

**MINUTES
OCTOBER 15, 2014**

**HEMPSTEAD PUBLIC SCHOOLS
BOARD OF EDUCATION
REGULAR MEETING
OCTOBER 15, 2014
MINUTES**

The regular meeting of the Hempstead Public Schools Board of Education was held in the high school auditorium, 201 President Street, Hempstead, New York 11550. The meeting was called to order at 7:03 P.M. Moved, by Trustee Simmons and seconded by Trustee Brazley. All of the Board Members were present. The Superintendent introduced Mr. James Clark, Associate Superintendent for Secondary Education to the community. Mr. Clark gave a brief overview on the status of secondary education. Mrs. Judy Goris Moroff, Executive Director for Bi-lingual Education, ESL & LOTE also presented. Following approval of the consent calendar, President, LaMont E. Johnson made a statement in reference to the unaccompanied minor issues in the district. Trustee Brazley commented on the status of the soccer field at the A.B.G.S. Middle School. Public participation was entertained, all concerns were addressed by the Superintendents of Schools, staff and the Board.

BOARD MEMBERS PRESENT:

LaMont E. Johnson	President
JoAnn Simmons	1 st Vice President
Ricky A. Cooke, Sr.	Secretary
Shelley Brazley	Trustee

STAFF MEMBERS PRESENT:

Susan Johnson	Superintendent of Schools
Gerard Antione	Assistant Superintendent for Business & Operations
Dr. Rodney Gilmore	Associate Superintendent for Human Resources
Regina Armstrong	Assistant Superintendent for Elementary C & I
Dr. Nichelle Rivers	Director for School Improvement, Accountability & Grants
Allison Hernandez	Assistant Superintendent for Special Education
Daniel Espina	Executive Director of Technology & MIS
Patricia Wright	District Clerk
Monte Chandler	General Counsel
Scott Kershaw	Labor Counsel

B. CALL TO ORDER

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- C. PLEDGE OF ALLEGIANCE**
- D. MOMENT OF SILENCE**
- E. SUPERINTENDENT'S REMARKS**
- F. PRESIDENT'S REMARKS**
- G. COMMENDATIONS/ PRESENTATIONS**
- H. OTHER AGENDA ITEMS**

Trustee Simmons moved, seconded by Trustee Brazley to approve the consent calendar including the hand carried items 1-6 as indicated.

MOTION	YES 4	MOTION CARRIED
To approve the consent calendar		

1. **RESOLVED**, that the Board of Education approves the minutes of the meeting held September 18 & 24, 2014 as submitted by the District Clerk.
2. **RESOLVED**, that the Board of Education approves the 1st reading of **revisions to policy # 9520.2 R "FMLA"- Family and Medical Leave Regulation; New York State School Board Association New sample policies "Charging Meals; revisions to policy # 5500 (FERPA) Family Education Rights and Privacy Act; 5500E.4, 5500E.5; New sample policy "Disclosure to the Military; revisions to policy # 8115 Pesticide Application Notice; revisions to 9220E.1 Teacher Qualifications; New to 922____ "Teacher Qualification Request" an APPR Notice; revisions to 9150 Non Discrimination Notification; revisions to 5500E.1 Notice Regarding Access to Students Records and Information; revisions to 1000 Community Relations Goals; revisions to 2121 Board Member Qualifications; revisions to 4526 Computer use in Instruction; revisions to 5405 Student Wellness; revisions & update 5500 Student Records; revisions 5500.E Student Privacy Act; revisions to 6700 Purchasing. New policy – Implementing School Uniforms. (All new policies and revision are under review by the District's Counsel). (attached)**

BUSINESS & OPERATIONS

WARRANTS

- a. **RECOMMENDS** that the Board of Education review the **Register of Bills** as follows: **General Funds** (Warrants #27,26,23,18,19,14); **Cafeteria/Lunch** (Warrant: #5,3); **Capital Fund** (Warrants #6) and **Federal** (Warrants #7).

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TREASURER'S REPORT

- b. **RESOLVED**, that the Board of Education approve the Superintendent's recommendation to accept the **Extra Classroom Activity Fund Reports for the period August 1, 2014 to August 31, 2014.**
- c. **RESOLVED**, that the Board of Education approve the Superintendent's recommendation to accept the **Treasurer's Reports for the period August 1, 2014 to August 31, 2014.**

APPROPRIATION STATUS REPORT

- d. **RESOLVED**, that the Board of Education approve the Superintendent's recommendation to receive the **Appropriation Status Reports for the General Fund, Lunch Fund, Federal Fund and Capital Fund.**

BUDGET TRANSFERS

- e. **RESOLVED**, that the Board of Education approve the Superintendent's recommendation to approve Budget Transfers of \$5,000 and over. **None this month.**
- f. **RESOLVED**, that the Superintendent notifies the Board of education of the following Budget Transfers under \$5,000. **None this month.**

CONTRACTS

- g. **RESOLVED**, that the Board of Education accept the Superintendent's recommendation to approve the Special Education Services Agreement for 2014/15 between Rockville Centre UFSD and the Hempstead School District.
- h. **RESOLVED**, that the Board of Education accept the Superintendent's recommendation to approve the Special Education Services Agreement for 2014/15 between Glen Cove City School District and the Hempstead School District.

BUDGET CALENDAR

- i. **RESOLVED**, that the Board of Education approves the Superintendent's recommendation to adopt the Budget Calendar for the 2014-2015 school year.

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USE OF FACILITIES

*** All approvals are conditional based on the needs of the Hempstead School District. If the space requested by an outside group is needed by Hempstead students, the outside group will be cancelled.**

1. The group agrees to pay the specified fee, which is based on the "Fee Schedule" in Board of Education Policy.

NAME	FOR USE OF	DATE(S)

2. The group requests a waiver of the specified fee, which is based on the "Fee Schedule" in Board of Education Policy.

NAME	FOR USE OF	DATE(S)
Village of Hempstead Department of Parks and Recreation Contact: George Sandas (516) 478-6246	Middle School Upper Gym for Fall Youth Basketball Program	Day: Monday, Tuesday and Wednesday Date: November 19, 2014 to April 25, 2015 Time: 7pm to 9pm Cost: \$ 9,450.00 Insurance: On file Principal Approval: Approved
Hempstead Classroom Teaching Assistants Association Contact Laquana King	High School Cafeteria	2 nd Annual Breast Cancer Brunch Day: Saturday Date: November 8, 2014 11:00 AM-2:00 PM

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Student Theater Tech Conference	Hempstead High School Auditorium	Theater skills Development Conference, presented on September 18, 2014 meeting pulled due to fees. ALL HEMPSTEAD HIGH SCHOOL STUDENTS WILL PARTICIPATE FREE OF CHARGE
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3. SPECIAL EDUCATION

RESOLVED, that the Board of Education APPROVES the Superintendent's recommendation to accept the recommendations of the CSE/CPSE meetings held :

September 2014

9/8; 9/9; 9/11; 9/16; 9/17; 9/18; 9/19; 9/22; 9/23; 9/24; 9/29

October 2014

10/6

- 3b. RESOLVED**, that the Board of Education approve the Superintendent's recommendation to appoint the following **Special Education Providers/Agencies** for the 2014-2015 school year to be used as needed:

1. We Care For Children, Inc.

4. FUNDED PROGRAMS- NO ACTION

5. TRANSPORTATION-NO ACTION

6. TECHNOLOGY -NO ACTION

7. PERSONNEL (see attached pages)

8. MISCELLANEOUS-NO ACTION

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HEMPSTEAD PUBLIC SCHOOLS

BOARD OF EDUCATION

October 15, 2014

K. PERSONNEL

I. PROFESSIONAL PERSONNEL

- A. RESIGNATION - RESOLVED, that the Board of Education approves the Superintendent's recommendation to ACCEPT the resignation(s) from following professional personnel RETIREMENT / PERSONAL PURPOSES:**

<u>Name</u>	<u>Position</u>	<u>Reason</u>
Silviana Mestizo Eff. 10/20/14	Teaching Assistant David Paterson School	Letter of resignation submitted to accept appointment as Special Education Teacher
Christina Aguinaga Eff. 09/19/14	ESL/Math 7-12 Teacher Hempstead High School	Letter of resignation submitted for personal reasons
Caitlin Madden Eff. 11/17/14	Elementary Teacher ABGS Middle School	Letter of resignation submitted for personal reasons

- B. APPOINTMENT(S) - RESOLVED, that the Board of Education approves the Superintendent's recommendation to APPOINT the following professional personnel for the 2014 - 2015 school year:**

<u>Name</u>	<u>Position / School</u>	<u>Compensation</u>
Jay Kimmet	LPP Coordinator - ABGS Middle School	\$40.54 per hour (not to exceed 50 hours - grant funded)
Tamara Darien	LPP Coordinator - Hempstead High School	\$40.54 per hour (not to exceed 50 hours - grant funded)
Joyce Scott	Director of Youth Employment Hempstead High School	\$11,706 (Service Assignment 1)
Silviana Mestizo Eff. 10/20/14 (Three-(3) year Probationary period)	Special Education Inclusion Teacher - David Paterson School	\$56,689 (Level 3, Step 1 - prorated)

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Takera Blyther
Eff. 10/20/14
(Three-(3) year
Probationary period)

Teaching Assistant -
Franklin School

\$27,376
(Level 4, Step 1 – prorated)

Yessenia Calles
Eff. 10/27/14
(Three-(3) year
Probationary period)

Bilingual Teaching Assistant -
Jackson Annex School
(Increased enrollment)

\$27,376
(Level 4, Step 1 – prorated)

Meredith Easter
Eff. 10/20/14
(Three-(3) year
Probationary period)

Teaching Assistant – David
Paterson School
(Replacing Silviana
Mestizo)

\$30,063
(Level 4, Step 4 - prorated)

Tiara Adams
Eff. 10/20/14
(Three-(3) year
Probationary period)

Teaching Assistant – David
Paterson School (Increased
Enrollment)

\$28,272
(Level 4, Step 2 - prorated)

Tayo Atoki
Eff. 10/20/14
(Three-(3) year
Probationary period)

Teaching Assistant – Barack
Obama School (Increased
Enrollment)

\$27,376
(Level 4, Step 1 – prorated)

Carey Gray
Eff. 12/01/14
(Three-(3) year
Probationary period)

Assistant Principal -
Hempstead High School

\$119,233
(Level 9, Step 4 – prorated)

Betsy Benedith
Eff. 11/10/14
(Three-(3) year
Probationary period)

Dean of Students (Bilingual)
Hempstead High School

\$89,340
(Level 6, Step 6 - prorated)

Noel Acevedo
Eff. 10/20/14
(Three-(3) year
Probationary period)

Physical Education Teacher -
HYPE Center

\$52,029
(Level 1, Step 1 – prorated)

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Jacqueline Brennan Eff. 10/20/14 – 02/01/15	Elementary Teacher – Jackson Annex (Leave Replacement for D. Maurice)	\$59,010 (Level 5, Step 1 – prorated)
Cynthia Fiumara Eff. 10/20/14 – 02/01/15	Elementary Teacher – Jackson Annex (Leave Replacement for S. Ramotar)	\$59,010 (Level 5, Step 1 - prorated)
Leanne Kirk Eff. 10/20/14 – 02/01/15	Kindergarten Teacher - Prospect School (Leave Replacement for C. Flores)	\$59,010 (Level 5, Step 1 – prorated)

1. **APPOINTMENT(S) - RESOLVED**, that the Board of Education approves the Superintendent's recommendation to **APPOINT** the following professional personnel for the upcoming **HIGH SCHOOL THEATRE PRODUCTION "Grease"** to be performed in April 2013:

<u>Name</u>	<u>Position</u>	<u>Compensation</u>
Theresa Cucina Eff. 10/20/14	Director	\$3,000
Sean Reichert Eff. 10/20/14	Set Construction/ Designer	\$2,200

- c. **RESOLVED**, that the Board of Education approves the Superintendent's recommendation to **CHANGE** the following actions from the September 18, 2014 and September 24, 2014 dockets:

CHANGE FROM:

Aliceia Varriale Eff. 09/29/14 (Two-(2) year Probationary period)	Math Teacher – High School	\$78,738 (Level 9, Step 5 – prorated)
Lindsay Casale Eff. 09/22/14 (Three-(3) year Probationary period)	Kindergarten Teacher – Prospect School	\$61,483 (Level 5, Step 2 – prorated)

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Rohan Stewart Eff. 09/22/14 (Three-(3) year Probationary period)	Teaching Assistant - ABGS Middle School	\$27,362
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Maria Luperon Eff. 09/22/14 (Three-(3) year Probationary period)	Teaching Assistant ABGS Middle School	\$27,362
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ABGS Middle School Clubs

Tiger's Paw Newspaper	Adriane Turner	\$900
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Yearbook	Adriane Turner	\$1,100
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CHANGE TO:

Aliceia Varriale Eff. 10/06/14 (Two-(2) year Probationary period)	Math Teacher – High School	\$88,601 (Level 9, Step 9 – prorated)
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Lindsay Casale Eff. 09/29/14 (Three-(3) year Probationary period)	Kindergarten Teacher - Prospect School	\$61,483 (Level 5, Step 2 – prorated)
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Rohan Stewart Eff. 09/22/14 (Three-(3) year Probationary period)	Teaching Assistant - ABGS Middle School	\$21,982 (Level 1, Step 1 – prorated)
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Maria Luperon Eff. 09/22/14 (Three-(3) year Probationary period)	Teaching Assistant ABGS Middle School	\$21,982 (Level 1, Step 1 – prorated)
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ABGS Middle School Clubs

Tiger's Paw Newspaper	Adriane Turner	\$2,500
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Yearbook	Adriane Turner	\$1,500
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- D. RESOLVED, that the Board of Education approves the Superintendent's recommendation to APPOINT the following professional personnel as CLUB ADVISORS for the 2014 – 2015 school year:**

<u>Club / School</u>	<u>Advisor</u>	<u>Compensation</u>
1. <u>Hempstead High School:</u>		
GOTCHA	Felicia Prince	\$40.54 per hour
Recycling Club	Donna Garcia	\$40.54 per hour
Sophomore Advisor	Latisa Graham	\$1,500.00
Tigers Roar	Linda Mizel	\$3,000 per year
Junior Class	Patricia Barnes	\$1,900 per year

2. Barack Obama School

<u>Club / School</u>	<u>Advisor</u>	<u>Compensation</u>
Hip Hop Advisor	Jessica Verene	\$40.54 per hour
Law Club	Steven Jacobs	\$40.54 per hour
Cheerleading	Eugenia Girtman	\$40.54 per hour
Girl Scouts Club	Maria Sotomayor	\$40.54 per hour
Soccer Club	Phabian Winfield	Contractual hourly rate

3. Jackson Main School

<u>Club / School</u>	<u>Advisor</u>	<u>Compensation</u>
Mentorship Program	Allyson Parla	\$40.54 per hour
Cheerleading Club	Toi Robinson	\$23.99 per hour
Steppers Club	Toi Robinson	\$23.99 per hour
Honor Club	Cynthia Moore-Drayton	\$40.54 per hour
Reading Club	Anu Kapoor	\$23.99 per hour
Computer Club	Anu Kapoor	\$23.99 per hour
Lacrosse Club	Jordan Zaramatidis	\$40.54 per hour
Basketball Club	Jordan Zaramatidis	\$40.54 per hour
Student Government	Cynthia Moore-Drayton	\$900 per year

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4. Jackson Annex School

<u>Club / School</u>	<u>Advisor</u>	<u>Compensation</u>
Student Council	Cynthia Austin	\$40.54 per hour
Computer Club	Nicole Brown	\$40.54 per hour
Art Club	Candace Collins-Motley	\$23.99 per hour
Dance Club	Rahshida Williams	\$23.99 per hour
Cheerleading	Rahshida Williams	\$23.99 per hour
Math Club	Elisabeth Williams	\$40.54 per hour
Girl Scouts	Gale Deans-Forrester	\$23.99 per hour
Book Club	Gale Deans-Forrester	\$23.99 per hour
Extra-Help Club (3-5)	Sharon Edmonston	\$40.54 per hour
Extra-Help Club (1-2)	Desiree Randall	\$40.54 per hour
Games Club	Desiree Randall	\$40.54 per hour

5. Franklin School

<u>Club / School</u>	<u>Advisor</u>	<u>Compensation</u>
NICE Club	Diane Green	\$40.54 per hour
Athletics Club	Joseph Watts	\$23.99 per hour
Student Leadership	Gail Battle	\$40.54 per hour
Student Leadership	Valaire Coleman	\$40.54 per hour

6. ABGS Middle School

<u>Club / School</u>	<u>Advisor</u>	<u>Compensation</u>
Change 4 ABGS MS	Shannon Gregg	\$40.54 per hour

7. Front School

<u>Club / School</u>	<u>Advisor</u>	<u>Compensation</u>
Spirit Squad	Shavonne Gordon	\$23.99 per hour
Arts & Crafts II	Cynthia Encarnacion	\$23.99 per hour
Dance Club	Bonita Johnson	\$40.54 per hour
Arts & Crafts (Literacy)	Laurie Hamilton	\$40.54 per hour
Book Club Café	Angela Abrams	\$23.99 per hour
Computer Club	Kelly Ramos	\$40.54 per hour

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8. David Paterson School

<u>Club / School</u>	<u>Advisor</u>	<u>Compensation</u>
Student Government	Stacey Eason	\$900 per year
Drama Club	Terry Higgs	\$1,100 per year
Yearbook Club	Lisa Dunn-Lockhart	\$1,100 per year
Girls Empowerment	Cherie Dortch	\$40.54 per hour
Art Club	Meghan Foote	\$40.54 per hour
Cheerleading & Stepping	Silviana Mestizo	\$40.54 per hour
STYA Club	Cherie Dortch	\$40.54 per hour

- E. RESOLVED, that the Board of Education approves the Superintendent's recommendation to APPOINT the following as BUS MONITORS for the 2014 – 2015 school year:**

Prospect School

<u>Name</u>	<u>Position</u>	<u>Compensation</u>
DeAsia Grandberry	Bus Monitor	Contractual hourly rate
Bridget Bouknight	Bus Monitor – P.M.	\$23.99 per hour
Briannah Cullum	Bus Monitor – P.M.	\$23.99 per hour
Lorena Escobar	Bus Monitor – P.M.	\$23.99 per hour
Sarah Hasberry	Bus Monitor – P.M.	\$23.99 per hour
Betty Ledee	Bus Monitor – P.M.	\$23.99 per hour
Kayla Person	Bus Monitor – P.M.	\$23.99 per hour
Shanita Trice	Bus Monitor – P.M.	\$23.99 per hour
Pegeen Willett	Bus Monitor – P.M.	\$23.99 per hour

David Paterson School

<u>Name</u>	<u>Position</u>	<u>Compensation</u>
Pascale Salvodon	Bus Monitor – A.M.	\$23.99 per hour
Emella Lyle	Bus Monitor (Substitute)–A.M. Bus Monitor – P.M.	Contractual hourly rate
Jerry Simms	Bus Monitor – P.M.	Contractual hourly rate

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Marshall School

<u>Name</u>	<u>Position</u>	<u>Compensation</u>
Terry Garrison	Bus Monitor	Contractual hourly rate

- F. APPOINTMENT(S) – RESOLVED, that the Board of Education approves the Superintendent's recommendation to APPROVE the following professional personnel to complete COMPREHENSIVE EDUCATION PLAN (C.E.P.) for the 2014 – 2015 school year: (not to exceed 10 hours – grant funded):**

<u>Name</u>	<u>School</u>	<u>Compensation</u>
Carol Eason	Prospect School	\$94.39 per hour
Madeline Baez	Prospect School	\$94.39 per hour
Peggy Wilkins Walker	Prospect School	\$40.54 per hour
Sheryl Mcbeth	Franklin School	\$94.39 per hour
Ronald Simpkins	Franklin School	\$94.34 per hour
Deshaun Lewter	Franklin School	\$40.54 per hour
Stephanie Bryan-Price	Franklin School	\$40.54 per hour
Lindell Ray	Franklin School	\$40.54 per hour
Marion Hutchinson	ABGS Middle School	\$40.54 per hour
Beverly Robinson	ABGS Middle School	\$40.54 per hour

- G. RESOLVED, that the Board of Education approves the Superintendent's recommendation to CERTIFY the following professional personnel as Lead Teacher Evaluators:**

Name

James Clark
Janet Lovett
Judy Goris-Moroff
Stephen Strachan
Carey Gray

- H. RESOLVED, that the Board of Education approves the Superintendent's recommendation to RECLASSIFY the following Adult and Community Education Program personnel:**

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<u>Name</u>	<u>Position</u>	<u>Compensation</u>
Jay Kemmet Eff. 09/02/14	Adult Education Teacher @ \$37.99 per hour	Reclassify from Step 3 to Step 2
Francis De Angelis Eff. 09/02/14	Adult Education Teacher @ \$37.99 per hour	Reclassify from Step 1 to Step 2
Mary Ann O'Connell Eff. 09/02/14	Adult Education Teacher @ \$35.72 per hour	Reclassify from Sub to Step 1
Karen Gonzalez Eff. 09/02/14	Adult Education Teacher @ \$37.99 per hour	Reclassify from Sub to Step 2
Suyapa Gonzalez Eff. 09/02/14	Adult Education Teacher @ \$40.54 per hour	Reclassify from Step 2 to Step 3

1. **RESOLVED**, that the Board of Education approves the Superintendent's recommendation to **APPOINT** the following Adult and Community Education Program personnel:

<u>Name</u>	<u>Position</u>	<u>Compensation</u>
Rhetta Bell Eff. 10/20/14	Adult Education Teacher @ ABGS Middle School	Step 2 @ \$37.99 per hour
Karen O'Leary Eff. 10/20/14	Substitute Teacher @ ABGS Middle School	\$33.20 per hour
Petrus Fortune Eff. 10/20/14	Substitute Teacher @ ABGS Middle School	\$33.20 per hour

2. **RESOLVED**, that the Board of Education approves the Superintendent's recommendation to **TERMINATE** the following Adult and Community Education Program personnel, effective immediately:

<u>Name</u>	<u>Position</u>	<u>Reason</u>
Krishna Patel	Substitute Adult Education Teacher	Abandonment of position
Dorothea C. Brown-Simpson	Substitute Adult Education Teacher	Abandonment of position
Julieta Hannaford	Substitute Adult Education Teacher	Abandonment of position

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3. RESOLVED, that the Board of Education approves the Superintendent's recommendation to accept the RESIGNATION of the following Adult and Community Education Program personnel:

<u>Name</u>	<u>Position</u>	<u>Reason</u>
Julieta Martinez Eff. 09/19/14	Adult Education Teacher	Letter of resignation submitted for personal reasons

I. RESOLVED, that the Board of Education approves the Superintendent's recommendation to APPOINT the following professional personnel as DASA School Representatives:

<u>Name</u>	<u>Position</u>	<u>School</u>
Nichelle L. Rivers, Ed.D.	Executive Director for School Improvement, Accountability & Grants	District-wide DASA Contact
Kathy Trukafka	Principal	Barack Obama School
Saritha Perez	Assistant Principal	Barack Obama School
Angela Dawkins	Social Worker	Barack Obama School
Richard Brown	Principal	Jackson Main School
Cynthia Terrell	Social Worker	Jackson Main School
Cynthia Moore-Drayton	Teacher	Jackson Main School
Sheena Burke	Principal	Jackson Annex School
Mark Collins	Social Worker	Jackson Annex School
Gabrielle Kirby	Teacher	Jackson Annex School
Miriam Ortiz	Principal	Front School
Lenique Bligen	Social Worker	Front School
Christopher Berry	Teacher	Front School
Dr. Karen Gordon	Psychologist	Front School
Lizz Sarceno	Teacher	Front School
Sheryl McBeth	Principal	Franklin School
Ronald Simpkins	Assistant Principal	Franklin School
Lindell Ray	Social Worker	Franklin School
Gary Rush	Principal	David Paterson School
Cherie Dortch	Social Worker	David Paterson School
Erica Torres	School Psychologist	David Paterson School
Carol Eason	Principal	Prospect School
Peggy Walker	Social Worker	Prospect School
Maria Paterakis	School Psychologist	Prospect School
Carolyn Townes-Richards	Principal	Marshall School
Laverne Lariosa	Staff Developer	Marshall School

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Patricia Crespo	Teacher	Marshall School
Henry Williams	Principal	ABGS Middle School
Winsome Browne-Cook	Social Worker	ABGS Middle School
Richard Cieslak	Teacher	ABGS Middle School
Stephen Strachan	Principal	Hempstead High School
Lisa Byrd Watkins	Social Worker	Hempstead High School
Betsy Benedith	Dean	Hempstead High School

- J. RESOLVED, that the Board of Education approves the Superintendent's recommendation to APPOINT the following professional personnel as the Administrator for Hempstead High School's Credit Recovery Program for the 2014 – 2015 school year, Monday through Friday from 4:00 p.m. to 7:00 p.m.:**

<u>Name</u>	<u>Position</u>	<u>Compensation</u>
Stephen Strachan Eff. 10/20/14	Administrator	\$94.39 per hour

- K. RECALL(S) – RESOLVED, that the Board of Education approves the Superintendent's recommendation to RECALL the following excessed professional personnel from the Preferred Eligibility List:**

<u>Name</u>	<u>Position</u>	<u>Compensation</u>
Maria Calderon Eff. 10/27/14	Spanish 7 – 12 Hempstead High School	\$ 68,877 (Level 5, Step 5 - prorated)

- L. RESOLVED, that the Board of Education approves the Superintendent's recommendation to APPOINT the following professional personnel as HOME TUTORS for the 2014 – 2015 school year:**

<u>Name</u>	<u>Compensation</u>
Don Ryan	\$40.54 per hour
Penny Amouyal	\$40.54 per hour
Winifred Oyeboode	\$40.54 per hour
Alpha Uwode	\$40.54 per hour
Judith Blaise	\$40.54 per hour
Stephanie Bryan-Pryce	\$40.54 per hour
Dorothea Geiger	\$40.54 per hour

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2. CIVIL SERVICE PERSONNEL

- A. RESIGNATION – RESOLVED**, that the Board of Education approves the Superintendent's recommendation to **ACCEPT** the resignation(s) from the following professional personnel for **PERSONAL REASONS/RETIREMENT PURPOSES**:

<u>NAME</u>	<u>POSITION</u>	<u>REASON</u>
William Ebron Eff. 10/31/14	Senior Maintainer	Letter of resignation received for retirement purposes

- B. APPOINTMENT(S) – RESOLVED**, that the Board of Education approves the Superintendent's recommendation to **APPOINT** the following:

<u>NAME</u>	<u>POSITION</u>	<u>REASON</u>
Juan Perez Eff. 2014-2015 School Yr.	Video Surveillance Technician, \$5,000.	To meet the needs of the district
Takemah Williams Eff. 10/20/14	School Lunch Monitor – P/T, David Paterson, Lv. 10A, St. 1, \$12.01/hr	To meet the needs of the district
Tanya Smith Eff. 10/20/14	School Lunch Monitor – P/T, Front School, Lv. 10A, St. 1, \$12.01/hr	To meet the needs of the district
Myriam Preciado Eff. 10/20/14	School Lunch Monitor – P/T, Front School, Lv. 10A, St. 1, \$12.01/hr	To meet the needs of the district
Teron Ringold Eff. Eff. 10/20/14	Food Server P/T Sub, District, Lv. 01A, St. 1, \$10.87/hr	Services to be utilized by district as required
Luisa DeLarosa Eff. 10/20/14	Bilingual Typist Clerk– F/T District, Lv. 1A, St.3, \$31,151 (prorated)	Replacing A. Granger who resigned
Bridgett Burroughs Eff. 11/03/14	Registered Professional School Nurse – Front School, Lv. 8, St. 5, \$38,574 (prorated)	Replacing Rose Pierre-Louis who retired

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- C. RECLASSIFY – RESOLVED, that the Board of Education approves the Superintendent's recommendation to RECLASSIFY the following CIVIL SERVICE PERSONNEL:**

<u>NAME</u>	<u>POSITION</u>	<u>REASON</u>
Otis Williams Eff. 10/20/14	Head Custodian I – Prospect School, Lv. 4, St. 18, \$58,454 (prorated)	Appointment from Civil Service List. To meet the needs of the district

- D. TERMINATION(S) – RESOLVED, that the Board of Education approves the Superintendent's recommendation to TERMINATE the following CIVIL SERVICE PERSONNEL:**

<u>NAME</u>	<u>POSITION</u>	<u>REASON</u>
Kevin Saunders Eff. 10/17/14	Security Aide – PT	Abandonment of position
Syed Raza Eff. 10/17/14	Security Aide – PT	Abandonment of position

#1 HAND CARRY

RESOLVED, that the Board of Education approves the following individuals to work the polls for the October 28, 2014 Annual Budget Vote and Election at a rate of \$159.50 for Assistant Clerks and a rate of \$174.00 for Inspectors. The hours of operation are from 6:15 A.M. until 9:00 P.M

BE IT FURTHER RESOLVED, these residents will work any Special Meetings scheduled for 2013-2014 school year at the same rate of pay. In the event that any one of these individuals is not available a substitute name will be put in place.

Karen Hill
Deborah Santiago
Jeff Wicks
Clerk
Translator

Gertrude Ford
Virginia Oliver
Inspector
Clerk
Translator

Elaine Watts
Laurine Conley
Inspector
Deborah Burgess(T)

**MINUTES
OCTOBER 15, 2014**

2

HAND CARRY

- A. APPOINTMENT(S) - RESOLVED, that the Board of Education approves the Superintendent's recommendation to APPOINT the following professional personnel for the 2014 – 2015 school year:**

<u>Name</u>	<u>Position</u>	<u>Compensation</u>
Divine Jackson Eff. 11/17/14 – 03/24/15	JV Boys Basketball Coach	\$4,987
Lateef Myles Eff. 11/17/14 – 03/24/15	Varsity Boys Basketball Coach	\$7,811
Kwame Mason Eff. 11/17/14 – 03/24/15	Varsity Boys Basketball Asst. Coach	\$2,976
Aubin Scott Eff. 11/17/14 – 03/24/15	Varsity Boys Basketball Asst. Coach	\$2,976
Stephon Beckford Eff. 11/17/14 – 03/08/15	Varsity Boys Indoor Winter Track Coach	\$4,818
Richard Barkan Eff. 11/17/14 – 03/08/15	Varsity Boys Swim Coach	\$5,229
Delon Callender Eff. 11/17/14 – 03/08/15	Varsity Boys Swim Asst. Coach	\$1,965
Ramon Mills Eff. 11/10/14 – 03/08/15	Varsity Wrestling Coach	\$6,384
William Cherry Eff. 11/10/14 – 03/08/15	JV Wrestling Coach	\$4,934
Bryhin Williams Eff. 11/17/14 – 03/24/15	Scorekeeper	\$1,277
Jean Collins Eff. 11/17/14 – 03/08/15	Equipment Manager	\$4,987
Eric Sacher	Programmer	\$1,933

**MINUTES
OCTOBER 15, 2014**

Eff. 11/17/14 – 03/24/15

Randi Harrison	Varsity Girls	\$7,811
Eff. 11/17/14 – 03/24/15	Basketball Coach	

Frankel Gauthier	Varsity Girls Bowling	\$2,868
Eff. 11/17/14 – 03/09/15	Coach	

Lenroy Raffington	Varsity Girls Indoor/	\$4,818
Eff. 11/17/14 – 03/08/15	Winter Track Coach	

Darryl Burgess	Middle School Boys	\$3,398
Eff. 11/05/14 – 01/14/15	Basketball Coach	

Wesley Harkless	Middle School Boys	\$2,355
Eff. 11/05/14 – 01/14/15	Basketball Asst. Coach	

Kevin Winther	Middle School Boys	\$3,470
Eff. 11/05/14 – 01/14/15	Track Coach	

Jason Noone	Middle School Wrestling	\$3,689
01/20/15 – 03/20/15	Coach	

Penny Bacon	Middle School Girls	\$3,398
Eff. 01/20/15 – 03/20/15	Basketball Coach	

Nicole Drake	Middle School Girls	\$2,355
Eff. 01/20/15 – 03/20/15	Basketball Asst. Coach	

Robert Graziosi	Middle School Girls	\$3,470-PULLED
Eff. 11/05/14 – 01/14/15	Track Coach	

Penny Bacon	Middle School Girls	\$2,834
Eff. 11/05/14 – 01/14/15	Volleyball Coach	

Anita Reynolds	Middle School Girls	\$801
Eff. 11/05/14 – 01/14/15	Volleyball Asst. Coach	

**MINUTES
OCTOBER 15, 2014**

3

HAND CARRY

RESOLVED, that the Board of Education approves the Superintendent's recommendation to accept a donation of seventeen (17) desk-chair units from the Unity Church of Hempstead, located at 298 Fulton Avenue, Hempstead, New York. The district extends thanks to Pastor John Zenkewich.

4

HAND CARRY

- A. APPOINTMENT(S) - RESOLVED**, that the Board of Education approves the Superintendent's recommendation to **APPOINT** the following professional personnel to assist with the implementation of the district's policies, procedures and practices to ensure compliance with laws and regulations pertaining to the education of students with disabilities for the 2014 – 2015 school year: *(funded through the IDEA 2014 – 15 grant)*

<u>Name</u>	<u>School</u>	<u>Compensation</u>
Carol DelValle	High School	\$11,706 (Service Assignment I)
Kellie Ramsey	Middle School / Pre K, Kindergarten	\$11,706 (Service Assignment I)
Lisa Wiley	Elementary Schools	\$11,706 (Service Assignment I)

5

HAND CARRY

- A. APPOINTMENT(S) - RESOLVED**, that the Board of Education approves the Superintendent's recommendation to **APPOINT** the following professional personnel for the 2014 – 15 school year:

<u>Name</u>	<u>Position/School</u>	<u>Compensation</u>
Elizabeth Cruz 10/20/14 – 02/01/15	Leave Replacement for S. Hercules – Special Education Teacher (David Paterson School)	\$61,483 (Level 5, Step 2 prorated)

**MINUTES
OCTOBER 15, 2014**

Glenn Bedell
10/20/14 – 03/15/15

Leave Replacement for \$52,029
S. Hodish – Physical (Level 1, Step 1 prorated)
Education Teacher
(ABGS Middle School)

6

HAND CARRY

- A. APPOINTMENT(S) - RESOLVED, that the Board of Education approves the Superintendent's recommendation to APPOINT PER DIEM SUBSTITUTE TEACHERS the 2014 – 15 school year:**

<u>Name</u>	<u>Certification</u>	<u>Compensation</u>
Maria V. Hallford	Mathematics, Grades 7 – 12	All year, \$125 per day
Eghosa Ize-Iserhien	Childhood Education Grades 1-6; Elementary Grades 1-6; Teaching Assistant, Level III	All year, \$125 per day

Trustee Brazley moved, seconded by Trustee Cooke to adjourn the meeting at 8:15 P.M.

MOTION

YES 4

MOTION CARRIED

Meeting adjourned

Respectfully submitted:

Patricia Wright
District Clerk

HEMPSTEAD UNION FREE SCHOOL DISTRICT

CALENDAR FOR 2015-2016 BUDGET

-	Task	Date	By Whom
1.	Approval of Budget Calendar	Thursday, October 16, 2014	Board of Education
2.	Distribution of Budget Calendar	Friday, October 17, 2014	Business Official
3.	Budget Preparation Worksheets distributed to Asst. Supt's., Directors and Principals	Monday, October 27, 2014	Business Official
4.	BUDGET INPUT MEETING with PTAs and Community Leaders	Monday, November 3, 2014 Monday, November 17, 2014	Superintendent Business Official
5.	Asst. Supt's., Directors and Principals Completed Budget Worksheets due to Business Official	Friday, November 21, 2014	Asst. Supt's., Directors and Principals
6.	Individual (as scheduled) Asst. Supt., Director and Principal Budget Meetings at the Superintendent's Office	Monday, December 1, through Friday, December 12, 2014	Superintendent Business Official
7.	Revised (if required) Budget Worksheets Due to Business Official	Friday, December 19, 2014	Asst. Supt's., Directors and Principals
8.	First Budget Draft to Superintendent of Schools for Review	Monday, January 5, 2015	Business Official
9.	Forward Revised Budget Draft to Supt of Schools for Review	Friday, January 9, 2015	Business Official
10.	Forward Budget Draft to Board of Education for Review	Friday, January 16, 2015	Superintendent
11.	Board/Administration BUDGET WORKSHOPS (Public Invited)	Monday, February 2, 2015 Tuesday, February 24, 2015	BOE, Superintendent & Business Official
12.	Submit tax levy limit to the Office of Comptroller Tax & Finance	Friday, February 27, 2015	Business Official
13.	Board/Administration BUDGET WORKSHOPS (Public Invited)	Monday, March 9, 2015 Monday, March 23, 2015	BOE, Superintendent & Business Official
14.	ADOPTION OF PROPOSED BUDGET	Thursday, April 16, 2015	Board of Education
15.	Property Tax Report Card submitted to SED and local newspaper(s)	Friday, April 24, 2015	Business Official
16.	Distribution of Budget and "Required Information to Schools"	Monday, April 27, 2015	Business Official
17.	Distribution of Budget Edition of the Hempstead Newsletter	Friday, May 1, 2015	Business Official
18.	BUDGET HEARING (includes Budget Presentation to Public)	Tuesday, May 5, 2015	Board of Education
19.	Mail <u>Budget Notice</u> (card)	Friday, May 8, 2015	Business Official
20.	BUDGET VOTE	Tuesday, May 19, 2015	Public

9520.2-R FAMILY AND MEDICAL LEAVE REGULATION

Consistent with the federal Family and Medical Leave Act of 1993 FMLA as amended, the District shall provide a minimum of twelve (12) workweeks of unpaid leave in a twelve (12) month period, beginning July 1 and ending June 30, for its eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

An eligible employee must have been employee for at least twelve months, have worked at least 1,250 hours during the prior twelve months, and be employed at a worksite where at least 50 employees are employed by the District within a 75 mile radius of that worksite.

Qualifying Reasons for Leave under the Family and Medical Leave Act

Family leave shall be available when a child is born to the employee, adopted by an employee or one is placed with the employee for foster care. Medical leave shall be available in order for the employee to take care of a spouse, child or parent who has a serious health condition or when the employee has a serious health condition that make him/her unable to perform his/her job.

A child shall include any son/daughter whether biological, adopted, a foster child, a stepchild, a legal ward, or a child of an employee standing *in loco parentis* who is under eighteen years of age or, if over eighteen, is incapable of self-care due to a mental or physical disability. An employee standing *in loco parentis* is defined as an employee who has day-to-day responsibilities to care for or financially support a child. A parent shall include the biological, adoptive, step or foster parent of the employee or an individual who stood *in loco parentis* to the employee when he/she was a child. A parent shall not include parents "in-law."

A serious health condition shall include an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

An employee's entitlement to FMLA leave expires one (1) year after the date of birth or placement of the employee's child. Leave may be taken before the actual placement or adoption of a child if an absence from work is required for the placement to proceed. If both spouses are

employed by the same school district, the combined amount of leave for family leave may be limited to 12 weeks.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter, or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling session, and attending post-deployment reintegration briefings.

If the necessity for leave because of a qualifying exigency arising from the fact that a family member is on covered active duty or has been notified of an impending call to covered active duty is foreseeable, the employee shall give such notice to the District as soon as is reasonable and practicable.

The District may require that a request for leave for a qualified exigency arising from the fact that an employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call to active duty be supported by a certification issued in accordance with regulations.

In addition, the District shall provide eligible employees with 26 workweeks of leave in a single 12 month period to care for a covered service member with a serious illness or injury incurred in the line of duty. A covered service member is defined as: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness.*

*The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definitions of "serious health condition."

Notice to Take Leave (Employee Responsibilities)

The employee shall notify the District of his/her request for family or medical leave at least 30 days prior to the date when the leave is to begin, when such leave is foreseeable. If such leave is not foreseeable, then notice shall be given as early as practical. If the employee requests medical leave, reasonable attempts shall be made to schedule treatment so as not to disrupt the District's operations.

Employees, absent unusual circumstance, must comply with the District's usual and customary notice and procedural requirements for requesting leave.

Employees shall provide sufficient information for the District to determine if the leave may qualify for FMLA protection and the anticipated duration and timing of the leave. Sufficient information may include that the employee is unable to perform job functions; the family

member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees shall also inform the District if the requested leave is for a reason for which FMLA leave was previously taken or certified. The District may also require employees to provide a certification and periodic recertification supporting the need for leave.

Certification

The District may require the employee requesting medical leave to present a certification from the health care provider of the person for whom the employee is taking the leave. Upon request by the District, the employee must provide the certification within 15 days. The certificate shall include:

1. The date on which the serious health condition commenced;
2. The probable duration of the condition;
3. The appropriate medical facts within the knowledge of the health care provider regarding the condition;
4. A statement that the employee is needed to care for the family member and an estimate of the amount of time that such employee shall be needed or a statement that the employee is unable to perform the functions of the employee's position; and
5. The dates and duration of medical treatment if the request for intermittent leave is for a planned medical treatment.

If the District doubts the validity of the certification, then, at the District's expense, a second opinion may be required from a health care provider selected by the District. The school physician cannot give this opinion. If the 2 opinions conflict, a third health care provider, at the District's expense, may be chosen by the two parties to render a final opinion.

Employer Responsibilities

The District shall inform the employee requesting leave whether he/she is eligible under FMLA. If he/she is, the notice must specify any additional information required as well as the employee's rights and responsibilities. If he/she is not eligible, the District must provide a reason for the ineligibility. Such notice shall be provided within five (5) business days of the initial request for leave or when the District acquires knowledge that an employee leave may be for an FMLA-qualifying reason.

The District shall inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the District determines that the leave is not FMLA-protected, the District must notify the employee.

Employee's Right to Benefits during Leave

Any eligible employee who uses unpaid leave shall have his/her health coverage under any "group health plan" continued during the leave, shall not have any previously accrued benefits altered, and shall be returned to his/her original or equivalent position with equivalent pay according to established Board policies and collective bargaining agreements. The employee is not entitled to accrue seniority during the leave.

An employee may elect, or the District may require, an employee to use available paid leave time for purposes of a family or medical leave. However, an employee may only use accrued medical/sick leave in accordance with the collective bargaining agreement.

Intermittent Leave

An employee who requests family leave shall not be provided intermittent leave or a reduced leave schedule unless the employee and the District mutually agree. Intermittent leave may be provided for medical leave, however, the District may transfer the employee to a comparable position if it will better accommodate such intermittent periods of leave.

For instructional employees who request medical leave and it is foreseeable that the medical treatment shall cause the employee to be on leave for more than 20% of the total number of working days in the period of leave, the District may require the employee to take a block of time or to transfer to an equivalent position for which the employee is qualified, but which better accommodates intermittent periods of leave.

Restoration

An instructional employee who begins any type of leave at least five (5) weeks before the end of an academic term may be required not to return until the new term begins if the leave is at least three (3) weeks long and the employee would return during the last three (3) weeks of the term.

An instructional employee who begins leave for a period longer than five (5) working days for any purpose other than personal illness less than three (3) weeks prior to the end of the term may be required not to return until the new term begins.

The District reserves the right to deny restoration to an employee who is among the highest paid 10% of the employees if specific conditions are met.

Failure to Return

The District may recover the health care premiums paid during the leave when the employee fails to return from the leave. However, recovery cannot occur if the employee fails to return because of the continuation, recurrence, or onset of a serious health condition or due to circumstances beyond the control of the employee.

Effect on Existing Laws or Agreements

The Board shall ensure that family and medical leave, consistent with Family and Medical Leave Act, is provided to all eligible employees, whether or not they are covered by a collective bargaining agreement. Any collective bargaining agreement which contains greater leave benefits than this policy shall remain in force.

Unlawful Acts by Employers

The District shall not:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the District.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement, which provides greater family or medical leave rights.

Notice of Policy

The District shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law.

Adoption date: July 11, 2001

Revision Adopted: January 15, 2009

Revision Adopted: July 7, 2009

Revision Adopted: _____

HEMPSTEAD UNION FREE SCHOOL DISTRICT

FMLA of 1993 as amended, the Board of Education recognizes the right of eligible employees to unpaid family and medical leave for up to twelve (12) work weeks during any twelve (12) month period. The Board shall ensure that all eligible employees who use such leave shall have their health benefits continued and shall be returned to an equivalent position according to established Board practices, policies and collective bargaining agreements.

To be eligible for FMLA an employee must have been employed for at least twelve months and have worked at least 1,250 hours during the prior twelve months.

FMLA leave shall be granted for the following reasons:

1. With the birth and care of a newborn child of an employee;
2. With the adoption or foster placement of a child;
3. To care for an employee's spouse, parent, or child with a serious health condition;
4. Due to a serious health condition that makes the employee unable to perform the essential functions of the employee's job;
5. For a qualifying exigency as defined in law and regulation, arising out of the fact that the spouse, or a son, daughter or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member is entitled to a total of 26 work weeks of unpaid leave in a single 12 month period to care for the service member who is seriously ill or injured in the line of duty.

An employee may elect, or the District may require, an employee to use accrued paid vacation, personal, or family leave for purposes of a FMLA leave. An employee may elect, or the District may require, an employee to use accrued vacation, personal, or medical/sick leave for purposes of a medical leave.

The employee shall notify the District of his/her request for leave, if foreseeable, at least 30 days prior to the date when the leave is to begin. If such leave is not foreseeable, then the employee shall give such notice as is practical. The District may require a certification from a health care provider if medical leave is requested. When an employee returns following a leave, he/she must be returned to the same or equivalent position of employment. The Superintendent of Schools or designee may reassign a teacher consistent with the teacher's agreement to a different grade level, building or other assignment consistent with the employee's certification and tenure area.

The Board shall ensure that FMLA is provided to all eligible employees, unless they are covered by a collective bargaining agreement which provides greater leave benefits than this Act.

The District shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law.

Ref:

29 U.S.C. §§ 207, 2601, 2611, 2612, 2613, 2614, 2618, 2619

29 CFR Part 825.110, 825.309, 825.600, 825.603, 825.800

Adoption date: July 11, 2001

Revision Adopted: January 15, 2009

Revision Adopted: July 7, 2009

Revision Adopted: _____



NYSSBA POLICY UPDATE - FIRST INSTALLMENT - SEPTEMBER 2014

SAMPLE NOTIFICATION - CHARGING MEALS

NOTE: School boards are permitted to allow students to charge meals if they forget their lunch money. If the Board wishes to allow for that practiced, it should establish the parameters through policy and notify parents accordingly. NYSSBA offers the following sample for that purpose.

Dear Parents,

The Board of Education recognizes that on occasion, students may forget to bring meal money to school. To ensure that students do not go hungry, but also to promote responsible student behavior and minimize the fiscal burden to the district, the Board will allow students who may forget meal money to “charge” the cost of meals to be paid back at a later date subject to the terms established in district policy.

To comply with State guidelines and maintain a system for accounting for charged meals, only regular meals (meaning what is on the menu, excluding extras and snacks) are allowed to be charged. Students are only allowed to charge up to **[insert number of meals such as five (5) here]**

[Optional language if the Board would like to utilize this option.] Please note that a student who has abused this policy can be refused a meal. Such a refusal is not considered to be a violation of any state or federal laws concerning school food programs. However before denying any student a meal, school food authorities shall carefully consider the negative consequences of such an action. Refusing very young children or students with disabilities is prohibited by the Board.

Sincerely,

Building Principal or Food Service Director

[INSERT SCHOOL DISTRICT LETTERHEAD]

Dear Parent/Guardian:

Children need healthy meals to learn. **[Name of School/School District]** offers healthy meals every school day. Breakfast costs **[\$]**; lunch costs **[\$]**. Your children may qualify for free meals or for reduced price meals. Reduced price is **[\$]** for breakfast and **[\$]** for lunch. Below are some common questions and answers to aid in the process of determining your child's eligibility.

1. **DO I NEED TO FILL OUT AN APPLICATION FOR EACH CHILD?** No. *Use one Free and Reduced Price School Meals Application for all students in your household.* We cannot approve an application that is not complete, so be sure to fill out all required information. Return the completed application to: **[name, address, phone number]**.
2. **WHO CAN GET FREE MEALS?** All children in households receiving benefits from **[State SNAP]**, **[the Food Distribution Program on Indian Reservations (FDPIR)]** or **[State TANF]**, can get free meals regardless of your income. Also, your children can get free meals if your household's gross income is within the free limits on the Federal Income Eligibility Guidelines.



If you have received a NOTICE OF DIRECT CERTIFICATION for free meals, **do not** complete the application. But **do** let the school know if any children in your household are not listed on the **Notice of Direct Certification** letter you received.

3. **CAN FOSTER CHILDREN GET FREE MEALS?** Yes, foster children that are under the legal responsibility of a foster care agency or court, are eligible for free meals.
4. **CAN HOMELESS, RUNAWAY, HEAD START AND MIGRANT CHILDREN GET FREE MEALS?** Yes, children who meet the definition of homeless, runaway, or migrant are eligible for free meals. If you believe children in your household meet these descriptions and haven't been told your children will get free meals, please call or e-mail **[school, homeless liaison, runaway, head start or migrant coordinator]**.
5. **WHO CAN GET REDUCED PRICE MEALS?** Your children can get reduced price meals if your household income is within the reduced price limits on the Federal Eligibility Income Chart, shown on this application.
6. **SHOULD I FILL OUT AN APPLICATION IF I RECEIVED A LETTER THIS SCHOOL YEAR SAYING MY CHILDREN ARE APPROVED FOR FREE MEALS?** No, but please read the letter you got carefully and follow the instructions. Call the school at **[phone number]** if you have questions.
7. **MY CHILD'S APPLICATION WAS APPROVED LAST YEAR. DO I NEED TO FILL OUT A NEW ONE?** Yes. Your child's application is only good for that school year and for the first few days of this school year. You must send in a new application unless the school told you that your child is eligible for the new school year.
8. **I GET WIC. CAN MY CHILDREN GET FREE MEALS?** Children in households participating in WIC may be eligible for free or reduced price meals. Please send in an application

[Type text]

9. WILL THE INFORMATION I GIVE BE CHECKED? Yes and we may also ask you to send written proof.
10. IF I DON'T QUALIFY NOW, MAY I APPLY LATER? Yes, you may apply at any time during the school year. For example, children with a parent or guardian who becomes unemployed may become eligible for free and reduced price meals if the household income drops below the income limit.
11. WHAT IF I DISAGREE WITH THE SCHOOL'S DECISION ABOUT MY APPLICATION? You should talk to school officials. You also may ask for a hearing by calling or writing to: **[name, address, phone number, e-mail]**.
12. MAY I APPLY IF SOMEONE IN MY HOUSEHOLD IS NOT A U.S. CITIZEN? Yes. You or your children do not have to be U.S. citizens to qualify for free or reduced price meals.
13. WHO SHOULD I INCLUDE AS MEMBERS OF MY HOUSEHOLD? You must include all people living in your household, related or not (such as grandparents, other relatives, or friends) who share income and expenses. You must include yourself and all children living with you. If you live with other people who are economically independent (for example, people who you do not support, who do not share income with you or your children, and who pay a pro-rated share of expenses), do not include them.
14. WHAT IF MY INCOME IS NOT ALWAYS THE SAME? List the amount that you normally receive. For example, if you normally make \$1000 each month, but you missed some work last month and only made \$900, put down that you made \$1000 per month. If you normally get overtime, include it, but do not include it if you only work overtime sometimes. If you have lost a job or had your hours or wages reduced, use your current income.
15. WE ARE IN THE MILITARY. DO WE INCLUDE OUR HOUSING ALLOWANCE AS INCOME? If you get an off-base housing allowance, it must be included as income. However, if your housing is part of the Military Housing Privatization Initiative, do not include your housing allowance as income.
16. MY SPOUSE IS DEPLOYED TO A COMBAT ZONE. IS HER COMBAT PAY COUNTED AS INCOME? No, if the combat pay is received in addition to her basic pay because of her deployment and it wasn't received before she was deployed, combat pay is not counted as income. Contact your child's school for more information.
17. MY FAMILY NEEDS MORE HELP. ARE THERE OTHER PROGRAMS WE MIGHT APPLY FOR? To find out how to apply for **[State SNAP]** or other assistance benefits, contact your local assistance office or call **[State hotline number]**.

If you have other questions or need help, call **[phone number]**.

Sincerely,

[signature]

[Type text]



**SAMPLE NOTIFICATION - FERPA
FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)
NOTICE REGARDING ACCESS TO STUDENT RECORDS AND
STUDENT INFORMATION**

***NOTE:** This sample letter is based on a model notification letter created by the federal Family Policy Compliance Office, the entity responsible for administering and enforcing the Family Educational Rights and Privacy Act (FERPA). The Office allows school districts to combine both the annual notification of rights under FERPA and the directory information notice in the same letter. To conserve resources, it is recommended that the school district adopt this practice.*

The district has broad discretion as to which, if any, categories it wishes to include as directory information. Directory information may include a student's name, address, telephone number, date and place of birth, major field of study, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, most recent school attended, photograph, and e-mail address.

A district should take care its directory information lists mirror any related policies. For example, student e-mail addresses may be designated as directory information. However, a district may have a policy prohibiting students from releasing their own e-mail addresses. In such cases, the district should not include this as a category of directory.

This notification has been updated to reflect changes in the law consistent with the policy and regulation.

Dear Parent or Eligible Student:

This is to advise you of your rights with respect to student records pursuant to the Family Educational Rights and Privacy Act (FERPA). FERPA is a federal law designed to protect the privacy of student records. The law gives parents and students over 18 years of age (referred to in the law as "eligible students") the following rights:

1. **The right to inspect and review the student's education records within 45 days of the day the district receives a request for access.** Parents or eligible students should submit to the Building Principal a written request that identifies the records they wish to inspect. The Principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. **The right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate or misleading or otherwise in violation of the student's privacy under FERPA.** Parents or eligible students may ask the district to amend a record that they believe is inaccurate or misleading by writing the Principal, clearly identifying the part of the record they want changed, and specifying why it is inaccurate or misleading.

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If the district decides not to amend the record as requested by the parent or eligible student, the district will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. **The right to provide written consent before the district discloses personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.** The exceptions, which permit disclosure without consent, include disclosure to school officials with legitimate educational interests or an authorized representative. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

An authorized representative is any individual or entity designated by a State or local educational authority or a Federal agency headed by the Secretary, the Comptroller General or the Attorney General to carry out audits, evaluations, or enforcement or compliance activities relating to educational programs.

Upon request, the district discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

For a complete list of exceptions to FERPA's prior consent requirements see regulation 5500-R, Section 5.

4. **The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA.** The Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605



SAMPLE DIRECTORY INFORMATION OPT-OUT FORM

This sample form below has been written so that a recipient either accepts or rejects all of the "directory information" categories. The district should be aware that the parent/guardian or eligible student has the right to pick and choose among these categories as they wish. We have drafted the form in such a manner as to discourage parents/guardians or eligible students from doing so, thereby enabling the district to avoid potentially significant administrative problems.

Dear Parent or Eligible Student:

The school district has designated certain categories of student information as "directory information." Directory information includes a student's name, address, telephone number, date and place of birth, major course of study, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, most recent school attended, class schedule, photograph, e-mail address, and class roster.

If you object to the release of any or all of the directory information listed above, you must do so in writing within 10 business days of receiving this notice. For your convenience, you may note your objections to the release of directory information on this form and return it to the Building Principal.

Please do not release directory information without my prior consent.

(Parent/Guardian or Eligible Student Signature)

(Date)

Print Name of Student



NOTIFICATION OF DIRECTORY INFORMATION DESIGNATIONS

NOTE: Please be sure that the list below is identical to the designations included in the district's policy.

In addition to the rights outlined above, FERPA also gives the school district the option of designating certain categories of student information as “directory information.” Directory information includes student *[include only those designated as directory information]*:

- Name
- ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems (only if the id cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the student's identity)
- Address
- Telephone number
- Date and place of birth
- Major course of study
- Participation in school activities or sports
- Weight and height if a member of an athletic team
- Dates of attendance
- Degrees and awards received
- Most recent school attended
- Grade level
- Photograph
- E-mail address
- Enrollment status

You may object to the release of any or all of this “directory information.” However, you must do so in writing within 10 business days of receiving this notice. If we do not receive a written objection, we will be authorized to release this information without your consent. For your convenience, you may note your objections to the release of directory information on the enclosed form and return it to the Building Principal.

Sincerely,

{Insert Building Principal's Name Here}

Adoption date:



SAMPLE NOTIFICATION - DISCLOSURE TO THE MILITARY

NOTE: *The No Child Left Behind Act requires that districts notify parents of their option to withhold consent to disclosure to the military and/or institutions of higher learning. Districts should take prompt action to notify parents of the disclosure requirements under the No Child Left Behind Act and ask parents for an equally prompt response, if they wish to withhold consent for such disclosure.*

Dear Parent or Eligible Student:

Pursuant to the No Child Left Behind Act, the school district must disclose to military recruiters and institutions of higher learning, upon request, the names, addresses and telephone numbers of high school students. The district must also notify parents of their right and the right of their child to request that the district not release such information without prior written parental consent.

Parents (or students 18 years of age or older) wishing to exercise their option to withhold their consent to the release of the above information to military recruiters and/or institutions of higher learning must sign and return the attached form to the Building Principal by ***{Insert Date of Return Here}***

SAMPLE RETURN FORM

Reservation of Consent for the Release of Certain Student Information under the No Child Left Behind Act

____ Please do not release the name, address and telephone number of

_____ to
(Name of student)

____ Armed Forces and Military Recruiters, or Military Schools.

____ colleges, universities, or companies seeking employees.

(Parent/Guardian or Eligible Student Signature)

(Date)



**SAMPLE NOTIFICATION – PESTICIDE APPLICATION
PESTICIDE APPLICATION NOTICE**

NOTE: *Written notice must be provided to all students, parents/guardians and staff at the beginning of each school year advising that pesticide applications may take place during the upcoming school year and offering an opportunity to register to receive a written notice at least 48 hours prior to pesticide applications. This notice must also include the name of the school representative to contact for further information. For additional information on pesticide notifications, please visit the State Education Department's Office of Facilities Planning website at: <http://www.p12.nysed.gov/facplan/HealthSafety.htm>.*

Dear Parent, Guardian, and School Staff:

{Insert district Name here} is required to maintain a list of persons in parental relation, faculty, and staff who wish to receive 48-hour prior written notice of certain pesticide applications. The following pesticide applications are not subject to prior notification requirements:

- anti-microbial products
- nonvolatile rodenticides in tamper-resistant bait stations in areas inaccessible to children
- nonvolatile insecticidal baits in tamper-resistant bait stations in areas inaccessible to children
- silica gel and other nonvolatile ready-to-use pastes, foams, or gels in areas inaccessible to children
- boric acid and disodium octaborate tetrahydrate
- the application of EPA-designated biopesticides
- the application of EPA-designated exempt materials under 40 CFR §152.25
- the use of aerosol products with a directed spray in containers of 18 fluid ounces or less when used to protect individuals from an imminent threat from stinging and biting insects including venomous spiders, bees, wasps, and hornets

In addition, there will be no written notice of such application when a school remains unoccupied for a continuous 72 hours following an application.

In the event of an emergency application necessary to protect against an imminent threat to human health, a good-faith effort will be made to supply written notification to those on the 48-hour prior notification list. If you would like to receive 48-hour prior notification of pesticide applications that are scheduled to occur in your school, please complete the form below and return it to the *{Insert District Name here}* pesticide representative at: *{insert address, telephone, e-mail address, and fax number}*.

Sincerely,

{Insert Superintendent Name}

SAMPLE FORM – PESTICIDE APPLICATION NOTIFICATION

If you would like to receive 48-hour prior notification of pesticide applications that are scheduled to occur in your school, please complete the form below and return it to the ***{Insert District Name here}*** pesticide representative at: ***{insert address, telephone, e-mail address, and fax number}***.

***{Insert District Name here}* School District
Request for Pesticide Application Notification**

School Building Name:

Name:

Address:

Day Phone:

Evening Phone:

E-Mail Address:

Please feel free to contact ***{Insert district Name here}*** for further information on these requirements.



**SAMPLE NOTIFICATION – SPECIAL CIRCUMSTANCES NOT HIGHLY QUALIFIED
TEACHER**

*****The following notification is only required to be sent under the circumstances listed below. It is not required to be provided at the beginning of each school year.***

NOTE: Pursuant to the No Child Left Behind Act, schools receiving Title I funds are required to provide parents with notification if their child has been assigned to, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified. The district may wish to consider beginning this notification with a section pointing out the reasons why the administration assigned the teacher to teach this particular section of the course though he or she does not meet NCLB highly qualified requirements. The Board may also wish to indicate what steps the district is taking to ensure all of its teachers are highly qualified.

The district should personalize this letter to specifically note the criteria for a highly qualified teacher in the elementary level, middle and high school level or a newly hired teacher.

- Newly certified elementary school teachers have a bachelor's degree and a transitional, provisional or permanent pre-K to grade 6 certificate.***
- Newly certified middle and high school teachers have a bachelor's degree, a transitional, provisional or permanent grade 7-12 certificate in the subject(s) they are teaching, and demonstrate competence in the subject(s) they are teaching.***
- Newly hired teachers who are not new to the profession either meet the requirements that apply to newly certified teachers, or demonstrate competence in the subject(s) they teach.***

**NOTIFICATION TO PARENTS
TEACHER HAS TAUGHT CHILD FOR MORE THAN FOUR WEEKS
AND IS NOT HIGHLY QUALIFIED**

Dear Parents and Guardians:

The ***{insert school district name}*** strives to offer students an educational experience that is consistent with the state's high learning standards. The district depends upon each and every teacher to make sure that this is possible on a day-to-day basis. This year, your child has been a student of ***[insert teacher name here]***. ***[Insert teacher name]*** has been with the district for ***[number of year(s)]*** years coming to us from ***[prior work/educational experience]***. As a staff member, ***[insert teacher name]*** has brought an extensive knowledge of ***[insert background]*** to the classroom and strives to be a positive role model for not only the children in their class, but also in the school and community.

Pursuant to the No Child Left Behind Act of 2001, the district is required to notify you if your child has been assigned to, or been taught for four or more consecutive weeks, by someone who does not meet the NCLB definition of a highly qualified teacher. For your child's grade level, a highly qualified teacher must ***[insert applicable criteria]***.

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[Insert teacher's name] does not meet this criteria because ***[insert reason]***. However, the district is taking the following steps to ensure that ***[insert teacher name]*** and any other teacher who currently is not becomes highly qualified in accordance with NCLB requirements.

Please contact ***[name and telephone number of Building Principal]*** if you wish to discuss this matter further.

Thank you for your continued support and interest in your child's education.

Sincerely,

{Insert Superintendent's Name}



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SAMPLE NOTIFICATION – TEACHER QUALIFICATION REQUEST AND
APPR NOTICE

NOTE: Pursuant to the federal No Child Left Behind Act, parents and guardians must be notified of their right to request and receive information about the professional qualifications of their children's classroom teachers.

Additionally under Education Law §3012-c parents or guardians have the right to access the composite score for their child's teacher and/or principal. The district should amend this letter to reflect how that information is released.

We have drafted this sample notice to meet the requirements of those laws.

Dear Parents and Guardians:

In accordance with the federal No Child Left Behind Act of 2001, parents and guardians have the right to request specific information about the professional qualifications of their children's classroom teachers. As a parent/guardian of a student in the *{name of district}* School District, you have the right to request the following information:

- if the teacher has met New York State qualifications and licensing criteria for the grade levels and subject areas he or she teaches;
- whether the teacher is teaching under emergency or other provisional status through which the state qualification or licensing criteria have been waived;
- the teacher's college major; whether the teacher has any advanced degrees and, if so, the subject of the degrees; and
- if your child is provided services by any instructional aides or similar paraprofessionals provide services to your child and, if they do, their qualifications.

Additionally, under Education Law §3012-c parents or guardians can request the APPR (annual professional performance review) rating of their child's current teacher and or principal. This information is not to be shared with others once received.

Requests for information about the qualifications [and APPR scores] of your child's teacher(s) can be directed to [name and telephone number of Building Principal]. All requests will be honored in a timely manner. Thank you for your continued support and interest in your child's education.

Sincerely,

Superintendent of Schools



SAMPLE NOTIFICATION - NONDISCRIMINATION

NONDISCRIMINATION NOTIFICATION

NOTE: This sample notification is intended to meet the requirements of federal law. NYSSBA has also offered language that provides notice of student protections under the Dignity for All Students Act.

The *{insert school district name}* does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person(s) has been designated to handle inquiries regarding the non-discrimination policies:

Insert applicable information (if more than one person has been designated include contact information for both):

Name and/or Title
Address
Telephone No.

Name and/or Title2
Address
Telephone No.

This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

Additionally, the Board of Education, its officers and employees shall not discriminate against students on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression).

INFORMATION FOR PARENTS



IF YOUR FAMILY LIVES IN ANY OF THE FOLLOWING SITUATIONS:

In a shelter

In a motel or campground due to the lack of an alternative adequate accommodation

In a car, park, abandoned building, or bus or train station

Doubled up with other people due to loss of housing or economic hardship

Your school-age children may qualify for certain rights and protections under the federal McKinney-Vento Act.

Your eligible children have the right to:

- Receive a free, appropriate public education.
- Enroll in school immediately, even if lacking documents normally required for enrollment.
- Enroll in school and attend classes while the school gathers needed documents.
- Enroll in the local school; or continue attending their school of origin (the school they attended when permanently housed or the school in which they were last enrolled), if that is your preference and is feasible.
 - * If the school district believes that the school you select is not in the best interest of your children, then the district must provide you with a written explanation of its position and inform you of your right to appeal its decision.
- Receive transportation to and from the school of origin, if you request this.
- Receive educational services comparable to those provided to other students, according to your children's needs.

If you believe your children may be eligible, contact the local liaison to find out what services and supports may be available. There also may be supports available for your preschool-age children.



Local Liaison

State Coordinator

If you need further assistance with your children's educational needs,
contact the National Center for Homeless Education:

1-800-308-2145 * homeless@serve.org * www.serve.org/nche



**FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)
NOTICE REGARDING ACCESS TO STUDENT RECORDS AND
STUDENT INFORMATION**

NOTE: As noted in the policy and regulation, the district has broad discretion as to which, if any, categories it wishes to include as directory information. This notice has been updated to correspond more closely to the model provided by the U.S. Department of Education and to incorporate reference to the new 'Parents' Bill of Rights for Data Privacy and Security,' now required under state law. New text is underlined below.

Dear Parent or Eligible Student:

This is to advise you of your rights with respect to student records pursuant to the Family Educational Rights and Privacy Act (FERPA). FERPA is a federal law designed to protect the privacy of student records. The law gives parents and students over 18 years of age (referred to in the law as “eligible students”) the following rights:

1. **The right to inspect and review the student's education records within 45 days of the day the district receives a request for access.** Parents or eligible students should submit to the Building Principal a written request that identifies the records they wish to inspect. The Principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. **The right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate or misleading or otherwise in violation of the student's privacy under FERPA.** Parents or eligible students may ask the district to amend a record that they believe is inaccurate or misleading by writing the Principal, clearly identifying the part of the record they want changed, and specifying why it is inaccurate or misleading.

If the district decides not to amend the record as requested by the parent or eligible student, the district will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. **The right to provide written consent before the district discloses personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.** The exceptions, which permit disclosure without consent, include disclosure to school officials with legitimate

NYSSBA Sample Exhibit 5500-E.1

educational interests or an authorized representative. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

An authorized representative is any individual or entity designated by a State or local educational authority or a Federal agency headed by the Secretary, the Comptroller General or the Attorney General to carry out audits, evaluations, or enforcement or compliance activities relating to educational programs.

Upon request, the district discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

For a complete list of exceptions to FERPA's prior consent requirements see regulation 5500-R, Section 5.

4. **The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA.** The Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

Attached to this notice are three other important documents related to student data privacy: 5500-E.2, Notification of Directory Information Designations; 5500-E.3, Opt Out of Release of Directory Information Form; and, 5500-E.4, Parents' Bill of Rights for Data Privacy and Security. If you have questions about these notices, please contact me at (insert contact information)

Sincerely,

{Insert Building Principal's Name Here}

Adoption date:

NYSSBA Sample Exhibit

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NOTIFICATION OF DIRECTORY INFORMATION DESIGNATIONS

NOTE: Please be sure that the list below is identical to the list contained in the district's policy.

In addition to the rights outlined in the accompanying letter (5500-E.1), FERPA also gives the school district the option of designating certain categories of student information as "directory information." Directory information includes student *[include only those designated as directory information]*:

- Name
- ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems (only if the id cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the student's identity)
- Address
- Telephone number
- Date and place of birth
- Major course of study
- Participation in school activities or sports
- Weight and height if a member of an athletic team
- Dates of attendance
- Degrees and awards received
- Most recent school attended
- Grade level
- Photograph
- E-mail address
- Enrollment status

You may object to the release of any or all of this "directory information." However, you must do so in writing within 10 business days of receiving this notice. If we do not receive a written objection, we will be authorized to release this information without your consent. For your convenience, you may note your objections to the release of directory information on the enclosed form (5500-E.3) and return it to the Building Principal.

**PARENTS' BILL OF RIGHTS FOR STUDENT
DATA PRIVACY AND SECURITY**

NOTE: NYSSBA offers the following template to comply with state law. Please review with the school attorney in order to customize it appropriately.

The _____ School District, in recognition of the risk of identity theft and unwarranted invasion of privacy, affirms its commitment to safeguarding student personally identifiable information (PII) in educational records from unauthorized access or disclosure in accordance with State and Federal law. The _____ School District establishes the following parental bill of rights:

- Student PII will be collected and disclosed only as necessary to achieve educational purposes in accordance with State and Federal Law.
- A student's personally identifiable information cannot be sold or released for any commercial purposes by a third party contractor. The district will not sell student personally identifiable information and will not release it for commercial purposes, other than directory information released by the district in accordance with district policy;
- Parents have the right to inspect and review the complete contents of their child's education record (for more information about how to exercise this right, see 5500-R);
- State and federal laws protect the confidentiality of personally identifiable information. Safeguards associated with industry standards and best practices, including but not limited to, encryption, firewalls, and password protection, must be in place when data is stored or transferred;
- A complete list of all student data elements collected by the State Education Department is available for public review at <http://www.p12.nysed.gov/irs/sirs/>.
- Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed to **(insert district contact information including title, phone number, email and mailing address here)**. Complaints can also be directed to the New York State Education Department by writing to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234 or by email to CPO@mail.nysed.gov.
- In the event that the District engages a third party provider to deliver student educational services, the contractor or subcontractors will be obligated to adhere to State and Federal Laws to safeguard student PII. Parents can request information about third party contractors by contacting **(insert district contact information including title, phone number, email and mailing address here)** or can access the information on the district's website **(insert district website address)**.

NYSSBA Sample Exhibit 5500-E.4

**PARENT BILL OF RIGHTS FOR STUDENT
DATA PRIVACY AND SECURITY
THIRD PARTY CONTRACTOR SUPPLEMENT**

*NOTE: The district will prepare a supplement for **each** third party contractor that receives student PII. NYSSBA offers this approach to comply with the law. Some school attorneys may recommend a single, generic statement that covers all third party contractors. Please consult with your school attorney to determine which approach is best for your district.*

The **(insert name of contractor)** has been engaged by the **(insert name of school district)** to provide services. In this capacity, the company may collect, process, manage, store or analyze student personally identifiable information (PII).

The **(insert name of contractor)** will provide the district with **(describe specific purpose for which the student PII will be used)**.

The **(insert the name of contractor)** will ensure that subcontractors or others that the company shares PII will abide by data protection and security requirements by **(describe methods/procedures to safeguard data use by subcontractors)**.

Parents may challenge the accuracy of PII held by **(insert name of contractor)** by contacting **(insert contact information, including title, phone number, mailing address and email address)**.

The **(insert name of contractor)** will take reasonable measures to ensure the confidentiality of student PII by implementing the following **(describe the following, as applicable)**:

- Password protections
- Administrative procedures
- Encryption
- Firewalls

The contractor's agreement with the district ends on **(insert date)**. Once the contractor has completed its service to the district, records containing student PII will be destroyed by **(insert date)**.



NYSSBA Sample Policy 1000

COMMUNITY RELATIONS GOALS

NOTE: NYSSBA has updated this policy to expand and emphasize goal number 11 which addresses community partnerships. With shrinking school district resources and the continuing need to prepare students to be college and career ready, leveraging community partnerships has become even more important. New language is underlined below and is offered for the Board's consideration.

The Board of Education strives to conduct district affairs by way of a continuing, open dialogue between the community and the schools. Given district residents' high level of interest in the education of children, the Board wishes to maintain its high level of sensitivity to the needs and desires of the community and to act expeditiously to meet changing needs and conditions.

To this end, the Board establishes the following goals for community involvement:

1. provide a variety of means whereby residents of the school district may have the opportunity to contribute their best thinking to the orderly planning of education for children in the district;
2. keep the community accurately informed about its schools;
3. understand community attitudes and aspirations for the schools;
4. encourage contributions from the parent-teacher associations of the district so that school personnel and parents cooperate to advance the educational welfare of the children;
5. handle all complaints from the public by the administrative officer in charge of the unit of the school district organization closest to the complainant. However, such complaints may be carried to the Superintendent of Schools and/or the Board if the problem cannot be solved at that level;
6. promote a spirit of cooperation among the Board, the schools, and the community;
7. develop and maintain the confidence of the community in the Board and the school district staff;
8. expand the public understanding of every aspect of the school system, and stimulate public interest in the school;
9. facilitate dissemination of information to the community concerning issues and activities in the school using not only traditional modes of communication, such as a district newsletter, but also current modes of communication such as the District's website and social networking sites;
10. ascertain the community's opinions and desires with respect to the operations of the school system, and to incorporate that knowledge into its actions;

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11. ~~develop arrangements among~~ build relationships with local businesses, local government, health care, social service, civic and community organizations to share resources especially in the creation of programs designed to benefit students in order to meet the academic, social and emotional needs of all of our students; and
12. develop and maintain an effective means of communication with the people of the district.

Notwithstanding the above, the final decisions in these areas will rest with the Board.

Adoption date:



NYSSBA Sample Policy 2121

BOARD MEMBER QUALIFICATIONS

NOTE: This policy has been updated to remove references to candidates for the board of education because there is ambiguity about whether, in order to be a candidate, one can still be an employee of the school district (number 6 below). It is clear that a board of education member can't be a district employee, but there are conflicting views about what this means for candidates for the office. If the district is faced with this situation, where a current employee picks up petitions to run for the Board, consult with your school attorney about the best way to proceed.

The qualifications of a member of the Board of Education are that the individual:

1. must be able to read and write;
2. must be a qualified voter of the district; that is, a citizen of the United States, at least 18 years of age or older, and not adjudged to be an incompetent;
(Note: a convicted felon is barred from running for a seat on a board of education if his or her maximum prison sentence has not expired or if he or she has not been pardoned or discharged from parole)
3. must be and have been a resident of the school district for at least one year prior to election;
4. may not have been removed from any school district office within the preceding year;
5. may not reside with another member of the same school board as a member of the same family;
6. may not be a current employee of the school district; and
7. may not simultaneously hold another incompatible public office.

Ref: Education Law §§2102; 2103; 2502(7)
Election Law §5-106(2)-(4), (6)
Rosentock v. Scaringe, 40 N.Y.2d 563 (1976)
Matter of Schoch, 21 EDR 300 (1981)

Adoption date:



**COMPUTER USE IN INSTRUCTION
(or ACCEPTABLE USE POLICY)**

NOTE: Recent changes to state law regarding the protection of student personally identifiable information (Education Law §2-d) necessitated a review of this policy and regulation. Although the new law doesn't necessarily requires changes to this policy, NYSSBA recommends considering taking some steps to ensure that the district doesn't unintentionally violate the new law by using cloud-based software or applications without appropriate review. New text is underlined below.

The Board of Education is committed to optimizing student learning and teaching. The Board considers student access to a computer network, including the Internet, to be a powerful and valuable educational and research tool, and encourages the use of computers and computer-related technology in district classrooms for the purpose of advancing and promoting learning and teaching.

The computer network can provide a forum for learning various software applications and through online databases, bulletin boards and electronic mail, can significantly enhance educational experiences and provide statewide, national and global communication opportunities for staff and students.

All users of the district's computer network and the Internet must understand that use is a privilege, not a right, and that use entails responsibility. The district reserves the right to control access to the Internet for all users of its computers and network. The district may either allow or prohibit certain kinds of online activity, or access to specific websites.

NOTE: When addressing the kinds of online activities allowed or prohibited on district computers/network, consider the following: news sites (e.g., Student News Net, Scholastic News); social networking sites (e.g., Facebook), gaming sites (e.g., World of Warcraft), shopping sites (e.g., Amazon), video sites (e.g., Youtube), or personal financial sites (e.g., paying bills). The Board may choose to insert specific language here, or it may address it in regulation. The Board may also wish to insert language directing the Superintendent to get student input.

Regulations and handbooks, to be developed by the Superintendent, *in consultation with [insert titles or groups to be included or appropriate staff]*, will provide specific guidance on this, as well as rules governing the use and security of the district's computer network. All users of the district's computer network and equipment shall comply with this policy and regulation. Failure to comply may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

NYSSBA Sample Policy 4526

The Superintendent shall be responsible for designating a ***computer network coordinator*** to oversee the use of district computer resources. The computer coordinator will prepare in-service programs for the training and development of district staff in computer skills, and for the incorporation of computer use in appropriate subject areas.

With increased concern about identity theft, unwarranted invasion of privacy and the need to protect personally identifiable information, prior to students being directed by staff to use any cloud-based educational software/application, staff must get approval from the ***(insert appropriate title, such as district network coordinator)***. The ***(insert title)*** will determine if a formal contract is required or if the terms of service are sufficient to address privacy and security requirements, and if parental permission is needed.

The Superintendent, working in conjunction with the designated purchasing agent for the district, the ***computer network coordinator*** and the ***instructional materials planning committee***, will be responsible for the purchase and distribution of computer software and hardware throughout district schools. They shall prepare and submit for the Board's approval a comprehensive multi-year technology plan which shall be revised as necessary to reflect changing technology and/or district needs.

Cross-ref: 5300, Code of Conduct
 5695, Student Use of Personal Electronic Devices

Adoption date:

NYSSBA Sample Regulation 4526-R

COMPUTER USE IN INSTRUCTION REGULATION

NOTE: The regulation has been updated in accordance with the change in policy.

The following rules and regulations govern the use of the district's computer network system and access to the Internet.

I. Administration

- The Superintendent of Schools shall designate a **computer network coordinator** to oversee the district's computer network.
- The **computer network coordinator** shall monitor and examine all network activities, as appropriate, to ensure proper use of the system.
- The **computer network coordinator** shall be responsible for disseminating and interpreting district policy and regulations governing use of the district's network at the building level with all network users.
- The **computer network coordinator** shall provide employee training for proper use of the network and will ensure that staff supervising students using the district's network provide similar training to their students, including providing copies of district policy and regulations governing use of the district's network.
- The **computer network coordinator** shall ensure that all disks and software loaded onto the computer network have been scanned for computer viruses.
- The **computer network coordinator** will review staff requests to use 'cloud-based' educational software/applications to ensure that personally identifiable information (PII) is protected in accordance with district standards prior to student use.
- All student agreements to abide by district policy and regulations and parental consent forms shall be kept on file in the district office.

II. Internet Access

NOTE: The district must customize these access provisions as appropriate for the district. For example, the district should decide whether to allow access to social networking sites on school computers (and if so, during what time during the day). The district should consult with its IT staff to determine if there would be any additional network security problems (perhaps an increased risk for spam or viruses to affect the district).

- Students will be provided Internet access: **during class time only; during the school day when the students are not in class; before or after school hours, or only during instructional time in a controlled environment. [select as many as may apply]**
- Students will be provided with individual access accounts (**students will share a classroom access account**).

NYSSBA Sample Regulation 4526-R

- Students may have Internet access: *for educational purposes only/for educational and recreational/personal purposes; to news sites; [select as many as may apply or modify as appropriate]*
- Student Internet access may be restricted depending on the grade level.
- All users will be prohibited from: *accessing social networking sites; playing online games; purchasing or selling anything online (unless authorized for district purposes); personal email services; and watching videos online (unless authorized for a school purpose). [select as many as may apply or modify as appropriate]*
- Students are *(are not)* to participate in chat rooms.
- Students may *(may not)* construct their own web pages using district computer resources.
- Students will have individual *(group)* e-mail address. *[delete if students are not provided email addresses]*

A staff member will be required to monitor all *(some; a combination)* of these activities.

III. Acceptable Use and Conduct

NOTE: Please make sure these provisions apply to the district, or revise as necessary.

- Access to the district's computer network is provided for educational purposes and research consistent with the district's mission and goals.
- Use of the district's computer network is a privilege, not a right. Inappropriate use may result in the suspension or revocation of that privilege.
- Each individual in whose name an access account is issued is responsible at all times for its proper use.
- All network users will be issued a login name and password. Passwords must be changed periodically.
- Only those network users with written permission from the principal or computer network coordinator may access the district's system from off-site (e.g., from home).
- All network users are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive or sexual language or images, vulgarities and swear words are all inappropriate.
- Network users identifying a security problem on the district's network must notify the appropriate teacher, administrator or computer network coordinator. Under no circumstance should the user demonstrate the problem to anyone other than to the district official or employee being notified.

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- Any network user identified as a security risk or having a history of violations of district computer use guidelines may be denied access to the district's network.

IV. Prohibited Activity and Uses

The following is a list of prohibited activity concerning use of the district's computer network. Violation of any of these prohibitions may result in discipline or other appropriate penalty, including suspension or revocation of a user's access to the network.

- Using the network for commercial activity, including advertising.
- Infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting or making available any copyrighted software on the district computer network.
- Using the network to receive, transmit or make available to others obscene, offensive, or sexually explicit material.
- Using the network to receive, transmit or make available to others messages that are racist, sexist, abusive or harassing to others.
- Using another user's account or password.
- Attempting to read, delete, copy or modify the electronic mail (e-mail) of other system users and deliberately interfering with the ability of other system users to send and/or receive e-mail.
- Forging or attempting to forge e-mail messages.
- Engaging in vandalism. Vandalism is defined as any malicious attempt to harm or destroy district equipment or materials, data of another user of the district's network or of any of the entities or other networks that are connected to the Internet. This includes, but is not limited to, creating and/or placing a computer virus on the network.
- Using the network to send anonymous messages or files.
- Using the network to receive, transmit or make available to others a message that is inconsistent with the district's Code of Conduct.
- Revealing the personal address, telephone number or other personal information of oneself or another person.

NOTE: Please make sure that if the district decides to keep the following bullet prohibiting personal messages, that it is consistent with the district's actual practices, especially if the district chooses to allow use of social networking sites.

- Using the network for sending and/or receiving personal messages.
- Intentionally disrupting network traffic or crashing the network and connected systems.
- Installing personal software or using personal disks on the district's computers and/or network without the permission of the appropriate district official or employee.

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- Using district computing resources for commercial or financial gain or fraud.
- Stealing data, equipment or intellectual property.
- Gaining or seeking to gain unauthorized access to any files, resources, or computer or phone systems, or vandalize the data of another user.
- Wastefully using finite district resources.
- Changing or exceeding resource quotas as set by the district without the permission of the appropriate district official or employee.
- Using the network while access privileges are suspended or revoked.
- Using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.

V. No Privacy Guarantee

Students using the district's computer network should not expect, nor does the district guarantee privacy for electronic mail (e-mail) or any use of the district's computer network. The district reserves the right to access and view any material stored on district equipment or any material used in conjunction with the district's computer network.

VI. Sanctions

All users of the district's computer network and equipment are required to comply with the district's policy and regulations governing the district's computer network. Failure to comply with the policy or regulation may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

In addition, illegal activities are strictly prohibited. Any information pertaining to or implicating illegal activity will be reported to the proper authorities. Transmission of any material in violation of any federal, state and/or local law or regulation is prohibited. This includes, but is not limited to materials protected by copyright, threatening or obscene material or material protected by trade secret. Users must respect all intellectual and property rights and laws.

VII. District Responsibilities

The district makes no warranties of any kind, either expressed or implied, for the access being provided. Further, the district assumes no responsibility for the quality, availability, accuracy, nature or reliability of the service and/or information provided. Users of the district's computer network and the Internet use information at their own risk. Each user is responsible for verifying the integrity and authenticity of the information that is used and provided.

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The district will not be responsible for any damages suffered by any user, including, but not limited to, loss of data resulting from delays, non-deliveries, misdeliveries, or service interruptions caused by its own negligence or the errors or omissions of any user. The district also will not be responsible for unauthorized financial obligations resulting from the use of or access to the district's computer network or the Internet.

Further, even though the district may use technical or manual means to regulate access and information, these methods do not provide a foolproof means of enforcing the provisions of the district policy and regulation.

Adoption date:



NYSSBA Sample Policy 5405

STUDENT WELLNESS

NOTE: We have revised our sample policy on student wellness to reflect federal regulations implementing the Healthy, Hunger-Free Kids Act of 2010. These regulations went into effect July 1, 2014 and establish new nutrition standards for all competitive foods available for sale on school campus during the school day (these terms are defined in federal regulations and are reproduced here). Competitive foods include all food and beverages other than reimbursable meals under the National School Lunch Program or the Breakfast Program; e.g., snacks, a la carte, fundraisers, vending machines, and school stores. New text is underlined below (or in bold for new text in section headings).

Additionally, other federal regulations affecting the Wellness Policy requirements were proposed on February 28, 2014. These regulations are currently still proposed and have not been finalized. We will issue another policy update once final regulations are approved if necessary.

Given the documented connection between proper nutrition, adequate physical activity and educational success, the Board of Education adopts the following goals and authorizes the following actions to provide district students with a school environment that promotes student health and wellness and reduces childhood obesity.

NOTE: We have included the definitions of the terms "school campus," "school day," and "competitive food" as they are defined in the federal regulations. Time and place becomes important due to nutritional restrictions of all food and beverages available for sale on the school campus during the school day.

For purposes of this policy, "school campus" means all areas of district property accessible to students during the school day; "school day" means the period from the midnight before to 30 minutes after the end of the official school day; and "competitive food" means all food and beverages other than meals reimbursed under federal food programs available for sale to students on the school campus during the school day.

I. Foods and Beverages Available for Sale to Students on School Campus During the School Day

NOTE: We have added the bold text above for clarification.

The Board recognizes that a nutritious, well-balanced, reasonably-portioned diet is essential for student wellness. To help students possess the knowledge and skills necessary to make nutritious food choices for a lifetime, the district shall ensure that all foods and beverages available in school promote good nutrition, balance, and reasonable portion sizes. The district shall ensure that ~~reimbursable school meals~~ all foods and beverages available for sale to students

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3. Work with existing vendors or locate new vendors that will comply with ~~the district's~~ objectives nutrition standards.

Fund-Raising Activities – the district shall:

NOTE: The federal regulations only apply to fundraisers that take place on the school campus during the school day. The Board does have some discretion in regard to fundraisers taking place off the school campus or outside of the school day, if they are conducted by school sanctioned student groups. If conducted by other groups (e.g., booster clubs, parent groups), the Board can encourage or discourage what is sold, but cannot require or prohibit fundraiser contents. Items 3 and 4 are optional and are offered for the Board's consideration..

- ~~1. Discourage sales of candy and other “junk food.”~~
1. Ensure that all fundraisers selling food or beverages to students on school campus during the school day meet the nutrition standards set in federal regulations for whole grains, fruits, vegetables, calories, fat, saturated fats, trans fats, sugar, sodium, and caffeine.
2. Promote healthy food items or non-food items to sell, or activities (physical or otherwise) in which to participate.
3. Student groups conducting fundraisers which take place off the school campus or outside the school day must obey this policy.
4. Outside organizations (e.g., Parent groups, booster clubs) conducting fundraisers which take place off the school campus or outside the school day are encouraged to follow this policy.

Celebrations – the district shall:

NOTE: We have modified item 2 below to refer to the federal regulations instead of using the terms “healthy” and “junk” food. However, classroom celebrations where food is provided but not sold would not be subject to the federal regulations. The Board can be more stringent if it chooses.

1. Set guidelines for the frequency and content of classroom and school-wide celebrations where food is served.
2. ~~Increase~~ Promote the use of healthy food items which meet the standards for competitive foods and beverages, or and promote non-food activities, and reduce “junk food” and/or less healthy discourage foods and beverages which do not meet those standards, at celebrations.
3. Model the healthy use of food as a natural part of celebrations.

II. Physical Activity

Physical activity is an important factor in staying healthy and being ready to learn. The Board encourages every student to develop the knowledge and skills necessary to perform a variety of physical activities, to regularly participate in

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on the school campus during the school day meet or exceed the program requirements and nutrition standards found in federal regulations.

To accomplish this, the Board directs that the district serve healthy and appealing foods and beverages at district schools, following state and federal nutrition guidelines, as well as safe food preparation methods.

NOTE: We have added the underlined text to address the finalized federal regulations pertaining to nutrition standards for competitive foods and beverages. Text that is in ~~strikeout~~ is deleted from our sample policy, and should be removed from your policy if it exists. We deleted "fresh" below, pertaining to school meals, because frozen and canned foods are viable and cost-effective options.

School Meals – the district shall:

1. ~~Promote~~ Include ~~fresh~~ fruits, vegetables, salads, whole grains, and low fat items at least to the extent required by federal regulations.
2. Encourage students to try new or unfamiliar items.
3. Make efforts to ensure that families are aware of need-based programs for free or reduced-price meals and encourage eligible families to apply.
4. Consider serving produce and food from local farms and suppliers.
5. Make free drinking water available at locations where meals are served.

Meal Scheduling – the district shall:

1. Provide adequate time to eat.
2. Schedule lunchtime between normal lunch hours (11 a.m. - 1 p.m.)

Foods and Beverages Sold Individually (e.g., a la carte, **vending machines, school stores) – the district shall:**

NOTE: We have added the bold text above for clarification. We added new items 1 and 2 below to reflect the federal regulations. We deleted previous items 1-3 below regarding promoting "healthy, fresh, natural, and less processed" because those terms are not easy to define, because there are required standards for sugar, fat and calories, and because vendors will offer items that comply with the law. The Board can include in its policy additional limits on competitive foods, for example the Board could require canned and frozen fruit to be packed in water or 100% juice only, and not the permitted light syrup or extra light syrup.

1. Ensure that all such items meet the nutrition standards set in federal regulations for competitive foods regarding whole grains, fruits, vegetables, calories, fat, saturated fats, trans fats, sugar, sodium, and caffeine.
2. Permit the sale of fresh, frozen or canned fruits and vegetables, if processed pursuant to federal regulations, as exempt from the nutrition standards.
- ~~1. Promote items that are healthy, fresh, natural and less processed.~~
- ~~2. Discourage items high in sugar, fat, and that are highly processed.~~

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physical activity, and to appreciate and enjoy physical activity as an ongoing part of a healthy lifestyle. In addition, staff, families, and community are encouraged to participate in and model physical activity as a valuable part of daily life. The district's Physical Education program shall adhere to the curricular requirements of the Commissioner of Education and the New York State Learning Standards.

NOTE: Areas the Board may wish to consider for goals related to "Physical Activity" are provided in the four categories below. The Board is not required to address all of the subcategories identified below.

Physical Education

1. Students shall engage in physical education for at least the minimum number of hours or days per week under State requirements.
2. Physical Education classes shall incorporate the appropriate NYS Learning Standards.
3. Promote, teach and provide opportunities to practice activities that students enjoy and can pursue throughout their lives (e.g., yoga, fitness walking, step aerobics).
4. The performance of physical activity shall not be used as a form of discipline or punishment.

Recess

1. Maintain daily allotment of recess time for elementary school.
2. Recess shall not be used for punishment or reward.
3. Consider scheduling recess before lunch.
4. If the district is under severe time or space constraints, consider combining recess and Physical Education, though such activity must comply with the requirements for Physical Education under Commissioner's Regulations section 135.4.

Physical Activity in the Classroom

1. Promote the integration of physical activity in the classroom.
2. If the district is under severe time or space constraints, consider meeting the state requirements for Physical Education through collaborative and integrative in-classroom activity, under the supervision of a Physical Education teacher.

Extracurricular Opportunities for Physical Activity

1. Promote clubs and activities that meet the various physical activity needs, interests, and abilities of all students (e.g., walking, hiking and climbing, snowshoeing).

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III. Nutrition Promotion and Education

The Board believes that nutrition promotion and education is a key component in introducing and reinforcing healthy behaviors in students. Nutrition promotion and education that teaches the knowledge, skills, and values needed to adopt healthy eating behaviors shall be integrated into the curriculum. Nutrition promotion and education information shall be offered throughout the school campus including, but not limited to, school dining areas and classrooms.

Staff members who provide nutrition promotion and education shall be appropriately certified and trained. The district's broader Health Education program shall incorporate the appropriate New York State Learning Standards.

NOTE: The underlined sentence below is added to provide an introductory sentence to the district's goals. Sample goals related to "Nutrition Promotion and Education" are provided as items 1-5 below.

The Board's goals for nutrition promotion and education include that the district will:

1. Include nutrition education as part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences and elective subjects.
2. Include enjoyable, developmentally appropriate, culturally relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens.
3. Promote fruits, vegetables, whole grain products, low fat dairy products, safe and healthy food preparation methods, and health enhancing nutrition practices.
4. Emphasize caloric balance between food intake and energy expenditure.
5. Teach media literacy with an emphasis on food marketing.

IV. Other School-Based Activities

The district may implement other appropriate programs that help create a school environment that conveys consistent wellness messages and is conducive to healthy eating and physical activity. Such activities may include, but are not limited to, health forums or fairs, health newsletters, parent outreach, employee health and wellness activities, limiting the use of food as a reward, reviewing food marketing and advertising in school, hosting or promoting community-wide events, and offering wellness-related courses in the district's adult education program.

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Implementation

The Board shall designate one person as *[insert applicable title, such as District Wellness Coordinator]* to be responsible for ensuring that the provisions of this policy are carried out throughout the district. The Board may also designate one person *[insert applicable title, such as School Wellness Coordinator]* in each building to ensure that the wellness activities and actions are being implemented at the building-level.

Monitoring and Review

NOTE: The Healthy, Hunger-Free Kids Act of 2010 requires that districts monitor the effectiveness of their wellness policy, in addition to its implementation. The Board can use the paragraph above ("Implementation") and below to guide these efforts. The 2010 law does not specify frequency or methodology, though the proposed federal regulations will likely address monitoring, review, public reporting and recordkeeping in greater detail.

The stakeholders to be involved in the process must include those listed in the second paragraph below. Text the Board may consider for ideas on measuring effectiveness of the Wellness policy includes:

The *[insert applicable title, such as District Wellness Coordinator]* shall report *[the Board should specify the frequency, such as biennially]* to the Board and the public on the implementation and effectiveness of this policy. Every *[insert same frequency, i.e., two years]*, the *[District Wellness Coordinator]*, in consultation with appropriate personnel and advisory committees, shall monitor and review the district's wellness activities to determine whether this policy is having a positive effect on increasing student wellness and decreasing childhood obesity in the district. Based on those results, this policy, and the specific objectives set to meet its goals, may be revised as needed.

NOTE: We have added the underlined text to the two paragraphs below ("the general public" and "inform and update" instead of "provide information to") to more closely mirror the requirements of the Healthy, Hunger-Free Kids Act of 2010. Additionally, New York State Education Law §918 allows for a nutrition advisory committee which could be used to meet the requirements for community participation. Or, your district could use a Wellness Committee to satisfy this requirement.

Parents, students, food service professionals, physical education teachers, school health professionals, school administrators, the general public, and the school board shall participate in the development, implementation and periodic review and update of this wellness policy.

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The district shall ~~provide information to~~ inform and update the public (including parents, students and others in the community) about the content and implementation of this wellness policy.

NOTE: Actions the Board may wish to consider related to "Monitoring and Review" are provided in items 1-11 below. These items should be modified by the district. Item 11 is meant to address assessing the effectiveness of this policy.

The district shall monitor and review the implementation and effectiveness of this policy by conducting:

1. Periodic informal surveys of Building Principals, classroom staff, and school health personnel to see assess the progress of wellness activities and their effects.
2. Periodic checks of the nutritional content of food offered in the cafeterias for meals and a la carte items, and sales or consumption figures for such foods.
3. Periodic checks of the nutritional content of food available in vending machines, and sales or consumption figures for such foods.
4. Periodic checks of the amount of time students spend in Physical Education classes, and the nature of those activities.
5. Periodic checks of extracurricular activities of a physical nature, in the number of offerings and rates of participation by students.
6. Periodic checks of student mastery of the nutrition education curriculum.
7. Periodic completion of relevant portions of the CDC School Health Index.
8. Periodic review of data currently collected by the district, including:
 - a. attendance data, particularly absences due to illness;
 - b. test scores;
 - c. rates of suspension, discipline, and violent incidents;
 - c. physical education scores on flexibility, endurance, and strength (i.e., fitness test results);
 - d. student BMI (Body Mass Index) statistics, as collected in accordance with the State Department of Health efforts; and
 - e. revenues generated from vending machines and a la carte food items.
9. Periodic surveys of student/parent opinions of cafeteria offerings and wellness efforts.
10. Periodic review of professional staff development offered which focuses on student wellness.
11. NYSSBA's Student Wellness Assessment Checklist [every two years] to review the effectiveness of this policy.

NOTE: The citation for the new federal regulations addressed in this Policy Update is 7 CFR §210.11. Previous section 7 CFR §210.11 prohibited foods of minimal nutritional value from being sold during the lunch period, and is now designated as 7 CFR §210.11a.

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Ref: P.L. 111-296 (The Healthy, Hunger-Free Kids Act of 2010)
P.L. 108-265 (Child Nutrition and WIC Reauthorization Act of 2004)
42 USC §§1758(f)(1); 1766(a) (Richard B. Russell National School Lunch Act)
42 USC §1779 (Child Nutrition Act)
7 CFR §210.10; 210.11; 210.11a (National School Lunch Program participation requirements – standards for lunches, snacks, and competitive foods)
7 CFR §220.8 (School Breakfast Program participation requirements – nutrition standards)
8 NYCRR Part 135 (Health and Physical Education curricular requirements); §114.1 (School Breakfast Program Requirements)
Appeal of Phillips, 37 EDR 204 (1997) (dec. no. 13,843)
Appeal of Williams, 32 EDR 621 (1993) (dec. no. 12,934)

Adoption date:



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STUDENT RECORDS

NOTE: This policy has been updated to conform to new state law, the Common Core Implementation Act, Chapter 56 of the Laws of 2014, Part AA, Subpart K and Subpart L, and guidance from the State Education Department entitled 'Parents' Bill of Rights for Data Privacy and Security', dated July 29, 2014. The new law focuses on protection of student personally identifiable information (PII) when school districts utilize third-party contractors. It also creates new requirements regarding a 'parent's bill of rights for data privacy and security,' and additional notifications. New text is underlined below and NYSSBA has developed a draft 'bill of rights.' NYSSBA will keep districts informed if new updated guidance is issued by NYSED. The effective date of the requirements regarding the 'Parents' Bill of Rights' was July 30, 2014.

As with all of NYSSBA's policies this is not intended to be a recitation or summary of the entire law. The regulation goes into more detail, but in order to understand the full range of district responsibilities, especially requirements applicable to contracts with third parties, NYSSBA recommends consulting with your school attorney.

The Board of Education recognizes its legal responsibility to maintain the confidentiality of student records. As part of this responsibility, the Board will ensure that eligible students and parents/guardians have the right to inspect and review education records, the right to seek to amend education records and the right to have some control over the disclosure of information from the education record. The procedures for ensuring these rights shall be consistent with state and federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations.

The Board also recognizes its responsibility to ensure the orderly retention and disposition of the district's student records in accordance with Schedule ED-1 as adopted by the Board in policy 1120.

The District will use reasonable methods to provide access to student educational records only to those authorized under the law and to authenticate the identity of the requestor. The district will document requests for and release of records, and retain the documentation in accordance with law. Furthermore, pursuant to Chapter 56 of the Laws of 2014, the district will execute agreements with third-party contractors who collect, process, store, organize, manage or analyze student personally identifiable information (PII) to ensure that the contractors comply with the law in using appropriate means to safeguard the data.

The Superintendent of Schools shall be responsible for ensuring that all requirements under law and the Commissioner's regulations are carried out by the district.

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Definitions

Authorized Representative: an authorized representative is any individual or entity designated by a State or local educational authority or a Federal agency headed by the Secretary, the Comptroller General or the Attorney General to carry out audits, evaluations, or enforcement or compliance activities relating to educational programs.

Education Record: means those records, in any format, directly related to the student and maintained by the district or by a party acting on behalf of the district, except:

- (a) records in the sole possession of the individual who made it and not accessible or revealed to any other person except a substitute (e.g. memory joggers);
- (b) records of the district's law enforcement unit;
- (c) grades on peer-graded papers before they are collected and recorded by a teacher.

Eligible student: a student who has reached the age of 18 or is attending postsecondary school.

Legitimate educational interest: a school official has a legitimate educational interest if they need to review a student's record in order to fulfill his or her professional responsibilities.

Personally identifiable information: is information that would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Such data might include social security number, student identification number, parents' name and/or address, a biometric record, etc.

School official: a person who has a legitimate education interest in a student record who is employed by the district as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a member of the Board of Education; a person or company with whom the district has contracted to perform a special task (such as attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official performing his or her tasks.

Third party contractor: is any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency, including but not limited to data management

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or storage services, conducting studies or audit or evaluation of publicly funded programs.

Annual Notification

At the beginning of each school year, the district will publish a notification that informs parents, guardians and students currently in attendance of their rights under FERPA and New York State Law and the procedures for exercising those rights. A 'Parents' Bill of Rights for Data Privacy and Security' will be posted on the district website and included in any agreements with third-party contractors.(see 5500-E.4) The notice and 'Bill of Rights' may be published in a newspaper, handbook or other school bulletin or publication. The notice and 'Bill of Rights' will also be provided to parents, guardians, and students who enroll during the school year.

The notice and Parents' Bill of Rights will include a statement that the parent/guardian or eligible student has a right to:

1. inspect and review the student's education records;
2. request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent; and
4. file a complaint with the United States Department of Education alleging failure of the district to comply with FERPA and its regulations; and/or file a complaint regarding a possible data breach by a third party contractor with the district and/or the New York State Education Department's Chief Privacy Officer for failure to comply with state law.

The annual notice and Parents' Bill of Rights will inform parents/guardians and students:

1. that it is the district's policy to disclose personally identifiable information from student records, without consent, to other school officials within the district whom the district has determined to have legitimate educational interests. The notice will define 'school official' and 'legitimate educational interest.'
2. that, upon request, the district will disclose education records without consent to officials of another school district in which a student seeks to or intends to enroll or is actually enrolled.
3. that personally identifiable information will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement or compliance purposes.
4. that the district, at its discretion, releases directory information (see definition below) without prior consent, unless the parent/guardian or

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eligible student has exercised their right to prohibit release of the information without prior written consent. The district will not sell directory information.

5. that, upon request, the district will disclose a high school student's name, address and telephone number to military recruiters and institutions of higher learning unless the parent or secondary school student exercises their right to prohibit release of the information without prior written consent.
6. of the procedure for exercising the right to inspect, review and request amendment of student records.
7. that the district will provide information as a supplement to the 'Parents' Bill of Rights' about third parties with which the district contracts that use or have access to personally identifiable student data.

NOTE: School districts are not required to provide annual notice of all the exceptions to prior consent.

The district may also release student education records, or the personally identifiable information contained within, without consent, where permitted under federal law and regulation. For a complete list of exceptions to FERPA's prior consent requirements see accompanying regulation 5500-R, Section 5.

The district shall effectively notify parents, guardians and students who have a primary or home language other than English.

In the absence of the parent or secondary school student exercising their right to opt out of the release of information to the military, the district is required to, under federal law, release the information indicated in number five (5) above.

Directory Information

The district has the option under FERPA of designating certain categories of student information as "directory information." The Board directs that "directory information" include a student's [*choose which items to include:*]

- Name
- ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems (only if the ID cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the student's identity),
- Address,
- Telephone number
- Date and place of birth
- Major course of study
- Participation in school activities or sports

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NYSSBA Sample Policy 5500

- Weight and height if a member of an athletic team
- Dates of attendance,
- Degrees and awards received
- Most recent school attended
- Grade level
- Photograph
- E-mail address
- Enrollment status

Social security numbers or other personally identifiable information will not be considered directory information.

Students who opt out of having directory information shared are still required to **[please specify: wear, display or disclose]** their student ID cards.

Once the proper FERPA notification is given by the district, a parent/guardian or student will have 14 days to notify the district of any objections they have to any of the “directory information” designations. If no objection is received, the district may release this information without prior approval of the parent/guardian or student for the release. Once the student or parent/guardian provides the “opt-out,” it will remain in effect after the student is no longer enrolled in the school district.

The district may elect to provide a single notice regarding both directory information and information disclosed to military recruiters and institutions of higher education.

Cross-ref: 1120, School District Records
4321, Programs for Students with Disabilities Under IDEA and Part 89
5550, Student Privacy

Ref: Family Educational Rights and Privacy Act, as amended, 20 USC 1232g; 34 CFR Part 99
No Child Left Behind Act, 20 USC §7908 (Military Recruiter Access)
10 USC §503 as amended by §544 of the National Defense Reauthorization Act for FY 2002
Education Law §§ 2-a; 2-b; 2-c; 2-d; 225;
Public Officers Law §87(2)(a)
Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law)
8 NYCRR 185.12 (Appendix I) Records Retention and Disposition, Schedule ED-1 for Use by School Districts and BOCES

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“Guidance for Reasonable Methods and Written Agreements,”

[http://www2.ed.gov/policy/gen/guid/fpc/pdf/reasonablemt_d_agreement.p
df](http://www2.ed.gov/policy/gen/guid/fpc/pdf/reasonablemt_d_agreement.pdf)

Parents’ Bill of Rights for Data Privacy and Security, July 29, 2014:

<http://www.p12.nysed.gov/docs/parents-bill-of-rights.pdf>

Family Policy Compliance Office website:

<http://www2.ed.gov/policy/gen/guid/fpc/index.html>

Adoption date:

NYSSBA Sample Regulation 5500-R

STUDENT RECORDS REGULATION

NOTE: These regulations provide details of the procedures that the district will use to meet the requirements of FERPA and state law as to the release of student records and safeguarding personally identifiable student data. Again, it is imperative that the Board's policy, regulations and exhibits are consistent with respect to the scope of directory information that shall be released regarding students.

The changes to the regulation, underlined below, are consistent with the changes made to the policy.

It is recognized that the confidentiality of student records must be maintained. The terms used in this regulation are defined in the accompanying policy. The following necessary procedures have been adopted to protect the confidentiality of student records.

Section 1. Pursuant to the Family Educational Rights and Privacy Act (FERPA) and state law it shall be the policy of this school district to permit parents/guardians and eligible students to inspect and review any and all official records, files and data directly related to that student, including all materials that are incorporated into each student's cumulative record folder.

The rights created by FERPA and state law transfer from the parents/guardians to the student once the student attains eligible student status. However, districts can disclose information to parents of eligible students under certain circumstances, including when the student is a dependent under the IRS tax code, when the student has violated a law or the school's rules regarding alcohol or substance abuse (and the student is under 21); when the information is needed to protect the health or safety of the student or other individuals.

Section 2. Parents/guardians or the eligible student will have an opportunity for a hearing to challenge the content of the student's school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Section 3. A letter shall be sent annually to parents/guardians of students currently in attendance and students currently in attendance informing them of their rights pursuant to FERPA and state law, and will include a Parents' Bill of Rights. See Exhibits 5500-E.1 and 5500-E.4. The district shall effectively notify parents, guardians and students who have a primary or home language other than English.

NOTE: While this regulation, in the next section, lists the Building Principal as the person to contact, the district is free to substitute any appropriate school official.

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Section 4. To implement the rights provided for in sections 1 and 2, the following procedures are adopted:

1. A parent/guardian or an eligible student who wishes to inspect and review student records shall make a request for access to the student's school records, in writing, to the Building Principal. Upon receipt of such request, arrangements shall be made to provide access to such records within 45 days after the request has been received. If the record to which access is sought contains information on more than one student, the parent/guardian or eligible student will be allowed to inspect and review only the specific information about the student on whose behalf access is sought.

NOTE: Federal regulations (34 CFR § 99.10) state that districts may take a reasonable amount of time, up to 45 days after receiving a request, to respond. The Board may amend this section of the policy to require that the district respond to requests in a shorter period of time, but we see no need for the Board to impose a shorter time frame on the district.

With respect to the other time periods set forth in section 4 (see e.g., subsections 3 (b), 4, 5 and 7) the Board has discretion in establishing the time period. The federal regulations require only that action be taken within a "reasonable" time. We believe the time periods we have selected are "reasonable." Once the board exercises its discretion and fixes these time periods in the regulation, the district will be required to adhere to them. All of these time periods are stated in terms of calendar days.

2. A parent/guardian or an eligible student who wishes to challenge the contents of the student's school records shall submit a request, in writing, to the Building Principal identifying the record or records which they believe to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student together with a statement of the reasons for their challenge to the record.
3. Upon receipt of a written challenge, the Building Principal shall provide a written response indicating either that he/she:
 - a. finds the challenged record inaccurate, misleading or otherwise in violation of the student's rights and that the record will be corrected or deleted; or
 - b. finds no basis for correcting or deleting the record in question, but that the parent/guardian or eligible student will be given an opportunity for a hearing. The written response by the Building Principal shall be provided to the parent/guardian or eligible student within 14 days after receipt of the written challenge. The response shall also

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outline the procedures to be followed with respect to a hearing regarding the request for amendment.

4. Within 14 days of receipt of the response from the Building Principal, a parent/guardian or eligible student may request, in writing, that a hearing be held to review the determination of the Building Principal.
5. The hearing shall be held within 10 days after the request for the hearing has been received. The hearing will be held by the Superintendent of Schools, unless the Superintendent has a direct interest in the outcome of the hearing, in which case the Superintendent will designate another individual who does not have a direct interest in the outcome of the hearing to hold the hearing.
6. The parent/guardian or eligible student shall be given a full and fair opportunity to present evidence at the hearing. The parent/guardian or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
7. The Superintendent or other individual designated by the Superintendent will make a decision in writing within 14 days after the hearing.
8. After the hearing, if the Superintendent or the individual designated by the Superintendent decides not to amend the record, the district will inform the parent/guardian or eligible student that they have the right to place a statement in the record commenting on the contested information or stating why he/she disagrees with the decision of the district. Any statement placed in the record will be maintained with the contested part of the student record for as long as the record is maintained. Further, the statement will be disclosed by the district whenever it discloses the portion of the record to which the statement relates.

Section 5. Except to the extent that FERPA authorizes disclosure of student records without consent, student records, and any material contained therein which is personally identifiable, are confidential and will not be released or made available to persons other than parents/guardians or eligible students without the prior written consent of the parents/guardians or eligible student.

Exceptions to FERPA's prior consent requirement include, but are not limited to disclosure:

1. To other school officials within the district who have been determined to have legitimate educational interests.
2. To officials of another school, school system or post secondary institution where the student seeks or intends to enroll.

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3. To authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, the U.S. Attorney General, or state and local education authorities in connection with an audit or evaluation of a federal- or state-supported education program or in compliance with legal requirements related to those programs.
4. In connection with the student's application for or receipt of financial aid.
5. To state and local officials or authorities in compliance with state law that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are being released.
6. To organizations conducting studies for, or on behalf of, education agencies or institutions, in order to develop tests, administer student aid, or improve instruction.
7. To accrediting organizations to carry out their accrediting functions.
8. To parents of a dependent student, as defined by the Internal Revenue Code.
9. To comply with a judicial order or lawfully issued subpoena, including ex parte court orders under the USA Patriot Act. Prior to complying with a judicial order or subpoena, the district will make a reasonable effort to notify the parent/guardian or eligible student, unless the district has been ordered not to disclose the existence or content of the order or subpoena, or unless the parent is the subject of a court proceeding involving child dependency or child abuse and neglect matters, and the order is issued in context of that proceeding.
10. In connection with a health or safety emergency, the district will disclose information when, taking into account the totality of circumstances, a determination is made that there is an articulable and significant threat to the health or safety of the student or other individuals.
11. To teachers and school officials in other schools who have legitimate educational interests in the behavior or the student when the information concerns disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.
12. To provide information that the district has designated as "directory information."
13. To provide information from the school's law enforcement unit records.
14. To a court, when the district is involved in legal action against a parent or student, those records necessary to proceed with the legal action.
15. To the U.S. Secretary of Agriculture, its authorized representatives from the Food and Nutrition Service, or contractors acting on its behalf, to monitor, evaluate and measure performance of federally-subsidized school food programs, subject to certain privacy protections.
16. To any caseworker or representative of a state or local child welfare agency or tribal organization who has the right to access a student's case plan, where the agency or organization is legally responsible for the care and protection of that student, not to be redisclosed except as permitted by law.

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NOTE: The section above includes a list of the statutory and regulatory exceptions to FERPA's requirement that the district secure the consent of the parent/guardian or eligible student before releasing student records or the personally identifiable information contained therein, other than directory information.

The list is intended to be a helpful reminder to district staff responsible for handling requests for access to student records. District staff should be aware, however, that there are additional factors which affect whether a student record may be released to a particular individual or organization without the consent of the parent/guardian or eligible student. As such, the district's legal counsel should be contacted in all situations where district staff has questions as to whether disclosure of a record without consent is permissible.

The district will use reasonable methods to provide access to student educational records to only those authorized under the law and to authenticate the identity of the requestor. The district will use an array of methods to protect records, including physical controls (such as locked cabinets), technological controls (include those that are applicable: such as role-based access controls for electronic records, password protection, firewalls, encryption), and administrative procedures. The district will document requests for and release of records, and retain the documentation in accordance with law.

If the district enters into a contract with a third party that calls for receipt of student PII by the contractor, the agreement shall include a data security and privacy plan that includes a signed copy of the Parents' Bill of Rights and addresses the following, among other contractual elements:

1. training of vendor employees regarding confidentiality requirements;
2. limiting access to education records to those individuals who have a legitimate educational interest;
3. prohibiting the use education records for any other purpose than those authorized under the contract;
4. maintaining reasonable administrative, technical and physical safeguards to protect PII;
5. using encryption technology to protect data while in motion or in its custody to prevent unauthorized disclosure;
6. breach and notification procedures.

The district will, via written agreements, designate authorized representatives who have access to educational records. The written agreement will specify how the work falls within the exception, what personally identifiable information is to be disclosed, how the educational record will be used, and that the records will be destroyed by the authorized representative once they are no longer needed for that purpose or the agreement expires.

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Section 6. Whenever a student record or any material contained therein is to be made available to third persons, other than those covered by the exceptions authorized by FERPA, the parent/guardian or eligible student must file a written consent to such action. The written consent must specify the records to be released, the reasons for such release, and to whom. If the parent or eligible student so requests, the district will provide him or her with a copy of the records disclosed. In addition, if the parent of a student who is not an eligible student so requests, the district will provide the student with a copy of the records disclosed.

Section 7. Unless specifically exempted by FERPA, all persons requesting access to such records will be required to sign a written form which indicates the legitimate educational interest that such person has in inspecting the records. Such form will be kept with the student's file and will be maintained with the student's file as long as the file is maintained.

Additional Rights Under New York State Law Related to the Protection of Student Data and Third Party Contractors

New York State Law offers parents additional rights beyond FERPA in regard to third party contractors and student PII. The district shall post on its website and distribute a 'Parents' Bill of Rights for Data Privacy and Security.' The 'Parents' Bill of Rights' shall establish the following:

- Educational purpose: The use of student personally identifiable information (PII) is for educational or related purposes only.
- Transparency: Disclosure of third party contracts and their privacy provisions.
- Authorization: Assurance that proper authorization will be secured prior to the release of PII.
- Security: A description of the measures in place to protect PII, without compromising the security plan.
- Data Breach Notification: An explanation of the procedures in the event of a data breach.
- Complaint Procedure: The district offers a complaint procedure in the event that a parent suspects a breach of student data by a third party contractor and provides information about lodging a complaint with the New York State Education Department's Chief Privacy Officer.

Retention and Disposition of Student Records

The Board has adopted the Records Retention and Disposition Schedule ED-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal minimum retention periods for district records. The Board directs all district officials to adhere to the schedule and all other relevant laws in

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retaining and disposing of student records. In accordance with Article 57-A, the district will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in the schedule. The district will dispose of only those records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the established legal minimum periods.

Adoption date:



SAMPLE NOTIFICATION – STUDENT PRIVACY (PPRA)

NOTE: *A school district must “directly” notify parents of its student privacy policies and, at a minimum, provide such notice annually, at the beginning of the school year. The school district must also notify parents within a reasonable period of time if any substantive change is made to the policies. In the notification the district must offer an opportunity for parents to opt out of (remove their child) from participation in the following activities:*

- *Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose.*
- *The administration of any survey containing one or more of the specified eight items of information pursuant to the Protection of Pupil Rights Amendment (PPRA).*
- *Any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school, and scheduled by the school in advance, and is not necessary to protect the immediate health and safety of the student or other students. This law does not apply to any physical examination or screening that is permitted or required by State law, including such examinations or screenings permitted without parental notification.*

In the notification, the district must notify parents of the specific or approximate dates during the school year when these activities are scheduled.

This letter references an opt out form. This form is not included and should be developed by the district if they have not yet done so.

Dear Parent/Guardian:

The Board of Education recognizes that student privacy is an important concern of parents and the Board wishes to ensure that student privacy is protected pursuant to the Protection of Pupil Rights Amendment, as revised by the No Child Left Behind Act of 2001. To that end, the Board has adopted *{revised}* a policy *{policies}* on student privacy.

Under the Protection of Pupil Rights Amendment, as revised by the No Child Left Behind Act, and the *{name of school district}* policy on student privacy, you have the right to opt your child out of the following activities:

1. The collection, disclosure and use of personal information gathered from students for the purpose of marketing ~~or selling~~ that information. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services for, or to students, such as:

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- a. college or other postsecondary education recruitment, or military recruitment;
 - b. book clubs, magazines and programs providing access to low-cost literary products;
 - c. curriculum and instructional materials used in schools;
 - d. tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information for students or to generate other statistically useful data for the purpose of securing such tests and assessments, and the subsequent analysis and public release of the aggregate data from such tests and assessments;
 - e. student recognition programs; and
 - f. the sale by students of products or services to raise funds for school-related activities.
2. The administration of any survey revealing information concerning one or more of the following:
 - a. political affiliations or beliefs of the student or the student's parent;
 - b. mental or psychological problems of the student or the student's family;
 - c. sex behavior or attitudes;
 - d. illegal, anti-social, self-incriminating or demeaning behavior;
 - e. critical appraisals of other individuals with whom respondents have close family relationships;
 - f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
 - g. religious practices, affiliations or beliefs of the student or the student's parent; or
 - h. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
3. The administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law. The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injecting into the body, but does not include a hearing, vision or scoliosis screening. It does not apply to any physical examination or screening required or permitted under state law, including those permitted without parental notification.

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At this time, we expect that activities related to the above-mentioned items will take place on or close to the following dates:

{Insert list of marketing, survey and physical examination activities for which notice must be given.}

Please review this list. If there are any activities you wish to “opt out” of on behalf of your child, please sign and return the attached form to the school within 10 days.

If you have any questions about the district’s student privacy policy[ies] and your right to opt your child out of certain activities, please contact ***{insert name and telephone number of Building Principal}***.

Sincerely,

Building Principal



PURCHASING

NOTE: This policy and the following regulation have been updated to better reflect the legal options for "piggybacking" under various provisions of New York State Law. New text is underlined below. Since a number of changes have been made recently to this purchasing policy, we have retained the notes to the most recent changes, in addition to adding new notes.

The Board of Education views purchasing as serving the educational program by providing necessary supplies, equipment and related services. Purchasing will be centralized in the business office under the general supervision of the Purchasing Agent designated by the Board.

It is the goal of the Board to purchase competitively, without prejudice or favoritism, and to seek the maximum educational value for every dollar expended. Competitive bids or quotations shall be solicited in connection with purchases pursuant to law. The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding \$20,000 and public work contracts involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Purchases of the same commodity cannot be artificially divided for the purpose of avoiding the threshold. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

The district's purchasing activity will strive to meet the following objectives:

1. to effectively supply all administrative units in the school system with needed materials, supplies, and contracted services;
2. to obtain materials, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed as determined by the Purchasing Agent in conformance with state law and regulation and in cooperation with the requisitioning authority. The educational and physical welfare of the students is the foremost consideration in making any purchase;
3. to ensure that all purchases fall within the framework of budgetary limitations and that they are consistent with the educational goals and programs of the district;
4. to maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and
5. to ensure, through the use of proper internal controls, that loss and/or diversion of district property is prevented.

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Opportunities shall be provided to all responsible suppliers to do business with the school district. Suppliers whose place of business is situated within the district may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors.

NEW NOTE: We have added the underlined text below for the Board to provide a blanket allowance to "piggyback" onto contracts let by other federal, state and local political subdivisions, where permitted by law.

Where permitted by law, purchases will be made through available cooperative BOCES bids, or by "piggybacking" onto contracts of the United States or agencies thereof or the federal General Services Administration (GSA), the New York State Office of General Services (OGS), departments or agencies of New York State, any New York State county, or any state or any county or political subdivision or district therein, whenever such purchases are in the best interests of the district or will result in cost savings to the district. In addition, the district will make purchases from correctional institutions and severely disabled persons through charitable or non-profit-making agencies, as provided by law.

In accordance with law, the district shall give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats. The term "alternative format" shall mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the district (or program of a BOCES), including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file in a format compatible with alternative format conversion software that is appropriate to meet the needs of the individual student.

The Board is also aware of the need to reduce exposure of students and staff to potentially harmful chemicals and substances used in cleaning and maintenance. In accordance with law, regulation and guidelines set forth by the Office of General Services (OGS), the district will purchase and utilize environmentally sensitive cleaning and maintenance products in its facilities whenever feasible. Cleansers purchased must, first and foremost, be effective so that the district may continue to purchase non-green products as necessary. Environmentally sensitive cleaning and maintenance products will be procured in accordance with standard purchasing procedures as outlined in this policy and regulation.

In order to ensure that the district avails itself of advantageous purchasing opportunities, the Board authorizes the Purchasing Agent to represent the district in applying for federal programs designed to discount prices for goods and services. Specifically, the Purchasing Agent will abide by the rules and regulations associated with applying for telecommunications service discounts through the Universal Service Fund (E-Rate), in addition to complying with the local purchasing policies set forth by the Board. As with all purchasing activity,

appropriate documentation of the application and purchase through any federal program will be maintained by the business office.

Competitive Bidding

NEW NOTE: The underlined text below is provided to refer to the reorganized subheading below on exceptions to competitive bidding. The following paragraph also reflects the allowance to award purchase contracts on the basis of "best value," which is optional; since it offers the Board more flexibility, NYSSBA recommends its inclusion.

Purchase contracts and public works contracts subject to competitive bidding will be awarded to the lowest responsible bidder, however, the Board authorizes that purchase contracts may be awarded on the basis of best value, as defined in State Finance Law §163. Other exceptions to competitive bidding are outlined below.

NOTE: The paragraph below allows the Board to authorize the receipt of sealed bids in an electronic format, as allowed by General Municipal Law §103(1). The Board is not required to accept electronic bids. NYSSBA recommends discussing the option with the administrative team. If it is determined that allowing electronic bidding is desirable, insert the following paragraph.

In addition, the Board authorizes the receipt of sealed bids for purchase contracts in electronic format, pursuant to the provisions of General Municipal Law §103(1) which addresses proper documentation, authentication, security, and confidentiality of electronic bids.

NOTE: The following paragraph is to comply with section 103-g of the General Municipal Law, which was enacted to implement the federal Iran Divestment Act of 2010 (Public Law 111-195).

The district shall comply with the requirements of General Municipal Law §103-g, which prohibits, with few exceptions, competitive bidding contracts with entities that invest significantly in the Iranian energy sector, as outlined in the accompanying regulation.

Exceptions to Competitive Bidding

NEW NOTE: We have added the underlined text in item 4 to summarize the other exceptions to competitive bidding, and in item 5 to clarify the district's options for "piggybacking" for certain items otherwise subject to competitive bidding.

Competitive bidding, even if the dollar value of the purchase meets the threshold established above, is not required in the following circumstances:

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1. emergencies where time is a crucial factor;
2. procurements for which there is no possibility of competition (sole source items);
3. professional services that require special skill or training (see policy 6741 for guidance on purchasing professional services);
4. purchases such as surplus or second-hand items from governmental entities, certain food and milk items, or goods and services from municipal hospitals ; or
5. where the district is purchasing through (or is "piggybacking" onto) the contract of another governmental entity.

Purchasing when Competitive Bidding Not Required

Goods and services which are not required by law to be procured by the district through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

NOTE: Items 3 and 4 below remain in this policy to address the ability of the district to "piggyback" onto contracts that are not subject to competitive bidding requirements (i.e., under the threshold dollar amounts).

Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, except as permitted by state law for procurements:

1. under a county contract;
2. under a state contract;
3. under a federal contract;
4. under a contract of another political subdivision;
5. of articles manufactured in state correctional institutions; or
6. from agencies for the blind and severely disabled.

The district will provide justification and documentation of any contract awarded to an offeror other than the lowest responsible dollar offeror, setting forth the reasons why such award is in the best interests of the district and otherwise furthers the purposes of section 104-b of the General Municipal Law.

General Purchasing Provisions

The Superintendent of Schools, with the assistance of the Purchasing Agent, shall be responsible for the establishment and implementation of the procedures and standard forms for use in all purchasing and related activities in

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the district. Such procedures shall comply with all applicable laws and regulations of the state and the Commissioner of Education.

No Board member, officer or employee of the school district shall have an interest in any contract entered into by the Board or the district, as provided in Article 18 of the General Municipal Law.

Comments will be solicited from those administrators involved in the procurement process before enactment of the district's policies regarding purchasing and from time to time thereafter. The policies must then be adopted by Board resolution. All district policies regarding the procurement processes will be reviewed by the Board at least annually.

The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law or the district's policies regarding procurement will not be grounds to void action taken nor give rise to a cause of action against the district or any officer or employee of the district.

Cross-ref: 6710, Purchasing Authority
6741, Contracting for Professional Services

NEW NOTE: We have added the citation to applicable Commissioner's Regulations.

Ref: Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195)
Education Law §§305(14); 409-i; 1604(29-a); 1709(4-a), (9), (14), (22); 2503(7-a); 2554(7-a)
General Municipal Law §§102; 103; 103-g; 104; 104-b; 109-a; 800 et seq.
State Finance Law §§97-g(3), (4), (5); 163; 163-b; 165-a
County Law §408-a(2)
8 NYCRR Part 114

Adoption date:

PURCHASING REGULATION

NOTE: We have added the underlined text, noted below, to better outline the district's options and responsibilities under the "piggybacking" option. This policy and regulation should be shared with, and carefully reviewed by, Superintendents, School Business Officials, Purchasing Agent, and all personnel involved in purchasing in the district.

The following sets forth the procedures for the procurement of goods and services by the district:

I. Definitions

Best value: optimizing quality, cost and efficiency. The basis for best value shall reflect, whenever possible, objective and quantifiable analysis, and may also take into consideration small businesses or certified minority- or women-owned businesses as defined in State Finance Law §163.

Purchase Contract: a contract involving the acquisition of commodities, materials, supplies, services or equipment

Public Work Contract: a contract involving labor or both materials and labor for a project such as construction

II. General Municipal Law

The General Municipal Law requires that purchase contracts for services, materials, equipment and supplies involving an estimated annual expenditure exceeding \$20,000 and public work contracts involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

III. Competitive Bidding Required

A. Method of Determining Whether Procurement is Subject to Competitive Bidding

1. The district will first determine if the proposed procurement is a purchase contract or a contract for public work.

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2. If the procurement is either a purchase contract or a contract for public work, the district will then determine whether the amount of the procurement is above the applicable monetary threshold as set forth above.
3. The district will also determine whether any exceptions to the competitive bidding requirements (as set forth below) exist.

NOTE: Item 4 below reflects the district's responsibilities under the Iran Divestment Act of 2012 when advertising bids.

4. All advertised bids shall include the following statement required by General Municipal Law 103-g: "By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the state finance law."

B. Contract Combining Professional Services and Purchase

In the event that a contract combines the provision of professional services and a purchase, the district, in determining the appropriate monetary threshold criteria to apply to the contract, will determine whether the professional service or the purchase is the predominant part of the transaction.

C. Opening and Recording Bids; Awarding Contracts

NOTE: The paragraph below reflects the district's option to award bids on the basis of best value.

The Purchasing Agent will be authorized to open and record bids. Contracts will be awarded to the lowest responsible bidder or a purchase contract bid of best value (as recommended by the Purchasing Agent), who has furnished the required security after responding to an advertisement for sealed bids.

NOTE: The paragraph below reflects the district's responsibilities under the Iran Divestment Act of 2012 when selecting bidders.

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In order to be considered a responsible bidder, entities must certify that they are not on the list created and maintained by the State Office of General Services cataloging significant investment in the Iranian energy sector. Such statement may be submitted electronically pursuant to General Municipal Law §103(1). Entities that cannot make this certification may only be awarded the bid if:

1. The entity's investment activities in Iran were made before April 12, 2012; the investment activities in Iran have not been expanded or renewed after that date; and the entity has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
2. The district makes a determination, in writing, that the goods or services are necessary for the district to perform its functions and that, absent such an exemption, the district would be unable to obtain the goods or services for which the contract is offered.

D. Documentation of Competitive Bids

The district will maintain proper written documentation which will set forth the method in which it determined whether the procurement is a purchase or a public work contract.

E. Purchase of Instructional Materials

In accordance with Education Law the district shall give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats (i.e., any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the district, including but not limited to Braille, large print, open and closed captioned, audio or an electronic file in an approved format).

The district will establish and follow a plan to ensure that every student with a disability who needs his or her instructional materials in an alternative format will receive those materials at the same time that they are available to non-disabled students.

F. Leases of Personal Property

In addition to the above-mentioned competitive bidding requirements, section 1725 of the Education Law requires that the district will be subject to competitive bidding requirements for purchase contracts when it enters into a lease of personal property.

Documentation: The district will maintain written documentation such as quotes, cost-benefit analysis of leasing versus purchasing, etc.

G. Environmentally-Sensitive Cleaning and Maintenance Products

The district will purchase and utilize environmentally sensitive cleaning and maintenance products whenever feasible. The purchasing agent will consult with the Green Guidelines provided by the Office of General Services.

Any legal issues regarding the applicability of competitive bidding requirements will be presented to the school attorney for review.

IV. Exceptions to Competitive Bidding Requirements

The district will not be subject to competitive bidding requirements when the Board of Education, in its discretion, determines that one of the following situations exists:

1. emergency situations where:
 - a. the situation arises out of an accident or unforeseen occurrence or condition;
 - b. a district building, property, or the life, health, or safety of an individual on district property is affected; or
 - c. the situation requires immediate action which cannot await competitive bidding.

However, when the Board passes a resolution that an emergency situation exists, the district will make purchases at the lowest possible costs, seeking competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances.

Documentation: The district will maintain records of verbal (or written) quotes, as appropriate;

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2. when the district purchases surplus or second-hand supplies, materials or equipment from the federal or state governments or from any other political subdivision or public benefit corporation within the state.

Documentation: The district will maintain market price comparisons (verbal or written quotes) and the name of the government entity;

NEW NOTE: We have added the underlined text below to refer to General Municipal Law §103(9) and Commissioner's regulations §114.3 without including the specific requirements.

3. when the Board separately purchases eggs, livestock, fish and dairy products (other than milk), juice, grains and species of fresh fruits and vegetables directly from New York State producers or growers or associations of producers and growers, subject to the requirements of General Municipal Law §103(9) and Commissioner's Regulations §114.3.

Documentation: The district will maintain documentation consistent with section 114.3 of the Regulations of the Commissioner of Education;

4. when the Board separately purchases milk directly from licensed milk processors employing less than forty (40) people. The amount expended in any fiscal year by the district may not exceed an amount equal to twenty-five cents multiplied by the number of days in the school year multiplied by the total enrollment of the district or exceed the current market price.

Documentation: The district will maintain documentation consistent with section 114.4 of the Regulations of the Commissioner of Education;

5. when the district purchases goods, supplies and services from municipal hospitals under joint contracts and arrangements entered into pursuant to section 2803-a of the Public Health Law.

Documentation: The district will maintain the legal authorization, Board authorization and market price comparisons;

6. when there is only one possible source from which to procure goods or services required in the public interest;

Documentation: The district will maintain written documentation of the unique benefits of the item or service purchased as compared to other items or services available in the marketplace; that no other item or service provides substantially equivalent or similar benefits; and that, considering the benefits received, the cost of the item or service is reasonable, when compared to conventional methods. In addition, the documentation will provide that there is no possibility of competition for the procurement of the goods.

7. when the district purchases professional services that require special skill or training, such as but not limited to, audit, medical, legal or insurance services, or property appraisals.

Documentation: The district will keep proper documentation in accordance with policy 6741; or

NEW NOTE: We have added the underlined text below to address "piggybacking" where competitive bidding requirements would otherwise apply. There are no documentation requirements specific to piggybacking; however, the Office of the State Comptroller recommends that districts maintain at least some documentation about why piggybacking is in the best interests of the district, and that the originating contract was let in a manner consistent with state competitive bidding requirements.

8. when the district purchases through the contracts of (or "piggybacks" onto) other governmental entities, as authorized by law, for certain goods and services permitted by law. Factors relevant to the decision to "piggyback" may include cost, staff time, delivery arrangements, quality of goods and services, and suitability of such goods and services to the district's needs.

Documentation: The district will keep documentation indicating why "piggybacking" is in the best interests of the district, and that the originating contract was let in a manner consistent with applicable competitive bidding requirements.

V. Quotes When Competitive Bidding Not Required

Goods and services which are not required by law to be procured by the district through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies in the best interests of the taxpayers. Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, as set forth below.

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A. Methods of Documentation

1. Verbal Quotations: the telephone log or other record will set forth, at a minimum, the date, item or service desired, price quoted, name of vendor, name of vendor's representative;
2. Written Quotations: vendors will provide, at a minimum, the date, description of the item or details of service to be provided, price quoted, name of contact. For example, with regard to insurance, the district will maintain documentation that will include bid advertisements, specifications and the awarding resolution. Alternatively, written or verbal quotation forms will serve as documentation if formal bidding is not required.
3. Requests for Proposals: the district will utilize RFP's to engage professional services providers in accordance with policy 6741.

B. Purchases/Public Work: Methods of Competition to be Used for Non-Bid Procurements; Documentation to be Maintained

The district will require the following methods of competition be used and sources of documentation maintained when soliciting non-bid procurements in the most cost-effective manner possible:

1. Purchase Contracts up to \$20,000
 - a. Contracts from \$100 to \$1,000: Verbal quotes
Documentation will include notations of verbal quotes.
 - b. Contracts in excess of \$1,000 to \$20,000: Written quotes
2. Public Work Contracts up to \$35,000
 - a. Contracts from \$1,000 to \$10,000: Verbal quotes
Documentation will include notations of verbal quotes.
 - b. Contracts in excess of \$10,000 to \$35,000: Written quotes

VI. Quotes Not Required When Competitive Bidding Not Required

NOTE: Items 3 and 4 below remain in effect to address piggybacking where competitive bidding is not required and alternative quotes will not be secured.

The district will not be required to secure alternative proposals or quotations for those procurements as permitted by state law:

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1. under a county contract;
2. under a state contract;
3. under a federal contract;
4. under a contract of another political subdivision;
5. of articles manufactured in state correctional institutions; or
6. from agencies for the blind and severely disabled.

VII. Procurements from Other than the "Lowest Responsible Dollar Offeror"

The district will provide justification and documentation of any contract awarded to an offeror other than the lowest responsible dollar offeror, setting forth the reasons why such award is in the best interests of the district and otherwise furthers the purposes of section 104-b of the General Municipal Law.

VIII. Internal Control

The Board authorizes the Superintendent of Schools, with the assistance of the Purchasing Agent, to establish and maintain an internal control structure to ensure, to the best of their ability, that the district's assets will be safeguarded against loss from unauthorized use or disposition, that transactions will be executed in accordance with the law and district policies and regulations, and recorded properly in the financial records of the district.

Comments will be solicited from those administrators involved in the procurement process before enactment of the district's regulations regarding purchasing and from time to time thereafter. The regulations must then be adopted by Board resolution. All district regulations regarding the procurement processes will be reviewed by the Board at least annually.

The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law or the district's regulations regarding procurement will not be grounds to void action taken or give rise to a cause of action against the district or any officer or employee of the district.

Adoption date:



RESOLUTION
FOR THE _____ MEETING OF THE BOARD OF EDUCATION OF THE
HEMPSTEAD UNION FREE SCHOOL DISTRICT

WHEREAS, the Board of Education ("Board") of the Hempstead Union Free School District ("District") has concluded that the implementation of a District-wide policy requiring all students to wear school uniforms shall improve the educational process in the District's schools and shall benefit the overall administration and operation of the schools; and

WHEREAS, the Board is aware that other school districts have already implemented and enjoyed the benefits of school uniform policies. The implementation of a school uniform policy, which refers to wearing the same style and color of clothing, has proven to create a safer environment in schools by helping to identify students who belong on the school campus and, as a result, making it easier to identify non-school persons, who may be on the campus for disruptive purposes; and

WHEREAS, the Board is aware that research indicates that the wearing of school uniforms helps to foster a more disciplined learning environment by reducing negative competition and arguments over clothing styles while increasing learning opportunities for students. By eliminating factors that can create economic and social divisions among students that often contribute to bullying, such as style and brands of clothing, a school uniform policy allows students to become more conscious of such shared goals as meeting academic standards and developing self-confidence. Similarly, the enforcement of a strict school uniform policy removes many of the distractions associated with various types of clothing which, in turn, creates a more disciplined and positive learning environment, **BE IT**

RESOLVED, that the Board hereby adopts a school uniform policy ("School Uniform Policy"), to be effective January 1, 2015, applicable to all students in Kindergarten through 12th grade (Pre-Kindergarten students are specifically excluded from the School Uniform Policy), for the purposes of creating a more positive school learning environment in the District's schools, supporting the integrity of the educational process, decreasing student disciplinary problems, and increasing student achievement and performance. Student dress and appearance must be in accordance with the District Code of Conduct.

FURTHER RESOLVED, that the School Uniform Policy shall adhere to the following guidelines:

HUFSD SCHOOL UNIFORM POLICY GUIDELINES 2014-2015

- A. All students in grades K-12 shall wear the designated School Uniform, as required by the District, during the school day.
- B. The School Uniforms shall be worn appropriately and shall be correctly sized. The wearing of School Uniforms that are oversized, baggy, sagging, or extremely tight-fitting shall be prohibited.

- C. Reasonable accommodations shall be made for those students who request a waiver of a particular provision of the School Uniform Policy due to religious beliefs and/or medical reasons. The application for a waiver shall be submitted in writing by the parent/guardian and approved by the school principal and/or designee. In considering the application, the school principal and/or designee shall have the right to request additional documentation to support the application.
- D. The articles of the School Uniform shall be as follows:
1. All students shall wear a white-colored, long or short-sleeved shirt with a collar. Shirts shall be tucked in at all times.
 2. Shirts shall cover the chest and back so that they are not inappropriately exposed. Undergarments shall not be visible at any time. Any undershirts and/or camisoles shall be plain white in color.
 3. Male students shall wear khaki-colored pants. Female students shall wear khaki-colored pants or skirts.
 4. Skirts shall be no shorter than knee length when the female student is standing.
 5. When the weather calls for it, female students may wear tights under School Uniform skirts.
 6. Waistbands must be worn on the waist. Belts must be worn and may not be more than one size larger than the waist.
 7. Shoes shall be worn at all times. Shoes that have laces shall be laced and tied. No open-toed shoes shall be permitted.
 8. School Uniform sweaters may be worn.
 9. Any articles of clothing other than those identified above shall not be considered part of the School Uniform and the wearing of same by a student shall be deemed a violation of the School Uniform Policy.
 10. Exceptions to the School Uniform Policy shall be made where the student is attending Physical Education class, where articles of clothing appropriate to that class and otherwise consistent with the School Uniform Policy, these Guidelines, and the District Code of Conduct shall be worn.
- E. Outerwear: With the exceptions of entering and exiting the school building, sweatshirts, hoodies, jackets, coats, etc. shall not be worn inside the school building.
- F. Accessories: (1) Hoop earrings touching the collar or below shall be prohibited.
(2) Head gear (hats, hoods, scarves, bandanas, etc.) shall be prohibited, unless a waiver has been granted on the basis of medical/religious reasons.
(3) Sunglasses shall not be worn inside school buildings.

FURTHER RESOLVED, that, pursuant to these guidelines and the District Code of Conduct, the Board, with the participation of Central Administration and school building supervisors, shall prepare a complete School Uniform Policy by [INSERT DATE], unless such date shall be extended by the Board.

FURTHER RESOLVED, that in an effort to smoothly transition into the implementation of a School Uniform Policy that effectuates a safer, more disciplined, and successful student environment by January 1, 2015, the Board and Central Administration shall request any feedback, questions, or concerns regarding the School Uniform Policy from parents/guardians by means of communications to be decided upon by the Board, with the input of Central Administration. Said communications, including copies of the complete School Uniform Policy shall be dispatched by [INSERT DATE], unless such date shall be extended by the Board.

FINALLY RESOLVED, that responsibility for student compliance with the School Uniform Policy rests with the individual student and his/her parents/guardians. The Board, with the participation of Central Administration, shall prepare and adopt a Financial Hardship Application for parents/guardians who have concerns about the affordability of School Uniforms.

YES _____

NO _____

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