**

Involuntary transfer of a student from regular classroom instruction to an appropriate educational setting in another school shall be in accordance with Education Law.

Education Law Sections 1709(3) and 3214(5)

Adopted: 1/22/98

## Students

**SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS****Married Students**

The Board of Education will comply with state law in reference to married students attending school.

**Pregnant Students**

According to New York State Education Law, a student who becomes six years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen years of age. The Education Law further provides that resident students over five (5) and under twenty-one (21) are entitled to attend school in the district in which they reside. The law further requires that a school district provide for this instruction and also to provide for home instruction for those students of legal age who are unable to profit from instruction in school.

In view of the above, the Board of Education directs the Superintendent of Schools to provide instruction as required by the New York State Education Law for students who become pregnant. The Superintendent, or his/her designee, is directed to consult with the school physician and the student's personal physician in determining the form of instruction.

The form of instruction may be any of the following or a combination of the following:

- a) Remain in school with provisions for special instruction, scheduling, and counseling where needed.
- b) Receive home instruction.
- c) Attend BOCES programs.

Education Law Sections 1604(20), 3202-1,  
3205-1, 4401-1, and 4402-2  
20 USC Section 1681  
45 CFR Part 86  
Title IX of the Education Amendment (1972)

Adopted: 1/22/98

1998

7160

Students

**SUBJECT: STUDENT PROJECTIONS**

The Jericho Board of Education, beginning with the 1996-1997 school year, hereby designates the Superintendent of Schools to establish student enrollment projections utilizing October enrollments. The Superintendent of Schools is authorized to use District resources and outside consultants to develop these projections.

A review of these projections will be presented to the Board of Education in January of each school year.

Adopted: 1/22/98

## Students

**SUBJECT: SCHOOL CENSUS**

School districts are authorized, rather than obligated, 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, to illiteracy, to employment and to the enforcement of the law relating to child labor and compulsory education as the State Education Department and the Board of Education shall require; and also such further information as the Board shall require.

On written request and in such form as prescribed by the Commissioner of Education, the Board shall provide to the Commissioner a report containing the names, ages and addresses of those children who are blind or deaf, and those children having serious physical or mental disabilities. Additionally, such report shall further indicate whether such children are being educated within the public schools of the District or, if they are not, where such education is being furnished to them.

Persons in parental relation to those children within the prescribed census age ranges are to make such reports as the Board of Education shall require, including, but not limited to, providing two weeks before the child reaches compulsory school age, the name of the child; the child's residence; the name of the person or persons in parental relation to the child; the name and location of the school to which the child shall have been or shall be sent as a student; and such other information as required by law or as the Board may require.

A parent, guardian or other person having under his/her control or charge a child between birth and 18 years of age who withholds or refuses to give information in his/her possession relating to such census data as required by law pertaining to the child; or, in the alternative, gives false information in relation to such census data, shall be liable to and punished by a fine or imprisonment as established by law.

Census data shall be reported as required by law.

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: 2/8/01

**SUBJECT: STUDENT EVALUATION, PROMOTION AND PLACEMENT**

**Grade Promotion and Placement**

Grade promotion and the placement of students within the District's instructional system shall be at the discretion of the school administration and shall be subject to review at any time. In making such decisions, the administrator or Building Principal will be guided by performance in class; past records, including various measures of student growth; parent and teacher recommendations, and any other appropriate sources of information. With regard to student placement decisions, parents may submit written requests for teacher attributes that would best serve their child's learning needs; however, requests for specific teachers will not be honored.

**Testing Program**

The Jericho School District utilizes various ability, achievement, diagnostic, readiness, interest and guidance tests for the purpose of complying with state and federal law and/or aiding the implementation of quality educational services. The District will not make any student promotion or placement decisions based solely or primarily on student performance on the state administered English language arts and mathematics assessments for grades 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
- b) Students whose native language is other than English (i.e., English language learners) in accordance with State Education Department Guidelines.

**SUBJECT: STUDENT EVALUATION, PROMOTION AND PLACEMENT (Cont'd.)**

The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

**Reporting to Parents and Persons in Parental Relation to Students**

Parents, guardians, and/or persons in parental relation to District students shall receive an appropriate report of student progress at regular intervals.

The District will not place or include on a student's official transcript or maintain in a student's permanent record any individual student score on a state administered standardized English language arts or mathematics assessment for grades 3 through 8. However, the District will comply with state and federal requirements regarding the maintenance and transfer of student test scores. Any test results on a state administered standardized English language arts or mathematics assessment for grades 3 through 8 sent to parents or persons in parental relation to a student shall include a clear and conspicuous notice that such results will not be included on the student's official transcript or in the student's permanent record and are being provided to the student and parents for diagnostic purposes.

When necessary, attempts will be made to provide interpreters for non-English speaking parents, guardians, and/or persons in parental relation to District students.

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.  
Education Law Sections 305(45) - (47), 1709(3)

8 NYCRR Sections 100.2(g), 100.2(l), 100.3(b)(2)(iv), 100.4(b)(2)(v), 100.4(e)(6)  
8 NYCRR Parts 117 and 154

Adopted: 12/19/07  
Adopted: 11/20/14

**SUBJECT: GRADING, CLASS RANK AND WEIGHTING OF GRADES**

The Board of Education, acting upon the recommendations of its professional staff, hereby establishes the following standardized legend for grading and marking all major subjects in the Jericho Public Schools, Grades 9-12, effective September 1, 1989.

Grading

	Numerical	GPA	Explanation
A+	97 -100	4.0	Excellent - Indicates unusually strong intellectual accomplishments
A	93-96	3.8	
A-	90-92	3.6	
B+	87-89	3.4	Good - Indicates strong learning accomplishments
B	83-86	3.2	
B-	80-82	3.0	
C+	77-79	2.7	Average - Indicates average learning accomplishments
C	73-76	2.4	
C-	70-72	2.0	
D+	67-69	1.7	Low Passing - Meeting only partial minimum standards but awarded course credit on teacher recommendation
D	65-66	1.4	
F	Below 65	0.0	Failing - Not meeting minimum standards of subject and/or not working up to ability

Class Rank

The reporting of numerical rank-in-class on Jericho transcripts will be eliminated effective September, 1989. Grade point averages will continue to be reported on transcripts. The Valedictorian and Salutatorian will be selected on the basis of GPA. A school profile, including distribution of grades, will be attached to all transcripts sent out by the high school to provide colleges with the necessary information.

(Continued)

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7211  
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Students

**SUBJECT: GRADING, CLASS RANK AND WEIGHTING OF GRADES (Cont'd.)**

**Weighting of Grades**

For reporting purposes to be competitive with other schools, a weighting system that assigns weights to Regents level, accelerated, honors, college level and Advanced Placement courses will be developed for implementation in the 1989-90 school year. The system will be reviewed annually by the Superintendent of Schools who shall create an administrative regulation that applies to grades 9-12.

Adopted: 1/22/98



## 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)

**SUBJECT: GRADUATION OPTION/EARLY GRADUATION/ACCELERATED PROGRAMS**

To graduate from the District, a student must meet or exceed the requirements set forth in Part 100 of the Commissioner's regulations. The Board may establish graduation requirements that exceed the minimum standards set by the Board of Regents. The District will award the appropriate diploma, credential, or both to students.

**Pathways to Graduation**

Students must pass the required number of Regents examinations or approved alternative exams and meet any further graduation requirements; these requirements may include passing an approved pathways assessment, other assessment, or an additional exam that measure an equivalent level of knowledge and skill. Students who fail certain Regents examinations may appeal the result in accordance with Commissioner's regulations.

**Early Graduation**

A student may be eligible for early graduation (fewer than eight semesters) if the student completes all requirements for graduation, excluding physical education. The District will consult with appropriate personnel, the student, and persons in parental relation, and consider factors such as the student's grades, performance in school, future plans, and benefits to graduating early in making its decision.

**Accelerated Programs**Eighth Grade Acceleration for Diploma Credits

Eighth grade students may take appropriate high school courses. The Superintendent or designee will determine whether an eighth grade student is eligible to take high school courses using criteria that examine each student's readiness. By the end of seventh grade, accelerated students must receive instruction designed to facilitate their attainment of the state intermediate learning standards in each subject area in which they are accelerated.

Advanced Placement (AP)

Advanced Placement examinations afford students the opportunity to earn credit or advanced standing in many colleges and universities. While the District will make recommendations, students have the opportunity to choose the AP courses they want to include in their schedules. The College Board administers a variety of AP examinations in May of each year.

(Continued)

Students

**SUBJECT: GRADUATION OPTION/EARLY GRADUATION/ACCELERATED PROGRAMS (Cont'd.)****Dual Credit for College Courses**

Students who have demonstrated intellectual and social maturity may choose to matriculate at any one of the colleges that have a cooperative agreement with the District. Students who wish to enroll in college-level coursework must meet all academic, grade level, and coursework requirements. These opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. The administration will review and approve any college courses before they are taken during the school day. The Board will not pay tuition and other related costs for those high school students enrolled in college courses.

8 NYCRR §§ 100.1(i), 100.2(f), 100.4(d), 100.5, 100.6, and 200.5

NOTE: Refer also to Policy #7222 -- Diploma or Credential Options for Students with Disabilities

*Adopted: March 23, 2017*

1998

7221

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 District, upon request from the student's parent/legal guardian, 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(3)

Adopted: 1/22/98

**Students**

**SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES**

The District will provide students with disabilities appropriate opportunities to earn a diploma or other exiting commencement credential in accordance with Commissioner's regulations. During the student's annual review, the District will evaluate graduation opportunities and identify the means to achieve them. As part of this process, the District:

- a) Will coordinate activities with guidance personnel and BOCES staff to ensure that students meet credit and sequence requirements and to consider them for vocational opportunities.
- b) May modify instructional techniques and materials. Any modifications will be included on a student's Individual Education Plan (IEP) so that they can be implemented consistently throughout the student's program.
- c) Will review special education instructional programs to ensure equivalency with the same courses taught in the general education program.
- d) Will coordinate communication between special and general education staff so that all staff members understand required skills and competencies, and to establish equivalency of instruction in special education classes.

Graduation and transition plans will take into account the various pathways available to these students. For students with IEPs, the District will plan transition services for post-secondary life as early as possible, but no later than the school year in which the student turns age 15. The transition activities will be focused on improving both the student's academic and functional achievement. The plan will explore post-secondary opportunities and employment options and, if applicable, connection with adult service agencies that may provide the student with services after exiting school.

The District may award these diplomas or credentials, or both:

- a) Local diploma: available to students with an IEP or a Section 504 accommodation plan that specifies a local diploma. Students must comply with credit requirements. The available assessments to earn a local diploma include:
  - 1. Low-pass safety net option: students must achieve a score of 55 or higher on five required Regents exams.
  - 2. Low-pass safety net and appeal: available to students who score 52-54 on up to two Regents exams, successfully appeal those scores, and meet other applicable conditions.

(Continued)

**Students**

**SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS  
WITH DISABILITIES (Cont'd.)**

3. Compensatory safety net option: except for scores on ELA and math exams, students may use one Regents exam score of 65 or above to compensate for a Regents exam score of 45-54. Students must score at least 55 (or successfully appeal a score of 52-54) on both the ELA and a math exam.

4. Superintendent's determination: students who are unable to demonstrate their proficiency on standard state assessments because of one or more disabilities may be able to graduate upon the Superintendent's review and written certification of their eligibility. The Superintendent will make a determination after receiving a written request from an eligible student's parent or guardian. (Students with a Section 504 accommodation plan may not use this option.)

b) Career Development and Occupational Studies commencement credential (CDOS): any student who is not assessed using the New York State Alternate Assessment (NYSAA) may earn the CDOS commencement credential as a supplement to a Regents or local diploma or as his or her only exiting credential if the student attended school for at least 12 years, excluding kindergarten. The student must meet criteria specified by the State Education Department confirming that he or she has attained the standards-based knowledge, skills, and abilities necessary for entry-level employment.

c) Skills and Achievement (SA) commencement credential: students with severe disabilities who are assessed using the NYSA A may earn the SA commencement credential. They must attend school for at least 12 years, excluding kindergarten. The District must document the student's skills, strengths, and levels of independence in academic, career development, and foundation skills needed for post-secondary life.

**Participation in Graduation Activities**

The District allows any student with a disability to participate in the graduation ceremony of his or her high school graduating class and all related graduation activities.

Education Law Sections 3202 and 4402  
8 NYCRR Sections 100.1, 100.2, 100.5, 100.6, 200.4 and 200.5

NOTE: Refer also to Policy #7220 -- Graduation Requirements/Early Graduation/Accelerated Programs

**Adopted: 1/19/23**

## Students

**SUBJECT: PROVISION OF SPECIAL EDUCATION SERVICES TO NONPUBLIC SCHOOL STUDENTS WITH DISABILITIES WHO ARE PARENTALLY PLACED**

Beginning with the 2007-2008 school year, the **district of location** is responsible for child find, including individual evaluations, Committee on Special Education (CSE) meetings, provision of 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.

The new requirements **do not** pertain 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, and State-supported or State-operated schools, nor does it apply to Charter schools. These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools.

**Parental Consent Needed by the School District of Location**

Federal law and regulations require the following:

- a) If a student with a disability is parentally placed, or is going to be parentally placed in a nonpublic school that is not located in the school district where the student legally resides, 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. Therefore, parent consent is required before sharing Individualized Education Programs (IEPs) and other education records between the district of residence and the district of location.
- b) Parent consent must also be obtained by the school district of location prior to sharing of personally identifiable information with the nonpublic school.
- c) If a parent who has placed a student with a disability in a nonpublic school at his/her own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the district of location may not use the due process hearing to override lack of parental consent; and the district of location is not required to consider the student as eligible for special education services.

**Consultation Requirements with Nonpublic Schools**

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 the following topics:

(Continued)

## Students

**SUBJECT: PROVISION OF SPECIAL EDUCATION SERVICES TO NONPUBLIC SCHOOL STUDENTS WITH DISABILITIES WHO ARE PARENTALLY PLACED (Cont'd.)**Child Find

The child find process must include discussion on how parentally placed nonpublic school students suspected of having a disability can participate equitably, including the procedures to be followed by the district of location and nonpublic school to identify students who may have disabilities.

Provision of Special Education Services

Consultation must address how, where and by whom special education and related services will be provided to such students, including a discussion of types of services, such as direct services and alternate service delivery mechanisms.

If the school district disagrees with the views of the nonpublic school officials on the provision of services or the types of services, whether provided directly or through a contract, the school district shall provide to the nonpublic school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract.

Use of Federal Funds

Consultation must also include determination of the proportionate amount of federal funds available to serve parentally placed nonpublic school students with disabilities, including the determination of how the amount was calculated.

Upon completion of the consultation process, the nonpublic school representatives must provide written affirmation of their participation in the consultation process. If the nonpublic school representative does not provide such affirmation within a reasonable period of time, the school district must forward the documentation of the consultation process to the State Education Department (SED).

**Child Find Requirements (Including Individual Evaluations and Reevaluations)**

Child find is the practical method the public school district of location will develop and implement to identify, locate and ensure the evaluation and identification of students with disabilities who are parentally placed in nonpublic schools. The child find activities must be similar to activities undertaken for students with disabilities in the public schools and must be completed in a time period comparable to that for other students attending public schools in the school district. The child find obligations also include parentally placed nonpublic school children who reside outside New York State.

(Continued)



## Students

**SUBJECT: PROVISION OF SPECIAL EDUCATION SERVICES TO NONPUBLIC SCHOOL STUDENTS WITH DISABILITIES WHO ARE PARENTALLY PLACED (Cont'd.)**

The district of location must have procedures for conducting evaluations and reevaluations of students enrolled in nonpublic schools located within their district within required timeframes and at no cost to parents. The reevaluation requirements apply to all eligible parentally placed nonpublic school students with disabilities, even those not currently receiving services.

**Development of Individualized Education Programs (IEPs) and Provision of Special Education Services for New York State Resident Students**

The CSE of the district of location will be responsible to develop an Individualized Education Program (IEP) for New York State students with disabilities enrolled by their parents in nonpublic schools located in the geographic region of the public school. The IEP developed for parentally placed nonpublic school students must be developed consistent with the manner in which the IEPs of all students with disabilities are developed and the services to be provided cannot be determined based on the proportionate share of federal funds. The CSE of the district of location must ensure that a representative of the nonpublic school where the student attends is included in the meeting where the IEP is developed. If the representative cannot attend, the school district must use other methods to ensure participation by the private school, including individual or conference telephone calls. The IEP must be reviewed periodically, but not less than annually.

The school district of location is also responsible to provide special education services pursuant to the IEP developed for each eligible student. The parent must request special education services in writing to the school district by June 1 preceding the school year for which the request for services is made. Exceptions to the June 1 request for services deadline must be provided in accordance with law.

**Transportation**

If special education services are to be provided to a student at a site other than the nonpublic school, the district of location is responsible to provide the special education services, including, as applicable, arranging and providing transportation necessary for the student to receive special education services. The proportionate share of IDEA Part B dollars could be used for such purpose.

The school district of residence remains responsible to provide transportation to parentally placed nonpublic school students from the student's home to the nonpublic school.

(Continued)

**SUBJECT: PROVISION OF SPECIAL EDUCATION SERVICES TO NONPUBLIC SCHOOL STUDENTS WITH DISABILITIES WHO ARE PARENTALLY PLACED (Cont'd.)**

**Services Plans for Out-of-State Children**

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 services 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.

The services plan must, to the extent appropriate, be developed, reviewed and revised by the CSE of school district of location consistent with the requirements for development of an IEP. The parent(s) of the student must be invited to the meeting and the district of location must also ensure that a representative of the nonpublic school where the student attends be included in the meeting where the services plan is developed. If the nonpublic school representative cannot attend, the school district must use other methods to ensure participation by the nonpublic school, including individual or conference telephone calls. The services plan must be reviewed periodically, but not less than annually.

[Individuals with Disabilities Education Improvement Act of 2004 \(Public Law 108-446\)](#)  
[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 3242, 3602-c, 4401-a, 4402, 4404, 4405, and 4410-b](#)  
8 New York Code of Rules and Regulations (NYCRR) Part 200

Adopted: 10/23/08

## Students

**SUBJECT: DUAL CREDIT FOR COLLEGE COURSES**

The Board of Education recognizes that high school students have a variety of opportunities and options for covering the required coursework within and outside Jericho High School. Such opportunities may include early admission to college, collegiate-level work offered in the high school, or college courses taken on college campuses.

Students desiring high school credit for a course required for graduation taken outside Jericho High School must submit a course outline and any other requested information to the appropriate curriculum associate for evaluation. Ideally, this should be done prior to enrollment in the course; subsequent approval is possible, but not guaranteed. If the course is deemed an adequate substitute for a particular high school course required for graduation, the student will receive approval in writing. Course credit will be granted upon receipt of an official transcript showing a passing grade. Grades received in courses taken outside Jericho High School will not be reflected in the Jericho High School GPA, but will appear on the Jericho High School transcript.

The Board shall not be required to pay tuition or other related costs for high school students enrolled in such courses.

Adopted: June 18, 2010

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE****Student Records**

The Jericho 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 official records, files, and data, including all material that is incorporated into each student's cumulative record folder and intended for school use or to be available to parties outside the school or School System and specifically including, but not necessarily limited to, identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health data; family background information; teacher or counselor ratings and observations; and verified reports of serious or recurrent behavior patterns."

**Access to Student Records**

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older or who are attending an institution of post-secondary education, student records, and files on students, and to ensure the confidentiality of such records with respect to third parties.

Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information contained in student records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature:

- a) Identifies and authenticates a particular person as the source of the electronic consent; and
- b) Indicates such person's approval of the information contained in the electronic consent.

**Challenge to Student Records**

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, shall have an opportunity for a hearing to challenge the content of the school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

(Continued)

**2007**

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Students

**SUBJECT:STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

Family Educational Rights and Privacy Act of 1974  
20 United States Code (USC) Section 1232(g)  
34 Code of Federal Regulations (CFR) Part 99

Adoption Date: 12/19/07

1998

7241

Students

**SUBJECT: RELEASE OF INFORMATION TO THE NONCUSTODIAL PARENT**

The District may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

20 United States Code (U.S.C.) 1232(g) (b) (4) (A)  
34 Code of Federal Regulations (CFR), Part 99

Adopted: 1/22/98

**SUBJECT: RIGHTS OF NON-CUSTODIAL PARENTS**

The Board is mindful that various arrangements exist for the care and custody of children residing in the District. The District attempts to maintain current family information to help ensure student safety, proper communication with parents, and appropriate educational programming. Parents who are divorced, legally separated, or otherwise live apart should supply the District with relevant information and documentation, including custody orders, regarding who is responsible for the custody and care of their child, and who is permitted to make educational decisions for that child.

A non-custodial parent's participation in his or her child's education will be governed by the terms of any custody order. As a general matter, however, the District encourages non-custodial parents to participate in their child's education. Unless prohibited from doing so by a court order, non-custodial parents may request information about their child, inspect and review their child's records in accordance with the Family Educational Rights and Privacy Act (FERPA) and District policy, and otherwise remain interested in their child's education.

The District will not release students to a non-custodial parent without the custodial parent's consent. It is the parent's responsibility to inform the District if and when the child may be released to individuals other than the custodial parent in a form acceptable to the District.

NOTE: Refer also to Policies #7130 -- Entitlement to Attend -- Age and Residency  
#7240 -- Student Records: Access and Challenge

**Adoption Date: 2/16/17**

**SUBJECT: SCHOOL CONDUCT AND DISCIPLINE**

The Board of Education of the Jericho Union Free School District has adopted and implemented a written policy on school conduct and discipline designed to promote responsible student behavior. This policy was developed locally in consultation with teachers, administrators, other school service professionals, students and parents/legal guardians, and includes:

- a) Responsibilities of students that focus upon positive student behavior, and is publicized and explained to all students on an annual basis;
- b) A discipline code for student behavior setting forth prohibited student conduct and the range of penalties that may be imposed for violation of such code, which is publicized and explained to all students and provided in writing to all parents/legal guardians on an annual basis. Such code shall describe the roles of teachers, administrators, Board of Education members and parents/legal guardians;
- c) Strategies and procedures for the maintenance and enforcement of public order on school property that shall govern the conduct of all persons on school premises, in accordance with section 2801 of the Education Law and accepted principles of due process of law;
- d) Procedures within each building to involve student service personnel, administrators, teachers, parents/legal guardians and students in the early identification and resolution of discipline problems. For students identified as having disabilities, the policy includes procedures for determining when a student's conduct shall constitute a reason for referral to the Committee on Special Education for review and modification, if appropriate, of the student's individualized education program;
- e) Alternative educational programs appropriate to individual student needs;
- f) Disciplinary measures for violation of the school policies developed in accordance with subparagraphs b) and c) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student. Any suspension from attendance upon instruction may be imposed only in accordance with Section 3214 of the Education Law; and
- g) Guidelines and programs for staff education to ensure effective implementation of school policy on school conduct and discipline.



**SUBJECT: SCHOOL CONDUCT AND DISCIPLINE**

The Board of Education will review this policy on school conduct and discipline annually and amend it when appropriate. The policy shall be filed in each school building, and shall be available for review by any individual.

8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(1)

**NOTE: Refer also to Policies -**

- #3270 -- Community Use of School Facilities
- #3410 -- Code of Conduct on School Property
- #3411 -- Prohibition of Weapons on School Grounds
- #3412 -- Threats of Violence in School
- #3420 -- Non-Discrimination and Anti-Harassment in the School District
- #5640 -- Smoking/Tobacco Use
- #7311 -- Loss or Destruction of District Property or Resources
- #7312 -- Student Dress Code
- #7313 -- Suspension of Students
- #7314 -- Students Presumed to Have a Disability for Discipline Purposes
- #7314.1 -- Student Use of Computerized Information Resources
- #7315 -- Computer Network and Internet Student Acceptable Use Policy
- #7316 -- Student Use of Personal Technology
- #7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)
- #7330 -- Searches and Interrogations
- #7340 -- Bus Rules and Regulations
- #7350 -- Corporal Punishment
- #7360 -- Weapons in School and the Gun-Free Schools Act
- #7361 -- Gun-Free Schools Policy

**Adopted: 7/6/23**

## Students

**SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES**

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an un-emancipated 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 \$500.00 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 \$500.00, 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 \$500.00.

**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 un-emancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has falsely reported an incident; or
- b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the School District in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, the School District shall file with the court, district attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

General Obligations Law Section 3-112  
Penal Law Section 60.27

Adopted: 2/8/01

**SUBJECT: STUDENT DRESS CODE**

The responsibility for the dress and appearance of students shall rest with individual students and parents. They have the right to determine how the student shall dress, provided that such attire does not interfere with the operation of the school or infringe upon the general health, safety and welfare of District students or employees. Student dress and appearance must be in accordance with the *District Code of Conduct*. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

While the school administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, socks, shorts, and tee shirts, they may not prescribe a specific brand which students must wear.

This policy does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Education Law Section 2801(1)  
--definition of school function

NOTE: Refer also to *District Code of Conduct on School Property*

Adoption Date: 1/24/08

**SUBJECT: SUSPENSION OF STUDENTS**

The Superintendent and/or the Principal may suspend the following students from required attendance upon instruction:

- a) A student who is insubordinate or disorderly; or
- b) A student who is violent or disruptive; or
- c) A student whose conduct otherwise endangers the safety, morals, health or welfare of others.

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

**Suspension****Five Days or Less**

The Superintendent and/or the Principal of the school where the student attends shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the Principal, the designated "Acting Principal" may then suspend a student for a period of five (5) school days or less.

When the Superintendent or the Principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with **notice** of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an **explanation** of the basis for the suspension.

When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student *may be* suspended from school.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an 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  
(Continued)

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

The notice and opportunity for informal conference shall take place **prior to** suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

Teachers shall immediately report or refer a violent student to the Principal or Superintendent for a violation of the *District's Code of Conduct* and a minimum suspension period.

More Than Five School Days

In situations where the Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

Minimum Periods of Suspension

Pursuant to law, Commissioner's Regulations and the *District's Code of Conduct*, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a weapon to school or possessed a weapon on school premises shall be suspended for a period of not less than one (1) calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.

(Continued)

## Students

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

- b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" shall be determined in accordance with the Regulations of the Commissioner.
- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

**Suspension of Students with Disabilities**

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the *District's Code of Conduct* and in conjunction with applicable law and the determination of the Committee on Special Education (CSE). An inquiry shall be made to determine whether the violation is reflective of the student's disability.

For suspensions or removals up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern because the suspensions or removals cumulate to more than ten school days in a school year, a manifestation determination must be made.

**Manifestation Determinations**

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten (10) school days after a decision is made:

- a) By the Superintendent to change the placement to an interim alternative educational setting (IAES);
- b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

- c) By the Board, District Superintendent, Superintendent or building principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

The manifestation team shall review all relevant information in the student's file including the student's individualized education program (IEP), any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the IEP.

**Finding of Manifestation**

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability the CSE shall conduct a functional behavioral assessment and implement or modify a behavioral intervention plan. Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

**No Finding of Manifestation**

If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent/person in parental relation to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to such student.

**Provision of Services Regardless of the Manifestation Determination**

Regardless of the manifestation determination, for subsequent suspensions or removals for ten (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change of placement, and for suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement for behavior, the CSE shall determine the services to be provided to

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

students with a disability necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP, and shall conduct or provide, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

**Interim Alternative Educational Setting (IAES)**

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) school days may, as determined by the CSE, be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

Additionally, the District may seek an order from a hearing officer for a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the District establishes, in accordance with law, that such student is substantially likely to injure him/her or others.

There are three (3) specific instances when a student with a disability may be placed in an IAES for up to forty-five (45) school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or
- b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or
- c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:
  - 1. Substantial risk of death;
  - 2. Extreme physical pain; or
  - 3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

(Continued)



## Students

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES shall:

- a) Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP, and
- b) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

**Suspension From BOCES**

The BOCES Principal may suspend School District students from BOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

**In-School Suspension**

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

**BOCES Activities**

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES is to be considered as an act within the School District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or his/her designee.

(Continued)

## Students

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)****Exhaustion of Administrative Remedies**

If a parent/person in parental relation wishes to appeal the decision of the Building Principal and/or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board of Education no later than thirty (30) days from the date of the written decision by the Principal and/or Superintendent to impose such suspension. This appeal must be made to the Board of Education prior to commencing an appeal to the Commissioner of Education.

Individuals with Disabilities Education Improvement Act of 2004  
[Public Law 108-446 Section 615(k) (l)]  
18 United States Code (USC) Section 921  
Individuals with Disabilities Education Act (IDEA)  
20 United States Code (USC) Sections 1400 et seq.  
20 United States Code (USC) Section 7151, as reauthorized by the No  
Child Left Behind Act of 2001  
34 Code of Federal Regulations (CFR) Part 300  
Education Law Sections 2801(1), 3214 and 4402  
Penal Law Section 265.01  
8 New York Code of Rules and Regulations (NYCRR)  
Section 100.2(l) (2) and Part 201

Adoption Date: 5/20/10

## Students

**SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES**

The parent of a student who has violated any rule or code of conduct of the School District and who was not identified as a student with a disability at the time of such behavior may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and State regulations *if the School District is deemed to have had knowledge (as determined in accordance with law and/or regulations and referenced below) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.*

**Basis of Knowledge**

The School District shall be deemed to have knowledge that the student had a disability if prior to the time the behavior occurred:

- a) The parent of the student has expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services. However, expressions of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;
- b) The parent of the student has requested an evaluation of the student; or
- c) A teacher of the student, or other District personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel in accordance with the District's established child find or special education referral system.

**Exception**

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above (i.e., subheading "Basis of Knowledge"):

- a) The parent of the student has not allowed an evaluation of the student pursuant to law and/or regulations;
- b) The parent of the student has refused services under law and/or regulations; or
- c) The student has been evaluated and it was determined that the student is not a student with a disability.

(Continued)

## 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

NOTE: Refer also to Policy #7313 -- Suspension of Students

Adoption Date: 1/24/08

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES**

The Board of Education will provide access to various computerized information resources through the District's computer system ("DCS" hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may include the opportunity for some students to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations. Further, all such use must be in support of education and/or research and consistent with the goals and purposes of the School District.

One purpose of this policy is to provide notice to students and parents/ guardians that, unlike most traditional instructional or library media materials, the DCS will allow student access to external computer networks not controlled by the School District where it is impossible for the District to screen or review all of the available materials. Some of the available materials may be deemed unsuitable by parents/guardians for student use or access. This policy is intended to establish general guidelines for acceptable student use. However, despite the existence of such District policy and accompanying guidelines and regulations, it will not be possible to completely prevent access to computerized information that is inappropriate for students. Furthermore, students may have the ability to access such information from their home or other locations off school premises.

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the DCS. This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior.

District students shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and student rights of privacy created by federal and state law.

Students who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the District's school conduct and discipline policy and the Student Discipline Code of Conduct. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

(Continued)

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(Cont'd.)**

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The computer coordinator may access all such files and communications to insure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the DCS will be private.

The Superintendent or his/her designee is authorized to establish regulations as necessary to implement the terms of this policy.

Adopted: 1/24/08

**SUBJECT: COMPUTER NETWORK AND INTERNET STUDENT ACCEPTABLE USE POLICY (AUP)**

The Board will provide access to various computerized information resources through the District's computer system ("DCS") consisting of software, hardware, computer networks, and electronic communications systems. This may include access to email, 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, will be subject to this policy. Further, all DCS use must be in support of education or research and consistent with the goals and purposes of the District.

A parent/guardian may deny his or her child independent access to the Internet at any time by submitting a letter to the school indicating that he or she is opting his or her child out of independent access to the Internet. However, teacher-directed Internet activities are part of our curriculum and are not subject to parent/guardian opting out.

**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 or guardians notice that student use of the DCS will provide student access to external computer networks not controlled by the 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 or guardians.

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 this 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 should establish boundaries and standards for the appropriate and acceptable use of technology and communicate these boundaries and standards to their children. The 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 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.

District students must 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 of the DCS may lose access in accordance with applicable due process procedures, and may be subject to further discipline in accordance with the District *Code of Conduct*.

## Students

**SUBJECT: COMPUTER NETWORK AND INTERNET STUDENT ACCEPTABLE USE POLICY (AUP) (Cont'd.)**

Student data files and other electronic storage areas are considered District property subject to control and inspection. The Computer Coordinator may access all files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy. Students should not expect that information stored on the DCS will be private.

**Ethical and Legal Considerations**

Users should have no expectation of privacy, and should exercise discretion when creating, storing or transmitting any electronic information including that which is stored on hosted providers. Likewise, online communications between students and staff offer unique learning opportunities, but can have potentially negative consequences if misused or misinterpreted. Students and staff should always be aware that online communications can become part of the public domain, and should not be considered personal or private.

For safety reasons, student users are expected to refrain from:

- Sharing account information including usernames or passwords;
- Transmitting personal information including but not limited to photographs, names, addresses, or telephone numbers;
- Engaging in online harassment, cyberbullying, or otherwise injurious or potentially injurious behavior;
- Using our network to access, store, distribute or promote illegal activities, obscenity or any other material deemed inappropriate or harmful to minors.
- Using our network to install, use, store, duplicate or distribute personal software or copyrighted materials without the license to do so, including software, files, videos, photographs, graphics, text, music, or speech
- Using our network to transmit computer viruses or other malware.
- Using our network to plagiarize, in part or whole, the intellectual property of others, including the work of fellow students or any published content whether in print or electronic format.

Further, students must alert a staff member if they encounter information that is dangerous, offensive, obscene, inappropriate, incites hatred, or makes the student uncomfortable. This list is not comprehensive, and the determination of what constitutes a policy violation is subject to the discretion of the District. Violation of these expectations will lead to school consequences consistent with existing Board policies.

**Notification**

The District's AUP 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.

General Obligations Law § 3-112

NOTE: Refer also to Policy #8261 -- Internet Safety/Internet Content Filtering Policy  
District *Code of Conduct*

**Adopted: 11/19/20**



## Students

**SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY**

The Board of Education seeks to maintain a safe and secure environment for students and staff. Advances in technology have made it possible to expand the learning environment beyond traditional classroom boundaries. Using personal electronic devices during instructional time can enable students to explore new concepts, personalize their learning experience, and expand their global learning opportunities. Additionally, the use of personal technology devices is ubiquitous in today's society and standards for student use during non-instructional time should adapt to this change. This policy defines the use of personal technology during instructional and non-instructional times and reinforces the standard that all use, regardless of its purpose, must follow the guidelines outlined in the Student Acceptable Use Policy (AUP), the District's *Code of Conduct*, and the Dignity for All Students Act.

Personal technology includes all existing and emerging technology devices that can take photographs; record or play audio or video; input text; upload and download media; connect to or receive information from the internet; and transmit or receive messages, telephone calls or images. Examples of personal technology include, but are not limited to, iPods and MP3 players; iPad, Nook, Kindle, and other tablet PCs; laptop and netbook computers; personal digital assistants (PDAs), cell phones and smart phones such as BlackBerry, iPhone, or Droid, as well as any device with similar capabilities.

**Instructional Uses**

Instructional purposes include, but are not limited to, approved classroom activities, research, college admissions activities, career development, communication with experts, homework, and other activities as deemed appropriate by school staff.

Personal technology use by students is permitted during the school day for educational purposes and/or in approved locations only. Teachers will indicate when and if classroom use is acceptable. Students are expected to act responsibly and thoughtfully when using technology resources. Students bear the burden of responsibility to inquire with school administrators and/or teachers when they are unsure of the permissibility of a particular use of technology prior to engaging in such use.

**Non-Instructional Uses**

Appropriate use of personal technology during non-instructional time is also allowed if students follow the guidelines in the AUP and *Code of Conduct*. Non-instructional use includes texting, calling and otherwise communicating with others during free periods and in common areas of the school building such as the hallways, cafeteria, study halls, buses, and student lounges. Other non-instructional uses may include such things as Internet searches, reading, listening to music, playing games and watching videos. This use during non-instructional time must be conducted in a safe and unobtrusive manner. Devices must be in silent mode to avoid disrupting others.

(Continued)

**SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY (Cont'd.)****Liability**

The District will not be liable for the loss, damage, misuse, or theft of any personal technology brought to school. The District reserves the right to monitor, inspect, and/or confiscate personal technology when administration has reasonable suspicion to believe that a violation of school policy or criminal law has occurred.

The Board expressly prohibits recording and/or videotaping in locker rooms, restrooms, Health Offices, and any other areas where a person would reasonably expect some degree of personal privacy.

**Prohibition during State Assessments**

All students are prohibited from bringing electronic devices into a classroom or other location where a New York State assessment is being administered. Test proctors, test monitors, and school officials have the right to collect prohibited electronic devices prior to the start of the test and hold them while the test is being administered, including break periods. Admission to any assessment will be denied to any student who refuses to relinquish a prohibited device.

Students with disabilities may use certain devices if the device is specified in that student's IEP or 504 plan or a student has provided medical documentation that they require the device during testing.

**Permission**

Students will not be permitted to use personal technology devices in school or at school functions until they have reviewed the AUP, the applicable sections of the *Code of Conduct* and associated technology guidelines, and signed the Student Use of Personal Technology Permission Form with their parents. The District reserves the right to restrict student use of District-owned technologies and personal technology on school property or at school sponsored events, at the discretion of the administration.

Students must follow the guidelines for use set out in the District *Code of Conduct* and the Acceptable Use Policy at all times. Consequences for misuse will follow guidelines in the District's *Code of Conduct*. The District will develop regulations for the implementation of this policy that will include, but are not limited to, instructional use, non-instructional use, liability, bullying and cyberbullying, and privacy issues.

NOTE: Refer also to Policies #7315 -- Student Use of Computerized Information Resources (Acceptable Use Policy)  
#7550 -- Dignity for All Students  
#8261 -- Internet Safety/Internet Content Filtering Policy

**Adopted: 7/6/16**

## Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)**

The Board of Education recognizes that the misuse of drugs, alcohol and/or tobacco is a serious problem with legal, physical, emotional and social implications for the entire community. Therefore, the consumption, sharing and/or selling, use and/or possession of alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any school-sponsored event or on school property at all times. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed. Persons shall be banned from entering school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Through the collaborative efforts of staff, students, parents/guardians and the community as a whole, a comprehensive program shall be developed addressing alcohol, tobacco, drugs, and other substances to include the following elements:

**Primary Prevention**

Preventing or delaying alcohol, tobacco, drugs, and other substance use/abuse by students shall be the major focus of a comprehensive K through 12 program in which proactive measures of prevention and early intervention are emphasized. This program shall include:

- a) A sequential K through 12 curriculum based on recognized principles of effectiveness that is developed and incorporated into the total educational process. This curriculum shall be concerned with education and prevention in all areas of alcohol, tobacco, drugs, and other substances use/abuse;
- b) Training school personnel and parents/guardians to reinforce the components of the policy through in-service and community education programs with up-to-date factual information and materials;
- c) An effort to provide positive alternatives to alcohol, tobacco, drugs, and other substances use/abuse through the promotion of drug/tobacco/alcohol-free special events, service projects and extracurricular activities that will develop and support a positive peer influence.

(Continued)

## Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)  
(Cont'd.)****Intervention**

School-based intervention services shall be made available to all students, grades K through 12, and provided by prevention professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol, tobacco, drugs, and other substances and to identify students considered to be at risk for use/abuse. Intervention programming may include:

- a) Counseling of students in groups and as individuals on alcohol, tobacco, drugs, and other substance use/abuse. Counselors shall be appropriately trained and skilled school staff assigned for this purpose;
- b) Referring students to community or other outside agencies when their use/abuse of alcohol, tobacco, drugs, and other substances requires additional counseling or treatment. Referral is a key link in school and community efforts and the process is basic to the dissemination of information regarding available counseling and health services;
- c) Providing a supportive school environment designed to continue the recovery process for students returning from treatment. A re-entry program may include continuing student and/or family counseling and emphasizing positive alternatives to alcohol, tobacco, drugs, and other substance use/abuse;
- d) Developing a parent network to serve as a support group and provide a vehicle of communication for parent education;
- e) Ensuring confidentiality as required by state and federal law.

**Disciplinary Measures**

Disciplinary measures for students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs shall be outlined in the *District's Code of Conduct on School Property*.

**Staff Development**

There shall be ongoing training of District staff about the components of an effective alcohol, tobacco and other substances program. Training shall include, but not be limited to, District policies and regulations and the staff's role in implementing such policies and regulations. Teachers shall be trained to implement the District's K through 12 alcohol, tobacco, drugs and other substance prevention curricula; intervention staff shall be suitably trained to carry out appropriate services.

(Continued)

Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)  
(Cont'd.)****Implementation, Dissemination and Monitoring**

It shall be the responsibility of the Superintendent to implement the alcohol, tobacco, drugs, and other substances Board policy by collaboration with school personnel, students, parents/guardians and the community at large.

Additionally, copies of Board policy shall be disseminated to District staff, parents/guardians and community members. The Superintendent/designee shall periodically review the tobacco, drugs and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Safe and Drug-Free Schools and Communities Act,  
as reauthorized by the No Child Left Behind Act of 2001  
20 United States Code (USC) Section 7101 et seq.  
Education Law Section 2801(1)

NOTE: Refer also to Policies #3270 -- Community Use of School Facilities  
#3410 -- Code of Conduct on School Property  
#5640 -- Smoking/Tobacco Use  
#7310 -- School Conduct and Discipline  
#8211 -- Prevention Instruction  
*District Code of Conduct on School Property*

Adoption Date: 1/24/08

**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.

(Continued)

**SUBJECT: SEARCHES AND INTERROGATIONS (Cont'd.)**

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

**Law Enforcement Officials**

It shall be the policy of the Jericho 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

(Continued)

## Students

**SUBJECT: SEARCHES AND INTERROGATIONS (Cont'd.)**

student's arrest (or removal). Police authorities may also question students for general investigations, general questions regarding crimes committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the student's parent/guardian.

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/guardian.

If possible, questioning of a student by police should take place in private and in the presence of the Building Principal/designee.

4th Amendment US Constitution  
Education Law Sections 1604(9) and (30), 1709(2),  
1709(33) and 2801  
Family Court Act Section 1024  
8 New York Code of Rules and Regulations  
(NYCRR)  
Section 100.2(l)

Adoption Date: 1/24/08



## Students

**SUBJECT: BUS RULES AND REGULATIONS**

The Jericho 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.

Bus drivers shall be held responsible for reasonable and acceptable behavior of students while riding the school bus. Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely.

The Board of Education, the Superintendent and/or his/her designee has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. Generally, parent(s)/guardian(s) will be required to make alternative transportation arrangements for their children who have been suspended from riding the bus. However, the effect of a suspension from transportation on the student's ability to attend school will be considered. If a suspension from transportation effectively results in a suspension from attendance because of the distance between the home and the school and the absence of alternative public or private means of transportation, the District shall make appropriate arrangements to provide for the student's education.

If a student with a disability who receives transportation as a related service as part of his/her Individualized Education Program is being considered for suspension from transportation, and that suspension would effectively result in a change in placement, the student shall be referred to the Committee on Special Education.

The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from transportation privileges. These rules and regulations shall be promulgated to all concerned, including the non-public schools to which students are transported.

Individuals With Disabilities Education Act (IDEA)  
20 United States Code (USC) Sections 1400-1485  
8 New York Code of Rules and Regulations (NYCRR)  
Section 156

Adoption Date: 1/24/08

## Students

**SUBJECT: CORPORAL PUNISHMENT**

Corporal punishment (defined as any act of physical force upon a student for the purpose of punishing that student) as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this School District.

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

- a) Self-protection;
- b) Protection of others;
- c) Protection of property; or
- d) Restraining/removing a disruptive student, if that student has refused to comply with a request to refrain from further disruptive acts.

Whenever a school employee uses physical force against a student, the school employee shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Jericho Union Free School authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Rules of the Board of Regents Section 19.5  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(l) (3)

Adopted: 1/22/98

## Students

**SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT**

No student may bring in or possess any "firearm" or "weapon" on school property, on a school bus or District vehicle, in school buildings, or at school-sponsored activities or settings under the control or supervision of the District regardless of location. Any student who has been found guilty of bringing in or possessing a firearm or weapon in violation of this policy will be disciplined in a manner consistent with law and the District's *Code of Conduct*. Discipline may include a mandatory suspension for a period of not less than one calendar year for a student who is determined to have violated the Federal Gun-Free Schools Act and its implementing provisions in the New York State Education Law, provided that the Superintendent may modify the suspension requirement on a case-by-case basis.

Students who have brought a "weapon" or "firearm" to school will be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials. These referrals will be made as follows: a student who is under the age of 16 and who is not a 14 or 15 year-old who qualifies for juvenile offender status under the Criminal Procedure Law will be referred to a presentment agency for juvenile delinquency proceedings; a student who is 16 years old or older, or who is 14 or 15 and qualifies for juvenile offender status, will be referred to the appropriate law enforcement authorities.

For the purposes of this policy, the term "weapon" will be as defined in 18 USC 930(g)(2)\*\*\*.

For the purposes of this policy, the term "firearm" will be as defined in 18 USC 921(a)\*\*\*.

Students with disabilities continue to be entitled to all rights set forth in the Individuals with Disabilities Act and Education Law Article 89. This policy does not authorize suspension of students with disabilities in violation of those authorities.

This policy also does not diminish the authority of the Board to offer courses in instruction in the safe use of firearms in accordance with Education Law Section 809-a.

Gun-Free Schools Act as amended by the Every Student Succeeds Act (ESSA) of 2015, 20 USC § 7961  
18 USC §§ 921(a) and 930(g)(2)  
Criminal Procedure Law § 1.20(42)  
Education Law §§ 809-a and 3214

NOTE: Refer also to Policies #3411 -- Prohibition of Weapons on School Grounds  
#7313 -- Suspension of Students  
District *Code of Conduct*

**Adopted: October 18, 2018**

## Students

**SUBJECT: GUN-FREE SCHOOLS POLICY**

No student shall bring onto school premises any "firearm" as defined in federal law. For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; 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 of 1994 and Section 3214(3)(d) of the Education Law, any student who brings a firearm, as defined in federal law, onto school property, will be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Article 3 of the Family Court Act when the student is under the age of sixteen and will be referred by the Superintendent to the appropriate law enforcement officials when the student is sixteen years of age or older.

In addition, any student attending a District school who has been found guilty of bringing a firearm onto school property, after a hearing has been provided pursuant to Section 3214 of the Education Law, shall be suspended for a period of not less than one calendar year and any student attending a non-district school who participates in a program operated by the School District using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to a District school or other premises used by the School District to provide such programs shall be suspended for a period of not less than one calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-district school. Further, after the imposition of the one-year penalty has been determined, the Superintendent of Schools has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one-year suspension penalty, the Superintendent may modify the penalty based on factors as set forth in Section 100.2 of the Regulations of the Commissioner of Education and in Commissioner's Decisional Law. The determination of the Superintendent shall be subject to review by the Board of Education in accordance with Education Law Section 3214(3) (c) and by the Commissioner of Education in accordance with Education Law Section 310.

A student with a disability who is determined to have brought a firearm to school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than 45 calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement.

(Continued)

**SUBJECT: GUN-FREE SCHOOLS POLICY (Cont'd.)**

A student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the IDEA, determines that the bringing of a firearm to school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school was a manifestation of the student's disability, the Superintendent must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

The District may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.

The District may also seek a court order to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

Students with disabilities continue to be entitled to all rights enumerated in the Individuals With Disabilities Education Act and Article 89 of the Education Law; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

This policy does not prohibit the District from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of five days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school. Additionally, this policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

The District will continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.

Goals 2001: Educate America Act,  
P.L. 103-227 (Gun-Free Schools Act of 1994)  
18 United States Code (U.S.C.) Section 921  
Education Law Sections 310, 809-a, 3214,  
and Article 89

(Continued)

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Students

**SUBJECT: GUN-FREE SCHOOLS POLICY (Cont'd.)**

8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2 and Part 200  
20 United States Code (U.S.C.)  
Sections 1400-1485,  
Individuals With Disabilities Education Act (IDEA)  
Family Court Act Article 3

NOTE: Refer also to Policies #3411 -- Unlawful Possession of a Weapon Upon School Grounds and  
#7360 -- Weapons in School.

Adopted: 1/22/98  
Revised: 2/8/01

**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) Nonschool 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.

**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.

(Continued)

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7410  
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Students

**SUBJECT: EXTRACURRICULAR ACTIVITIES (Cont'd.)**

- b) In order for students to attend a school-sponsored function, it is necessary that students attend classes for at least half of the school day on the day of the activity.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 172.1 and 172.2  
Education Law Sections 1709, 1709-a,  
2503-a, and 2554-a  
Equal Access Act, 20 United States  
Code (U.S.C.) Sections 4071-4074

Adopted: 1/22/98



2008

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 to ensure that they are consistent with the District's basic educational mission in school sponsored publications and activities that are part of the educational curriculum.

Adopted: 1/22/98

**SUBJECT: SPORTS AND THE ATHLETIC PROGRAM****General Principles and Eligibility**

Athletics are an integral part of a well-balanced educational program. The District's interscholastic athletic program will conform with the Commissioner's regulations, as well as the established rules of the New York State Public High School Athletic Association (NYSPHSAA) and the State Education Department.

Athletic eligibility requires that the student:

- a) Provide written parental/guardian consent. The consent form must contain information regarding mild traumatic brain injuries (concussions) as specified in the Commissioner's regulations.
- b) Obtain medical clearance from the school physician/nurse practitioner or the student's personal physician. The school physician/nurse practitioner retains final approval on any physicals performed by a student's personal physician.
- c) Meet the requirements for interscholastic competition as set forth by the Commissioner's regulations and the New York State Public High School Athletic Association.
- d) Comply with all District rules, codes, and standards applicable to athletic participation.

**Title IX Compliance**

The Board supports equal athletic opportunities for members of both sexes through interscholastic and intramural activities. To ensure equal athletic opportunities for its students, the District will consider:

- a) Its accommodation of athletic interests and abilities (the nature and extent of sports offered, including levels of competition, team competition, and team performance);
- b) Equipment and supplies;
- c) Scheduling of games and practice time;
- d) Travel costs and opportunities for travel;
- e) Assignment and compensation of coaches;
- f) Locker rooms, practice, and competitive facilities;
- g) Available medical and training facilities and services; and
- h) The nature and extent of support, publicity, and promotion, including cheerleading, bands, programs distributed at games, and booster club activities.

The District may consider other pertinent factors as well. Each of the factors will be assessed by comparing availability, quality, type of benefits, kind of opportunities, and form of treatment. Identical benefits, opportunities, or treatment are not required.

The District's Civil Rights Compliance Officer will coordinate the District's efforts to comply with and carry out its responsibilities under Title IX. This person will be appropriately trained and possess comprehensive knowledge about applicable federal and state laws, regulations, and policies. To the extent possible, the District will not designate an employee whose other job duties may create a conflict of interest, such as the athletic director.

### **Booster Clubs**

The 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, therefore, benefits, services, and opportunities attained through private funds- including donations, fundraising, and booster clubs-must be considered in combination with all benefits, services, and opportunities.

### **Athletic Placement Process for Interschool Athletic Programs (APP)**

The APP is a method for evaluating students who want to participate in sports at higher or lower levels, consistent with their physical and emotional maturity, size, fitness level, and skills. The Board approves the use of the APP for students in grades no lower than seventh grade to compete on interscholastic athletic teams organized for high school students, and for senior high school students to compete on interscholastic athletic teams organized for students in the seventh and eight grades. The Superintendent will implement procedures for the APP, and will direct the athletic director to maintain records of students who have successfully completed the APP.

### **Student Athletic Injuries**

No injured student will be allowed to practice or play in an athletic contest. An appropriate medical professional should diagnose and treat an athlete's injuries. The coach should ensure that any player injured while under his or her care receives prompt and appropriate medical attention, and that all of the medical professional's treatment instructions are followed. The injured student has an obligation to promptly inform his or her coach of all injuries. No student will be allowed to practice or compete if there is a question whether he/she is in adequate physical condition. A physician's certification may be required before an athlete is permitted to return to practice or competition.

### **Athletic Program-Safety**

The District will take reasonable steps to minimize physical risks posed to students participating in the interscholastic athletic program by:

- a) Requiring timely medical examinations of participants;
- b) Employing certified or licensed staff to coach all varsity, junior varsity, and modified practices and games;
- c) Providing or requiring certified or licensed officials to officiate all competitions;
- d) Ensuring that its players' equipment is safe and operates within the applicable manufacturers' guidelines;
- e) Ensuring that all home fields, courts, pools, tracks, and other areas where athletes practice, warm-up, or compete are safe and appropriate for use; and
- f) Providing professional development and training opportunities for all coaching staff.

Title IX of the Education Amendments of 1972,  
20 USC Section 1681 et seq.  
45 CFR Part 86.8

NYCRR Sections 135 and 136

NOTE: Refer also to Policies

#3420 -- Non-Discrimination and Anti-Harassment in the School District  
#7522 -- Concussion Management

**Adopted: 6/16/22**

## Students

**SUBJECT: MUSICAL INSTRUMENTS**

- a) Instrumental music students shall be expected to own or rent their instrument--particularly the common and less expensive instruments (flute, clarinet, trumpet, saxophone, trombone, and violin).
- b) Students will not be required to own or rent the less common and more expensive instruments. Examples of instruments in this category are: oboe, bassoon, tuba, French horn, baritone horn, tenor and baritone saxophones, bass clarinet, viola, 'celli string bass and percussion instruments. School-owned instruments in this classification will be disbursed upon decisions by the instrumental music staff. Decisions will be dependent upon the individual student's talent and merit and the need for a balanced instrumentation at each grade level.
- c) Students and parents/legal guardians will assume responsibility for proper care of school-owned instruments and will pay for damages to same.
- d) The District will only transport, on its vehicles, those instruments meeting certain safety standards as indicated in the New York State Department of Transportation Regulations.

New York State Department of  
Transportation Regulations Section 720

Adopted: 2/12/08

Students

## STUDENT HEALTH SERVICES

The Board of Education recognizes that good student health is vital to successful learning and acknowledges its responsibility, in addition to that of parent(s) or guardian(s), to protect, and foster a safe and healthful environment for, the students.

The School District shall work closely with students' families to provide detection and preventive health services. In accordance with law, the School District will provide vision, hearing, dental inspection and scoliosis screening. Health problems shall be referred to the parent(s) or guardian(s) who shall be encouraged to have their family physician or dentist provide appropriate care.

In order to enroll in the School District, a student must submit a health certificate evidencing a physical examination within thirty (30) calendar days upon entering pre-kindergarten or kindergarten, 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 examination, which must conform to state requirements, must have been conducted no more than twelve (12) months before the first day of the school year in question. If a student is unable to furnish the health certificate, the School District will provide a physical examination by a licensed provider. A request for exemption from the physical examination, or the requirement to provide a health certificate, must be made in writing to the school principal or designee, who may require documents supporting the request. The only basis for an exemption is based upon a medical exemption as set forth below. Health examinations shall also be provided prior to student participation in strenuous physical activity and periodically throughout the school year as necessary and for all students who need work permits.

In addition, the School District requires a certificate of physical fitness for:

1. All athletes prior to their first sport of the school year; and
2. All athletes who were injured during a sport are required to provide medical clearance prior to participating in any subsequent sport during the same school year.

In addition, students will be asked to provide a dental health certificate when they enroll in the School District and in accordance with the same schedule as the health certificate. An examination and health history of any student may be required by school authorities at any time at their discretion to promote the educational interests of such student.

A permanent student health record shall be part of a student's cumulative School District record and should follow the student from grade to grade and school district to school district along with his/her academic record. This record folder shall be maintained by the School District nurse.

The School District shall also provide emergency care for students in accidental or unexpected medical situations. Each school in the School District will include in its emergency plan a protocol for responding to health care emergencies, including but not limited to anaphylaxis, and concussion. Parents/guardians will be notified of any emergency medical situation as soon as is practicable.

Students

## **STUDENT HEALTH SERVICES (Cont'd.)**

The Board of Education recognizes that the State of New York may authorize and require the collection of data from health certificates in furtherance of tracking and understanding health care issues that affect children. The Board of Education supports these efforts and expects administrators to cooperate and to observe the appropriate laws and regulations in carrying out those responsibilities, including those that relate to student privacy.

### **Immunization**

Children must receive immunizations for diphtheria, poliomyellitis, measles, mumps, rubella, hepatitis B, Haemophilus Influenzae Type b (Hib), pertussis, tetanus, meningococcal, pneumococcal disease and varicella in accordance with the Public Health Law, and the regulations thereunder, prior to entering or being admitted to school.

Children must receive a booster immunization containing diphtheria and tetanus toxoids, and an acellular pertussis vaccine in accordance with the Public Health Law, and the regulations thereunder, upon entering or being admitted to school in sixth grade or a comparable age level special education program.

Students who are homeschooled must be immunized if they attend school facilities or functions and/or utilized School District transportation for any purpose.

Parents must provide acceptable proof indicating required receipt of all vaccines in accordance with law and regulations. A child may be excluded from the immunization requirements based on a physician determined health reason or condition. This medical exemption must be signed annually by a physician licensed to practice in New York State. A parent/guardian who seeks an exemption must make a formal request for such an exemption in accordance with District procedure and practice.

A child will not be admitted to school or allowed to attend school for more than fourteen (14) days without an appropriate immunization certificate or acceptable evidence of immunization. This period may be extended to not more than thirty (30) days on a case-by-case basis by the Building Principal if the child is transferring from another state or country and can show a good faith effort to get the necessary certification or other evidence of immunization.

When a student transfers out of the School District, the parent/guardian will be provided with an immunization transfer record showing the student's current immunization status which will be signed by the school nursing personnel or the school physician. A transcript or photocopy of the immunization portion of the cumulative health record will be provided to the new education institution upon request.

Students

### **STUDENT HEALTH SERVICES (Cont'd.)**

In the event that a parent is unable to provide an immunization record, the school nurse or other authorized School District official may access the New York State Immunization Information System (NYSIIS) or the New York City Immunization Records (CIR) to determine if the child has met the immunization requirements. If the system indicates that the child has received the required vaccinations, the information will be entered as part of the student's record, the source and the dates noted, and the documentation requirement will have been met.

Whenever a child has been refused admission to, or continued attendance at a school because there exists no immunization certificate, the Building Principal shall:

- a. Forward a report of such exclusion and the name and address of the student to the local health authority and to the person in parental relation to the child concerning the lack of the immunization certificate;
- b. With the cooperation of the appropriate local health authority, provide a time and place at which an immunizing agent or agents may administer vaccines to a child for whom consent has been obtained. Upon failure of a local health authority to cooperate in arranging for a time and place at which an immunizing agent or agents may administer vaccines, the Commissioner of Health shall arrange for such administration and may recover the cost thereof from the amount of state aid to which the local health authority would otherwise be entitled.

### **Confidentiality**

All student records pertaining to health maintained by the School District shall be kept confidential in accordance with the Family Education Rights and Privacy Act (FERPA).

### **Medical Emergency Record**

All students shall have on file a medical emergency record which shall state the name and telephone number(s) of the following:

1. the student's parent(s) or guardian(s) at home and work;
2. emergency contacts;
3. the family physician; and
4. any allergies or serious health conditions.



Students

## **STUDENT HEALTH SERVICES (Cont'd.)**

### **Illness in School**

If a student becomes ill in school:

1. The nurse will determine if the student should return to class or remain in his/her office.
2. The nurse will call the parent, guardian or individual identified on the student's medical emergency record if he/she feels the student should go home. In general, a parent or guardian will pick up the student from school.
3. If no parent or guardian picks up the student at school, or if no parent, guardian or individual on the student's medical emergency record will be home, the student will remain in the nurse's office until such time as a parent or guardian becomes available to assume responsibility for the student.

### **Student Return to School After Illness/Injury**

In general, students should be symptom-free for twenty-four (24) hours before returning to school and resuming normal activities. In some instances, students may be asked to provide a note from their licensed health care provider before they return to school or participate in the full range of school activities. The final decision to permit participation rests with the school physician. The Superintendent of Schools, or his/her designee, in consultation with the school physician, nurse and other appropriate staff, will develop protocols to address a student's return to activities when there has been a serious illness or injury. Students returning to school following treatment for head lice must be examined by the school nurse and found to have been treated and free from head lice before returning to class.

### **Communicable Diseases**

It is the responsibility of the Board of Education to provide all students with a safe and healthy school district environment. To meet this responsibility, it is sometimes necessary to exclude students with contagious and infectious diseases, as defined in the Public Health Law, from attendance in the School District. Whenever, upon investigation by the director of school health services, the school nurse or other health professionals acting upon the direction or referral of such director for care and treatment, a student shows 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 or she shall be excluded from the school and sent home immediately, in a safe and proper manner. Students will be excluded during periods of contagion for time periods indicated on a chart developed by the New York State Department of Health and/or the Chief Medical Director.

**STUDENT HEALTH SERVICES (Cont'd.)**

The Director of School Health Services may examine any student returning to school following an absence due to illness or unknown cause, who is without a certificate from a local public health officer, a duly licensed physician, physician assistant or a nurse practitioner, to determine that the student does not pose a threat to the school community. It is the responsibility of the Superintendent of Schools or his/her designee, working through School District health personnel, to enforce this policy and to contact the county or local health department when a reportable case of a communicable disease is identified in the student or staff population. Further, the School District shall maintain an up-to-date list of susceptible students within the School District, including all students who are exempt from immunizations and/or still in the process of completing their immunizations, who shall be excluded from school in the event of a vaccine-preventable disease occurrence, as ordered by the Commissioner of Health.

**Administering Medication to Students in School**

Neither the Board of Education nor School District staff members shall be responsible for the diagnosis or treatment of student illness. The administration of prescribed medication to a student during school hours shall be permitted only under the conditions set forth below and when failure to take such medication would jeopardize the health of the student, or the student would not be able to attend school if the medicine were not made available to him/her during school hours, or where it is done to accommodate a student's special medical needs pursuant to law (e.g., Section 504 of the Rehabilitation Act of 1973). "Medication" will include all medicines prescribed by a physician.

Before any medication may be administered to any student during school hours, parent(s) or guardian(s) must present the following information:

1. Written medical documentation from the family physician containing the following information: student's name, diagnosis, the date and name of the medicine, dosage and time to be administered, and list of possible side effects;
2. Written notice from the parent(s) or guardian(s) giving the school nurse who is a registered nurse permission to administer the medication, and with such permission, and under the on-site direction of the school nurse; or
3. A medication request form filed with the school-nurse.

### **STUDENT HEALTH SERVICES (Cont'd.)**

District-wide procedures shall be developed by a team of nurses from each school building for the administration of medication other than epinephrine auto injectors, which require that:

1. All medications shall be brought to school by the parent(s) or guardian(s) in their original container;
2. All medications will be administered by a licensed person unless the child is self-directed;
3. Medications shall be securely stored in the office and kept in their original labeled container, which specifies the type of medication, the dosage to be given, the route of administration and the times of administration. The school nurse shall maintain a record of the name of the student to whom medication may be administered, the prescribing physician, the dosage and timing of medication, and a notation of each instance of administration;
4. All medications shall be picked up by the parent(s) or guardian(s) at the end of the school year or the end of the period of medication, whichever is earlier. If not picked up within five (5) days at the end of the period of medication or school year, the medication shall be discarded in accordance with law; and
5. All medications must clearly indicate the expiration date of the medication. The school nurse shall not administer medication which has expired.

In addition, in accordance with Education Law Section 919, the School District shall make nebulizer(s) available on-site in School District buildings where nursing services are provided. Students with a patient-specific order, who require inhaled medications, shall have access to a nebulizer. The School District will develop procedures in collaboration with School District health personnel that is approved by the School District medical director and the Board of Education.

### **Life-Threatening Allergies and Anaphylaxis Management**

The Board of Education recognizes its role and responsibility in supporting a healthy learning environment for all students, including those who have, or develop, life-threatening allergies. The Board of Education's policies and procedures concerning life-threatening allergies will be applied uniformly in each of the School District's facilities.

Students

## **STUDENT HEALTH SERVICES (Cont'd.)**

If the student is eligible for accommodations based upon the IDEA, Section 504 of the Americans with Disabilities Act, the appropriate procedures will be followed regarding identification, evaluation and implementation of accommodations and/or response to life threatening allergies and management for each individual student.

Life-threatening allergies are increasing in frequency and the number of affected students is rising. In some cases, minute amounts of the food allergen, when eaten, touched or inhaled can make an allergic child very ill and put an allergic child at risk for life-threatening anaphylaxis. Anaphylaxis is a severe life-threatening allergic reaction which requires immediate medical attention. The School District will endeavor to reduce exposure to life-threatening allergens within the school setting, while acknowledging that it is impossible to achieve an allergen-free environment. Currently, there is no cure for food allergies and avoidance is the only prevention. It is, therefore, impossible to completely avoid all allergic foods since they can be hidden or accidentally introduced via other sources. The School District will provide general training for staff concerning allergens in classrooms, the cafeteria or the gymnasium and specific training for adults in a supervisory role in the recognition and emergency management of specific medical conditions for specific students. Students, parents, school personnel and health care providers must all work together to provide the necessary information and training to allow children with life-threatening allergies to participate as fully and safely as possible in the school setting. Parents/guardians, students, District administration, school nurse, teachers, custodial staff, after-school volunteers, transportation employees, and other school administrators and members of the School District community are important partners to work together to provide the necessary information and training to allow children with life-threatening allergies to participate as fully and safely as possible in the school setting, including: (a) ongoing and effective communication, (b) receipt by the School District of complete health information, (c) preparation of appropriate accommodations and (d) protocols in place for any necessary medication and emergency protocols for the student with life-threatening allergies.

The School District will work cooperatively with parents and healthcare providers to support students with life-threatening allergies. Parents and treating physicians must prepare the School District for serious reactions that may occur despite precautions. To that end, parents/guardians are responsible for: (a) notifying the school of students with documented life-threatening allergies and/or episodes of anaphylaxis, and (b) for providing the school with medical information and the family physician's treatment protocol. In addition, when a student has been identified by his/her parents/guardians and physician as having a life-threatening allergy, the parent/guardian should:

### **STUDENT HEALTH SERVICES (Cont'd.)**

1. inform the school nurse of the child's food allergies, condition and treatments, and provide written medical documentation of same as needed.
2. provide the school nurse with medical care plan/prescription which may include appropriate dosing and dosage of medication and route to or from their physician.
3. provide the school nurse with epinephrine auto injector(s) and other medication, if appropriate, as prescribed by the family physician.
4. be encouraged to provide the child with a medical information bracelet or necklace to be worn at school that lists allergies.
5. participate in the development of a Health Plan.
6. provide safe foods for lunches, snacks, and special occasions. Must also make the determination as to the safety of lunch provided by a third party for the food-allergic child.
7. teach their allergic child to recognize first symptoms, to communicate these to staff, to not share snacks, lunches, drinks and utensils.
8. consent to share medical information with necessary employees.
9. maintain up-to-date emergency contacts and phone numbers.
10. update medical information annually and/or whenever any change to medical condition occurs.
11. stay in contact with classroom teacher and school nurse to help provide a safer classroom.

Upon notification by the parent and/or guardian, a conference will be held to develop an Individual Health Plan (IHP), Emergency Care Plan or a Section 504 accommodation plan if the student is eligible for an accommodation based upon Section 504 of the Rehabilitation Act of 1973. School personnel will be made aware of a student with a life-threatening allergy as set forth in their IHP, Emergency Care Plan or Section 504 on a need-to know basis. Adults in a supervisory role will be trained concerning life-threatening allergies.

The School District will work cooperatively with the student, their parent(s) or guardian(s) and healthcare provider to allow the child to participate as fully and as safely as possible in School District activities. When a student has a known life-threatening allergy reported on their health

## **STUDENT HEALTH SERVICES (Cont'd.)**

form or if the School District has been informed by the parent of the presence of a life-threatening allergy, the School District will assemble a team, which may include the parent, the School District nurse, the child's teacher, the building principal (or his/her designee) and other appropriate personnel, which will be charged with developing an individual health care plan. The plan will be maintained by the School District nurse. The plan will guide prevention and response.

Parents/guardians will be informed prior to the start of the school year concerning the Board of Education's policy concerning students with life-threatening allergies. Teachers will discuss with students, in an age appropriate manner, the seriousness of life-threatening allergies and the importance of not sharing or trading snack or party food with classmates. Each teacher who has a student with a life threatening allergy enrolled in his/her class will keep this information in his/her emergency folder.

The following guidelines should be implemented in order to protect the privacy of the child while educating students, staff and parents/guardians:

1. in accordance with a student's 504 accommodation plan, Emergency Care Plan or IHP, identify the child and medical condition to the staff, either individually or at a staff meeting before school begins (teaching and non-teaching staff) on a need-to-know basis. Parents/guardians may participate in the discussions about his/her child.
2. Board of Education policy will be placed in published handbooks and be posted on the School District's website.

### **Self-Administration of Medication by Students with Life-threatening Allergies, Asthma and Diabetes**

The Board of Education recognizes its role and responsibility in supporting a healthy learning environment for all students, including those who have, or develop, life-threatening allergies, asthma and/or diabetes. Students who have been diagnosed by a physician or other duly authorized healthcare provider with a life-threatening allergy, asthma or diabetes shall be allowed to carry and use medication prescribed for emergency treatment and/or to immediately relieve or manage symptoms during the school day, on school property and at any school function, with the written permission of a physician or other duly authorized healthcare provider and written parental consent. Record of such consent and permission shall be maintained in the student's cumulative health record.

## **STUDENT HEALTH SERVICES (Cont'd.)**

Written permission of a physician or healthcare provider shall include an attestation by the physician or healthcare provider confirming the following:

1. Student's diagnosis of a condition for which medication is needed for emergency treatment and/or to relieve or manage symptoms;
2. That the student has demonstrated that he or she can self-administer the prescribed medication effectively; and
3. The expiration date of the order, the name of the prescribed medication, the dose the student is to self-administer, times when medication is to be self-administered by the student, and the circumstances which may warrant the use of the medication.

In addition, upon the written request of a parent or guardian, the student will be permitted to maintain an extra inhaler, extra epinephrine auto injector, or extra insulin and insulin delivery system, glucagon, blood glucose meters and related supplies, as appropriate, in the care and custody of a licensed nurse, nurse practitioner, physician's assistant, or physician employed by the School District, and shall be readily accessible to such student. The medication provided by the student's parent or guardian shall be made available to the student in accordance with this policy and the orders prescribed in the written permission of the physician or other authorized health care provider. Each student who is permitted to self-administer his/her prescribed medication should have an emergency action plan on file with the school district. Training will be provided by a physician or other duly authorized licensed health care professional in a competent manner and in accordance with Commissioner's Regulations.

### **Administering Medication on Field Trips and at After-School Activities**

Taking medication on field trips and at before or after-school activities is permitted if a student is self-directed in administering his/her own medication. On field trips or at other before or after-school activities, teachers or other school staff may carry the medication so that the self-directed student can take it at the proper time.

If a student is going on a field trip but is not self-directed (i.e. fully aware and capable of understanding the need and assuming responsibility for taking medicine) then the School District will address the manner in which the student's medical needs will be attended to during field trips and at before or after-school activities in the Individual Health Plan (IHP), Emergency Care Plan or 504 Plan developed for the student.

## **STUDENT HEALTH SERVICES (Cont'd.)**

### **Administering Epinephrine Auto Injectors in Emergency Situations**

The administration of epinephrine by epinephrine auto injector has become an accepted and beneficial practice in protecting individuals subject to serious allergic reactions. Pursuant to Commissioner's Regulations, registered professional nurses may carry and administer agents used in non-patient specific emergency treatment of anaphylaxis whether or not a student has a known life threatening allergy.

In addition, pursuant to Education Law and Commissioner's Regulations, school nurses or school physicians may provide training to unlicensed School District staff in administering epinephrine auto injectors, in the event of the onset of a serious allergic reaction when a nurse is not available whether or not the student has a known life threatening allergy. Epinephrine auto injectors shall be placed in accessible designated locations in each of the School District's facilities. The Superintendent of Schools or his/her designee will determine the designated location of the epinephrine auto injectors.

### **Opioid Overdose Prevention**

The Board of Education recognizes that many factors, including the use and misuse of prescription painkillers, can lead to the dependence on and addiction to opiates, and that such dependence and addiction can lead to overdose and death among the general public, including district students and staff. The Board of Education wishes to minimize these deaths by the use of opioid overdose prevention measures.

The Board of Education directs the school physician/medical director to issue a non-patient specific order to school nurses to administer intranasal naloxone (also known as Narcan, among other names). The non-patient specific order shall include a written protocol containing the elements required by the regulations of the Commissioner of Education. The Board permits school nurses to administer naloxone to any person at school or a school event displaying symptoms of an opioid overdose. The School District shall purchase and provide the naloxone kits to be stored in the nurse's office. Naloxone shall be accessible during school hours and during on-site school-sponsored activities when the school nurse is present. Any administration of Naloxone will require a follow-up by Emergency Medical Services.

The Board of Education authorizes the School District to participate in a local NYSDOH- registered Opioid Overdose Prevention Program as an opioid antagonist recipient. The School District shall advise employees who seek to be trained responders as to the Opioid Overdose



Students

**STUDENT HEALTH SERVICES (Cont'd.)**

Prevention Program at which they may receive training. The Board of Education permits any employee to volunteer to receive training from this program. The Program shall issue individual NYDOH-provided naloxone (also known as Narcan, among other names) nasal spray kits to trained responders. Employees wishing to volunteer to become trained responders shall avail themselves of a NYSDOH-registered Opioid Overdose Prevention Program and shall present certification of his/her completed training to the Superintendent of Schools or his/her designee. Volunteer trained responders may administer naloxone to a student or staff displaying opioid overdose symptoms, along with contacting emergency responders pursuant to the naloxone training. All provided naloxone kits shall be stored as specified in accordance with acceptable storage standards set by NYSDOH-registered Opioid Overdose Prevention Program. Trained volunteers shall be advised by the Superintendent of schools or his/her designee as to the location of Naloxone stored by the School District so that he/she may access Naloxone during school hours and during on-site school sponsored activities. The School District shall comply with all recordkeeping, inventory, documentation and notification requirements of the NYS DOH.

**Use of Sunscreen**

Students are permitted to carry and apply sunscreen without a medical provider's order under the following conditions:

1. The sunscreen is used to avoid overexposure to the sun and not for medical treatment of an injury or illness; if sunscreen is required to treat a medical condition, the procedures for administering medication (above) apply;
2. The sunscreen is FDA approved for over the counter use;
3. The student's parents or guardians provide written permission annually for the student to carry and use the sunscreen.

The school nurse will keep written permission for students on file and develop procedures pertaining to this policy.

## **STUDENT HEALTH SERVICES (Cont'd.)**

### **Use of Automated External Defibrillators**

The Board of Education recognizes that the use and deployment of Automated External Defibrillators (AEDs) in emergencies may reduce the number of deaths associated with sudden cardiac arrest. The Board of Education has created a Public Access Defibrillation Program (PAD Program) and authorizes the Superintendent of Schools, or his/her designee, to develop procedures on the handling of sudden cardiac arrest in students, staff and others involved in School District activities. The use of AEDs is subject to the following conditions:

1. The PAD Program shall be provided in compliance with Section 3000-B of the New York State Public Health Law and New York State Department of Health, Bureau of Emergency Medical Services Policy Statement 98-10, as amended, titled "Public Access Defibrillation".
2. The Board of Education will identify an "emergency health care provider" (EHCP) who is knowledgeable and experienced in emergency cardiac care and has agreed to serve as an EHCP and participate in a collaborative agreement with the School District. The EHCP shall provide the School District with a copy of his/her New York State license.
3. The EHCP will participate in the regional quality improvement program as required by law.
4. The collaborative agreement with the EHCP will include the following provisions, at a minimum:
  - a. Written practice protocols for the use of the AED(s).
  - b. Written policies and procedures which:
    - i. Provide training requirements for AED users;
    - ii. Require the immediate calling of 911 emergency services;
    - iii. Require ready identification of the location of the AED units;
    - iv. Provide for regular maintenance procedures of the AED units which meet or exceed manufacturer's recommendations;
    - v. Detail documentation requirements; and
    - vi. Define participation in a regionally approved quality improvement program.

**STUDENT HEALTH SERVICES (Cont'd.)**

5. The Board of Education will designate a Coordinator of the PAD Program for the term of the PAD Program or any extension thereof.
6. Employees of the School District will be authorized to utilize an AED only after participating in initial and recurrent training of an approved PAD training course for AED users.
7. The Superintendent of Schools or his/her designee will implement regulations concerning the proper care and maintenance of the AED, including review of the expiration dates associated with the AED.
8. The School District will provide written notice of the availability of the AED service at various locations in the School District to 911 Emergency Services and/or the community equivalent ambulance dispatch entity.

**Training**

Training to support the fulfillment of staff responsibilities in regard to student health services will be provide as part of the School District's ongoing professional development plan and in conformity with Commissioner's regulations.

**Cross-ref:**

Ref: Education Law §§ 901 et seq.; 6909; Public Health Law §§613; 2164; 3000-B  
8 NYCRR Part 64.7; 8 NYCRR Part 135.4; 8 NYCRR Part 136; 10 NYCRR 66 et seq.

**Adoption Date: 10/21/21**

*This policy will automatically become null and void in the event that State or Federal legislation is passed which makes this policy inoperative.*

## Students

**SUBJECT: STUDENT 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 school's registered professional nurse to administrators, teachers and other school officials, consistent with law.

Family Educational Rights and Privacy Act of 1974 (FERPA), 20 United States Code (USC) Section 1232g  
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191 34 Code of  
Federal Regulations (CFR) Part 99  
45 Code of Federal Regulations (CFR) Parts 160, 162 and 164 Education Law Sections 902(b) and 905  
8 New York Code of Rules and Regulations (NYCRR) Part 136

## Students

**SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES****Student Emergency Treatment**

All staff members of the District are responsible to obtain first aid care for students who are injured or become ill while under school supervision.

In most instances, first aid should be rendered and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

**Transporting an Ill or Injured Student**

In the event of an illness or injury to a student, an ambulance may be called. The District will make all reasonable attempts to contact a parent or person in parental relation when determining if emergency treatment is necessary.

**Insurance**

The Board will approve provisions for all students to be covered by group insurance. These student accident insurance policies will be a co-insurance with family coverage(s) as primary.

Education Law §§ 1604(7-a), 1604(7-b), 1709(8-a) and 1709(8-b)

NOTE: Refer also to Policy #7420 -- Sports and the Athletic Program

**Adopted: March 26, 2018**

## Students

**SUBJECT: CONCUSSION MANAGEMENT**

The Board of Education recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and recreational activities. The physical and mental well-being of our students is a primary concern. Therefore, the Jericho School District adopts the following Policy to support the proper evaluation and management of concussion injuries.

A concussion is a mild traumatic brain injury (MTBI). A concussion occurs when normal brain functioning is disrupted by a blow or jolt to the head or body that causes the head and brain to move rapidly back and forth. Recovery from concussion and its symptoms will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management. Concussions can impact a student's academics as well as their athletic pursuits.

**Concussion Management Team (CMT)**

In accordance with the Concussion Management and Awareness Act, the Jericho School District is authorized, at its discretion, to establish a Concussion Management Team (CMT) which may be composed of the certified athletic director, a school nurse, the school physician, a coach of an interscholastic team, a certified athletic trainer or such other appropriate personnel as designated by the Jericho School District. The Concussion Management Team shall oversee and implement Jericho School District's concussion policy and regulations, including the requirement that all school coaches, physical education teachers, nurses and certified athletic trainers who work with and/or provide instruction to pupils engaged in school sponsored athletic activities complete training relating to mild traumatic brain injuries. Furthermore, every concussion management team may establish and implement a program which provides information on mild traumatic brain injuries to parents and persons in parental relation throughout each school year.

**Staff Training/Course of Instruction**

Each school coach, physical education teacher, school nurse and certified athletic trainer who works with and/or provides instruction to students in school sponsored athletic activities shall complete a course of instruction every two (2) years relating to recognizing the symptoms of concussions or MTBIs and monitoring and seeking proper medical treatment for students who suffer from a concussion or MTBI.

Components of the training will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;
- c) How MTBIs may occur;

(Continued)

Students

**SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)**

- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The course can be completed by means of instruction approved by State Education Department (SED) which include, but are not limited to, courses provided online and by teleconference.

**Information to Parents**

Jericho School District shall include the following information on concussion in any permission or consent form or similar document that may be required from a parent/person in parental relation for a student's participation in interscholastic sports. Information will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;
- c) How MTBIs may occur;
- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

Jericho School District provides a link on its website, to the above list of information on the State Education Department's and Department of Health's websites.

**Identification of Concussion and Removal from Athletic Activities**

The Jericho School District shall require the immediate removal from all athletic activities of any student who has sustained, or is believed to have sustained, a mild traumatic brain injury (MTBI) or concussion. Any student demonstrating signs, symptoms or behaviors consistent with a concussion while participating in a class, extracurricular activity, or interscholastic athletic activity shall be removed from the class, game or activity and must be evaluated as soon as possible by an appropriate health care professional. Such removal must occur based on display of symptoms regardless of whether such injury occurred inside or outside of school. If there is any doubt as to whether the student has sustained a concussion, it shall be presumed that the student has been injured until proven otherwise. The Jericho School District shall notify the student's parents or guardians and recommend appropriate evaluation and monitoring.

(Continued)

Students

**SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)**

The Jericho School District may choose to allow credentialed District staff to use validated neurocognitive computerized testing as a concussion assessment tool to obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose and treat a concussion.

**Return to School Activities and Athletics**

The student shall not return to physical activity (including athletics, physical education class and recess) until he/she has been symptom-free for not less than twenty-four (24) hours, and has been evaluated and received written authorization from a licensed physician. In accordance with Commissioner's Regulations, the Jericho School District's Medical Director will give final clearance on a return to activity for extra-class athletics. All such authorizations shall be kept on file in the student's permanent health record. The standards for return to athletic activity will also apply to injuries that occur outside of school. School staff should be aware that students may exhibit concussion symptoms caused by injuries from outside activities and that these visible symptoms also indicate a removal from play.

The District shall follow any directives issued by the student's treating physician with regard to limitations and restrictions on school and athletic activities for the student. The District's Medical Director may also formulate a standard protocol for treatment of students with concussions during the school day.

In accordance with New York State Education Department (NYSED) guidelines, this Policy shall be reviewed periodically and updated as necessary in accordance with New York State Education Department guidelines. The Superintendent, in consultation with the District's Medical Director and other appropriate staff, may develop regulations and protocols for strategies to prevent concussions, the identification of concussions, and procedures for removal from and return to activities or academics.

Education Law Sections 207; 305(42), and 2854  
8 NYCRR 135.4 and 136.5

*Guidelines for Concussion Management in the School Setting*, SED Guidance Document, June 2012

**Adopted: 1/21/16**



## Students

**SUBJECT: CHILD ABUSE**

The Jericho Union Free School District subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law (Sections 411-428). Our purpose is to provide protective services to abused and maltreated children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

**Child Abuse Outside an Educational Setting**

Pursuant to Board of Education Policy and Social Services Law, School District staff should be on the alert for the purpose of identifying abused and maltreated children and reporting such findings as required. For the purpose of discerning whether or not a child is abused or maltreated the following definitions should be considered.

**Definitions**

An “abused child” means a child less than 18 years of age whose parent or other person legally responsible for care, inflicts or allows to be inflicted upon such child physical injury, by other than accidental means, which causes or creates a substantial risk of death, serious protracted disfigurement, protracted impairment of physical or emotional health or protracted loss of impairment of the function of any bodily organ. Child abuse also refers to the situation where the parent, or other person legally responsible, creates or allows to be created a substantial risk of physical injury to a child, by other than accidental means, which would be likely to cause death or serious protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ. Sex offenses against a child, as defined in the Penal Law, shall also constitute a basis for finding that a child has been abused.

A “maltreated child” includes a child under the age of 18 defined as a neglected child under the Family Court Act or who had serious physical injury inflicted upon him/her by other than accidental means. In general terms, a neglected child is one whose physical, mental or emotional condition has been impaired or is in imminent danger or becoming impaired as a result of neglect by a parent, or other person legally responsible for his/her care, to exercise a minimum degree of care in the areas of providing food, clothing, shelter, education, medical, dental, optometric or surgical care. Child neglect is also indicated where there has been the unreasonable infliction of harm, or substantial risk thereof, including the infliction of excessive corporal punishment, drug misuse or abuse, alcohol abuse or abandonment of the child.

**1) Persons Obligated to Report Cases of Suspected Child Abuse or Maltreatment**

School officials and registered nurses working in the School District are under an obligation, pursuant to Section 413 of the School Services Law, to report cases of suspected child abuse or maltreatment. All professional staff members (including superintendents, teachers, administrative officers, guidance counselors, coaches and substitute teachers) should consider themselves to be under a duty to report.

(Continued)

**SUBJECT: CHILD ABUSE (Cont'd.)**2) Reporting Procedure

Reports of suspected child abuse, maltreatment or neglect shall be made immediately, by telephone or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. The oral report shall be made to the Statewide Central Register of Child Abuse. The telephone facsimile report shall be made to a special telephone facsimile number for use only by persons mandated by law to make reports, as set forth below. (Section 415, Social Services Law). The written report shall be made within 48 hours after the oral report to the appropriate Local Child Protective Service on forms prescribed by and supplied by the Commissioner of Social Services.

Oral Report to: New York State Central Register of Child Abuse and Maltreatment (1-800-342-3720) and County Department of Social Services, Child Protective Services.

Written Report to: County Department of Social Services, Child Protective Services.

Telephone Facsimile Report to: Special telephone facsimile number: 1-800-635-1554.

3) Report Requirements

Each report shall include the following information:

The name and address of the child and his/her parents/guardians or other person responsible for his/her care, if known; the child's age, sex and race; the nature and extent of the child's injuries, abuse or maltreatment, including any evidence of prior injury, abuse or maltreatment to the child or his/her siblings; the name of the person or persons responsible for causing the injury, abuse or maltreatment, if known; family composition; the source of the report; the person making the report and where he/she can be reached; the actions taken by the reporting source, including the taking of photographs and any other information which the Commissioner may, by regulation, require or the person making the report believes might be helpful in the furtherance of the investigation.

4) Taking Photographs

The law allows for the photographing at public expense of the areas of trauma visible on a child who has been abused or maltreated. All photographing should be conducted with the authorization of the building principal who shall, to the extent practicable, do so upon notification of the Superintendent or his/her designee. All photographs shall be sent to the Child Protective Service at the time that the written report, referenced in paragraph "3" above, is sent or as soon thereafter as possible.

5) Access to School Records by the Child Protective Services

The District may disclose personally identifiable information from the educational records of a student to Child Protective Services personnel when it is necessary to protect the health or safety of the student or other individuals. In deciding whether or not the disclosure should be made, the

(Continued)

**SUBJECT: CHILD ABUSE (Cont'd.)**

seriousness of the threat to the health or safety of the student or other individuals, the need for the information to meet the emergency and the extent to which time is of the essence should be considered. (Family Educational Rights and Privacy Act of 1974).

6) Student Interviews by Child Protective Services Personnel on School Property

The building principal may allow a Department of Social Services Child Protective Services employee to interview, in school, any student concerning whom a report of suspected abuse or maltreatment has been made regardless of the source of the report. A school official should be present during the interview unless it is decided that the presence of the school official is not essential to protect the interests of the student and the Department of Social Services worker's job can best be accomplished by conducting the interview without the school official present.

7) Taking a Child Into Protective Custody

School officials and staff members do not have the power to take a child into protective custody under the Social Services Law or Educational Law. A peace officer, police officer, law enforcement official, agent of a duly incorporated society for the prevention of cruelty to children or a designated employee of the County Department of Social Services may take a child into protective custody without the consent of a parent or guardian. The building principal shall cooperate with any of the officials referenced above who produces official documentation indicating that a student be taken into protective custody. Release of a child to such official(s) must be authorized by the Superintendent of Schools.

8) Confidentiality of Reports

Reports of suspected child abuse and maltreatment are confidential and may only be made available to those individuals who are specified by law. Prior to the release of a report, the Freedom of Information Law Records Access Officer should consult with the Superintendent of Schools and the school attorney regarding the propriety of releasing the report even to one specified by law as being entitled to receive the report. The Commissioner of Social Services may intervene to prohibit the release of a report by determining that to do so would be detrimental to the safety interests of the reporter.

9) Reporting of a Child's Death

A post-mortem report must be made to the medical examiner or coroner in the event that a child dies as a result of abuse or maltreatment. If such death occurs at school, the report shall be made by the Superintendent of Schools to the appropriate medical authority. (Section 418, Social Services Law).

10) Immunity from Liability

The law provides school officials who act in good faith in the making of a report or the taking of photographs with immunity from liability. The immunity from liability extends to civil or criminal liability that might otherwise result from such actions. The law establishes a presumption of immunity from liability. (Section 419, Social Services Law).

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**SUBJECT: CHILD ABUSE (Cont'd.)**11) Penalties for Failure to Report

Willful failure to report a suspected case of child abuse, maltreatment and neglect is a Class A Misdemeanor. In addition, there may be civil liability for damages proximately caused by such failure to report. (Section 420, Social Services Law).

12) Obligations for Provision of Services and Procedures to Safeguard Life and Health

If, during the course of an investigation of suspected child abuse, the building principal determines that a child's health or safety is threatened, the building principal shall immediately contact the Superintendent who will immediately contact the Child Protective Service and police to recommend having the child placed in protective custody pursuant to paragraph "7", above.

13) Training Programs for Staff and New Hirees

The Superintendent shall establish and implement, on an ongoing basis, a training program for all current staff members and newly hired employees regarding child abuse and the procedures described hereinabove. (Section 3209-1, Education Law).

14) Distribution of Policy and Regulations

The Superintendent shall distribute copies of the policy and regulations regarding child abuse reporting requirements to all current employees and new employees. (Section 413, Social Services Law).

**Child Abuse in an Educational Setting**

The School District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law.

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

- a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or

(Continued)

## Students

**SUBJECT: CHILD ABUSE (Cont'd.)**

- c) Any child sexual abuse, defined as conduct prohibited by Articles 130 or 263 of the Penal Law; or
- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.

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

In any case where an oral or written allegation is made to a teacher, school's registered professional nurse, school guidance counselor, school psychologist, school social worker, school administrator, School Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (defined in the law as a person under the age of twenty-one (21) years enrolled in a school district in this state) has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

- a) Promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be completed on a form as prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving such an oral or written allegation, the employee completing the written report must promptly *personally deliver* a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred (subject to the following paragraph).

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

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

Upon receipt of a written report alleging child abuse in an educational setting, the school administrator or Superintendent must then determine whether there is "reasonable suspicion" to

(Continued)

## Students

**SUBJECT: CHILD ABUSE (Cont'd.)**

believe that such an act of child abuse has occurred. Where there has been a determination as to the existence of such reasonable suspicion, the school administrator or Superintendent must follow the notification/reporting procedures mandated in law and further enumerated in administrative regulations including parental notification. When the school administrator receives a written report, he/she shall promptly provide a copy of such report to the Superintendent.

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

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

Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive such information, *shall be confidential and shall not be re-disclosed except* to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. School administrators and the Superintendent shall exercise reasonable care in preventing such unauthorized disclosure.

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

**Prohibition of "Silent" (Unreported) Resignations**

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner of Education, where appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his/her position.

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

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Students

**SUBJECT: CHILD ABUSE (Cont'd.)**

Education Law Article 23-B and Sections 902(b), 3028-b, & 3209-a  
Penal Law Articles 130, 235 and 263  
8 New York Code of Rules and Regulations (NYCRR)  
Part 83  
Family Court Act Section 1012  
Social Services Law Sections 411-428

Adoption Date: 4/17/08

## Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS**

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

**Sexual Harassment**

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature including sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes, but is not limited to: rape, sexual assault, sexual battery, and sexual coercion.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, District employees, or third parties such as visitors or school volunteers.

**Prohibited Conduct**

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

- a) Verbal abuse or ridicule, including innuendoes, stories and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.
- b) Direct or indirect threats or bribes for unwanted sexual activity.
- c) Asking or commenting about a person's sexual activities.
- d) Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.
- e) Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.
- f) The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.

(Continued)



Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

- g) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.
- h) Unwelcome and/or offensive public displays of sexual or physical affection.
- i) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.
- j) Demanding sexual favors of a student, insinuating that refusal to acquiesce in such favors will adversely affect a student's grades, references, academic or scholastic placement, and/or participation in extracurricular activities.
- k) Engaging in sexual conduct with an individual who is unable to consent due to his or her age, use of drugs or alcohol, intellectual disability, or other disability.
- l) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

**Investigation of Complaints and Grievances**

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he or 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, should immediately report such alleged harassment. The District recognizes that sexual harassment is a sensitive issue and that students may choose to inform any trusted staff member of suspected discrimination or harassment. Staff members who receive such complaints will immediately inform the Civil Rights Compliance Officer (CRCO). Where appropriate, the CRCO may seek the assistance of the relevant Dignity Act Coordinator in investigating, responding to, and remedying student complaints of discrimination and/or harassment. In the event that the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated one, or to the Superintendent.

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of sexual harassment and will promptly take appropriate action to protect individuals from further sexual harassment. All complaints 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.

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

Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

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

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Complaints of retaliation may be directed to the CRCO. In the event the CRCO is the alleged offender, the report will be directed to another CRCO, if one has been designated or to the Superintendent.

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

Civil Rights Act of 1991, 42 USC § 1981(a)  
Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.  
34 CFR § 100 et seq.  
Education Law § 2801(1)  
OCR Dear Colleague Letter, April 4, 2011

**Adopted: 3/20/22**

**SUBJECT: STUDENT DIRECTORY INFORMATION**

The District will publish an annual public notice informing parents or eligible students (i.e., a student 18 years of age or older or who is attending an institution of post-secondary education) of (1) the District's definition of directory information; (2) the parent or eligible student's right to opt out of, in writing, the release of student directory information; and (3) indication of the time period to do so.

Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Following this public notice and a reasonable period to opt out, the District may release this information to an outside group without individual consent.

The Family Educational Rights and Privacy Act defines student directory information as any of the items as indicated in the following list. The District defines student directory information to include only the items of information checked below:

- ☒ Student's name
- ☒ Address\*\*
- ☐ Telephone listing
- ☐ Date and place of birth
- ☐ Major field of study
- ☒ Grade level
- ☐ Participation in officially recognized activities and sports
- ☐ Weight and height (for members of athletic teams)
- ☐ Dates of attendance
- ☐ Honors, degrees and awards received
- ☐ Email address
- ☒ Photograph
- ☐ Name of educational institution previously attended
- ☐ Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.
- ☐ Student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

**\*\*Student addresses may only be released to governmental entities upon official request to the District Clerk pursuant to the Freedom of Information Law.**

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Students

**SUBJECT: STUDENT DIRECTORY INFORMATION (Cont'd.)**

Parents and eligible students may not, by opting out of disclosure of directory information, prevent a school from requiring a student to wear or present a student identification card or a badge that displays information that may be directory information. A student's social security number, in whole or part, will not be designated as directory information.

20 USC § 1232g  
34 CFR Part 99

NOTE: Refer also to Policies #7240 -- Student Records: Access and Challenge  
#7242 -- Military Recruiters and Institutions of Higher Education

**Adopted: 1/19/23**

## Students

**SUBJECT: SUICIDE**

The suicide of a student has an extremely disturbing effect on the school and the local community. Unfortunately, there has been a significant increase in the number of adolescents who choose suicide as a way to resolve their problems. It is the intent of this District to alert school personnel to the implications of suicide by a student, to help the school and the community cope with the aftermath of such a tragic event should it occur, to recommend ways of identifying children and adolescents at risk of attempting suicide and to suggest ways to prevent such occurrences.

Suicide prevention will be incorporated into the curriculum to make students aware of this growing problem. This will be done in a manner so as not to glamorize the situation but to educate students in regard to this policy.

The administration is responsible for informing staff of regulations and procedures of suicide prevention, intervention, and post-intervention that have been developed by the administration.

Adoption Date: 3/27/08

**SUBJECT: DIGNITY FOR ALL STUDENTS**

The Jericho School District seeks to create an environment free of harassment, bullying, and discrimination, to foster civility in its schools, and to prevent conduct which is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or other students on school property and at school sponsored activities and events that take place at locations off school property. In addition, other acts of harassment, bullying, and/or discrimination which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline or other corrective action.

**Dignity Act Coordinator**

In each of its schools, the District will designate at least one (1) employee holding such licenses and/or certifications as required by the Commissioner to serve as the Dignity Act Coordinator(s). Each Dignity Act Coordinator (DAC) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), and sex. Training will also be provided for DACs which addresses: the social patterns of harassment, bullying, and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex; the identification and mitigation of harassment, bullying, and discrimination; strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. All DAC appointments will be approved by the Board of Education.

The District will share the name, designated school, and contact information of each Dignity Act Coordinator with all school personnel, students, and parents/persons in parental relation. Such information will be provided by:

- a) Listing such information in the *Code of Conduct*, with updates posted on the District's website; and
- b) Including such information in the plain language summary of the *Code of Conduct* provided to all persons in parental relation to students before the beginning of each school year; and

(Continued)

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

- c) Providing such information to parents and persons in parental relation in at least one (1) District or school mailing or other method of distribution, including, but not limited to, electronic communication and/or sending such information home with each student. If such information changes, parents and persons in parental relation will be notified of the changes in at least one (1) subsequent District or school mailing, or other such method of distribution as soon as practicable thereafter; and
- d) Posting such information in highly visible areas of school buildings; and
- e) Making such information available at the District and school-level administrative offices.

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

**Training and Awareness**

Each year, employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and/or discrimination, and to discourage and respond to incidents of harassment, bullying, or discrimination. Such training may be provided in conjunction with existing professional development, and will be conducted consistent with guidelines approved by the Board of Education, and will:

- a) Raise awareness and sensitivity to potential acts of harassment, bullying, and/or discrimination;
- b) Address social patterns of harassment, bullying, and/or discrimination and the effects on students;
- c) Inform employees on the identification and mitigation of such acts;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, and/or discrimination;
- e) Make school employees aware of the effects of harassment, bullying, cyberbullying, and/or discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias and aggression;

(Continued)

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

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

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

Students who have been subjected to harassment, bullying, and/or discrimination, persons in parental relation whose children have been subjected to such behavior, or other students who observe or are told of such behavior, are encouraged and expected to make verbal and/or written reports to the principal, superintendent, Dignity Act Coordinator, and/or other school personnel. All District staff who are aware of harassment, bullying, and/or discrimination, are required to orally report the incident(s) within one (1) school day to the Principal, Superintendent, or his/her designee and report it in writing within two (2) school days after making an oral report.

The Principal, Superintendent, or the Principal's or Superintendent's designee will lead and/or supervise the thorough investigation of all reports of harassment, bullying, and discrimination, and ensure that such investigations are completed promptly after receipt of any such reports. All investigations will be conducted in accordance with law, the District's *Code of Conduct*, and applicable District policy and procedure. In the event allegations involve harassment, bullying, and/or discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, or disability, the District may utilize the procedures set forth in Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District, and its implementing regulations. Where appropriate, the Dignity Act Coordinator or such other individual conducting the investigation, may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remedying complaints of harassment, bullying, and/or discrimination.

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

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

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

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

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

**Prohibition of Retaliatory Behavior**

Pursuant to Section 16 of the Education Law, any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials, the Commissioner of Education, or law enforcement authorities, or otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making such report, or from initiating, testifying, participating, or assisting in such proceedings. Furthermore, the Board prohibits any retaliatory action against any person who, acting reasonably and in good faith, makes a report of harassment, bullying, or discrimination, or who otherwise initiates, testifies, participates, or assists in the investigation of a complaint of harassment, bullying, or discrimination.

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

### **Publication of District Policy**

At least once during each school year, all school employees, students, and parents will be provided with a written or electronic copy of this policy, or a plain-language summary thereof, including notification of the process by which students, parents, and school employees may report harassment, bullying, and 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, 801-a, 2801 and 3214  
8 NYCRR Section 100.2

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board of Education  
#3410 -- Code of Conduct on School Property  
#3420 -- Non-Discrimination and Anti-Harassment in the School District  
#7531 -- Sexual Harassment of Students  
#7553 -- Hazing of Students  
#8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adopted: May 19, 2016

## Students

**SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS**

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

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

**Complaints and Grievances Coordinator**

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

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

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

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

(Continued)

## Students

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

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

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

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

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

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

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

Adoption Date: 3/27/08

**SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS**

The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus. The Board of Education shall require the prohibition of bullying - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take three forms:

- a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
- c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

Although this Policy focuses on the bullying of a student by another student, it should be noted that bullying against any individual is strictly prohibited. This includes bullying of staff members against students, students against staff members, staff members against other staff members, and bullying by or against any parents, persons in parental relation, volunteers, visitors or vendors who may be on school property or at school sponsored events as defined above.

**Engages in Cyber-bullying Behavior**

As with other forms of bullying, cyber-bullying is an attempt to display power and control over someone perceived as weaker. Cyber-bullying 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.

Cyber-bullying 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).

Cyber-bullying has the effect of:

- a) Physically, emotionally or mentally harming a student;

**SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS (Cont'd.)**

- b) Placing a student in reasonable fear of physical, emotional or mental harm;
- c) Placing a student in reasonable fear of damage to or loss of personal property; and
- d) Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

Also, cyber-bullying 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/Cyber-bullying Behavior**

Any student who believes that he/she is being subjected to bullying/cyber-bullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, shall report the bullying to any staff member or the Building Principal. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses bullying behavior) shall promptly, thoroughly and equitably investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of bullying. Investigation of allegations of bullying shall follow the procedures utilized for complaints of harassment within the School District. Allegations of bullying shall be promptly and equitably investigated and will be treated as confidential and private to the extent possible within legal constraints.

**Prevention and Intervention**

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior among students.

Prevention and intervention techniques within the District to prevent against bullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims and their parents to help ensure that the bullying stops.

(Continued)

**SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS (Cont'd.)**

Rules against bullying shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents.

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

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of bullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying behavior has not resumed and that all those involved in the investigation of allegations of bullying have not suffered retaliation.

Civil Service Law Section 75-B

Adoption Date: 6/15/2012

**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 still hazing and against District policy, the *District Code of Conduct* and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or a group, shall be presumed a forced activity and in violation of Board policy, regardless of the "willingness" of the student to participate.

Any student who believes that he/she is being subjected to hazing behavior, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of hazing, shall report the incident to any staff member or the Building Principal. Anonymous student complaints of hazing behavior will also be investigated by the District. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses hazing behavior) shall investigate the complaint/incident and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of hazing. Investigations of allegations of hazing shall follow the procedures

(Continued)



**SUBJECT: HAZING OF STUDENTS (Cont'd.)**

utilized for complaints of harassment within the School District. Allegations of hazing shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

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

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of hazing. Follow-up inquiries and/or appropriate monitoring of the alleged hazer(s) and victim(s) shall be made to ensure that hazing behavior has not resumed and that all those involved in the investigation of allegations of hazing have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

**Knowingly Makes False Accusations**

Students who *knowingly* make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

**District Responsibility/Training**

Personnel at all levels are responsible for taking corrective action to prevent hazing behavior of which they have been made aware at School District sites; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Further, as may be applicable, personnel are to report such hazing behavior to their immediate supervisor. Staff training shall be provided to raise awareness of the problem of hazing within the schools and to facilitate staff identification of, and response to, such hazing behavior among students.

Prevention and intervention techniques within the District to help prevent hazing behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to hazers, victims and their parents to help ensure that the hazing stops.

Rules against hazing shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the *District Code of Conduct* and may also be incorporated in staff and student handbooks. In addition, allegations of hazing behavior may result in referral to law enforcement officials as necessary.

Civil Service Law Section 75-B

Education Law Sections 1709-a, 2503-a, 2554-a and 2801

Penal Law Sections 120.16 and 120.17

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l) (2)

Adoption date: 6/15/2012

Students

**SUBJECT: STUDENT GENDER IDENTITY**

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

**Key Terms**

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

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

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

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

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

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

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

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

**Records**

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

(Continued)

Students

**SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)**

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

**Names and Pronouns**

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

**Restrooms and Locker Rooms**

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

**Physical Education and Sports**

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

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

(Continued)

Students

**SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)**

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

**Other Activities**

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

**Dress Code and Team Uniforms**

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

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

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

NOTE: Refer also to Policies #3410 -- Code of Conduct  
#3420 -- Non-Discrimination and Anti-Harassment in the District  
#7550 -- Dignity for all Students  
#7531 -- Sexual Harassment of Students  
#7553 -- Hazing of Students  
#8242 -- Civility, Citizenship and Character Education/Interpersonal  
Violence Prevention Education

**Adopted: March 26, 2018**

**SUBJECT: NOTIFICATION REGARDING SEX OFFENDERS**

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

It is the policy of the Board of Education to disseminate all information which the District receives from local police authorities in conjunction with Megan's Law to designated staff members who might have possible contact with the offender during the course of their school duties including, but not limited to, Building Principals, supervisors, teachers, office personnel, coaches, custodians, bus drivers, and security personnel. The Superintendent reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, parents/guardians of District students, and other community residents who, in the opinion of the Superintendent, have an immediate need to be notified of such data in order to protect the safety of our students.

All staff members shall be informed of the availability of the information received by the District pursuant to Megan's Law upon written request to the applicable Building Principal/designee or supervisor.

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

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

**Special Circumstances Whereby Sex Offenders May Enter Upon School Grounds**

As a mandatory condition of the sentence for sex offenders placed on probation or conditional discharge whose victim was under the age of eighteen (18) or who has been designated a Level 3 sex offender, the court requires that such sentenced offender refrain from knowingly entering into or upon school grounds or any other facility or institution primarily used for the care or treatment of persons under the age of 18 (eighteen) while one or more of such persons are present.

(Continued)

## Students

**SUBJECT: NOTIFICATION REGARDING SEX OFFENDERS (Cont'd.)**

However, by exception, entrance upon the premises shall be provided to the sentenced sex offender under the following conditions subject to the written authorization of his/her parole officer or probation officer and the superintendent or chief administrator of the facility for the limited purposes authorized by that person:

- a) The offender is a registered student, participant or employee of the facility;
- b) The offender is an employee of an entity contracted by the facility; or
- c) The offender has a family member enrolled in the facility.

**Implementation**

Administrative regulations shall be developed to implement this policy.

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

Adoption Date: March 27, 2008

**SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN**

A District plan will be developed and updated every two (2) years describing the Special Education program in the Jericho Union Free School District. The District plan will include the following:

- a) A description of the nature and scope of special education programs and services currently available to students (including preschool 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 to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities;
- e) A description of the policies and practices of the Board to ensure that appropriate space will be continually available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by Boards of Cooperative Educational Services (BOCES);
- f) A description of how the District intends to ensure that all instructional materials to be used in the schools of the District will be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students. The alternative format must meet the National Instructional Materials Accessibility Standard defined in federal law;
- g) The estimated budget to support this plan;
- h) The date on which the plan was adopted by the Board; and
- i) A description of how the District plan is consistent with the special education space requirements plan for the region as developed by the BOCES.

The District plan, with personally identifiable student information deleted, will be filed and available for public inspection and review by the Commissioner.

20 USC Section 1474(e)(3)(B)

8 NYCRR Part 155 and Section 200.2(c)(1)

**Adopted: 4/19/23**

**SUBJECT: CHILDREN WITH DISABILITIES**

A child with a disability means a student under the age of 21 who is entitled to attend public schools 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 or 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 (SED) finds that the District has inappropriate policies, procedures, or practices resulting in a significant disproportionality by race or ethnicity in the suspension, identification, classification, 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 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 (LRE) for children with disabilities which includes:

- a) Not requiring any student to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services;
- b) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full-time education in a special class, home instruction and education in a residential setting;
- c) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate;
- d) Taking the following measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education programs and services:
  - 1. Utilize established procedures for publication of all potential job openings;
  - 2. Check credentials and requirements listed on applications;

(Continued)



Students

**SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)**

3. Provide training sessions for interview committee;
4. Special Education teachers are required to have subject matter knowledge appropriate to the level of instruction being provided; when teaching two or more core academic subjects exclusively to children with disabilities, the teacher will meet all requirements imposed by law or demonstrate competence in all the core academic subjects taught per state regulations;

Special education teachers and administrators are required to complete enhanced training in the needs of autistic children.

- e) Establishing the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide assessments:
  1. Ensure that necessary accommodations are specified on individualized education program (IEP) and implemented in accordance with the IEP and/or 504 plans;
  2. Review the need for accommodations at Committee on Special Education (CSE) evaluations/re-evaluations and/or 504 committee meetings;
  3. Distribute 504 plans and IEPs to appropriate faculty members.
- f) To the extent feasible, using universal design principles (defined as a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of functional capabilities, which include products and services that are directly usable without requiring assistive technologies and products and services that are made usable with assistive technologies) in developing and administering District-wide assessment programs by:
  1. Addressing appropriate universal design principles in IEP;
  2. Having Curriculum Associates keep CSE/Committee on Preschool Special Education (CPSE) apprised of available products and services utilizing universal design principles;

(Continued)

Students

**SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)**

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.
- g) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
  - h) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's regulations.
  - i) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
  - j) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

**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, CSE meetings, provision of 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.

(Continued)

## Students

**SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)**

The actual cost for CSE administration, evaluations, and special education services provided to a student with a disability who is a resident of New York State, but a nonresident to the district of location, may be recovered from the student's school district of residence. Because federal regulations require parental consent before any personally identifiable information about the student relating to special education is shared between officials in the public school district of location and officials in the public school district of residence, parental consent to share special education information between the two public school districts is required before billing a district of residence for the cost of special education services provided to the student by the 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:

- a) Child Find;
- b) Provision of Special Education Services; and
- c) 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.

Students

**SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)****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 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 potentially develop a new IEP for the student that addresses the parent's concerns. A parent who does not provide written notice within ten days may have his or her request for reimbursement reduced or denied.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.

20 USC § 9101(23)

21 USC § 812(c)

34 CFR Part 300

Education Law §§ 3004(4), 3004(5), 3208, 3242, 3602-c, 4401-4407 and 4410-6

8 NYCRR §§ 52.21, 57-3, 100.5, 100.9, 177.2, 200.2(b), 200.2(c)(2)(v), 200.4(e)(9) and 200.6(a)(1)

NOTE: Refer also to Policies #7615 -- Least Restrictive Environment  
#7650 -- Identification and Register of Children with Disabilities  
(Child Find)

**Adopted: 7/11/22**

**SUBJECT: GROUPING BY SIMILARITY OF NEEDS**

The Board of Education will provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines shall apply:

- a) That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE).
- b) The Committee shall determine written goals and, where required corresponding short-term instructional objectives for each student with a disability by considering the special and individual needs of each student with a disability.
- c) The Committee shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.
- d) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.
- e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.
- f) Students with disabilities may be grouped according to:
  - 1. Academic achievement, functional performance and learning characteristics;
  - 2. Social needs;
  - 3. Physical development; and
  - 4. Management needs.
- g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.
- h) The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.2(b) (3) and 200.6(a) (3)

Adoption Date: March 27, 2008

**SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM**

The Board of Education shall establish at least one Committee on Special Education (CSE) and one Committee on Preschool Special Education (CPSE). 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. 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 sixty (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 sixty (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 thirty (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 individualized education program (IEP) where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,
- b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or

(Continued)

## Students

**SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

concerns. The second CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parents/guardians with written notice and a copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

**Committee on Preschool Special Education (CPSE)**

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 thirty (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 thirty (30) days from the recommendation of the CPSE.

If the Board disagrees with the recommendation of the CPSE, the Board shall send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board of Education shall provide such notice as required by federal and state law and regulations.

**Subcommittee on Special Education**

The number of Subcommittees on Special Education will be determined by the CSE and the CSE will be responsible for the oversight and monitoring of the activities of each subcommittee to assure compliance with the requirements of applicable state and federal laws and regulations.

Each Subcommittee may perform the functions, for which the CSE is responsible, except:

- a) When a student is considered for initial placement in a special class; or
- b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or

(Continued)

**SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED  
EDUCATION PROGRAM (Cont'd.)**

- c) When a student is considered for placements in a school primarily serving students with disabilities or a school outside the District.

Subcommittees shall report annually to the CSE regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relation to a student, the Subcommittee shall refer to the CSE any matter in which the parent disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate education to the student.

Education Law Sections 4402 and 4410  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.2(d) (1), 200.4(c), 200.4(d), 200.5 and  
200.16(e)

NOTE: Refer also to Policies #7631 -- Appointment and Training of Committee on Special Education (CSE)/Subcommittee on Special Education Members  
#7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Adoption Date: March 27, 2008



Students

**SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM**

The Board recognizes the need for educational programs for three (3) and four (4) year old children with disabilities and directs that administrative practices and procedures be developed to:

- a) Ensure the 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 and re-evaluation of a preschool aged child.

Individuals With Disabilities Education Act (IDEA)  
20 United States Code (USC) Section 1400 et seq.  
Education Law Section 4410  
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

Adoption Date: March 27, 2008

**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.

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES**

The School District shall establish and implement a plan for the appropriate declassification of students with disabilities which must include:

- a) The regular consideration for declassifying students when appropriate;
- b) A reevaluation of the student prior to declassification; and
- c) The provision of educational and support services to the student upon declassification.

**Eligibility Determinations**

The School District must evaluate a student with a disability prior to determining that a student is no longer a student with a disability as defined in accordance with Commissioner's Regulations, and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent at no cost to the parent. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's individualized education program (IEP).

Prior to the reevaluation, the School District shall obtain informed written parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District must have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation and/or due process procedures.

The District shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

**Graduation/Aging Out**

The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the District must provide the student with a summary (Student Exit Summary see website: <http://www.12.nysed.gov/specialed/idea/studentexit.htm>) of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his/her post secondary goals.

(Continued)

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)**

In accordance with Commissioner's Regulations, before a student's graduation from high school with a Skills and Achievement (SA) Commencement Credential or Career Development and Occupational Studies Commencement Credential (CDOS), parents must receive prior written notice indicating that the student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns twenty-one (21) or until receipt of a regular high school diploma. However, New York State Law does not grant a child who has reached the age of majority all rights previously granted to parents under IDEA.

**Recommendation for Declassification**

If the student has been receiving special education services, but it is determined by CSE that the student no longer needs special education services and can be placed in a regular educational program on a full-time basis, the recommendation shall:

- a) Identify the declassification support services, if any, to be provided to the student; and/or the student's teachers; and
- b) Indicate the projected date of initiation of such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one (1) year after the student enters the full-time regular education program.

**Declassification Support Services**

*Declassification support services* means those services provided to the student or the student's teacher(s) to aid in the student's transition from special education to full-time regular education. These services are provided by persons certified or licensed in the appropriate area of service pursuant to Commissioner's Regulations Part 80. Such services include:

- a) For the student: psychological services, social work services, speech and language improvement services, non-career counseling, and other appropriate support services; and
- b) For the student's teacher(s): the assistance of supplementary school personnel and consultations with appropriate personnel.

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.

(Continued)

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)****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.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446]

Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.

34 CFR Part 300

Education Law Sections 4401-4410-a

8 NYCRR Sections 100.2(u), 100.6, 200.1(ooo), 200.2(b)(8), 200.4(b)(4), 200.4(b)(5), 200.4(c)(3), 200.4(c)(4), 200.4(d)(1) and 200.5(a)

NOTE: Refer also to Policy #7641 -- Transition Services

**Adopted: 3/20/14**

## Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION**

The District will implement school-wide approaches and prereferral interventions in order to remediate a student's performance within the general education setting prior to referral to the Committee on Special Education (CSE) for special education. The determination of prevention and prereferral intervention strategies or services will take into consideration the student's strengths, environment, social history, language, and cultural diversity, in addition to the teacher's concerns. The District may also provide a Response to Intervention (RtI) program to eligible students that is developed in accordance with Commissioner's regulations as part of its school-wide approach to improve a student's academic performance prior to a referral for special education.

The provision of programs and/or services for students starts with consideration and implementation of instruction in the general education curriculum, with appropriate supports, or modifications as may be necessary. In implementing pre-referral intervention strategies, the District may utilize resources or strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973, and Academic Intervention Services (AIS) as defined in Education Law and/or Commissioner's Regulations. The District will ensure that there is a system in place, with qualified, appropriately certified personnel, for developing, implementing and evaluating pre-referral intervention strategies.

If a student is recommended as needing additional instructional support, the District will establish formal Instructional Support Teams (ISTs) in accordance with law, regulations, and District guidelines, as may be applicable, to review information from the student's work, screenings, and assessments. Formal Instructional Support Teams (IST) or other school-based teams (e.g., Direct Student Support Teams or Child Study Teams), will be formed in accordance with law and/or regulations as may be applicable as well as District guidelines. The IST will include representatives from general and special education as well as other disciplines and include individuals with classroom experience, who may then recommend which type of instructional support the student requires and the frequency with which he or she should receive these services or supports. The building Administrator will further ensure that all staff are familiar with intervention procedures and procedures for operating an IST. Parents or persons in parental relation to students will be involved in developing pre-referral strategies to address the educational needs of their child.

District administration will also ensure that opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents or persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

Pre-referral/Intervention Instructional Support Plans will be designed so as to set forth proactive strategies to meet the broad range of individual student needs and to improve student performance. Pre-referral/Intervention strategies and/or Instructional Support Plans will be reviewed and evaluated to determine their effectiveness and modified as appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented will be maintained.

(Continued)

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

If a referral is made to the CSE during the course of implementing pre-referral/intervention instructional support services, the CSE is obligated in accordance with law to continue to fulfill its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program (IEP), if applicable.

The Board will provide to students at risk of not achieving state standards with AIS. AIS means additional instruction which supplements the instruction provided in the general education curriculum and assists students in meeting those state learning standards as defined in Commissioner's regulations and/or student support services which may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance. The District will identify students to receive AIS through a two-step identification process set forth in Commissioner's regulations.

The District will provide AIS to students who are limited English proficient (LEP) and are determined, through uniformly applied District-developed procedures, to be at risk of not achieving state learning standards in English language arts, mathematics, social studies and/or science, through English or the student's native language if they are in a Bilingual Education program.

**Parental Notification**

- a) Commencement of Services: Parents or persons in parental relation to a student who has been determined to need AIS will be notified in writing by the building principal. This notice will be provided in English and translated into the parent's native language or mode of communication, as necessary. The notice will also include a summary of the AIS to be provided to the student, why the student requires these services, and the consequences of not achieving expected performance levels.
- b) Ending of AIS: Parents or persons in parental relation will be notified in writing when AIS is no longer needed. This notice will be provided in English and translated to the parent's native language or mode of communication, as necessary.

Parents will be provided with ongoing opportunities to consult with the student's teachers and other professional staff providing AIS, receive reports on the student's progress, and information on ways to work with their child to improve achievement.

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: 3/28/18**

## Students

**SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT PROGRAMS**

All students with disabilities residing in the District, including those of preschool age, shall be provided with full access and opportunity to participate in School District programs, including extracurricular programs and activities, that are available to all other students enrolled in the public schools of the District to the maximum extent appropriate to the needs of the student. Parents/legal guardians of students with disabilities, including those students placed in out-of-District programs, shall receive timely notice of such District programs and activities.

8 New York Code of Rules and Regulations  
(NYCRR) Section 200.2(b) (1&2)

Adopted: 4/17/08



## Students

**SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973**

The Board of Education affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District shall make its program and facilities accessible to all its students with disabilities.

The District shall also identify, evaluate and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The District official responsible for coordination of activities relating to compliance with Section 504 is the Director of Pupil Personnel Services. This official shall provide information, including complaint procedures, to any person who feels his/her rights under Section 504 have been violated by the District or its officials.

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

Adoption Date: 4/17/08

## Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION  
(CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS****Committee on Special Education (CSE) Membership**

The Board of Education shall appoint a Committee on Special Education (CSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) or persons in parental relationship of the student. To ensure that one or both parents are present at each CSE meeting, the District and the parent(s) may agree to use alternative means of participation such as videoconferences or conference phone calls.
- b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher of the student, or, where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District;
- e) An individual who can interpret the instructional implications of evaluation results, who may be a CSE member selected from the regular education teacher, the special education teacher or provider, the school psychologist, or the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) A member as described in letters b) through e) of this subheading is not required to attend the CSE meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:
  - 1. The member's area of the curriculum or related services is not being modified or discussed in the meeting; or
  - 2. The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

(Continued)

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)**

3. The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in 2. above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation;
- g) 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;
- h) Whenever appropriate, the student with a disability. The District must invite a child with a disability to attend the child's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. If the child does not attend the CSE meeting, the District must take other steps to ensure that the child's preference and interests are considered. To the extent appropriate, with the consent of the parent or a student eighteen (18) years or older, the District must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services;
- i) A school psychologist;
- j) 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
- k) An additional parent residing in the District or a neighboring school district who is a parent of a student with a disability, a parent of a student who has been declassified and is no longer eligible for an individualized education program (IEP), or a parent of a disabled child who has graduated. This parent member may serve for a period of five years beyond the student's declassification or graduation, provided that the parent shall not be employed by or under contract with the School District. Such parent is not a required member if the parents of the student request, in writing, that the additional parent member not participate in the meeting.

**Subcommittee on Special Education Membership**

The Board of Education shall appoint, as necessary, a Subcommittee on Special Education whose membership shall include, but not be limited to, the following members:

(Continued)

## Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)**

- a) The parent(s) of the student;
- b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher, of the student, or where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District;
- e) A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, as set forth in Section 200.6(f)(4) of the Regulations of the Commissioner, is considered;
- f) A member as described in letters b) through e) of this subheading is not required to attend the subcommittee meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:
  - 1. The member's area of the curriculum or related services is not being modified or discussed in the meeting; or
  - 2. The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or
  - 3. The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in 2. above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation;

(Continued)

## Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION  
(CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)**

- g) 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;
- h) An individual who can interpret the instructional implications of evaluation results, who may be a member described in letters "b" through "g" of this subheading; and
- i) 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 Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Special Education.

**Alternative Means of Meeting**

When conducting a meeting of the Committee on Special Education (CSE), the parent and the representative of the District appointed to the CSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

Individuals with Disabilities Education Act (IDEA) 20 United States Code (USC) Section 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300 and Section 300.321  
Education Law Section 4402  
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b) (3), 200.3, and 200.4(d) (4) (i) (d)

NOTE: Refer also to Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program  
#7632 -- Appointment and Training of Committee on Preschool Special Education Members

Adoption Date: 4/17/08

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS**

**Committee on Preschool Special Education (CPSE) Membership**

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the preschool child;
- b) Not less than one (1) regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher of the child or, where appropriate, at least one (1) special education provider (i.e., related service provider) of such child;
- d) A representative of the School District who is qualified to provide, or supervise the provision of, special education and who is knowledgeable about the general education curriculum and about the availability of preschool special education programs and services and other resources of the District and the municipality (who shall serve as Chairperson of the CPSE);
- e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, the special education teacher or provider, the school psychologist, the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;
- g) An additional parent of a child with a disability who resides in the School District or a neighboring school district, and whose child is enrolled in a preschool or elementary level education program provided that such parent shall not be employed by or under contract with the School District or municipality; and provided further that such parent shall not be a required member if the parents of the child request, in writing, that the additional parent member not participate in the meeting;
- 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)

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL  
SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)**

- i) A representative from the municipality of the preschool child's residence. Attendance of the appointee of the municipality is not required for a quorum.

**Training**

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Preschool Special Education.

Individuals with Disabilities Education Act (IDEA)  
20 United States Code (USC) Section 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300  
Education Law Section 4410  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.2(b) (3) and 200.3

NOTE: Refer also to Policies #7613 The Role of the Board in Implementing a Student's  
Individualized Education Program

#7614 Preschool Special Education Program

#7631 Committee on Special Education/Subcommittee on Special  
Education Members

Adoption Date: 4/17/08

## Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION****Development of Individualized Education Program**

The Board of Education directs that the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) shall have prepared a written statement (program) for each child with a disability.

Such an Individualized Education Program (IEP) will be developed by the CSE or CPSE upon referral, and reviewed or revised, whichever is appropriate, for every child with a disability at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

The District shall ensure that each student with a disability has an IEP in effect at the beginning of each school year.

**Individual Evaluations**

Unless a referral is withdrawn, an individual evaluation at no cost to the parent will be completed by the CSE/CPSE within sixty (60) calendar days of receiving written parental consent, unless:

- a) A student enrolls in the District after sixty (60) days and prior to a determination by the student's previous school district as to whether the student has a disability, but only if the new school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent and the new district agree to a specific timeframe for completion; or
- b) The parent or student repeatedly fails or refuses to produce the student for evaluation.

No student shall be required to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving an evaluation.

The individual evaluation will include a variety of assessment tools and strategies, including information provided by the parent. The purpose of the evaluation is to gather relevant functional, developmental and academic information that may assist in determining whether the student is a student with a disability and the content of the student's IEP. This shall include information relating to enabling the student to participate and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities.)

(Continued)



**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION (Cont'd.)**

As part of any evaluation, a group that includes the CSE/CPSE and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments, local or state assessments, classroom-based observations, and observations by teachers and related services providers.

On the basis of that review, and input from the student's parents, the group shall identify what additional data, if any, are needed to determine:

- a) Whether the student has or continues to have a disability;
- b) The present levels of academic achievement and related developmental needs of the student, including:
  - 1. Academic achievement, functional performance, and learning characteristics;
  - 2. Social development;
  - 3. Physical development; and
  - 4. Management needs.
- c) In the case of a reevaluation of a student, whether the student continues to need special education; and
- d) Whether any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.

If additional data are not needed, the District must notify the parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services provided in accordance with law and Commissioner's Regulations, the student continues to be a student with a disability and to determine the student's educational needs. The District is not required to conduct the assessment unless requested to do so by the student's parents.

**Individual Re-evaluations**

A Committee on Special Education (CSE/CPSE) shall arrange for an appropriate re-evaluation of each student with a disability:

(Continued)

## Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION (Cont'd.)**

- a) If the District determines that the educational or related services needs, including improved academic achievement and functional performance of the student warrant re-evaluation;
- b) If the student's parent or teacher request a re-evaluation;
- c) At least once every three (3) years.

A re-evaluation shall not be conducted more frequently than once a year unless the parent and the District representative appointed to the CSE/CPSE agree otherwise.

The re-evaluation will be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any re-evaluations must be addressed by the CSE/CPSE in reviewing, and as appropriate, revising the student's IEP.

To the extent possible, the District shall encourage the consolidation of re-evaluation meetings for the student and other CSE/CPSE meetings for the student.

**Amendments to the IEP**

Amendments to the IEP made after the annual review by the CSE may be made by rewriting the IEP or by developing a written document to amend or modify the student's current IEP, provided that:

- a) The parent receives a prior written notice of any changes to the IEP; and
- b) The parent receives any documents that amend the IEP, or upon request, a revised copy of the entire IEP with the amendments incorporated.

**Use of Recording Equipment at IEP Meetings**

The Board of Education shall allow recording equipment to be used at meetings regarding individualized education programs for students with disabilities.

**Provision of Individualized Education Program**

The Board of Education directs that the Superintendent/designee(s) establish administrative practices and procedures to ensure that each regular education teacher, special education teacher, related service provider and/or other service provider who is responsible for the implementation of a

Continued)

## Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION (Cont'd.)**

student's IEP is *provided a paper or electronic copy of such student's IEP (including amendments to the IEP) prior to the implementation of such program*. For purposes of this policy, "other service provider" means a representative of another public school district, charter school, Board of Cooperative Educational Services (BOCES) or school enumerated in Articles 81, 85 or 89 of the Education Law where the student receives or will receive IEP services. Further, the District will designate at least one school official who shall be responsible for maintaining a record of the personnel who have received IEP copies for each student.

*Any copy of a student's IEP shall remain confidential* in compliance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records; and shall not be disclosed to any other person other than the parent of such student, except in accordance with federal and state laws and/or regulations. Appropriate training and information will be provided to designated school personnel, as applicable, to ensure the confidentiality of such information. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when such professionals are no longer responsible for implementing a student's IEP.

The Chairperson of the CSE, CSE subcommittee, or CPSE *shall designate* for each student one or, as appropriate, more than one professional employee of the School District with knowledge of the student's disability and education program *who will be responsible to, prior to the implementation of the IEP, inform* each regular education teacher, special education teacher, related service provider, other service provider, supplementary school personnel (i.e., a teaching assistant or a teacher aide as defined in Commissioner's Regulations), and other provider and support staff person of his/her responsibility to implement the recommendations on a student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP. In selecting the professional staff person(s), the Chairperson could select him/herself for this responsibility, another administrator, or a teacher, related service provider or other professional based on the particular circumstances of the student's disability and education program.

The School District shall also ensure that each teaching assistant, teacher aide and each other provider responsible for assisting in the implementation of a student's IEP has *the opportunity to review* a copy of the student's IEP (including amendments) prior to the implementation of such program. Further, each teaching assistant, teacher aide and such other provider responsible for assisting in the implementation of a student's IEP shall have *ongoing access* to a copy of the IEP, which may be the copy provided to the student's special education teacher or the teacher or related service provider under whose direction the supplementary school personnel or other provider works. However, the District may, at its discretion, provide a copy of the IEP to teaching assistants and/or teacher aides.

A copy of a student's IEP shall be provided to the student's parents at no cost to the student's parents.

(Continued)

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Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION (Cont'd.)**

Individuals with Disabilities Education Improvement Act of  
2004 [Public Law 108-446 Section 615(k) (l)]  
Individuals with Disabilities Education Act (IDEA)  
20 United States Code (USC) Sections 1400 et seq.  
21 United States Code (USC) 812(c)  
Education Law Articles 81, 85 and 89  
Education Law Sections 3208 and 4402(7)  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.1(hh), 200.2(b) (11), 200.4(b) (4), 200.4(e)  
(3), 200.4(f) and 200.16(e) (6)

Adoption Date: 4/17/08

**SUBJECT: TRANSITION SERVICES**

Beginning not later than the first IEP to be in effect when the student is age 15 (and at a younger age, if determined appropriate), and updated annually, the student's IEP must include:

- a) A statement of the student's needs taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities;
- b) Appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;
- c) A statement of transition service needs that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational educational program;
- d) Needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and
- e) A statement of the responsibilities of the District and participating agencies, when applicable, for the provision of such services and activities, before the student leaves the school setting, which promotes movement from school to post-school opportunities.

As defined by the Commissioner's Regulations, transition services means a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate movement from school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational training, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the individual student's needs, taking into account the student's strengths, preferences and interests and shall include needed activities in the following areas:

- a) Instruction;
- b) Related services (the term "related services" does not include a medical device that is implanted, or the replacement of such device);
- c) Community experiences;

(Continued)

Students

**SUBJECT: TRANSITION SERVICES (Cont'd.)**

- d) The development of employment and other post-school adult living objectives; and
- e) When appropriate, acquisition of daily living skills and functional vocational evaluation.

Individuals with Disabilities Education Improvement Act of  
2004 [Public Law 108-446 Section 614(a)]  
Individuals with Disabilities Education Act (IDEA)  
20 United States Code (USC) Sections 1400 et seq.  
34 Code of Federal Regulations (CFR) Sections 300.343,  
300.347 and 300.348  
Education Law Section 4401  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.1(qq), 200.1(fff), 2004.(d) (2) (ix), and  
200.5(c) (2) (vii)

NOTE: Refer also to Policy #7617 – Declassification of Students with Disabilities

Adoption Date: 4/17/08

Students

**SUBJECT: TWELVE MONTH SPECIAL SERVICES AND/OR PROGRAMS**

The School District shall provide, directly or by contract, special services and/or programs during July and August to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE). Written consent of the parent is required prior to initial provision of special education services in a twelve-month special service and/or program.

For students eligible for twelve (12) month service and/or program, the Individualized Education Program (IEP) shall indicate the identity of the provider of services during the months of July and August, and for preschool students determined by the CPSE to require a structured learning environment of twelve (12) months duration to prevent substantial regression, a statement of the reasons for such recommendation.

Individuals with Disabilities Education Improvement Act of 2004

[Public Law 108-446 Section 614(a)]

Individuals with Disabilities Education Act (IDEA)

20 United States Code (USC) Sections 1400 et seq.

8 New York Code of Rules and Regulations (NYCRR)

Sections 200.1(qq), 200.4(d) (2) (x), 200.5(b) (1) (iii), 200.6(j) and 200.16(h) (3) (v)

Adoption Date: 4/17/08

## Students

**SUBJECT: IDENTIFICATION AND REGISTRATION OF CHILDREN WITH DISABILITIES (CHILD FIND)**

The District will locate, identify, and evaluate all students with disabilities who reside within its boundaries, including homeless children, children who are wards of the state, home-schooled children, and children attending private schools. Further, it is the policy of the Board of Education to conduct a census in order to locate and identify all children with disabilities within the District under the age of twenty-one (21), including those children as described above, and to establish a register of such students entitled to attend school or receive preschool services.

The Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) will maintain and annually revise the register of such students and others referred to the committee as possibly having a disability, as appropriate. In addition, census data shall be reported by October 1 to the CSE or CPSE as appropriate.

The District understands that its Child Find obligations have been expanded to include notification to every parent or person in parental relation, upon enrollment of their child in the District, of their rights regarding referral and evaluation for the purposes of special education services or programs pursuant to applicable federal and state laws. The notification will contain the name and contact information for the chairperson of the District's CSE or other individual who is charged with processing referrals to the committee in the District. The District may, in its discretion, provide such notice by directing parents or persons in parental relation to obtain information located on the State Education Department's website relating to a parent's guide to special education in New York State for children ages three (3) through twenty-one (21).

Any student suspected of having a disability should be referred to the applicable CSE or CPSE for evaluation and possible identification as a student with a disability.

**Nonpublic School Students with Disabilities Who are Parentally Placed**

If the District boundaries encompass a nonpublic school, the District, as the district of location, must develop and implement methods to identify, locate, and ensure the identification and evaluation of students with disabilities who have been, or are going to be, parentally placed in such nonpublic school.

The child find activities must be similar to those for students with disabilities in public schools and must be completed in a time period comparable to that for other students attending public schools in the School District.

As the district of location, the District must also consult with the appropriate representatives of the nonpublic schools and parents of parentally placed nonpublic school students to determine an accurate count of students with disabilities attending such schools and receiving special education services.

(Continued)



Students

**SUBJECT: IDENTIFICATION AND REGISTRATION OF CHILDREN WITH  
DISABILITIES (CHILD FIND) (Cont'd.)**

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.

Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.  
34 CFR Part 300

Education Law Sections 3240-3242, 3602-c(2)(a), 4401-a, 4402, 4404, 4405 and 4410-6  
8 NYCRR Sections 200.2(a), and 200.4

NOTE: Refer also to Policies #7130 -- Entitlement to Attend - Age and Residency  
#7140 -- School Census

**Adopted: 7/1/15**

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES**

The Board of Education recognizes the rights of the parent/guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation and educational placement of a child with a disability.

All due process procedures for parents/guardians and children in the Commissioner's Regulations shall be observed by the School District.

**Definition of Parent**

Parent means a birth or adoptive parent, a guardian, a person in parental relationship to the child as defined in Education Law section 3212, an individual designated as a person in parental relation pursuant to Title 15-A of the General Obligations Law including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent or other relative with whom the child resides), or a surrogate parent who has been appointed in accordance with section 200.5(n) of Commissioner's Regulations. The term does not include the State if the student is a ward of the State.

A foster parent may act as a parent unless State law, regulations or contractual obligations with a State or local entity prohibit the foster parent from acting as a parent.

Unless a judicial decree identifies a specific person(s) to act as the parent or make educational decisions for the student, if one or more parties is qualified to act as a parent, the birth or adoptive parent is presumed to be the parent unless they do not have the legal authority to do so.

**Surrogate Parents**

In the event that no parent or guardian for a child with a disability can be identified; or after reasonable efforts the whereabouts of the parent or guardian cannot be determined; or the student is an unaccompanied homeless youth; or the child with a disability is a ward of the State and does not have a "parent" as defined above; or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law; the Board shall assign an individual to act as a surrogate for the parents or guardians.

Alternatively, the surrogate parent may be appointed by a judge overseeing the child's case.

(Continued)

## Students

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**

The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that ensure adequate representation of the child.

**Prior Written Notice**

Prior written notice must be given to parents of a student with a disability a reasonable time before the District proposes to, or refuses to, initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student. Prior written notice must also be provided informing the parents when no additional data is required to determine the student's educational needs, the reasons for this determination and their right to request an assessment. Prior written notice will also be provided prior to the student's graduation with a local or Regents diploma, stating that such student will no longer be entitled to receive a Free Appropriate Public Education (FAPE) after graduation. Additionally, prior written notice will be provided upon the student's receipt of any other exiting credential, including but not limited to a Skills and Achievement Commencement Credential or a Career Development and Occupational Studies Commencement Credential, provided the student has not already earned a local or Regents diploma. Such notice shall state that the student continues to be eligible for FAPE until the school year in which the student turns age twenty-one (21), or until the receipt of a local or Regents high school diploma, whichever is earlier.

If the prior written notice relates to a proposed action that also requires parental consent, the District must give notice at the same time it requests parental consent. The prior written notice will contain all elements required by Commissioner's Regulations.

A parent may elect to receive prior written notice and other required notifications by electronic mail (e-mail) communication if the District makes this option available.

(Continued)

## Students

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**

## Parent Participation in Meetings

The School District must take steps to ensure that one or both of the parents of a child with a disability are present at each Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) meeting or are afforded the opportunity to participate in a mutually agreed upon time and place. The School District must document its attempts to involve parents, such as:

- a) Detailed records of telephone calls made or attempted and the results of these calls;
- b) Copies of correspondence sent to the parents and any responses received; and
- c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

A meeting may be conducted without a parent in attendance if the School District is unable to convince the parents that they should attend.

Additionally, the School District must take whatever action is necessary to ensure the parent understands the proceedings of this meeting including arranging for an interpreter for parents with deafness or whose native language is other than English.

## Parental Consent

In accordance with due process, a parent (as defined in Commissioner's Regulations Section 200.1(l)) 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. The District will make reasonable efforts to obtain written informed consent and will maintain a detailed record of its attempts and the results of the attempts.

Parents with custodial rights - whether sole or joint - may exercise decision-making authority with respect to the student's education. Absent a court order or custody agreement to the contrary, a non-custodial parent may not control educational decisions for the student, though he/she may participate in the child's education.

(Continued)

## Students

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)****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 to Access Public Benefits or Insurance (e.g., Medicaid)**

A School District must notify the child's parent in writing prior to accessing the child's or parent's public benefits or insurance for the first time and annually thereafter. The written notification must explain the protections afforded to parents so that parents are fully informed of their rights before the District accesses their or their child's Medicaid or other public benefits or insurance to pay for services under the IDEA. Furthermore, this notice must be in a language understandable to the general public and in the parent's native language or the mode of communication used by the parent.

A School District must obtain a one-time written consent from the parent, after providing the written notification (as described above), before accessing the child's or parent's public benefits or insurance (e.g., Medicaid) for the first time. The consent must state that the parent understands and agrees that the School District may access the child's or parent's public benefits or insurance to pay for special education or related services. The consent must also specify:

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

- a) The personally identifiable information that may be disclosed (this can include records or information about the services that will be provided to the student);
- b) The purpose of the disclosure; and
- c) The agency to which the disclosure may be made (Medicaid).

Merely providing the Medicaid application does not meet the IDEA parent consent requirements. A sample Medicaid Consent Form may be found at:

<http://www.p12.nysed.gov/specialed/publications/sampleconsent.htm>

### **Consent for an Unaccompanied Homeless Youth**

Consent may be provided by a surrogate parent. However, until a surrogate parent is appointed, consent may be provided on a temporary basis by an employee of a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth.

### **Consent for a Ward of the State**

A ward of the State means a child or youth under the age of twenty-one (21):

- a) Who has been placed or remanded pursuant to Social Services Law or the Family Court Act or freed for adoption pursuant to Social Services Law; or
- b) Who is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or
- c) Who is a destitute child under Social Services Law.

In the event that a child is a ward of the State, the School District shall make reasonable efforts to obtain the informed consent from the parent of the child for an initial evaluation to determine whether the child is a child with a disability.

(Continued)

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**

The School District is not required to obtain informed consent if:

- a) Despite reasonable efforts to do so, the School District cannot discover the whereabouts of the parent of the student, including consulting with the agency responsible for the care of the student; or
- b) The rights of the parents of the student have been terminated in accordance with State law; or
- c) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law.

Consent for a Student Who is Home Instructed or Parentally Placed in a Private School at the Parent's Expense

If a parent of a student who is home instructed or placed in a private school by their parents at their own expense does not provide consent for an initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, the District may not continue to pursue those evaluations by using the due process procedures and the District is not required to consider the student as eligible for special education services.

**Parental Revocation of Consent**

Parental revocation of consent for continued provision of special education and related services must be in writing. When the parent revokes such consent, the District still must provide the parent with the usual written notice of its intentions with respect to the child.

If the parent of a student with a disability revokes his/her consent in writing for the continued provision of special education and related services to the student at any time subsequent to the initial provision of special education and related services, the District:

- a) Shall not continue to provide special education and related services to the student, but must provide prior written notice to the parent before ceasing the provisions of special education and related services;
- b) Shall not use due process procedures (i.e., mediation, resolution meeting, and/or impartial due process hearing) in order to obtain agreement or a ruling that the services may be provided to the student without parental consent;

(Continued)

Students

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**

- c) Shall not be considered to be in violation of the requirement to make a free and appropriate public education (FAPE) available to the student because of the failure to provide the student with further special education and related services following revocation of consent;
- d) Is not required to convene a meeting of the Committee on Special Education or develop an IEP for the student for further provision of special education programs and related services upon receipt of written revocation of consent; and
- e) Is not required to amend the student's education records to remove any references to the student's receipt of special education programs and services because of the revocation of consent.

**Procedural Safeguards Notice**

The School District will provide the procedural safeguards notice prescribed by the Commissioner of Education to the parents of a student with a disability at least one time per year and also:

- a) Upon initial referral or parental request for evaluation;
- b) Upon the first filing of a due process complaint notice to request mediation or an impartial hearing; and
- c) Upon request by a parent.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 614(a)  
Individuals with Disabilities Education Act (IDEA)  
20 United States Code (USC) Section 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300  
Education Law Sections 3212, 4005, 4202, 4401 and 4402  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.1 and 200.5

**Adopted: 3/20/14**



Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS**

The School District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. Mediation will be available to resolve disputes involving any matter, including matters arising prior to the filing of a request for an impartial hearing. In addition, the District may establish procedures providing the opportunity to meet with a disinterested party from a community dispute resolution center for an explanation of the benefits of the mediation process. For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The Impartial Hearing Officer (IHO) renders a written decision after the parties present and refute evidence before him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

**Impartial Due Process Hearing Process**

The request for an impartial due process hearing must be submitted within two (2) years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. However, the two (2) year timeline does not apply if the parent was prevented from requesting the hearing due to specific misrepresentations by the District that it had resolved the problem or the District's withholding of information from the parent that is required by Commissioner's Regulations.

The following is an overview of the impartial hearing process/prehearing conference:

**Due Process Complaint Notification**

- a) The parent or the School District may request an impartial hearing by first submitting a due process complaint notice.

A hearing may not be held until a due process complaint notice is filed. Either the parent, the District, or the attorney representing either party may present a complaint with respect to any matter relating to the identification, evaluation or educational placement of a student with a disability or a student suspected of having a disability, or the provision of a free appropriate public education to such student.

This written due process complaint notice must include:

1. The name of the student;
2. The address of the student's residence or, in the case of a homeless student, available contact information;
3. The name of the school the child is attending;

(Continued)

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING  
OFFICERS (Cont'd.)**

4. A description of the nature of the problem of the student relating to the proposed initiation or change, including facts relating to the problem; and
5. A proposed resolution of the problem to the extent known and available to the party at the time.
- b) The due process complaint notice will be deemed sufficient unless the party receiving the notice notifies the other party and the IHO in writing within fifteen (15) days of receiving the notice that they believe the notice requirements have not been met.
- c) Within five (5) days of the receipt of the notice of insufficiency, the IHO shall make a determination on the face of the notice of whether the notification meets the notice requirements and shall immediately notify the parties in writing of the determination.
- d) If the District has not sent a prior written notice to the parent regarding the subject matter of the complaint notice, the District will send a response to the parent within ten (10) days of receiving the complaint which includes:
  1. An explanation of why the District proposed or refused to take the action raised in the complaint;
  2. A description of other options the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) considered and why those options were rejected;
  3. A description of each evaluation procedure, assessment, record, or report the District used as a basis for the proposed or refused action; and
  4. A description of the factors relevant to the District's proposal or refusal.
- e) Upon receipt or filing of the due process complaint notice, the District will provide the procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and of any free or low-cost legal and other relevant services available in the area.
- f) Within 10 days of receiving the complaint notice, the non-complaining party must send a response specifically addressing the issues raised in the notice.
- g) A party may amend its due process complaint notice only if:
  1. The other party consents in writing and is given the opportunity to resolve the complaint through a resolution session;

(Continued)

Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

2. The IHO grants permission, but not later than five (5) days before the impartial due process hearing commences.

Applicable timelines for the impartial due process hearing will recommence at the time of the filing of the amended notice.

- h) No issues may be raised at the impartial due process hearing that were not raised in the due process complaint notice.

**Resolution Session**

- a) Within fifteen (15) days of receiving the due process complaint notice from the parent and prior to the due process hearing itself, the District shall convene a meeting with the parents and relevant members of the CSE/CPSE who have specific knowledge of the facts identified in the complaint. A representative of the District who has decision-making authority must attend. The attorney for the District may not attend unless the parent is accompanied by an attorney. At this resolution meeting, the District has the opportunity to resolve the complaint after the parents discuss their complaint and the facts forming its basis.
- b) When conducting meetings and carrying out administrative matters (such as scheduling), the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.
- c) The parent and District may agree in writing to waive the resolution session or agree to use the mediation process to resolve the dispute.
- d) If a settlement is reached, the parties shall execute a legally binding agreement signed by the parent and the representative of the District who has authority to bind the District. This agreement is enforceable in court. However, either party may void the agreement within three (3) business days of the agreement's execution.
- e) If the District has not resolved the complaint to the satisfaction of the parents within thirty (30) days of receipt of the complaint notice, the impartial hearing process may begin and all applicable timelines commence.

**Pre-Hearing Conference**

A pre-hearing conference (which may take place via telephone) may be scheduled by the IHO to simplify or clarify issues; establish dates for the completion of the hearing; identify evidence to be entered into the record; identify witnesses expected to provide testimony; and/or address other administrative issues.

(Continued)

Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL  
HEARING OFFICERS (Cont'd.)**Impartial Due Process Hearing

In the event the complaint is not resolved in a resolution session, the Board will arrange for an impartial hearing to be conducted. When carrying out administrative matters relating to an impartial due process hearing, such as scheduling, exchange of witness lists and status conferences, the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.

- a) The District must immediately (but not later than two (2) business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent) initiate the process to select an IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The Superintendent's Secretary/District Clerk will be responsible for contacting IHOs and maintaining appropriate records.
- b) The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board of Education must immediately appoint him/her. To expedite this process, the Board may designate one (1) or more of its members to appoint the IHO on behalf of the Board.
- c) The IHO may not accept appointment unless he/she is available to make a determination of sufficiency of a due process complaint notice within five (5) days of receiving such a request and (unless an extension is granted) to initiate the hearing within the first fourteen (14) days after (whichever of the following comes first):
  - 1. The date the IHO receives the parties' written waiver of the resolution session; or
  - 2. The date the IHO receives the parties' written confirmation that a resolution session was held but no agreement could be reached; or
  - 3. The expiration of the thirty (30) day period beginning with the receipt of the due process complaint notice.
- d) The hearing, or a prehearing conference, shall commence within the timeframe specified in c) above, unless an extension is granted pursuant to Commissioner's Regulations.

(Continued)

Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

- e) Except in the case of expedited due process hearings, each party must disclose to all parties all evaluations completed by that date and recommendations based on the offering party's evaluation that they intend to use at the hearing not less than five (5) days prior to the hearing. The IHO may bar any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.
- f) The hearing will be conducted at a time and location that is reasonable and convenient to the parent and the student involved. The hearing shall be closed to the public unless the parent requests an open hearing.
- g) The role and responsibilities of the IHO will be as enumerated in Commissioner's Regulations.
- h) The student shall remain in his/her current placement during the pendency of the impartial hearing unless both parties agree or except as otherwise provided for expedited impartial hearings for certain disciplinary suspensions or removals of a student.
- i) The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory timelines but not later than forty-five (45) days after the date required for commencement of the impartial hearing specified in c) above. For expedited hearings the deadline is fifteen (15) business days from receipt of the request for a hearing; for preschool hearings the timeframe is thirty (30) days after the receipt by the Board of a request for a hearing or after the initiation of such hearing by the Board.
- j) The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

**Recordkeeping and Reporting**

The District will utilize the New York State Education Department's Impartial Hearing Reporting System (IHRS) to access the alphabetical list of the names of each IHO who is certified in New York State and available to serve in the District. The District will record and report to the State Education Department required information relating to the selection of IHOs and the conduct of impartial hearings according to the manner and schedule specified by the Department. The Superintendent shall designate a staff member(s) who will be responsible for reporting such information as required relating to the impartial hearing process into the State Education Department's web-based reporting system.

(Continued)

Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)****Compensation of Impartial Hearing Officers**

The District will be responsible for compensating the IHO for prehearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHOs appointment. The rate of compensation may not exceed the maximum rate approved by the Director of the Division of the Budget. The District will also reimburse the IHO for travel and other hearing-related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule. On an annual basis, the District will forward a copy of its compensation rates to each IHO on the District's rotational list.

**Mediation**

Mediation is voluntary and does not deny or delay a parent's right to an impartial hearing. If mediation is initiated after a request for an impartial hearing has been received, the impartial hearing must continue unless the request for the impartial hearing is withdrawn. However, a party may request an extension to an impartial hearing in order to pursue mediation.

**Guardians ad Litem at Impartial Hearings**

Unless a surrogate parent has been previously appointed, the IHO must appoint a guardian ad litem when he/she determines that the interests of the parent(s) are opposed to or are inconsistent with those of the student or whenever the interests of the student would be best protected by such appointment.

**Confidentiality**

All issues relating to a request for and conduct of an impartial hearing must be kept confidential by all District staff.

**Administrative Procedures**

Administrative procedures will be developed for the selection and appointment of an IHO consistent with regulatory requirements.

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

Adoption Date: 4/17/08

Students

**SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS**

Parents of children with disabilities have the right under federal and state regulations to obtain an independent educational evaluation (IEE) at public expense under certain conditions if they disagree with an evaluation obtained by the District.

A parent is entitled to only one IEE at public expense each time the District conducts an evaluation with which the parent disagrees. The District may ask the parent to explain the reason as to why they object to the District's evaluation although the parent is not required to answer.

The District will not unreasonably delay either providing the IEE or initiating an impartial hearing to defend its own evaluation.

34 CFR Sections 300.12 and 300.502  
8 NYCRR Sections 200.1(z) and 200.5(g)

**Adopted: 6/8/23**

## Students

**SUBJECT: SPECIAL EDUCATION MEDIATION**

The District will offer mediation to resolve any disputes involving any matter for which an impartial due process hearing may be brought, including matters arising prior to the filing of a request for an impartial hearing.

Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center who are not employees of a State educational agency providing direct services to the student who is the subject of the mediation process or a school district or program serving students with disabilities. Mediators may not have a personal or professional interest which would conflict with their objectivity in the mediation process and should be knowledgeable in laws and regulations relating to the provision of special education services.

Parents or persons in parental relation to students suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial hearing procedures in accordance with Federal and State law and regulations. If the parent and District agree, alternative means of meeting participation may be utilized, such as video conferences and conference calls.

Discussions during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings. The parties may be required to sign a confidentiality pledge prior to the commencement of the process.

If resolution to the complaint is reached through mediation, the parent and the representative of the District who has the authority to bind the District will execute a legally binding written agreement specifying the resolution and stating that all discussions occurring during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. If the written agreement is inconsistent with the student's current individualized education programs (IEP), the IEP must be immediately amended to reflect the mediation agreement.

The mediation process is voluntary and will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relation to request an impartial hearing subsequent to mediation. Parents or persons in parental relation to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided for in federal and state laws and regulations. Similarly, mediation shall not be construed to limit a parent or person in parental relation from requesting an impartial hearing without having first utilized mediation procedures set forth in Education Law.

(Continued)



**2008**

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Students

**SUBJECT: SPECIAL EDUCATION MEDIATION (Cont'd.)**

Individuals with Disabilities Education Improvement Act of  
2004 (Public Law 108-446) Section 614(a)  
Individuals with Disabilities Education Act (IDEA)  
20 United States Code (USC) Section 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300  
Education Law Sections 4005, 4202 and 4404-a  
Judiciary Law Section 849a  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.1 and 200.5

Adoption Date: 5/22/08

**Jericho Union Free School District**

**INSTRUCTION**

**(Section 8000)**

**NUMBER**

**CURRICULUM (GENERAL)**

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1.2 Request for Part 100 Variance or Part 200 Innovative Program Waiver From Commissioner's Regulations .....	8120
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## **INSTRUCTION (Cont'd.)**

**(Section 8000)**

**NUMBER**

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## Instruction

**SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES AND EVALUATION**

The Board of Education supports and encourages development of a district-wide, articulated curriculum that conforms to state mandates and addresses the needs of children in a rapidly changing society. Administrative and supervisory staff shall be responsible to the Superintendent for developing District-wide efforts regarding the short and long-range improvement of curriculum and instruction.

**Curriculum Resources**

There are many resources which should be used to ensure that research-based, developmentally appropriate curriculum development takes place. The instructional staff, under the guidance of administration, is expected to utilize these resources in order to continually improve the quality of learning and teaching and the overall instructional program in the District. Each teacher is expected to implement curriculum mandates and initiate curriculum modifications appropriate to individual student needs.

**Curriculum Evaluation**

The Board of Education shall direct a continuing evaluation of the curriculum as part of a program of instructional improvement.

All aspects of the curriculum shall be subjected to a searching and critical analysis in an attempt to improve the learning and growth of students.

The administrative staff shall evaluate the curriculum in a systematic manner which involves school personnel and others who are deemed appropriate.

With approval of the Superintendent, administrative staff shall make periodic recommendations for action by the Board. The Board of Education from time to time may invite teachers or others to discuss the curriculum.

Education Law Sections 1709 and 3204

Adopted: 1/22/98

## Instruction

**SUBJECT: REQUEST FOR PART 100 VARIANCE OR PART 200 INNOVATIVE  
PROGRAM WAIVER FROM COMMISSIONER'S REGULATIONS**

Consistent with the purposes of *A New Compact for Learning*, the Board of Education encourages collaboration by teachers, administrators, parents and students of the District in developing innovative educational programs and practices that will lead to greater achievement for all students.

Requests for a variance or waiver from the requirements in Part 100 and Sections 200.1/200.6, respectively, of the Commissioner's Regulations must be approved by the local Board of Education and signed by the Superintendent of Schools. An application may also be submitted by several districts, or a combination of districts, BOCES and/or private schools, applying as a consortium. Consortium applications must be approved by each participating local Board of Education and Superintendent of Schools.

Subsequent to Board of Education approval, all applications must be forwarded to the District Superintendent of Schools of which the local district is a part for review, consultation, and recommendation prior to submission to the State Education Department. The District Superintendent may provide technical assistance to the applicant and make recommendations to the State Education Department. Interested applicants may also request technical assistance through their Regional Education Coordinator.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.2(n) and 200.6(k)

Adopted: 2/8/01

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES**

It is the policy of this District that each student attending its public schools shall have equal educational opportunities and will not be excluded or prevented from participating in or having admittance to the educational courses, programs or activities; school services; and extracurricular events on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, or disability. Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.

Administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints pertaining to discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, or disability.

Age Discrimination in Employment Act,  
29 United States Code Section 621  
Americans With Disabilities Act,  
42 United States Code (USC) Section 12101 et seq.  
Prohibits discrimination on the basis of disability.  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.  
Title VI of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000d et seq.  
Prohibits discrimination on the basis of race, color or national origin.  
Title VII of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000e et seq.  
Prohibits discrimination on the basis of race, color, religion, sex or national origin.  
Title IX of the Education Amendments of 1972,  
20 United States Code (USC) Section 1681 et seq.  
Prohibits discrimination on the basis of sex.  
Civil Rights Law Section 40-c  
Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.  
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.

Adoption Date: 5/22/08

**SUBJECT: SAFETY CONDITIONS AND PROGRAMS**

The practice of safety will be considered an integral part of the instructional program through fire prevention, emergency procedures and drills, driver education, and traffic and pedestrian safety.

Each principal will be responsible for the supervision of a safety program for his/her school.

The safety program may include, but not be limited to, in-service training, plant inspection, fire prevention, accident recordkeeping, driver and vehicle safety programs, emergency procedures and drills, and traffic safety programs relevant to students, employees and the community.

It shall be the duty of the Board of Education to provide inspections and supervision of the health and safety aspects of the school facilities.

**Eye Safety/Student Use of Hand-Held Laser Pointers**

Eye safety devices are to be provided by the School District for the protection of employees, students and visitors, and worn in the technology education classes and labs when activities present a potential eye hazard. The Superintendent or his/her designee will ensure that these devices are properly repaired, cleaned and stored to prevent the spread of germs or diseases after individuals use them.

Each classroom teacher is responsible for the safe and proper use of all instructional materials and equipment by students in his/her classroom. Laser pointers are to be used by students only when such use is approved and supervised by the classroom instructor.

Students will be advised not to stare directly into the beam from a laser pointer or direct the beam at the eyes of another individual. Students are not to aim the pointer into the audience. Students are to be made aware of the hazards associated with the particular type of laser pointer used.

Education Law Sections 409, 409-a, 807-a, and 906  
8 New York Code of Rules and Regulations  
(NYCRR) Part 136 and Section 141.10

Adopted: 2/8/01

**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 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.

**\*Automated External Defibrillator Instruction**

Instructions regarding cardiopulmonary resuscitation may be offered for voluntary admission as a part of the health education curriculum in all senior high schools.

Commencing with the 2006-2007 school year, in addition to the requirement that all teachers of health education shall be certified to teach health, persons instructing pupils in the correct use of automated external defibrillators shall possess valid certification by a nationally recognized organization (e.g., American Heart Association, American Red Cross) or the state emergency medical services council offering certification in the operation of an automated external defibrillator and in its instruction.

School authorities that choose to offer such course of instruction shall provide the needed facilities, time and place for the instruction and shall provide learning aids and curriculum resource materials to support the course of study.

**Substance Abuse - Prevention Instruction**

The Board of Education recognizes the need to educate students on the hazards of alcohol, tobacco and/or drug abuse. An educationally sequential health prevention program, utilizing as appropriate community, staff and student input, will be developed to inform students of:

(Continued)



## Instruction

**SUBJECT: PREVENTION INSTRUCTION (Cont'd.)**

- 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.

**Environmental Conservation Instruction**

The Board of Education supports and encourages the development of a District-wide, articulated curriculum of environmental conservation integrated into other program disciplines.

**Fire and Arson Prevention/Injury Prevention/Life Safety Education**

The Board of Education directs the administration to provide instruction in fire and arson prevention, injury prevention and life safety education relating to protection against injury or death and property loss or damage as a result of criminally initiated or other preventable fire.

Such instruction shall include materials to educate children on the dangers of falsely reporting a criminal incident, an impending explosion or fire emergency involving danger to life or property, an impending catastrophe, or a life safety emergency.

The Board of Education directs the administration to provide such instruction for all students for a period of not less than forty-five (45) minutes in each month that school is in session.

**Student Safety**

Instruction in courses in technology education, science, home and career skills, art and physical education, health, and safety shall include and emphasize safety and accident prevention.

Safety instruction shall precede the use of materials and equipment by students in applicable units of work in the courses listed above, and instructors shall teach and enforce all safety procedures relating to the particular courses. These shall include the wearing of protective eye devices in appropriate activities.

**Emergency Planning**

The School District shall maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students shall be provided instruction to respond effectively in emergency situations.

(Continued)

**SUBJECT: PREVENTION INSTRUCTION (Cont'd.)****Instruction on Prevention of Child Abduction**

All students in grades K through 8 in District schools shall receive instruction designed to prevent the abduction of children. Such instruction shall be provided by or under the direct supervision of regular classroom teachers and the Board of Education shall provide appropriate training and curriculum materials for the regular classroom teachers who provide such instruction. However, at the Board's discretion, such instruction may be provided by any other public or private agency.

The Commissioner of Education will provide technical assistance to assist in the development of curricula for such courses of study which must be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness skills, information, self-confidence, and support to aid in the prevention of child abduction.

For purposes of developing such courses of study, the Board of Education may establish local advisory councils or utilize the school-based shared decision making and planning committee established pursuant to the Regulations of the Commissioner to make recommendations concerning the content and implementation of such courses. Alternatively, the District may utilize courses of instruction developed by consortia of school districts, boards of cooperative educational services, other school districts, or any other public or private agency. Such advisory council shall consist of, but not be limited to, parents, school trustees and Board members, appropriate school personnel, business and community representatives, and law enforcement personnel having experience in the prevention of child abduction.

AIDS Instruction:

8 New York Code of Rules and Regulations (NYCRR)  
Sections 135.3(b) (2) and 135.3(c) (2)

Automated External Defibrillators:

Education Law Section 804-d

Civil Preparedness:

New York State Office of Disaster Preparedness

Fire and Arson/Injury Prevention/Life Safety:

Education Law Section 808

8 New York Code of Rules and Regulations (NYCRR)  
Section 100.2(c) (5)

Prevention of Child Abduction:

Education Law Section 803-a

Student Safety:

Education Law Section 808

8 New York Code of Rules and Regulations (NYCRR)  
Sections 107 and 155

(Continued)

Instruction

**SUBJECT: PREVENTION INSTRUCTION (Cont'd.)**

Substance Abuse:

Education Law Section 804

8 New York Code of Rules and Regulations (NYCRR)

Section 135.3(a)

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property

#5640 -- Smoking/Tobacco Use

#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)

*District Code of Conduct on School Property*

Adoption Date: 5/22/08

**SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS****Fire Drills**

The administration of each school building shall provide instruction for and training of students, through fire drills, in procedures for leaving the building in the shortest possible time and without confusion or panic.

Fire drills shall be held at least twelve (12) times in each school year; eight (8) of these shall be held between September 1 and December 1. At least one (1) of the twelve (12) drills shall be held during each of the regular lunch periods, or shall include special instruction on the procedures to be followed if a fire occurs during a student's lunch period.

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one 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. If the bomb threat is targeted at the school parking lot or the front of the school, building evacuation may not be an appropriate response. If the bomb threat indicates that a bomb is in the school, then building evacuation is necessary unless the building has been previously inspected and secured in accordance with State Education Department Guidelines and as incorporated in the School Emergency Management Plan and administrative regulations.

The decision to evacuate a building or to take shelter is dependent upon information about where the bomb is placed and how much time there is to reach a place of safety. Prudent action dictates that students and other occupants be moved from a place of danger to a place of safety. Routes of egress and evacuation or sheltering areas must be thoroughly searched for suspicious objects before ordering an evacuation. Failure to properly search evacuation routes before an evacuation takes place can expose students and staff to more danger than remaining in place until the search has taken place. Assistance is available from local police agencies and the New York State Police to train staff to check evacuation routes.

(Continued)

## Instruction

**SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS (Cont'd.)**Police Notification and Investigation

A bomb threat to a school is a criminal act, which is within the domain and responsibility of law enforcement officials. Appropriate State, county, and/or local law enforcement agencies must be notified of any bomb threat as soon as possible after the receipt of the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Therefore, the building administrator or designee is to notify local law enforcement officials and follow established procedures to move all occupants out of harm's way.

Implementation

The Board of Education directs the Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Additionally, such regulations are to be incorporated in the School Emergency Management Plan, with provisions for written notification by October 1 of each school year to all students and staff about emergency procedures, an annual emergency drill, and the annual updating of the School Emergency Management Plan 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 instruction in all topics mandated by the Education Law and the Commissioner's Regulations and shall include, but will not be limited to, the following:

- a) Safe boarding and exiting procedures;
- b) The location, use and operation of the emergency door, fire extinguishers, first aid equipment and windows as a means of escape in case of fire or accident;
- c) Orderly conduct as bus passengers.

Students who ordinarily walk to school shall also be included in the drills.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 155.13 and 156.3(h) (2)  
Penal Law Sections 240.55, 240.60 and 240.61  
Education Law Sections 807 and 3623

Adopted: 2/8/01

## Instruction

**SUBJECT: USE OF THE 0.3 MILLIWATT GAS LASER**

Staff or students considering the use of the Jericho gas laser should make sure that the device will meet their requirements. It emits continuous wave (CW) radiation in the red region of the spectrum (6328 Å). Since it has only 1/100 the total output power of a flashlight bulb, it of course cannot burn through razor blades, or weld metals.

**Safety Considerations**

- a) The Jericho laser is intended as a demonstration instrument to be used primarily by the faculty. The only exceptions to this will be students using the laser under immediate supervision of their teacher, or for bonafide research projects. If a student is to be allowed to use the laser for a project, he/she must first satisfy a designated instructor that he/she will use it correctly and safely. The instructor so designated shall be competent to check student proficiency.
- b) The high voltage in the Jericho laser is D.C., so it is not possible to get a radio frequency burn from it. The power supply is completely enclosed. Since the case is grounded, there is absolutely no danger from high voltage when the apparatus is used correctly.
  - 1. The laser must be connected by means of its three-pronged plug. If the wall outlet has only two prongs, the adapter ground must be connected to the screw holding the cover plate.
  - 2. The laser should be operated with the power supply and laser head covers attached. If a teacher feels it is necessary to operate the laser with the tube exposed, all students must be kept at least five (5) feet away.
- c) The laser beam is very intense.
  - 1. At no time should anyone look directly into the beam. All reasonable precautions should be taken so that specular reflections (from mirrors, polished metals, etc.) do not reach eye tissue.
  - 2. Whenever possible, the laser is to be used in a well lighted room. This prevents the dilation of pupils, which would leave more retinal tissue susceptible to intense radiation.

## Instruction

**SUBJECT: CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION**

The Board of Education recognizes the need for career and technical education and reaffirms its policy of strengthening the local high school career and technical education program through utilization of any available federal and state funds for that purpose and of supporting the BOCES program.

**Equal Opportunity**

The Board of Education prohibits discrimination on the basis of sex, race, color, national origin or disability in any career and technical education program or activity of this District.

The career and technical education program and/or activities shall be readily accessible to students with disabilities.

**Public Notification**

Prior to the beginning of each school year or academic semester, the District shall issue an appropriate public announcement which advises students, parents, employees and the general public that career and technical education opportunities will be offered without regard to sex, race, color, national origin or disability. Included in such announcement will be the name, address, and telephone number of the person designated to coordinate Title IX/Section 504/ADA activities.

**Grievance Procedure**

Grievance procedures for resolving complaints regarding discrimination based on sex and/or disability shall be disseminated to adequately inform students, parents and employees of the existence of these procedures.

**BOCES Advisory Council**

In accordance with Education Law, the Advisory Council of the BOCES is designated as the local Advisory Council for career and technical education in the School District.

Education Law Article 93  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.2(h) and 141 et seq.

Adopted: 2/8/01

## Instruction

**SUBJECT: GUIDANCE PROGRAM**

A District plan for the K-12 guidance program shall be filed in the District office and made available for public review. This plan shall be subject to annual review and revised as necessary in the following areas:

- a) Identification of guidance program objectives;
- b) Activities to accomplish the objectives;
- c) Identification of staff members and other resources to accomplish the objectives;
- d) Provisions for the annual assessment of program results.

**Guidance Program (K-5)**

A coordinated guidance program in grades K-5 shall be developed and implemented to:

- a) Prepare students to participate effectively in their current and future educational programs;
- b) Help those students exhibiting any attendance, academic, behavioral or adjustment problems;
- c) Educate students concerning avoidance of child sexual abuse; and
- d) Encourage parental involvement.

**Guidance Program (6-12)**

A coordinated guidance 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 postsecondary education and career plans; helping those students exhibiting any behavioral or adjustment problems; and encouraging parental involvement;
- d) Employment of personnel certified or licensed as school counselors.

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

Adopted: 1/22/98



## Instruction

**SUBJECT: INSTRUCTIONAL PROGRAMS: DRIVER EDUCATION, AND PHYSICAL EDUCATION****Driver Education**

A driver education course may be offered under the conditions set forth by the New York State Education Department and Commissioner's Regulations.

Education Law Section 806-a  
8 New York Code of Rules and Regulations (NYCRR)  
Section 107.2

**Physical Education Class**

All students, except those with medical excuses, shall participate in physical education in accordance with the Commissioner's Regulations. Any student whose condition precludes participation in a regular program shall be provided with adaptive physical education approved by the Commissioner of Education.

Education Law Sections 803 and 3204  
8 New York Code of Rules and Regulations (NYCRR)  
Section 135.4

Adoption Date: 6/19/08

**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

Adoption Date: 6/19/08

**SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/  
INTERPERSONAL VIOLENCE PREVENTION EDUCATION**

**Civility, Citizenship and Character Education**

The Board of Education recognizes that teaching students respect, civility and understanding toward others, as well as the practice and reinforcement of appropriate behavior and values of our society, is an important function of the School System.

The School District wishes to foster an environment where students exhibit behavior that promotes positive educational practices, allows students to grow socially and academically, and encourages healthy dialogue in respectful ways. By presenting teachers and staff as positive role models, the District stresses positive communication and discourages disrespectful treatment. This policy is not intended to deprive and/or restrict any student of his/her right to freedom of expression but, rather, seeks to maintain, to the extent possible and reasonable, a safe, harassment free and educationally conducive environment for our students and staff.

Furthermore, the District shall ensure that the course of instruction in grades K through 12 includes a component on civility, citizenship and character education in accordance with Education Law. Character education is the deliberate effort to help students understand, care about, and act upon core ethical values.

Character education shall instruct students on the principles of:

- a) Honesty;
- b) Tolerance;
- c) Personal responsibility;
- d) Respect for others;
- e) Awareness and sensitivity to discrimination and/or harassment as defined in the Dignity for All Students Act (DASA);
- f) Civility in relation to people of different races, weights, national origins, ethnic groups, religions, religious practices, physical or mental abilities, sexual orientations, genders or sexes;
- g) Observance of laws and rules;
- h) Courtesy; and

**SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/  
INTERPERSONAL VIOLENCE PREVENTION EDUCATION (Cont'd.)**

- i) Dignity, and other traits which will enhance the quality of students' experiences in, and contributions to, the community.

As determined by the Board of Regents, and as further enumerated in Commissioner's Regulations, the components of character education shall be incorporated in existing School District curricula as applicable.

The District encourages the involvement of staff, students, parents and community members in the implementation and reinforcement of character education in the schools.

Education Law Sections 801 and 801-a  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(c)

**Interpersonal Violence Prevention Education**

The District will utilize the interpersonal violence prevention education package provided by the State Education Department. These materials will be incorporated as part of the health or other related curricula or programs for students in grades K through 12.

Education Law Section 804(4)

Adoption Date: 6/15/2012

**SUBJECT: EVALUATION OF THE INSTRUCTIONAL PROGRAM**

Evaluation may be concerned with the extent to which:

- a) Each student achieves in accordance with his/her ability;
- b) Each staff member performs at full potential;
- c) The total learning environment, including instructional processes, physical facilities, and the educational program, remains consistent with the needs of students and the larger society and contributes to the accomplishment of the goals of the school.

The Board of Education expects staff members to maintain a continual program of evaluation at every level to determine the extent of progress toward the schools' objectives. The Board of Education will periodically request the Superintendent to present factual information that it considers necessary to evaluate the effectiveness of the School System.

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

Adopted: 2/8/01

## Instruction

**SUBJECT: INSTRUCTIONAL TECHNOLOGY**

The Board of Education recognizes its responsibility to further the District's educational goals through the use of appropriate and high quality technological materials and equipment. For the purpose of this policy, technology refers to all digital media, including computers and their attendant peripherals and the sundry data streams that they deliver.

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.
- g) Monitoring changes in how ongoing technological innovations change the way students learn and what they need to know, and applying that knowledge to classroom instruction.

The Board directs the Superintendent or his/her designee to assess the technological needs of the District's instructional program, research and review current materials and make recommendations to the Board.

Adopted: 6/19/08

## Instruction

**SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING**

In compliance with the Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the District will ensure 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. These technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, pornographic, or, with respect to the use of computers by minors, considered harmful to students. The District will provide for the education of students regarding appropriate online behavior including interacting with other individuals on social networking websites and in chat rooms and regarding cyberbullying awareness and response. Further, appropriate monitoring of online activities of minors, as determined by the building or program supervisor, will also be enforced to ensure the safety of students when accessing the Internet.

Further, the Board'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 District, including the selection of appropriate 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 any inappropriate sites. Proper safety procedures, as deemed appropriate by the applicable administrator or 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 may include, but will 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 email, chat rooms, instant messaging, and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of email, chat rooms, as well as social networking websites, may be blocked as deemed necessary to ensure the safety of students;
- b) Monitoring logs of access in order to keep track of the websites 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 (AUP), unauthorized access, and other unlawful activities by minors are prohibited by the District and student violations of these policies may result in disciplinary action; and
- d) Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use, and dissemination of personal identification information regarding students.

(Continued)

**SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING (Cont'd.)**

The determination of what is "inappropriate" for minors will be determined by the District and/or designated school official(s), the definition of which may vary depending on 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 or regulations.

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 District.

The District will provide certification, in accordance with 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 or filtering of access to certain material on the Internet) for all District computers with Internet access.

**Internet Safety Instruction**

In accordance with New York State Education Law, the District may provide to students in grades K through 12 instruction designed to promote the proper and safe use of the Internet. The Commissioner will provide technical assistance in the development of curricula for this course of study, which will 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.

Additionally, students will be educated on appropriate interactions with other individuals on social networking websites and in chat rooms, as well as cyberbullying awareness and response.

**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 this 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.

(Continued)



## Instruction

**SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING (Cont'd.)****Notification/Authorization**

The District's AUP 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.

The District has provided reasonable public notice and has held at least one public hearing or meeting to address this policy prior to Board adoption. Additional public notice and a hearing or meeting is not necessary if and when amendments are made to this policy.

This policy must be made available to the FCC upon request. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of this policy as well as any other District policies relating to the use of technology.

This policy is required to be retained by the school for at least five years after the funding year in which the policy was relied upon to obtain E-rate funding.

20 USC § 7131  
47 USC §§ 254(h) and 254(l)  
47 CFR Part 54  
Education Law § 814

NOTE: Refer also to Policies #7315 -- Student Acceptable Use Policy (AUP)  
#7316 -- Student Use of Personal Technology  
*District Code of Conduct*

**Adopted: 11/19/20**

## Instruction

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS**

The Board 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 prior to the start of each school year. 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 provide professional development to all teachers and administrators that specifically addresses the needs of ELLs.

(Continued)

**Instruction****SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS (Cont'd.)**

The Superintendent will 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, §§ 1112(g) and 3302(a)  
Education Law § 3204  
8 NYCRR § 100.2(g), Parts 117 and 154

**Adopted: 6/15/17**

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS  
WITH LIMITED ENGLISH PROFICIENCY**

The Board of Education recognizes its responsibility to ensure that students of foreign birth or ancestry, who have limited English proficiency, are provided with an appropriate program of bilingual transitional education or a free-standing program of instruction composed of English as a Second Language component. Regulations and procedures shall be developed pursuant to the Regulations of the Commissioner to:

- a) Identify those students who are English language learners or who have limited English proficiency by means of a diagnostic screening of new entrants and provide a program of bilingual education or English as a Second Language for eligible students. A plan shall be developed to meet the educational needs of each student and proficiency will be measured annually by a language assessment instrument in order to determine further participation by a student. The plan will include assessment of each student's performance in content areas to measure the student's academic progress. State mandated tests may be offered in a student's native language.
- b) Ensure that such students have access to appropriate instructional and support services, including guidance programs pursuant to Commissioner's Regulations and the opportunity to participate in District educational programs, including all existing extracurricular programs and activities, which are available to all other students enrolled in the public schools of the District.

The instructional programs and services available to limited English proficient pupils to help them acquire English proficiency may include, pursuant to Commissioner's Regulations, bilingual education programs, free-standing English as a second language programs, appropriate support services, transitional services, in-service training and parental notification.

No pupil shall be served in a bilingual or English as a second language program pursuant to Commissioner's Regulations for a period in excess of three (3) years from the date of enrollment in school unless such period is extended by the Commissioner of Education with respect to an individual pupil for a period not to exceed six (6) years.

A student whose score on an English language assessment instrument as specified in Section 154.2(a) of the Commissioner's Regulations is a result of a disability shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student and shall also be eligible for services pursuant to Part 154 of the Commissioner's Regulations when these services are recommended in the IEP.

The parent/guardian of a student identified as an English language learner or as limited English proficient shall be informed in his/her native language, if necessary, of the student's identification for and/or participation in an English language learner instructional program.

(Continued)

Instruction

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS  
WITH LIMITED ENGLISH PROFICIENCY (Cont'd.)**

The Superintendent shall ensure that all data required by the Commissioner's Regulations is submitted to the State Education Department in a timely manner.

Title I of the Elementary and Secondary Education Act of  
1965, as amended by the No Child Left Behind Act of  
2001, Sections 1112(g) and 3302(a)  
Education Law Sections 207, 215, 2117, 3204(2) (2-a),  
3602, and 3713  
8 New York Code of Rules and Regulations (NYCRR)  
Section 100.2(g) and Parts 117 and 154

Adoption Date: 6/19/08

**SUBJECT: PARENT AND FAMILY ENGAGEMENT**

The District will collaborate with parents and 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 and family member engagement; and consult meaningfully with parents and family members.

**District-Level Title I Parent and Family Engagement Policy:**

Consistent with the parent involvement goals of Title I, Part A of the Federal Every Student Succeeds Act of 2016 (ESSA), the Board of Education will develop and implement programs, activities, and procedures that encourage and support the participation of parents of students eligible for Title I services in all aspects of their child's education.

For purposes of this policy, Parent and Family Engagement refers to the participation of family members in regular, two-way, and meaningful communication involving student academic learning and other school activities.

At a minimum, parent and family engagement programs, activities, and procedures at both the School District and individual school level will encourage parents and family members to:

- Play an integral role in assisting their child's learning;
- Be actively involved in their child's education at school; and
- Be full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child.

The term parents refers to a biological or adoptive parent, legal guardian, or other person standing in *loco parentis* (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

In carrying out the parent and family engagement requirements, the School District and schools shall provide reasonable support for parent and family engagement activities under this section as parents and families may request. School District and school-level Title I parent and family engagement programs, activities, and procedures will provide full opportunities for the participation of parents and family members with limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children, including providing information and school reports required under the law in a formal and, to the extent practicable, in a language such parents and family members understand.

**SUBJECT: PARENT AND FAMILY ENGAGEMENT (Cont'd.)**

As further required by law, parents of students eligible for Title I services will be provided an opportunity to participate in the development of the School District's Title I Plan, and to submit comments regarding any aspect of the plan that is not satisfactory to them. Their comments will be forwarded with the plan to the State Education Department.

Parents also will participate in the process for developing a School Improvement Plan when the school their child attends is identified by the State as needing this plan.

**Parent and Family Member Participation in Development of District-Wide Title I Plan:**

The Board of Education, along with the Superintendent of Schools and other appropriate School District staff, will undertake the following actions to encourage parental involvement and engagement in the development of the district-wide Title I Policy.

- The district will hold an annual Title I meeting for parents and all appropriate staff and attendees to explain Title I, its requirements, and the right for parents to be involved.
- The district will involve parents of children in Title I programs in decisions regarding how funds reserved for parental involvement and engagement activities are spent.
- The district has a school-parent compact, which outlines how school, parents and students will share the responsibility for ensuring student achievement and will provide this compact to schools.
- The school will describe and explain the curriculum in use, the types of academic assessments that will be used to measure student progress, and proficiency levels students are expected to meet. Parents may also request regular meetings with school staff to make suggestions and to participate, as appropriate, in decisions relating to their child's education.

**Review of the District-Wide Parent and Family Engagement Policy:**

The Board of Education, along with its Superintendent of Schools/Building Principal and other appropriate staff, will conduct, with the involvement of parents and family members, an annual evaluation of the content and effectiveness of the Parent and Family Engagement Policy in improving the academic quality of the school, including the identification of barriers to greater participation by parents and family members in activities under this policy, and the revision of parent and family engagement policies necessary for more effective involvement.

-Continued-

Instruction

**SUBJECT: PARENT AND FAMILY ENGAGEMENT (Cont'd.)**

- The Director of Pupil Personnel Services will work with district administrators to create processes and procedures to support this policy.
- The Director of Pupil Personnel Services will hold a yearly meeting. At that time, a translator will be available, as needed, for participants with limited English proficiency.
- The district will identify and assemble a sufficient number of parent members served within the schools to represent the needs of the population for the purpose of developing, reviewing and revising the Parent and Family Engagement Policy
- Parents will be active participants in reviewing and evaluating the Parent and Family Engagement Policy.

**Development of School-Level Parent and Family Engagement Approaches and Policy Involvement:**

The Superintendent of Schools will provide to all schools in the School District receiving federal financial assistance under Title I, Part A technical assistance and all other support necessary to assist them in planning and implementing effective parent and family involvement and engagement programs and activities that improve student achievement and school performance. As appropriate to meet individual local needs, the Superintendent of Schools will ensure:

- a) The school will convene an annual meeting, at a convenient time, to inform parents and family members of their school's participation in Title I programs, to explain Title I requirements, and to identify the right of the parents and family members to be involved. All parents and family members of these children will be invited and encouraged to attend the meeting.
- b) The school will offer flexibility in scheduling meetings, and may provide transportation, childcare, or home visits, related to parental and family member engagement, using Title I funds.
- c) The school will involve parents and family members in an organized, ongoing, and timely way in planning, reviewing, and improving Title I programs, including this policy.
- d) The school will provide parents and 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. Additionally, 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.



Instruction

**SUBJECT: PARENT AND FAMILY ENGAGEMENT (Cont'd.)**

The school will utilize the school-parent compact and further develop it jointly with parents to outline how the parents, school staff, and students will share the responsibility for improved student academic achievement and detail the means by which the school and parents will build and develop a partnership to help all children achieve the State's standards.

- f) The compact shall include:
1. A description of 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 standards;
  2. A description of the ways in which each parent or family member will be responsible for supporting the child learning: such as volunteering in the child's classroom, monitoring attendance, homework completion and participating, as appropriate, in decisions relating to the child's education and positive use of extracurricular time; and
  3. Address the importance of communication between teachers and parents or family members on an ongoing basis; including, but not limited to:
    - (a) Parent or family member-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;
    - (b) Frequent reports to parents or family members on the child's progress;
    - (c) Reasonable access to staff, opportunities to volunteer and participate in the child's class, and observing their classroom activities
    - (d) 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.

-Continued-

**SUBJECT: PARENT AND FAMILY ENGAGEMENT (Cont'd.)**

**Building Capacity for Involvement:**

To build parent capacity for strong parent involvement and engagement to improve their child's academic achievement, the district and its Title I, Part A schools will, at a minimum:

1. Assist parents in understanding such topics as the State's academic content and student achievement standards, State and local academic assessments, Title 1 requirements, how to monitor their child's progress, and how to work with educators to improve the achievement of their child. To achieve this objective, **the school will:**
  - Offer Parent Orientation for incoming Kindergarten and Middle School Families.
  - Facilitate Back-to-School/Curriculum Information Nights for each grade level, K-12.
  - Conduct Kindergarten Screening prior to the start of the school year.
  - Send mailers and School Messenger contacts to inform and update parents on school events, especially those related to academic topics, and parental strategies for support.
  - Maintain a comprehensive school district website featuring information and announcements on curriculum and instruction related items and events.
  - Hold regular parent information meetings on assessments, learning standards, school curricula, social emotional literacy and student safety during varying times of the day and evening.
2. Provide materials and training to help parents work with their children to improve their children's achievement, such as literacy training and using technology. To achieve this objective, **the district and/or Title I schools will:**
  - Coordinate a parent, teacher and administrator Parent University Team which will collaborate, advise, and develop educational opportunities for the above purposes.
  - Collaborate with school and district level Parent-Teacher Associations to reach out, communicate with, and work with parents as equal partners.
  - Conduct parent information meetings on NYS assessments, learning standards, school curricula and student safety. To enable parents' participation, meetings may be offered at different times in the day or evening.
  - Implement school-wide forums during the school year on topics related to teaching and learning.
  - Annually publish a school district calendar and handbook highlighting activities and assessment dates.

**SUBJECT: PARENT AND FAMILY ENGAGEMENT (Cont'd.)**

3. Educate its teachers, pupil services personnel, principals and other staff, with the assistance of parents, in understanding the value and utility of a parent's contributions and on how to:
- Reach out to, communicate with, and work with parents as equal partners.
  - Implement and coordinate parent programs.
  - Build ties between parents and the school.

To achieve this objective **the district and Title I Schools will:**

- Collaborate jointly with the Staff Development Policy Board parent, teacher and administrator representatives to determine topics of interest and to connect to community organizations that have expertise and resources in these areas.
  - Work with staff to provide best practices for parent outreach via faculty and department meetings.
  - Facilitate events that promote a connection with parents and their child's school, i.e. STEAM Day, Book Talks, etc.)
4. The School District will, where appropriate and necessary, coordinate and integrate its parent and family engagement program activities and strategies with those of other applicable programs, including coordinate and integrate parental involvement and engagement activities with the School District's Pre-Kindergarten Program; referral as needed to the Pre-School Special Education Evaluation Team, and coordinate transition from local pre-schools to Kindergarten. **The district and Title I Schools will do this by:**

Coordinating transitions from local Pre-Schools to Kindergarten by providing Kindergarten orientations.

- Designating the Director of Early Childhood Special Education as the liaison to parents for referrals to the Committee of Pre-School Special Education (CPSE), and coordinator of transitions from local pre-schools to Kindergarten.
- Providing professional development annually to appropriate staff on best practices for transitioning students from Pre-K to Kindergarten and on strategies to foster parent engagement.

**SUBJECT: PARENT AND FAMILY ENGAGEMENT (Cont'd.)**

5. Provide information related to school and parent-related programs, meetings, and other activities to the parents of children participating in Title I programs in an understandable and uniform format, including alternative formats, upon request and to the extent practicable, in a language the parents can understand. School District and school-level Title I parental involvement and engagement programs, activities, and procedures will provide full participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children. **The district and school will do this by:**

- Providing invitations, agendas and materials to parent-related programs in the languages of families with Limited English Proficiency.
- Use translating programs (i.e. Google Translate) and translators to the extent possible to provide information and during parent workshops.
- Collaborate with the school PTA's and community agencies to connect with, and offer support and resources to parents with Limited English proficiency, parents with disabilities, and parents of migratory children.

**Procedures for Filing Complaints/Appeals:**

The District will disseminate free of charge to parents and family members of children in Title I programs, and to appropriate private school officials or representatives, adequate information regarding the District's written complaint procedures for resolving Title I issues.

**Comparability of Services:**

The District will ensure equivalence among its schools of the same grade span and levels of instruction with regard to teachers, administrators, and auxiliary personnel, as well as equivalence in providing 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 of 2015

20 USC §§ 6318 and 6321

34 CFR Parts 74-86, 97-99, and 200

**Adopted: 3/26/2020**

1998

8310

Instruction

**SUBJECT: PURPOSES OF INSTRUCTIONAL MATERIALS**

The purpose of instructional materials shall be to implement, enrich, and support the educational program of the school.

Instructional materials should contribute to the development of positive social and intellectual values of the students.

The Board of Education shall provide the faculty and students in the District with such instructional materials as are educationally needed and financially feasible to make the instructional program meaningful to students of all levels of ability.

Education Law Section 701

Adopted: 1/22/98

## Instruction

**SUBJECT: SELECTION OF LIBRARY AND AUDIOVISUAL MATERIALS**

The Board of Education agrees that the responsibility of the school library is:

- a) To provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities and maturity levels of the students served.
- b) To provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards.
- c) To provide a background of information that will enable students to make intelligent judgments in their daily lives.
- d) To provide materials on opposing sides of controversial issues so that young citizens may develop, under guidance, the practice of critical reading and thinking.
- e) To provide materials representative of the many religious, ethnic, and cultural groups and their contribution to our American heritage.
- f) To place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

In interpreting these principles, the following will apply:

- a) Broad and varied collections will be developed systematically by the librarian and the audiovisual specialist, based on recommendations of the professional staff and suggestions of students and parents. Final approval will be made by the building principal.
- b) Qualitative standards of selection involving factual accuracy, authoritativeness, artistic quality and appeal will be applied by librarians and audiovisual specialists before purchases are made.
- c) Materials will not be excluded because of the race, nationality, political opinions or religious views of the author.
- d) Materials will be continuously re-evaluated in relation to changing curriculum and instructional needs. Worn out, out-dated materials will be discarded.

Rules of the Board of Regents Section 21.4

**Adopted: 1/22/98**

## Instruction

**SUBJECT: OBJECTION TO INSTRUCTIONAL OR OTHER MATERIALS**

Direct, open and respectful communication between students, parents, teachers and administrators is the quickest and most effective method to resolve concerns about a child's education. The Board of Education strongly encourages parents/guardians to follow the communication protocol as set forth on the School Website, and to start any discussion with the classroom teacher if appropriate.

Any criticism of instructional materials that are in the schools should be submitted in writing to the Superintendent. The Board of Education will be informed in writing. Matters submitted to the Superintendent will be referred to the appropriate person to handle such matter (e.g. curriculum associate, principal, Assistant Superintendent for Curriculum and Instruction) and such matter will be resolved promptly.

Education Law Section 3204(5)

**Adopted: 1/19/23**

## Instruction

**SUBJECT: CONTROVERSIAL ISSUES**

Controversial issues may be studied as part of the curriculum and teachers shall present these issues in their classrooms in an impartial and objective manner.

Teachers wishing to call upon outside speakers in the presentation of controversial issues are required to obtain the approval of the principal who shall keep in mind the obligation for presenting opposing views as well, and who shall inform the Superintendent prior to the presentation.

It is recognized that parents and citizens of the community have a right to protest to the school administration when convinced that unfair and biased presentations are being made by the teacher. In considering such protests, the Superintendent of Schools shall provide for a hearing so that both parties may fairly express their views. If requested, the Superintendent's decision may be appealed to the Board of Education.



1998

8332

Instruction

**SUBJECT: CURRICULUM AREAS IN CONFLICT WITH RELIGIOUS BELIEFS**

A student may be excused from the study of specific materials if these materials are in conflict with the religion of his/her parents or guardian. Alternatives may be provided that are of instructional value.

Education Law Section 3204(5)

Adopted: 1/22/98

**SUBJECT: TEXTBOOKS/WORKBOOKS**

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 or for excessive damage to books.

**Textbooks for Resident Students Attending Private Schools**

Resident students attending private schools will be supplied non-sectarian textbooks in accordance with the requirements of Education Law.

**Workbooks**

The Board of Education shall approve the expenditure of funds for the purchase of workbooks and manuals.

The term "workbook" shall refer to the type of book that provides spaces to write in and is consumed each year. It is usually paper-covered and designed to be used in connection with a textbook.

## 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 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.

Digital Millennium Copyright Act (DMCA)  
17 United States Code (USC) Sections 101 et seq., 512 and  
1201 et seq.

Adoption Date: 7/9/08

1998

8410

Instruction

**SUBJECT: SCHOOL CALENDAR AND SCHOOL DAY**

**School Calendar**

The Superintendent shall be responsible for the preparation of a school calendar to be presented to the Board for adoption.

**School Day**

The school day shall be set by the Superintendent with approval of the Board.

Education Law Sections 3204(4) and 3604(7) (8)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 175.5

Adopted: 1/22/98

**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.

**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

Adopted: 10/23/2008

1998

8420

Instruction

**SUBJECT: OPENING EXERCISES**

The Board directs the administration to include the Pledge of Allegiance as part of the opening exercises in all the schools. Under certain circumstances, such as religious conviction, students may be excused from this requirement as a protection of their Constitutional rights.

Education Law Section 802  
8 New York Code of Rules and Regulations  
(NYCRR) Section 108.5

Adopted: 1/22/98

**SUBJECT: INDEPENDENT STUDY**

Coursework, Acceleration and Grade Point Average Calculation:

1. Only courses taken in the Jericho Public Schools will be awarded credit and included in the calculation of GPA.
2. Courses repeated in the Jericho Public Schools will replace previous coursework and will be included in the calculation of GPA.
3. Students who wish to enroll in courses at New York State accredited institutions that offer an approved New York State Regents level curriculum, (including summer school programs), for purposes of acceleration or to satisfy a pre-requisite may be awarded credit according to the following requirements:
  - a. All courses must be pre-approved in order to be considered for acceleration or to satisfy a pre-requisite.
  - b. Only those summer school courses that end in a NYS Regents Exam administered at the end of the summer course will be considered for acceleration or pre-requisite purposes.
  - c. A mastery score of 85-100 on the NYS Regents is required in order for a course to be considered for acceleration or to satisfy a pre-requisite.

Although credit will be granted for the approved courses, the courses and grades will not be included in the calculation of a student's GPA.

4. Auditing of courses will only be allowed if a student registers and enters into the Jericho Public Schools at such a time that he/she could not gain credit for the course.

(Continued)



Instruction

**SUBJECT: INDEPENDENT STUDY**

5. Independent study, for credit, may be available to meet the special needs of students in grades 9-12. Credit will be granted only for courses in the approved curriculum and not offered in the current high school schedule up to a maximum of three units of credit. Independent study courses will not be included in the calculation of a student's GPA. All proposals for independent study will be reviewed by the curriculum associate and the high school principal and must be approved by the Superintendent of Schools.

**Adopted: 3/20/14**

1998

8440

Instruction

**SUBJECT: HOMEWORK**

The Board of Education acknowledges the educational value of homework as an adjunct to and extension of the instructional program of the schools. For the purposes of this policy, "homework" shall refer to those assignments to be prepared by the student outside of the school or independently while in attendance at school.

Adopted: 1/22/98

**SUBJECT: HOME INSTRUCTION (HOME SCHOOLING)**

The District will attempt to cooperate with parents who wish to provide home instruction for their children. A 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 set forth in Commissioner's regulation Section 100.10.

Primary responsibility for determining compliance with Commissioner's regulations addressing home instruction rests with the Superintendent.

**Provision of Services to Home-Instructed Students**

Home-instructed 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 or the District.

a) Extracurricular Participation

Students instructed at home are *not* eligible to participate in interscholastic or intramural sports. Commissioner's regulations mandate that only students enrolled in the public school are allowed to participate in interscholastic or intramural sports. Further, the District *does not* permit home-instructed students to participate in any extracurricular activities.

b) Textbooks and Materials

The District is not required to loan available textbooks and other materials (e.g., library materials, microscopes, computer software, eTextbooks, and movie projectors) to home-instructed students, except as set forth in law.

c) Health Services

The District is *not required* to furnish health services, except as set forth in law.

d) Remedial Programs

The District *is not responsible* for providing remedial programs, except as set forth in law.

(Continued)

**SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)****e) Career and Technical/Gifted Education**

The District is *not authorized* to provide Career and Technical (Occupational) or gifted educational programs to home-instructed 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 nonpublic school, which enables them to receive special education services, as well as to be included for computation of state aid for the education by the District.

The Committee on Special Education will develop an Individualized Education Services Program (IESP) for the student. The IESP will be developed in the same manner and with the same content as an individualized education program. The Board will determine a location where special education services will 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 instructed at home will not be allowed to use school facilities, except as provided for community organizations in Policy #3280 -- Use of School Facilities, Materials, and Equipment.

Education Law §§ 3204, 3205, 3210(2), 3212(2), 3240-42, 3602-c, 3602-c(2-c), and 4402  
8 NYCRR §§ 100.10, 135.4(c)(7)(ii)(b)(2) and 200.2(a)

**Adopted: July 11, 2022**

## Instruction

**SUBJECT: HOME TUTORING (TEMPORARY INSTRUCTION)**

Resident children attending public or nonpublic schools who are unable to attend school because of physical, mental or emotional illness or injury as substantiated by a licensed physician are eligible to be instructed at home or in a hospital by an appropriately certified teacher provided by the School District. These students will be provided with such instruction in accordance with New York State Education Law and Commissioner's Regulations.

Procedures for students requiring home tutoring shall be developed under the direction of the Superintendent or his/her designee.

Education Law Sections 1604(20), 1709(24), 3202 and 4401  
8 NYCRR Section 175.21

**Adopted: 3/20/14**

## Instruction

**SUBJECT: FIELD TRIPS**

The Board of Education recognizes that field trips are an educationally sound and important ingredient in the instructional program of the schools.

For purposes of this policy, a field trip shall be defined as any journey by a group of students away from the school premises, under the supervision of a teacher, which is an integral part of an approved course of study and conducted for the purpose of affording a first-hand educational experience not available in the classroom.

Field trips are a part of the curriculum of the schools, and student conduct and attendance on field trips are governed by the same rules that govern regular classroom activities. The School System shall obtain written parental/guardian permission for students going on school-sponsored field trips.

The Superintendent shall prepare procedures for the operation of a field trip activity. Field trip support shall be determined annually by the Board during its budget deliberations. Regardless of the fiscal support for field trips, the rules of the School District for approval and conduct of such trips shall apply.

The Superintendent/designee may cancel previously approved field trips due to extenuating circumstances.

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#5730 -- Transportation of Students  
#7310 -- School Conduct and Discipline  
*District Code of Conduct on School Property*

Adoption Date: 7/9/08

## Instruction

**SUBJECT: HOME INSTRUCTION (PERMANENT INSTRUCTION)**

From time to time, parents will choose to instruct their children at home. The School District will attempt to cooperate with parents who wish to provide home schooling for their children realizing that the child who is educated at home should receive an education in a manner consistent with an educational plan and at least substantially equivalent to that given to minors 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 basic core curriculum of reading, mathematics, and writing.

The Superintendent shall develop appropriate regulations and procedures.

8 New York Code of Rules and Regulations  
(NYCRR) Section 100.10  
Education Law Sections 3204, 3205, 3210, and 3212

## Instruction

**SUBJECT: OBSERVANCE OF HOLIDAYS**

It is recognized that the feelings, attitudes and activities that grow out of the various religious holidays, have a social, cultural and historical significance which is not directly related to specific religious observance of these holidays. It is also recognized that holidays present opportunities for the Jericho Schools to meet certain of its obligations to society which include the following:

- a) To transmit and interpret objectively the history and culture of our society.
- b) To develop understanding and acceptance of moral and spiritual values that promotes satisfactory living.
- c) To develop human relationships based on mutual respect and understanding which will further cooperative living and democratic thinking.

In view of these conditions and opportunities, the Board of Education of this District hereby directs the Superintendent to establish "guidelines" for holiday seasons with thoughtful and sensitive attention to the situation that may prevail in the District during the appropriate periods of the school year.

Education Law Section 1709

Adopted: 7/9/08



## Instruction

**SUBJECT: WORLD WIDE WEB: DISTRICT WEBSITE**

In order to support the vision and mission of the School District, the District will create and maintain a website for the following purposes:

- a) A place to showcase innovative student and staff educational projects, presentations, and learning experiences.
- b) A gateway to District and community resources and to educational websites.
- c) A means for the community to access District information.
- d) A means of "opening up" communications among students, District personnel, the community, and associated organizations.

The District website may not be used for any commercial promotional activity.

Regulations will be developed for implementing guidelines as to staff/student access and usage of the District website.

Adopted: 2/8/01