LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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**SUBJECT: BUDGET PLANNING AND DEVELOPMENT**

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

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

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

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

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

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

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

b) A capital component which will include, but need not be limited to, all transportation capital, debt service, and lease expenditures; costs resulting from judgments and tax certiorari proceedings or the payment of awards from court judgments, administrative orders or settled or compromised claims; and all facilities costs of the District, including facilities lease expenditures, the annual debt service and total debt for all facilities financed by bonds and notes of the District, and the costs of construction, acquisition, reconstruction, rehabilitation or improvement of school

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buildings, provided that such budget will include a rental, operations, and maintenance section that includes base rent costs, total rent costs, operation and maintenance charges, cost per square foot for each facility leased by the District, and any and all expenditures associated with custodial salaries and benefits, service contracts, supplies, utilities, and maintenance and repairs of school facilities; and

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

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

a) A detailed statement of the total compensation to be paid to the Superintendent, and any Assistant or Associate Superintendent in the ensuing school year, including a delineation of the salary, annualized cost of benefits and any in-kind or other form of remuneration;

b) A list of all other school administrators and supervisors, if any, whose annual salary for the coming school year will be at or above that designated in law for such reporting purposes, with the title of their positions and annual salary identified;

c) A School District Report Card, prepared pursuant to Commissioner's regulations, which includes measures of the academic performance of the District, on a school by school basis, and measures of the fiscal performance of the District (see subheading School District Report Card);

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

e) A Tax Exemption Report prepared in accordance with law (see subheading Tax Exemption Report).

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

Continued

**SUBJECT: BUDGET PLANNING AND DEVELOPMENT**

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

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

**School District Report Card**

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

a) Accountability and Overview Report - shows District or school profile data, accountability statuses, data on accountability measures such as ELA, Math, and Science scores, and graduation rates.

b) Comprehensive Information Report - shows non-accountability data such as annual Regents examination results and post-graduate plans of students completing high school.

c) Fiscal Accountability Supplement - shows expenditures per pupil and some information about placement and classification of students with disabilities.

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

**Property Tax Report Card**

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

The Property Tax Report Card will include:

a) The amount of total spending and total estimated school tax levy that would result from adoption of the proposed budget, and the percentage increase or decrease in total spending and total school tax levy from the District budget for the preceding school year; and

Continued

**SUBJECT: BUDGET PLANNING AND DEVELOPMENT**

b) The projected enrollment growth for the school year for which the budget is prepared, and the percentage change in enrollment from the previous year; and

c) The percentage increase in the average of the Consumer Price Indexes from January first of the prior school year to January first of the current school year as defined in Education Law; and

d) The projected amount of the adjusted unrestricted fund balance that will be retained if the proposed budget is adopted; the projected amount of the adjusted restricted fund balance; the projected amount of the assigned appropriated fund balance; the percentage of the proposed budget that the adjusted unrestricted fund balance represents; the actual adjusted unrestricted fund balance retained in the District budget for the preceding school year; the percentage of the District budget for the preceding school year that the actual adjusted unrestricted fund balance represents; a schedule of reserve funds setting forth the name of each reserve fund, a description of its purpose, the balance as of the close of the third quarter of the current fiscal year, and a brief statement explaining any plans for the use of each reserve fund for the ensuing fiscal year; and

e) The District's school tax levy limit calculation. The District will submit its school tax levy limit calculation to the Office of the State Comptroller, SED, and the Office of Taxation and Finance by March 1 annually. If a voter override of the tax levy limit is necessary, the budget vote must be approved by 60% of the District's qualified voters present and voting.

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

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

**Tax Exemption Report**

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

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

Continued

**SUBJECT: BUDGET PLANNING AND DEVELOPMENT**

a) Every type of exemption granted as identified by statutory authority;

b) The cumulative impact of each type of exemption expressed either as a dollar amount of assessed value or as a percentage of the total assessed value on the roll;

c) The cumulative amount expected to be received from recipients of each type of exemption as payments in lieu of taxes or other payments for municipal services; however, individual recipients are not to be named; and

d) The cumulative impact of all exemptions granted.

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

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

Adoption Date: 01/30/2023

**SUBJECT: SCHOOL DISTRICT BUDGET HEARING**

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

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

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

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

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

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

**Dissemination of Budget Information**

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

**Budget Notice**

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

Continued

**SUBJECT: SCHOOL DISTRICT BUDGET HEARING**

The District will also include in the notice:

a) The school tax levy limit;

b) The proposed school year tax levy (without permissible exclusions to the school tax levy limit);

c) The total permissible exclusions; and

d) The proposed school year tax levy (including permissible exclusions to the school tax levy limit).

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

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

Notice of Budget Hearing/Availability of Budget Statement:
Education Law Sections 1608(2), 1716(2), 2003(1), 2004(1),2023-a and 2601-a(2)
Election and Budget Vote:
Education Law Sections 1804(4), 1906(1), 2002(1), 2017(5), 2017(6), 2022(1), 2023-a and 2601-a(2)
Budget Development and Attachments:
Education Law Sections 1608(3), 1608(4), 1608(5), 1608(6), 1608(7), 1716(3), 1716(4), 1716(5), 1716(6), 1716(7), 2022(2-a), 2023-a and 2601-a(3)

Adoption Date: 01/30/2023

**SUBJECT: BUDGET ADOPTION**

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

The District budget for any school year, or any part of the budget, or any proposition(s) involving the expenditure of money for that school year, will not be submitted for a vote of the qualified District voters more than twice.

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

**Contingency Budget**

In the event the original proposed budget is not approved at the Annual District Meeting and Election, the Board may resubmit the original proposed budget or a revised budget for voter approval, or individual propositions may be placed before District voters, at a special meeting held on the third Tuesday of June. If the voters fail to approve the second budget submittal, or budget proposition(s), or if the Board elects not to put the proposed budget to a public vote a second time, the Board must adopt a contingency budget with a tax levy that is no greater than the prior year's levy (i.e., 0% levy growth).

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

a) The percent of the administrative component to the total budget in the prior year's budget, not including the capital component; or

b) The percent that the administrative component comprised in the last proposed defeated budget for the subsequent year, not including, the capital component.

Education Law Sections 1608, 1716, 1804, 1906, 1950, 2007, 2022, 2023, 2023-a, and 2601-a
8 NYCRR Section 170.3

NOTE: Refer also to Policy #5110 - Budget Planning and Development

Adoption Date: 01/22/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 5140

Non-Instructional/Business Operations

**SUBJECT: ADMINISTRATION OF THE BUDGET**

The Superintendent, working in conjunction with the administrative staff, is responsible to the Board for the administration of the budget. This includes, but is not limited to:

a) Acquainting District employees with the final provisions of the program budget and guiding them in planning to operate efficiently and economically within these provisions.

b) Providing direction to the District in maintaining those records of accounting control as are required by the New York State Uniform System of Accounts for School Districts, the Board, and other procedures, as are deemed necessary.

c) Keeping the various operational units informed through periodic reports as to the status of their individual budgets.

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

**Budget Transfers**

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

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

Adoption Date: 01/22/2024

**SUBJECT: CONTINGENCY BUDGET**

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

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

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

a) The percentage the administrative component had comprised in the prior year budget exclusive of the capital component; or

b) The percentage the administrative component had comprised in the last proposed defeated budget exclusive of the capital component.

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

Adoption Date: 01/30/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5210

Non-Instructional/Business Operations

**SUBJECT: REVENUES**

The District Treasurer will have custody of all District funds in accordance with the provisions of state law. The Treasurer will be authorized and directed by the Board to invest the balances available in various District funds in accordance with regulations set forth in state law.

Education Law Sections 1604(a) and 1723(a)

Adoption Date: 03/27/2023

**SUBJECT: DISTRICT INVESTMENTS**

Whenever the District has funds (including operating funds, reserve funds and proceeds of obligations) that exceed those necessary to meet current expenses, the Board shall authorize the District Treasurer to invest such funds in accordance with all applicable laws and regulations and in conformity with the guidelines established by this policy.

**Objective**

The objectives of this investment policy are four-fold:

a) Investments shall be made in a manner so as to safeguard the funds of the District; and

b) Bank deposits shall be made in a manner so as to safeguard the funds of the District.

c) Investments shall be sufficiently liquid so as to allow funds to be available as needed to meet the obligations of the District.

d) Funds shall be invested in such a way as to earn the maximum yield possible given the first three investment objectives.

**Authorization**

The authority to deposit and invest funds is delegated to the Treasurer. These functions shall be performed in accordance with the applicable sections of the General Municipal Law and the Local Finance Law of the State of New York.

The Treasurer may invest funds in the following eligible investments:

a) Obligations of the State of New York.

b) Obligations of the United States Government, or any obligations for which principal and interest are fully guaranteed by the United States Government.

c) Time Deposit Accounts placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law. [Banking Law Section 237(2) prohibits a savings bank from accepting a deposit from a local government. This also applies to savings and loan associations.]

d) Transaction accounts (demand deposits) both interest bearing and non-interest bearing that do not require notice of withdrawal placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law.

Continued

**SUBJECT: DISTRICT INVESTMENTS**

e) Certificates of Deposits placed in a commercial bank authorized to do business in the State of New York providing the Certificates are collateralized as required by law.

f) Securities purchased pursuant to a Repurchase Agreement whereby one-party purchases securities from a second party and the second party agrees to repurchase those same securities on a specific future date at an agreed rate of return (the interest rate).

**Implementation**

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

a) A list of authorized investments;

b) Procedures including a signed agreement to ensure the District's financial interest in investments;

c) Standards for written agreements consistent with legal requirements;

d) Procedures for the monitoring, control, deposit and retention of investments and collateral which shall be done at least once a month;

e) Standards for security agreements and custodial agreements consistent with legal requirements;

f) Standards for diversification of investments including diversification as to type of investments, and firms and banks with whom the School District transacts business; and

g) Standards for qualification of investment agents which transact business with the School District including, at minimum, the Annual Report of the Trading Partner.

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

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

Adoption Date: 03/27/2023

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5230

Non-Instructional/Business Operations

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

The Board may accept gifts, donations, grants and/or bequests of money, real or personal property, as well as other merchandise which, in the view of the Board, add to the overall welfare of the District, provided that such acceptance is in accordance with existing laws and regulations. Donations to the school are fully tax deductible so long as the gift is used exclusively for public purposes in accordance with USC Section 170(c). However, the Board is not required to accept any gift, grant or bequest and does so at its discretion, basing its judgment on the best interests of the District. Furthermore, the Board will not accept any gift, grant or bequest which constitutes a conflict of interest and/or gives an appearance of impropriety. At the same time, the Board will safeguard the District, the staff and students from commercial exploitation, from special interest groups, and the like.

The Board will not accept any gifts or grants which will place encumbrances on future Boards, or result in unreasonable additional or hidden costs to the District. The Board may, if it deems it necessary, request that gifts of equipment, facilities or any item that requires upkeep and maintenance include funds to carry out such maintenance for the foreseeable life of the donation.

The Board will not formally consider the acceptance of gifts or grants until and unless it receives the offer in writing from the donor/grantor or their attorney/financial advisor. Any such gifts or grants donated to the Board and accepted on behalf of the District must be by official action and resolution passed by Board majority. The Board would prefer the gift or grant to be a general offer rather than a specific one. Consequently, the Board would suggest that the donor/grantor work first with the school administrators in determining the nature of the gift or grant prior to formal consideration for acceptance by the Board. However, the Board, in its discretion, may direct the Superintendent to apply such gift or grant for the benefit of a specific school or school program.

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

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

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

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

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

Adoption Date: 03/27/2023

**SUBJECT: SCHOOL TAX ASSESSMENT AND COLLECTION/PROPERTY TAX EXEMPTIONS**

A tax collection plan giving dates of warrant and other pertinent data shall be prepared annually and submitted for review and consideration by the Assistant Superintendent for Administrative Services to the Board. Tax collection shall occur by mail or by direct payment to the place designated by the Board.

**Senior Citizens**

Unless specifically exempted by law, real property used exclusively for residential purposes and owned by one (1) or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife or by siblings, one of whom is sixty-five (65) years of age or over, shall be exempt from taxation to the extent of percentage of the assessed valuation determined by the Board if the owners meet the criteria established annually by the Board.

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

**Disabled Citizens**

Unless specifically exempted by law, real property used exclusively for residential purposes and owned by one or more persons with disabilities; or owned by a husband, wife or both, or siblings, at least one of whom has a disability; and whose income, as defined pursuant to law, is limited by reason of such disability shall be exempt from taxation to the extent of percentage of the assessed valuation determined by the Board if the owners meet the criteria established annually by the Board. The Board must adopt a resolution allowing such an exemption following a public hearing on this specific issue.

No exemption shall be granted unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an in-patient of a residential health care facility as defined in Public Health Law.

The District may permit a property tax exemption to an otherwise eligible disabled citizen even if a child who attends a public school resides at that address, provided that any such resolution shall condition such exemption upon satisfactory proof that the child was not brought into the residence in whole or in substantial part for the purpose of attending a particular school within the District. The Board must adopt a resolution allowing such an exemption following a public hearing on this specific issue.

Continued

**SUBJECT: SCHOOL TAX ASSESSMENT AND COLLECTION/PROPERTY TAX EXEMPTIONS**

For purposes of this policy, and in accordance with law, a person with a disability is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working; and who is certified to receive Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits under the federal Social Security Act or is certified to receive Railroad Retirement Disability benefits under the federal Railroad Retirement Act, or has received a certificate from the State Commission for the Blind and Visually Handicapped stating that such person is legally blind.

Education Law § 2130
Public Health Law § 2801
Real Property Tax Law §§ 458-a, 459-c, 466-c, 466-f, 466-g, 466-I, 467, 1300-1342

Adoption Date: 03/27/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5250

Non-Instructional/Business Operations

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

**Sale of District Property**

Disposed of District property will be according to regulation and with the approval of the Board. However, the responsibility for such sales may be delegated. The net proceeds from the sale of school property shall be deposited in the General Fund.

**Disposal of District Property**

Equipment

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

In order to sell District equipment, a bona fide public sale must take place with adequate public notice of the sale. It cannot be sold ordinarily to any employee except at a public sale for a reasonable price.

Failure to produce monetary return to the District after reasonable attempts to dispose of unnecessary equipment may result in disposal of equipment in any other appropriate manner, provided authorization is obtained from the Superintendent/designee. There is a general prohibition against giving District equipment away to private citizens. Items can be given to other municipal corporations if the property has no resale value.

Textbooks

Textbooks that lose their value to the educational program because of changes in the curriculum or they contain outdated material and/or are in poor condition will be disposed in accordance with 5250R.

Comptroller's Opinions 58-120, 60-662
Education Law Section 1709(9)(11)

Adoption Date: 03/27/2023

**SUBJECT: CORPORATE SPONSORSHIPS**

The Board recognizes the benefits that may be obtained by entering into agreements with a "corporate sponsor." A "corporate sponsor," for the purposes of this policy, is defined in accordance with Commissioner Regulations as "the sponsorship or the underwriting of an activity on school premises which does not involve the commercial promotion of a particular product or service."

Corporate sponsorships may be recommended by the Superintendent and, depending on the dollar value of the corporate contribution, may be subject to approval by the Board in accordance with the District procurement policy. Corporate sponsorships are evaluated on a case by case basis in accordance with the principles established by the Board, as well as applicable laws, rules and regulations.

The Board will carefully consider whether the commercial aspects of a corporate sponsorship are an acceptable influence on students. The Board recognizes and understands its fiduciary responsibility to weigh all considerations and decide whether such arrangements are in the best interests of the children they are obligated to educate, nurture and protect.

Any agreement entered into by the District and a corporate sponsor should be in accordance with the following principles:

a) Consistency with district academic standards and goals.

b) Consistency with district non-discrimination policies and age-appropriateness.

c) No corporate support or activity will be permitted in the District that:

1. Promotes gambling, illicit drugs, alcohol, tobacco, or firearms;

2. Promotes hostility, disorder, or violence;

3. Attacks or demeans any ethnic, racial, religious group or sexual orientation;

4. Is libelous;

5. Contains adult content, including nudity, sexual terms and/or images of people in positions or activities that are suggestive or sexual, or provocative images in violation of community standards;

6. Promotes any specific religion;

7. Promotes or opposes any political candidate or ballot proposition;

Continued

**SUBJECT: CORPORATE SPONSORSHIPS**

8. Inhibits the functioning of any school; or

9. Is otherwise deemed to be inappropriate for students.

d) Students shall not be required to view commercial promotional activity, in accordance with Rule 23 of the Commissioner's Regulations.

e) The collection of personal information from students by corporate sponsors in accordance with the Family Educational Rights and Privacy Act (FERPA) is prohibited.

f) Sponsorship permitted pursuant to this policy shall not be considered as an endorsement or approval by the Board of any particular group, organization or company, nor of any purposes, programs, activities, products or services of any such group.

g) To ensure equal opportunity to participate among commercial competitors, solicitations for corporate sponsors should be done in accordance with the District procurement policy.

h) Any contracts for corporate sponsorship should be limited to one (1) year in duration, or else provide that a successor board may review yearly and terminate at will.

i) The best interests of the District's students shall always be considered primary to any financial benefit that the District may derive from corporate sponsorship.

8 New York Code of Rules and Regulations (NYCRR) Section 23

NOTE: Refer also to Policies #5410 - Purchasing
#7250 - Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors

Adoption Date: 03/27/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5310

Non-Instructional/Business Operations

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

In accordance with New York State Education Law and the Commissioner's Regulations, the Board directs that the Assistant Superintendent for Administrative Services, Treasurer, the Tax Collector and the Claims Auditor be bonded prior to assuming their duties. Such bonds shall be in the amounts as determined and approved by the Board.

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

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

Adoption Date: 04/24/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5320

Non-Instructional/Business Operations

**SUBJECT: EXPENDITURES OF SCHOOL DISTRICT FUNDS**

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

All claims shall be properly audited before payment by the Claims Auditor who shall attest to the existence of evidence of indebtedness to support the claim.

Complete records of all expenditures shall be maintained for future analysis and reporting within the time frame required by the Records Disposition Law or regulation.

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

NOTE: Refer also to Policies #5321 - Use of the District Credit Cards
#5323 - Reimbursement for Meals/Refreshments
#6161 - Conference/Travel Expense Reimbursement

Adoption Date: 04/24/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 5321

Non-Instructional/Business Operations

**SUBJECT: USE OF THE DISTRICT CREDIT CARD**

The District may issue a credit card or cards in its name for the use of its officers and designated employees for authorized, reimbursable, school business related expenses. Only those officers and District personnel designated by the Board shall be authorized for the use of a District credit card. The credit card(s) shall be locked in a secure place in the District office. Any other reason for credit card use must be approved by the Assistant Superintendent for Administrative Services, prior to use.

This credit card will only be for those purchases of goods and services that require a credit card and do not accept other payment methods. Authorized personnel must submit purchase orders for business related expenses prior to the use of the credit card absent exigent circumstances and written approval from the Assistant Superintendent of Administrative Services. If actual costs are not certain at the time (e.g. conference attendance and related travel or lodging), the costs shall be estimated and noted as such in the purchase order. Expenses incurred on each credit card shall be paid in such a manner as to avoid interest charges.

Any individual who makes an unauthorized purchase with a District credit card**,** including any unauthorized use of promotional reward points (or the like) that were earned through purchases made on the District credit card, shall be required to reimburse the District for the purchase. In addition, the District reserves the right to pursue criminal charges and/or disciplinary action, up to and including termination, for any unauthorized use that it determines to be intentional or malicious. No alcoholic beverage purchases may be made using the District credit card, nor will reimbursement be made for charges of any kind on a receipt which includes the purchase of an alcoholic beverage.

Adoption Date: 04/29/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5323

Non-Instructional/Business Operations

**SUBJECT: REIMBURSEMENT FOR MEALS/REFRESHMENTS**

**Staff/Board Meetings and District Events**

The Board recognizes that at certain times it may be appropriate to provide meals and/or refreshments at District meetings and/or events which are being held for educational purpose. Prior approval of the Superintendent/designee must be obtained for food and beverages provided at meetings or activities which will be charged to the District.

Any such expenditure must be appropriately documented with an itemized receipt and information showing the date and purpose of the meeting, food served, who attended the meeting and why the attendees needed food and/or refreshments to conduct District business. These requirements must be met for meals/refreshments provided by the school lunch fund or local vendors, charged to District credit cards and/or reimbursed to a District official.

**Travel Outside of District/Emergency Meetings**

District officials and employees are entitled to reimbursement for necessary expenses incurred in the performance of their official duties. However, it is the position of the New York State Comptroller's Office that meals of public officers and employees generally should not be reimbursed or paid by the municipal entity unless the officer or employee is traveling outside their regular work area on official business for an extended period of time, or where events prevent them from taking off during mealtime for food consumption because of a pressing need to complete business. All requests for reimbursement must document who attended the meetings and how the meetings fit these conditions. In no case will the costs for meals exceed the current Federal per diem rates for the geographic area.

NOTE: Refer also to Policy #6161- Conference/Travel Expense Reimbursement

Adoption Date: 04/24/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5340

Non-Instructional/Business Operations

**SUBJECT: BORROWING OF FUNDS**

The District may borrow money only by means of serial bonds, bond anticipation notes, capital notes, tax anticipation notes, revenue anticipation notes and budget notes.

New York State Local Finance Law Section 20

Adoption Date: 04/24/2023

**SUBJECT: PURCHASING**

The District's purchasing activities will be part of the responsibilities of the Business Office, under the general supervision of the Purchasing Agent designated by the Board. The purchasing process should enhance school operations and educational programs through the procurement of goods and services deemed necessary to meet District needs.

**Competitive Bids and Quotations**

As required by law, the Superintendent will follow normal bidding procedures in all cases where needed quantities of like items will total the maximum level allowed by law during the fiscal year, (similarly for public works-construction, repair, etc.) and in such other cases that seem to be to the financial advantage of the District.

A bid bond may be required if considered advisable.

No bid for supplies shall be accepted that does not conform to specifications furnished unless specifications are waived by Board action. Contracts shall be awarded to the lowest responsible bidder who meets specifications. However, the Board may choose to reject any bid.

Rules shall be developed by the administration for the competitive purchasing of goods and services.

The Superintendent may authorize purchases within the approved budget without bidding if required by emergencies and are legally permitted.

The Superintendent is authorized to enter into cooperative bidding for various needs of the District.

**Request for Proposal Process for the Independent Auditor**

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

**Procurement of Goods and Services**

The Board recognizes its responsibility to ensure the development of procedures for the procurement of goods and services not required by law to be made pursuant to competitive bidding requirements. These goods and services must be procured in a manner so as to:

a) Comply with stated regulations;
b) Prohibit conflicts of interest and actions of employees engaged in the selection, award and administration of contracts; No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if they has a real or apparent conflict of interest.
c) Assure the prudent and economical use of public moneys in the best interest of the taxpayer;
d) Facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and
e) Guard against favoritism, improvidence, extravagance, fraud and corruption.

Continued

**SUBJECT: PURCHASING**

These procedures shall contain, at a minimum, provisions which:

a) Prescribe a process for determining whether a procurement of goods and services is subject to competitive bidding and if it is not, documenting the basis for such determination;

b) With certain exceptions (purchases pursuant to General Municipal Law, Article 5-A; State Finance Law, Section 162; State Correction Law, Section 184; or those circumstances or types of procurements set forth in (f) of this section), provide that alternative proposals or quotations for goods and services shall be secured by use of written request for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of General Municipal Law Section 104-b;

c) Set forth when each method of procurement will be utilized;

d) Require adequate documentation of actions taken with each method of procurement;

e) Require justification and documentation of any contract awarded to other than the lowest responsible dollar offer, stating the reasons;

f) Set forth any circumstances when, or the types of procurement for which, the solicitation of alternative proposals or quotations will not be in the best interest of the District; and

g) Identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated biennially.

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

Any intentional failure to comply with these provisions may lead to disciplinary actions.

The Board shall solicit comments concerning the District's policies and procedures from those employees involved in the procurement process. All policies and procedures regarding the procurement of goods and services shall be reviewed annually by the Board.

**Best Value**

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

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value." The Board may also approve "best value" bid award recommendations on an individual bid basis at a scheduled public meeting. A best value award is one that optimizes quality, cost and efficiency, typically applies to complex services and technology contracts and is quantifiable whenever possible.

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

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

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

a) Has been let by the United States or any agency thereof, any state (including New York State) or any other political subdivision or district therein;

b) Was made available for use by other governmental entities and agreeable with the contract holder; and

c) Was let in a manner that constitutes competitive bidding consistent with New York State law and is not in conflict with other New York State laws.

The "piggybacking" amendment and the "best value" amendment may not be combined to authorize a municipality to "piggyback" onto a cooperative contract which was awarded on the basis of "best value." In other words, while a school district or BOCES may authorize the award of contracts on the basis of "best value", it may not "piggyback" onto a purchasing contract awarded by another agency on the basis of "best value."

**Alternative Formats for Instructional Materials**

Preference in the purchase of instructional materials will be given to vendors who agree to provide materials in a usable alternative format (i.e., any medium or format, other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for each student with a disability, including students requiring Section 504 Accommodation Plans, enrolled in the District). Alternative formats include, but are not limited to, Braille, large print, open and closed captioned, audio, or an electronic file in an approved format as defined in Commissioner's Regulations.

Continued

**SUBJECT: PURCHASING**

As required by federal law and New York State Regulations, the District has adopted the National Instructional Materials Accessibility Standard (NIMAS) to ensure that curriculum materials are available in a usable alternative format for students with disabilities. Each school district has the option of participating in the National Instructional Materials Access Center (NIMAC). Whether a district does or does not participate in NIMAC, the district will be responsible to ensure that each student who requires instructional materials in an alternate format will receive it in a timely manner and in a format that meets NIMAS standards. The New York State Education Department (NYSED) recommends that school districts choose to participate in NIMAC, because this national effort to centralize the distribution of instructional materials in alternate formats will help guarantee timely provision of such materials to students.

For school districts, Boards of Cooperative Educational Services (BOCES), State-operated schools, State-supported schools and approved private schools that choose to participate in NIMAC for textbooks and other printed core materials must include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this will not add any cost to the contract).

For more information regarding NIMAC including model contract language, Steps for Coordinating with NIMAC and an IDEA Part B Assurances Application, see website: http://www.vesid.nysed.gov/specialed/publications/persprep/NIMAS.pdf

**Geographic Preference in Procuring Local Agricultural Products**

Schools participating in Child Nutrition Programs such as the National School Lunch Program, School Breakfast Program and/or Special Milk Program are encouraged to purchase unprocessed locally grown and locally raised agricultural products. A School District may apply an optional geographic preference in the procurement of such products by defining the local area where this option will be applied. The intent of this preference is to supply wholesome unprocessed agricultural products that are fresh and delivered close to the source.

A geographic preference established for a specific area adds additional points or credits to bids received in response to a solicitation, but does not provide a set-aside for bidders located in a specific area, nor does it preclude a bidder from outside a specified geographic area from competing for and possibly being awarded a specific contract.

**Computer Software Purchases**

Software programs designated for use by students in conjunction with computers of the District shall meet the following criteria:

a) A computer program which a student is required to use as a learning aid in a particular class; and
b) Any content-based instructional materials in an electronic format that are aligned with State Standards **pursuant to Education Law or Commissioner's regulations** which are accessed or delivered through the internet and based on a subscription model. Such electronic format materials may include a variety of media assets and learning tools including video, audio, images, teacher guides, and student access capabilities as such terms are defined in Commissioner's Regulations.

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**Environmentally Sensitive Cleaning and Maintenance Products**

In accordance with Commissioner's Regulations, State Finance Law and Education Law, the District shall follow guidelines, specifications and sample lists when purchasing cleaning and maintenance products for use in its facilities. Such facilities include any building or facility used for instructional purposes and the surrounding grounds or other sites used for playgrounds, athletics or other instruction.

Environmentally sensitive cleaning and maintenance products are those which minimize adverse impacts on health and the environment. Such products reduce as much as possible exposures of children and school staff to potentially harmful chemicals and substances used in the cleaning and maintenance of school facilities. The District shall identify and procure environmentally sensitive cleaning and maintenance products which are available in the form, function and utility generally used. Coordinated procurement of such products as specified by the Office of General Services (OGS) may be done through central state purchasing contracts to ensure that the District can procure these products on a competitive basis.

The District shall notify their personnel of the availability of such guidelines, specifications and sample product lists.

**Contracts for Goods, Services and Public Works**

No contracts for goods and services shall be made by individuals or organizations in the school that involve expenditures without first securing approval for such contract from the Purchasing Agent.

No Board member or employee of the District shall have an interest in any contract entered into by the Board or the District.

Per General Municipal Law Section 103(5), upon the adoption of a resolution by a vote of at least three-fifths (3/5) of all Board members stating that for reasons of efficiency or economy there is need for standardization, purchase contracts for a particular type or kind of equipment, materials or supplies of more than twenty thousand ($20,000) dollars may be awarded by the Board to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided in law. In addition, the Board is required to award all contracts for public works in excess of thirty-five thousand dollars ($35,000) to the lowest responsible bidder after advertising for public sealed bids.

2013 5410 6 of 6 Non-Instructional/Business Operations 7 CFR 210.21, 215.14(a) and 220.16 20 USC Section 1474(e)(3)(B) Education Law Sections 305(14), 409-I, 701, 751(2)(b), 1604, 1709, 1950, 2503, 2554 and 3602 General Municipal Law Articles 5-A, 18 Section 103 State Finance Law Sections 162 and 163-b 8 NYCRR Sections 155, 170.2, 200.2(b)(10),200.2(c)(2) 200.2(i)

Note: Refer also to Policy # 6110 – Code of Ethics for Board Members and All District Personnel

Adoption Date: 05/22/2023

**SUBJECT: CONTRACTS FOR INSTRUCTION**

**Core Instructional Services**

Core instructional services comprise those instructional programs which are part of the regular curriculum of the School District and to which students are entitled as part of a free public education. This would include both general and special education programs and related services which school districts are required by law to provide as part of a program of public education and for which a certification area exists and to which tenure rights apply pursuant to Education Law and/or Commissioner's Regulations.

Therefore, core instructional services include those in which students are provided classroom instruction to meet State learning standards in the seven general curriculum areas: English language arts; mathematics, science and technology; social studies; languages other than English; the arts; health, physical education and family and consumer sciences; and career development and occupational studies. Instruction in courses for which credit is awarded toward a high school diploma would also constitute "core instructional services." Core instruction includes special classes for students with disabilities.

Core instruction does not include other supplemental instructional services, such as tutoring and enrichment programs that are not offered for high school credit; advanced courses such as college courses that are beyond the regular high school curriculum; and services, such as online instructional services and distance learning, that assist teachers in providing instruction in their classrooms.

**Contracts with a Non-Profit or Other Entity**

The District may contract with a non-profit or other entity to provide distance or online learning provided that the distance or online learning program is used as a supplementary or additional resource to assist the District's certified teachers in delivering instruction. In these situations, the distance or online program itself would not constitute "core instruction" as described above.

The District may contract with certain entities where specifically authorized by statute or regulation, or where contracting is necessary to carry out duties imposed on the District by State or federal law.

**Contracts for the Provision of Special Education "Related Services" for which a Certification Area Exists and to which Tenure Rights Apply Pursuant to Education Law and/or Commissioner's Regulations**

The District may contract for the provision of special education "related services" for which a certification area exists and to which a tenure are applies but only in limited circumstances and with qualified individuals over whom the District has supervisory control.

Pursuant to the federal Individuals with Disabilities Education Act (IDEA), the School District is required to provide students with disabilities with a free appropriate public education (FAPE). The Board must provide related services as part of the continuum of special services and programs available to students with disabilities to enable such students to benefit from instruction. Related services include: audiology, counseling including rehabilitation counseling services, occupational therapy, physical therapy, speech pathology, certain medical services, psychological services, school health services, school nurse services, school social work, assistive technology services, interpreting services, orientation and mobility services, parent counseling and training and other appropriate developmental, corrective or other support services and appropriate access to recreation.

Continued

**SUBJECT: CONTRACTS FOR INSTRUCTION**

However, the District also has obligations under the IDEA and Article 89 of the Education Law to deliver the services necessary to ensure that students with disabilities receive FAPE. SED recognizes that there will be situations in which school districts will not be able to deliver FAPE to students with disabilities without contracting with independent contractors. Where a School District is unable to provide the related services on a student's individualized education program (IEP) in a timely manner through its employees because of shortages of qualified staff or the need to deliver a related service that requires specialized expertise not available from School District employees, the Board has authority under Education Law to enter into contracts with qualified individuals as employees or independent contractors to provide those related services. Commissioner's Regulations requires that related services be provided by individuals with appropriate certification or license in each area of related service.

In order to ensure that such arrangements are not used to circumvent New York State's teacher tenure laws, the District must document that it would retain supervisory control over the individual and that, despite reasonable efforts, it has been unable to provide such services by hiring new employees or utilizing existing employees, or through any of the contractual arrangements authorized by Education Law, including contracts with other school districts, BOCES, approved state or state-supported schools, and approved private residential and nonresidential schools both inside and outside New York State.

Finally, if the District, after exhausting the steps outlined above, finds it necessary to contract with individuals, it should do so only for a period of one school year at a time. Before any such contract can be extended, or a new contract entered, the District must again take reasonable efforts to provide such services as described above.

**Other Contracts for Instruction**

This policy is not intended to be an exhaustive analysis, nor is it intended to cover every possible situation and/or educational program in which contracts may be contemplated.

The District will review all contractual or informal arrangements with its school attorney(s) to ensure that it is in compliance with applicable law and/or regulations.

20 United States Code (USC) Section
1401(26) Education Law Sections 1604(30), 1709(33), 804(1),
1805, 1903(1),
2503(1), 2503(3), 2554(1), 2554(15)(a), 4401(2), 4401(2)(k), and 4402(2)(b)
8 New York Code of Rules and
Regulations (NYCRR) Sections 100.1, 100.2, 100.3, 100.4, 100.5,
200.1(qq), and 200.6(b)(3)

Adoption Date: 05/22/2023

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

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

**Uniform Grant Guidance Requirements**

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

a) Maintain and use its own documented procedures for transactions under a federal award or subaward, including for acquisition of property or services. These documented procurement procedures must be consistent with state, local, and tribal laws and regulations and the standards identified in law.

b) Establish, document and maintain effective internal control over the federal award that provides reasonable assurance that the District is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. Internal controls means a process, implemented by the District, designed and implemented to provide reasonable assurance regarding the achievement of objectives in the following categories:

   1. Effectiveness and efficiency of operations;
   2. Reliability of reporting for internal and external use; and
   3. Compliance with applicable laws and regulations.

c) Comply with federal statutes, regulations, and the terms and conditions of the federal awards.

d) Evaluate and monitor the District's compliance with statutes, regulations, and the terms and conditions of federal award.

e) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.

f) Take reasonable cybersecurity and other measures to safeguard information including protected personally identifiable information (PII) and other types of information. This also includes information the federal agency or pass-through entity designates as sensitive or other information the District considers sensitive and is consistent with applicable federal, state, local, and tribal laws regarding privacy and responsibility over confidentiality.

Continued

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

g) Maintain oversight to ensure contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

h) Maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.

i) Have procurement procedures in place to avoid the acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase.

j) Award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed contract. Consideration will be given to matters such as contractor integrity, compliance with public policy, proper classification of employees past performance record, and financial and technical resources when conducting a procurement transaction.

k) Maintain records that sufficiently detail the history of each procurement including, but not limited to:

1. Rationale for the procurement method;
2. Contract type selection;
3. Contractor selection or rejection; and
4. The basis for the contract price.

l) Use time and material contracts, only after a determination that no other contract is suitable and the contract includes a ceiling price that the contractor exceeds at its own risk.

m) Conduct all procurement transactions in a manner providing full and open competition consistent with the standards of the Uniform Grant Guidance.

n) Have written procedures for procurement to ensure that all solicitations:

1. Incorporate a clear and accurate description of the technical requirements for the property, equipment, or service being procured; and
2. Identify any additional requirements which the offerors must fulfill and all other factors that will be used in evaluating bids.

o) Ensure that all prequalified lists of persons, firms, or products used in procurement transactions are current and include enough qualified sources to ensure maximum competition.

Continued

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

p) Use one of the following methods of procurement, which include:

1. Micro-purchases;
2. Simplified acquisitions;
3. Sealed bids;
4. Proposals; and
5. Noncompetitive proposals.

q) Have written procedures for conducting technical evaluations and making selections.

r) When possible, ensure that small businesses, minority businesses, women's business enterprises, veteran-owned businesses and labor surplus area firms are considered.

s) To the greatest extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products).

t) t) To the greatest extent practicable and consistent with law, purchase, acquire, or use products and services that can be reused, refurbished, or recycled; contain recycled content, are biobased, or are energy and water efficient; and are sustainable.

u) Include in all contracts made by the District the applicable provisions contained in Appendix II of the Uniform Grant Guidance -- Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.

v) Perform a cost or price analysis for every procurement transaction, including contract modifications, in excess of the simplified acquisition threshold.

w) Comply with the non-procurement debarment and suspension standards which prohibit awarding contracts to parties listed on the government-wide exclusions in the System for Award Management (SAM).

2 CFR Sections 200.61, 200.303, 200.318, 200.319, 200.320, 200.321, 200.322, 200.323, 200.324, 200.326, and 200.327
2 CFR Part 200, App. II; 34 CFR Parts 76 and 77

NOTE: Refer also to Policies #5410 - Purchasing
#5411 - Contracts for Instruction
#5413 - Procurement: Uniform Grant Guidance of Federal Awards
#5570 - Financial Accountability
#5670 - Records Management
#6110 - Code of Ethics for Board Members and All District Personnel
#6161 - Conference/Travel Expense Reimbursement

Adoption Date: 01/27/2026
05/22/2023

Non-Instructional/Business Operations

**SUBJECT: ACCOUNTING OF FUNDS**

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

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

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

**Online Banking**

The Board has entered into a written agreement with designated banks and trust companies for online banking and electronic or wire transfers, which includes the implementation of a security procedure for all transactions. Online transactions must be authorized by the Assistant Superintendent for Administrative Services. The District Treasurer, with a separate established user name and password, will have the authority to process online banking transactions. The Payroll Clerk, with a separate established user name and password, will be responsible for online banking transactions in the event the District Treasurer is not available, or as a job responsibility delegated to them by the District Treasurer. A monthly report of all online banking activity will be reviewed by staff independent of the online banking process and reconciled with the bank statement. Online banking will only take place on secure District computers located inside the Treasurer's or Business Office.

**Electronic Transactions and Wire Transfers**

Procedures will be implemented specifying who is authorized to initiate, approve, transmit, record, review and reconcile electronic transactions. At least two individuals will be involved in each transaction. Authorization and transmitting functions will be segregated and, whenever possible, the recording function will be delegated to a third individual.

The District will enter into written wire transfer security agreements for District bank accounts which will include established procedures for authenticating wire transfer orders.

All wire transfers must be authorized by the District Treasurer or their designee. Dual approval controls will be established for non-routine wire transfer orders.

The Internal Auditor will periodically confirm that wire transfers have appropriate signatures, verification and authorization of proper personnel.

Education Law Section 2116-a
General Municipal Law Article 2 Section 5, 5-a, 5-b, 99-b
N.Y. UCC Section 4-A-201

Adoption Date: 06/12/2023

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5511

Non-Instructional/Business Operations

**SUBJECT: MAINTENANCE OF FUND BALANCE**

**General Provisions**

The Board of Education recognizes that the maintenance of a fund balance is essential to the financial integrity of the District insofar as it helps mitigate current and future risks and assists in ensuring stable tax rates. Consistent with this understanding, the Board adopts the following standards and practices.

**Classification of Funds**

The District will ensure that funds are classified consistent with Governmental Accounting Standards Board (GASB) Statement Number 54, *Fund Balance Reporting and Governmental Fund Type Definitions.* Consequently, fund balance amounts will be categorized as non-spendable, restricted, committed, assigned, or unassigned.

**Unassigned Fund Balance**

In order to maintain and support fiscal and financial stability and normal operating costs, the Board of Education recognizes its obligation under, and will strive to comply with, Real Property Tax Law Section 1318 with regard to its unassigned fund balance.

**Fund Balance and Budget Development**

The District's ability to maintain its unassigned fund balance within the limits articulated above is contingent upon the development of a reasonable budget. Consequently, the District will develop and adopt budgets that, to the extent possible, reflect the anticipated revenues and expenditures.

Likewise, the District will ensure that appropriate reserve funds are established and utilized, consistent with applicable law and District policy, to ensure the fund balance is sufficient to meet District needs.

**Compliance**

The District will ensure funds are maintained at levels appropriate for its fiscal health and stability.

NOTE: Refer also to Policies #5110 - Budget Planning and Development
#5512 - Reserve Funds

Adoption Date: 06/12/2023

Non-Instructional/Business Operations

**SUBJECT: RESERVE FUNDS**

Reserve funds (essentially a legally authorized savings account designated for a specific purpose) are an important component in the District's financial planning for future projects, acquisitions, and other lawful purposes. The District may establish and maintain reserve funds in accordance with New York State laws, Commissioner's regulations, and the rules or opinions issued by the Office of the New York State Comptroller. The District will comply with the reporting requirements of Article 3 of the General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) issued GASB Statement Number 54, *Fund Balance Reporting and Governmental Fund Type Definitions.*

Any and all District reserve funds will be properly established and maintained to promote the goals of creating an open, transparent, and accountable use of public funds. The District will authorize all payments or transfers into a reserve fund by express resolution. The District may engage independent experts and professionals, including, but not limited to, auditors, accountants, and other financial and legal counsel to monitor all reserve fund activity and prepare any and all reports that the Board may require.

**Periodic Review and Annual Report**

The Board will periodically review all reserve funds. The District will also prepare and submit an annual report of all reserve funds to the Board. The annual report will include the following information for each reserve fund:

a) The type and description of the reserve fund;
b) The date the reserve fund was established and the amount of each sum paid into the fund;
c) The interest earned by the reserve fund;
d) Capital gains or losses resulting from the sale of investments of the reserve fund;
e) The total amount and date of each withdrawal from the reserve fund;
f) The total assets of the reserve fund showing cash balance and a schedule of investments; and
g) An analysis of the projected needs for the reserve fund in the upcoming fiscal year and a recommendation regarding funding those projected needs.

The Board will utilize the information in the annual report to make necessary decisions to adequately maintain and manage the District's reserve fund balances while mindful of its role and responsibility as a fiduciary of public funds.

Education Law § 3653

Adoption Date: 06/12/2023

**SUBJECT: EXTRACLASSROOM ACTIVITY FUND**

Any organization within the District whose activities are conducted by students, and whose financial support is raised other than by taxation or through charges of the Board, is an extraclassroom activity (ECA). The moneys raised by these organizations are referred to as ECA funds. ECA fund management provides students with the opportunity to learn proper business practices and how to operate a successful business. The Board and designated District staff will protect and provide oversight of ECA funds. All ECAs will be approved by the Board.

The Board will appoint ECA Central Treasurers and an Independent Auditor, and a chief faculty counselor (appointed for each building in the District, typically the building principal). Each ECA will have a faculty advisor appointed by the chief faculty counselor. Additionally, each ECA will have a student activity treasurer elected by the members of the ECA.

All ECA funds will be handled in accordance with the financial procedures set forth in The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds, Revised 2019, published by the New York State Education Department. All moneys received from the conduct, operation, or maintenance of any ECA will be deposited with the ECA Central Treasurers. Two separate and independent sets of records of receipts and expenditures will be maintained, one by the ECA Central Treasurers and one by the ECA's student activity treasurer. On a quarterly basis, the ECA Central Treasurers will submit to the Board a financial report relating to the receipts and expenditures for all ECA accounts. The authority to expend moneys will be distinct and separate from the custody of these moneys. The District will invest ECA funds in accordance with its investment policy.

ECAs are prohibited from using the District's New York State sales tax exemption. The ECA Central Treasurers are responsible for filing the periodic sales tax returns for ECA funds.

All commitments and contracts will be the sole responsibility of the ECA incurring the transaction, regardless of a change in faculty advisors, membership, or officers.

In conjunction with the annual audit of District records, the Independent Auditor will audit all ECA funds. This audit will include a statement of receipts, disbursements, and balances for each ECA, together with a reconciliation of cash.

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When an ECA becomes inactive or is discontinued, the ECA Central Treasurers are directed to expend the leftover ECA funds as voted by the organization controlling these funds. If this designation does not exist, then leftover funds of inactive or discontinued ECAs and of graduating classes will automatically revert to the account of the general student organization or student council. To reactivate, inactive or discontinued ECAs must follow the start-up procedures for new ECAs.

8 NYCRR Part 172, NYSED Finance Pamphlet,
The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds, Revised 2019

NOTE: Refer also to Policies
#1330 - Appointments and Designations by the Board
#1334 - Duties of the External (Independent) Auditor
#1336 - Duties of the Extraclassroom Activity Fund Central Treasurers
#3280 - Use of School Facilities, Materials, and Equipment
#5220 - District Investments
#5530 - Petty Cash Funds and Cash in School Buildings
#5620 - Inventories and Accounting of Fixed Assets
#7410 - Extracurricular Activities
#7450 - Fund Raising by Students

Adoption Date: 06/12/2023

Non-Instructional/Business Operations

**SUBJECT: PETTY CASH FUNDS AND CASH IN SCHOOL BUILDINGS**

**Petty Cash Funds**

Petty cash funds shall be established at each school, and the district office for the purchase of materials, supplies or services under conditions requiring immediate payment.

The amount of each fund will not exceed $100.00. The Board shall appoint a custodian for each petty cash fund who shall administer and be responsible for such fund.

To ensure that these funds are properly managed, the following guidelines shall be followed:

1. Receipts and cash-on-hand must always total the authorized fund amount. All disbursements from such funds are to be supported by receipted bills or other evidence documenting the expenditure.

2. Payments may be made from petty cash for materials, supplies, or services requiring immediate payment. Sales tax on purchases will not be paid by the school district from petty cash funds.

The district shall reimburse uses of petty cash funds up to the extent of expenditures, with appropriate documentary support and as approved by the claims auditor. Petty cash funds provided for buildings must be closed out on June 30 and reestablished by Board action at the organizational meeting of the Board in July.

**Cash in School Buildings**

Not more than $250, whether District or extra-classroom funds, shall be held in the vault in the main office of each District school building. In the event that funds exceed two hundred fifty dollars ($250) due to the timing of specific school events, the school will hold the funds in the main office vault for deposit. Under no circumstances shall cash be left in classroom areas or desks. The District will not be responsible for funds left unprotected.

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

Education Law §§1604(26); 1709(29)
8 NYCRR §170.4

Adoption Date: 06/12/2023

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5551

Non-Instructional/Business Operations

**SUBJECT: ALLOCATION OF TITLE I, PART A FUNDS IN THE DISTRICT**

**Allocation of Funds**

The District allocates the Title I, Part A funds it receives to District school buildings on the basis of the total number of students from low-income families in each eligible school attendance area or eligible school, as defined in law. Unless the District school building is participating in a school wide program, the District school building will only use Title I, Part A funds for programs that provide services to eligible children, as defined in law, identified as having the greatest need for special assistance.

The District will reserve from its allocation of Title I, Part A funds, such funds as are necessary to provide services comparable to those provided to students in District school buildings that receive Title I, Part A funds in order to serve:

a) Homeless children and youths, including educationally related support services to children in shelters and other locations where children may live;

b) Children in local institutions for neglected children; and

c) If appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs.

**Funds Will Supplement Not Supplant**

The District will ensure that Title I, Part A funds only supplement, not supplant, the funds that would, in the absence of such federal funds, be made available from state and local sources for the education of students participating in programs assisted by Title I, Part A funds.

**Allocation Methodology**

The District has developed an allocation methodology that is consistent with Title I guidelines.

20 USC §§ 6312-6315 and 6321

NOTE: Refer also to Policies # 5110 - Budget Planning and Development
# 8260 - Title I Parent and Family Engagement

Adoption Date: 09/25/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5560

Non-Instructional/Business Operations

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

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

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

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

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

Adoption Date: 09/25/2023

**SUBJECT: FINANCIAL ACCOUNTABILITY**

School districts must have internal controls in place to ensure that the goals and objectives of the District are accomplished; laws, regulations, policies, and good business practices are complied with; audit recommendations are considered and implemented; operations are efficient and effective; assets are safeguarded; and accurate, timely and reliable data are maintained.

The District has internal controls in place to ensure that:

a) The goals and objectives of the District are accomplished;

b) Laws, regulations, policies, and good business practices are complied with;

c) Audit recommendations are considered and implemented;

d) Operations are efficient and effective;

e) Assets are safeguarded; and

f) Accurate, timely, and reliable data are maintained.

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

a) The District's code of ethics addresses conflict of interest transactions with Board members and employees. Transactions that are less-than-arm's length are prohibited. Less-than-arm's length is a relationship between the District and employees or vendors who are related to District officials or Board members.

b) The Board requires corrective action for issues reported in the Certified Public Accountant's (CPA's) management letter, audit reports, the Single Audit, and consultant reports.

c) The Board has established the required policies and procedures concerning District operations.

d) The Board routinely receives and discusses the necessary fiscal reports including the:

   1. Treasurer's cash reports,

   2. Budget status reports,

   3. Revenue status reports,

   4. Monthly extra-classroom activity fund reports, and

   5. Fund balance projections (usually starting in January).

e) The District has a long-term (three to five years) financial plan for both capital projects and operating expenses.

Continued

**SUBJECT: FINANCIAL ACCOUNTABILITY**

a) The District requires attendance at training programs for Board members, business officials, treasurers, claims auditors, and others to ensure they understand their duties and responsibilities and the data provided to them.

b) The Board has an audit committee to assist in carrying out its fiscal oversight responsibilities.

c) The District's information systems are economical, efficient, current, and up-to-date.

d) All computer files are secured with passwords or other controls, backed up on a regular basis, and stored at an off-site or in a secure fireproof location.

e) The District periodically verifies that its controls are working efficiently.

f) If a staff member takes leave, another staff member will perform the duties of the member on leave. Staff may also schedule transactions and other responsibilities to occur electronically before taking leave.

**Audit Response**

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

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

Adoption Date: 09/25/2023

**SUBJECT: ALLEGATIONS OF FRAUD**

**Reporting and Investigations of Fraud**

All Board members and officers, District employees and third party consultants are required to abide by the District's policies, administrative regulations and procedures in the conduct of their duties. Further, all applicable federal and/or state laws and regulations must be adhered to in the course of District operations and practices. Any individual who has reason to believe that financial improprieties or wrongful conduct is occurring within the School System is to disclose such information according to the reporting procedures established by the District. The reporting procedures will follow the chain of command as established within the department or school building or as enumerated in the District's Organizational Chart. In the event that the allegations of financial improprieties/fraud and/or wrongful conduct concern the investigating official, the report shall be made to the next level of supervisory authority. If the chain of supervisory command is not sufficient to ensure impartial, independent investigation, allegations of financial improprieties/fraud and/or wrongful conduct will be reported as applicable, to the Internal Auditor (if available), or the Independent (External) Auditor, or the School Attorney, or the Board. The District's prohibition of wrongful conduct, including fraud, will be publicized within the District as deemed appropriate; and written notification will be provided to all employees with fiscal accounting/oversight and/or financial duties including the handling of money.

Upon receipt of an allegation of financial improprieties/fraud and/or wrongful conduct, the Board or designated employee(s) will conduct a thorough investigation of the charges. However, even in the absence of a report of suspected wrongful conduct, if the District has knowledge of, or reason to know of, any occurrence of financial improprieties/fraud and/or wrongful conduct, the District will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all reports will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. Written records of allegation, and resulting investigation and outcome, will be maintained in accordance with law.

Based upon the results of this investigation, if the District determines that a school employee, school official, or school officer has engaged in financial improprieties/fraudulent and/or wrongful actions, appropriate disciplinary measures will be applied, up to and including termination of employment, in accordance with legal guidelines, District policy and regulation, and any applicable collective bargaining agreement. Third parties who are found to have engaged in financial improprieties/fraud and/or wrongful conduct will be subject to appropriate sanctions as warranted and in compliance with law. *The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted. Rather, when school officials receive a complaint or report of alleged financial improprieties/fraud and/or wrongful conduct that may be criminal in nature, law authorities should be immediately notified.*

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

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**SUBJECT: ALLEGATIONS OF FRAUD**

**Protection of School Employees who Report Information Regarding Illegal or Inappropriate Financial Practices**

Any employee of the District who has reasonable cause to believe that the fiscal practices or actions of an employee or officer of the District violates any local, state, federal law or rule and regulation relating to the financial practices of the District, and who in good faith reports such information to an office of the District, or to the Office of the State Comptroller, the Commissioner of Education, or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report. Further, neither the District, nor employee or officer thereof, shall take, request, or cause a retaliatory action against any such employee who makes such a report.

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

The Board also prohibits any retaliatory behavior directed against any witnesses and/or any other individuals who participate in the investigation of an allegation of illegal or inappropriate fiscal practices or actions. Follow-up inquiries shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the District.

**Knowingly Makes False Accusations**

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

Education Law Section 3028-d

Note: Refer also to Policy# 6432 Whistleblower Policy

Approved: 09/25/2023

**SUBJECT: AUDIT COMMITTEE**

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

a) The Board as a whole;
b) A subcommittee of the Board; or
c) An Advisory Committee that may include, or be composed entirely of persons other than Board members if, in the opinion of the Board, membership is advisable to provide accounting and auditing expertise.

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

1. Employed by the District;

2. An individual who within the last two years provided, or currently provides, services or goods to the District;

3. The owner of or have a direct and material interest in a company providing goods or services to the District; or

4. A close or immediate family member of an employee, officer, or contractor providing services to the District.

The Audit Committee will consist of at least three members who should collectively possess knowledge in accounting, auditing, financial reporting, and District finances. They will serve without compensation, but will be reimbursed for any actual and necessary expenditure incurred in relation to attendance at meetings. Employees of the District are prohibited from serving on the Audit Committee. Members of the Audit Committee will be deemed District Officers, but will not be required to be residents of the District.

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

The Audit Committee will develop and submit to the Board for approval a formal, written charter which includes, but is not limited to, provisions regarding the committee's purpose, mission, duties, responsibilities, and membership requirements.

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**SUBJECT: AUDIT COMMITTEE**

The Audit Committee will hold regularly scheduled meetings and report to the Board on the activities of the Committee on an as needed basis, but not less than annually. The report will address or include at a minimum:

a) The activities of the Audit Committee;
b) A summary of the minutes of the meeting;
c) Significant findings brought to the attention of the Audit Committee;
d) Any indications of suspected fraud, waste, or abuse;
e) Significant internal control findings; and
f) Activities of the internal audit function.

The responsibilities of the Audit Committee include the following:

a) Providing recommendations regarding the appointment of the External (Independent) Auditor for the District;
b) Meeting with the External (Independent) Auditor prior to commencement of the audit;
c) Reviewing and discussing with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable;
d) Receiving and reviewing the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board in interpreting such documents;
e) Making a recommendation to the Board on accepting the annual audit report; and
f) Discussing and analyzing every corrective action plan developed by the District in response to any audit and assist the Board in its implementation.

**Corrective Action Plan**

Within 90 days of receipt of the report or management letter, the Superintendent/designee will prepare a corrective action plan approved by the Board in response to any findings contained in:

Continued

**SUBJECT: AUDIT COMMITTEE**

a) The annual external audit report or management letter;
b) A final audit report issued by the District's internal auditor;
c) A final report issued by the State Comptroller;
d) A final audit report issued by the State Education Department (SED); or
e) A final audit report issued by the United States or an office, agency, or department thereof.

The Audit Committee will review and approve the corrective action plans developed by the Superintendent and Assistant Superintendent for Administrative Services. The corrective action plan must be filed with the SED, and if appropriate, must include the expected date(s) of implementation. The District will also post a copy of this plan on its website. To the extent practicable, implementation of the corrective action plan should begin no later than the end of the next fiscal year.

Additional responsibilities of the Audit Committee include: assisting in the oversight of the Internal Audit Function including, but not limited to, providing recommendations regarding the appointment of the Internal Auditor; reviewing significant findings and recommendations of the Internal Auditor; monitoring the District's implementation of these recommendations; and participating in the evaluation of the performance of the Internal Audit Function.

The Audit Committee may conduct an Executive Session pertaining to the following matters:

a) To meet with the External (Independent) Auditor prior to commencement of the audit;
b) To review and discuss with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable; and
c) To receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board in interpreting such documents.

Any Board member who is not a member of the Audit Committee may be allowed to attend an Audit Committee Meeting, including an executive session of the Audit Committee, if authorized by a Board resolution. However, if the Board member's attendance results in a meeting of a quorum of the full Board, any action taken by formal vote may constitute official Board action.

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

NOTE: Refer also to policies #1320 - Nominations and Election of Board Officers and Duties of the President and Vice President
#2210 - Committees of the Board

Adoption Date: 09/25/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5573

Non-Instructional/Business Operations

**SUBJECT: INTERNAL AUDIT FUNCTION**

The District has established an Internal Audit Function which includes:

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

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

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

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

NOTE: Refer also to Policy #1339 – Duties of the Internal Auditor

Adoption Date: 09/25/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5575

Non-Instructional/Business Operations

**SUBJECT: PAYROLL**

The Board recognizes the importance of the payroll function to the effective administration of the District. The Board is also aware that this is an area at risk of fraud and abuse. The Board directs the Superintendent to establish procedures to reasonably ensure the accuracy and integrity of the payroll system.

A duly certified payroll is one that has been examined and approved by the Assistant Superintendent for Administrative Services. It shall be the responsibility of the Assistant Superintendent for Administrative Services and his/her staff to prepare all payrolls.

The Assistant Superintendent for Administrative Services will initiate a periodic test to verify the accuracy and appropriateness of the district payroll. This test shall be conducted by a designee of the Assistant Superintendent for Administrative Services. The test shall confirm that individuals listed on the payroll are currently employed by the district, and that the title, hours worked, and wages listed are correct. The Assistant Superintendent for Administrative Services will evaluate the results of the test and determine if improvements need to be made.

Payroll procedures will also be reviewed periodically by the internal auditor. The internal auditor will report findings and recommendations to the Board. It is the intention of the Board to take reasonable and necessary steps to safeguard the district's payroll.

Note: Refer also to Policies #5320 - Expenditure of School District Funds
#5411 - Contracts for Instruction

Education Law Article 11; §§1604; 1719; 1720; 2116-a
Retirement and Social Security Law §34
2 NYCRR §§315.2; 315.3

Adoption date: 09/25/2023

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5610

Non-Instructional/Business Operations

**SUBJECT: INSURANCE**

The objective of the Board is to obtain the best possible insurance at the lowest possible cost, and to seek advice from an Insurance Appraisal Service to determine that adequate coverage is being provided regarding fire, boiler, general liability, bus and student accident insurance.

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

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

All insurance policies shall be kept in a fireproof depository along with an inventory of the contents of the building. The Superintendent may review the District's insurance program annually and make recommendations to the Board if more suitable coverage is required.

Education Law Sections 1709(8), 1709(26), 1709(34-b), 2503(10), 2503(10-a), 2503(1 O-b), 3023, 3028 and 3811 General Municipal Law Sections 6-n and 52 Public Officers Law Section 18

Adoption Date: 10/23/2023

**SUBJECT: INVENTORIES AND ACCOUNTING OF FIXED ASSETS**

The Superintendent or his/her designee will maintain a continuous and accurate inventory of fixed assets owned by the District in accordance with applicable rules, standards, procedures, and best practices. Fixed assets are, generally, long-term, tangible resources intended to be continuously held or used, and may include land, buildings, improvements, machinery, and equipment.

All fixed assets purchased and received by the District will be checked, logged, and stored through an established procedure.

The Assistant Superintendent for Administrative Services will account for assets on an annual basis according to applicable rules, standards, procedures, and best practices. These accounts will serve to:

a) Maintain an inventory of assets;

b) Establish accountability;

c) Determine replacement costs; and

d) Determine and provide appropriate insurance coverage.

The Board will establish a dollar threshold as a basis for considering which fixed assets are to be depreciated. This threshold will ensure that at least 80% of the value of these assets is reported. The threshold will not be greater than $5,000. Standard methods and averaging conventions will be used in assessing, capitalizing, and depreciating fixed assets.

Fixed assets will be recorded at initial cost or, if not available, at estimated initial cost; gifts of fixed assets will be recorded at estimated fair value at the time of the gift. A property record will be maintained for each fixed asset and will contain, where possible, the following information:

a) Date of acquisition;

b) Description;

c) Serial or other identification number;

d) Any funding source and percentage contributed by the source;

e) Vendor/manufacturer;

f) Cost or value;

g) Location and use;

Continued

**SUBJECT: INVENTORIES AND ACCOUNTING OF FIXED ASSETS**

h) Asset type;

i) Condition and estimated useful life;

j) Replacement cost;

k) Current value;

l) Salvage value;

m) Sale price and date and method of disposition; and

n) Responsible official.

All fixed assets will be identifiable. Any discrepancies between an inventory and the District's property records should be traced, explained, and documented.

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

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

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

a) Assets with a current per-unit fair market value of less than $5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.

b) Assets with a current per-unit fair market value of greater than $5,000 may be retained or sold and the awarding agency will have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the assets.

c) No federal approval is necessary to dispose of an asset costing over $5,000 but approval from the New York State Education Department (SED) is necessary. Once SED has determined that it has no other need for the use of the asset, the District may proceed with selling it.

Continued

**SUBJECT: INVENTORIES AND ACCOUNTING OF FIXED ASSETS**

The District will comply with the U.S. Department of Education regulations governing the use, management, and disposition of all equipment acquired through a federal government grant.

**Equipment Purchased with Extraclassroom Funds**

Title to all equipment acquired with extraclassroom activity funds will reside with the District and be carried as an insurable asset on its list of insurable values. This equipment will be tagged as District property but is available for exclusive use by the extraclassroom activity club acquiring it.

34 CFR Parts 74-99, 200
SED Finance
Pamphlet, The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds, 2015 Uniform System of Accounts for School Districts (Fiscal Section)

Adoption Date: 10/23/2023

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

**Overview**

The District is committed to providing a healthy and safe environment for all individuals on school grounds. As part of this commitment, the District will comply with all applicable laws, regulations, and codes related to the construction, inspection, operation, and maintenance of District facilities.

**Construction and Remodeling of School Facilities**

The District will ensure all capital projects and maintenance comply with the requirements of the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, the Manual of Planning Standards, and the Commissioner's regulations. The New York State Education Department (NYSED) Office of Facilities Planning has provided an Instruction Guide on its official website.

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

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

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

**Carbon Monoxide Detection**

All District facilities will have alarms or detection systems installed in accordance with all applicable laws, regulations, and/or codes.

**Asbestos Inspections**

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

Continued

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

**Lead Testing**

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

**Legionella Testing**

To help protect staff, students, and visitors from contracting Legionnaires' disease from Legionella bacteria, the District will register any cooling towers it owns with the New York State Department of Health (NYSDOH), providing the information in any form that NYSDOH requires. The District will also adhere to the inspection, annual certification, and maintenance program and planning requirements mandated by NYSDOH. Further, the District will maintain records regarding all inspection results, corrective action, cleaning and disinfection, tests, and certifications for at least three years. The District will keep a copy of its required maintenance program and plan on the premises where the cooling tower is located.

**Comprehensive Long-Range Plan**

The District will develop and keep on file a comprehensive long-range plan pertaining to educational facilities in accordance with the Commissioner's regulations. This plan will be reevaluated and updated at least annually and will include, at a minimum, an appraisal of the following:

a) The educational philosophy of the District, with resulting administrative organization and program requirements;
b) Present and projected student enrollments;
c) Space use and state-rated student capacity of existing facilities;
d) The allocation of instructional space to meet the current and future special education program and service needs, and to serve students with disabilities in settings with nondisabled peers;
e) Priority of need of maintenance, repair, or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and
f) The provision of additional facilities.

Continued

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

**Comprehensive Public School Building Safety Program**

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

The Comprehensive Public School Safety Program will consist of the following components:

a) Building Condition Surveys
Building condition surveys will be conducted on a schedule as assigned by the Commissioner of Education in calendar years 2020-2024 and at least every five years thereafter. Building condition surveys will be conducted on all occupied school buildings in accordance with law and regulation, including being conducted by a licensed architect or a licensed professional engineer who will assess the condition of all major building systems of a school building.

b) Visual Inspections
Visual inspections will be conducted when deemed necessary by the Commissioner to maintain the safety of public school buildings and the welfare of their occupants. When visual inspections occur, they will be conducted in accordance with law and regulation.

c) Five-Year Capital Facilities Plan
The District will develop a five-year capital facilities plan and update the plan annually. In developing and amending the plan, the District will use the safety rating of each occupied school building. The plan must be consistent with all District planning requirements and identify critical maintenance needs. The plan will be prepared in a manner and format prescribed by the Commissioner and submitted to the Commissioner upon request. The plan will include, but not be limited to:

1. A breakdown for each of the five years of the plan of the estimated expenses for the following:
   (a) Current or proposed new construction ranked in priority order;
   (b) Current or proposed additions to school facilities ranked in priority order;
   (c) Current or proposed alterations or reconstruction of school facilities ranked in priority order;
   (d) Major repairs ranked in priority order;
   (e) Major system replacement and repairs, and maintenance ranked in priority order; and
   (f) Energy consumption.

Continued

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

2. A District-wide building inventory that includes, but is not limited to:

   (a) The number and type of facilities owned, operated, or leased by the District;
   (b) The age, enrollment, rated capacity, use, size, and the safety rating of the buildings as determined pursuant to Commissioner's regulations;
   (c) The energy sources for the buildings;
   (d) Probable useful life of each building and its major subsystems;
   (e) Need for major system replacement and repairs, and maintenance;
   (f) Summary of the triennial asbestos reports required pursuant to AHERA regulations; and
   (g) Any other information which may be deemed necessary by the Commissioner to evaluate safety and health conditions in school facilities.

d) Monitoring System

The District will establish a process to monitor the condition of all occupied school buildings in order to assure that they are safe and maintained in a state of good repair. The process will include, but not be limited to:

1. The establishment of a health and safety committee comprised of representation from District officials, staff, bargaining units, and parents.
2. The establishment of a comprehensive maintenance plan for all major building systems to ensure the building is maintained in a state of good repair. This plan will include provisions for a least toxic approach to integrated pest management and establish maintenance procedures and guidelines which will contribute to acceptable indoor air quality. The comprehensive maintenance plan will be available for public inspection.
3. The annual review and approval by the Board of the annual building inspection reports and the five-year building condition surveys.
4. Procedures for assuring that an annual fire safety inspection of each building is conducted in accordance with all applicable laws, regulations, and/or codes.
5. Procedures for assuring that a current and valid certificate of occupancy is maintained for each building and posted in a conspicuous place.
6. Procedures for the investigation and disposition of complaints related to health and safety. These procedures will involve the health and safety committee and, at a minimum, will conform to the following requirements:

   (a) Provide for a written response to all written complaints. The written response will describe:
      1) The investigations, inspections, or tests made to verify the substance of the complaint, or a statement explaining why further investigations, inspections, or tests are not necessary;
      2) The results of any investigations, inspections, or tests which address the complaint;
      3) The actions, if any, taken to solve the problem; and
      4) The action, if any, taken if the complaint involved a violation of law or of a contract provision.

Continued

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

(b) A copy of the response will be forwarded to the health and safety committee.

(c) Copies of all correspondence will be kept in a permanent project file.

(d) These records will be made available to the public upon request.

7. The Board will take actions to immediately remedy serious conditions affecting health and safety in school buildings, and will report the actions to the Commissioner.

8. All construction and maintenance activities will comply with the Uniform Safety Standards for School Construction and Maintenance Projects.

15 USC Sections 2641-2656
40 CFR Part 763, Subpart E
Education Law Sections 408, 409, 409-d, 3602, and 3641
Executive Law Section 378
Public Health Law Section 1110
8 NYCRR Sections 155.1, 155.2, 155.3, and 155.4
10 NYCRR Sections 4-1.1 et seq. and 67-4.1 et seq.
19 NYCRR Sections 1219-1240

Adoption Date: 10/23/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5631

Non-Instructional/Business Operations

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

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

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

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

**Hazard Communication Standard**

All personnel shall be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard. Both the "Right to Know" poster and the "Labor Law Information Relating to Public Employees" poster must be posted in common areas informing workers of relevant work hazards and associated rights.

The Superintendent/designee shall maintain a current record of the name, address and social security number of every employee who handles or uses toxic substances and which substance(s) were handled or used by the employee.

Rules and regulations will be developed to ensure District implementation of this policy which shall include awareness information, employee training and record keeping.

Environmental Protection Agency, 40 Code of Federal Regulations (CFR) Parts 261 and 262
Occupational Safety and Health Administration (OSHA), 29 Code of Federal Regulations (CFR) Section 1910.1200
Labor Law Sections 875-883
Public Health Law Sections 4800-4808
6 New York Code of Rules and Regulations (NYCRR) Part 371
9 New York Code of Rules and Regulations (NYCRR) Part 1174

Adoption Date: 10/23/2023

**SUBJECT: PEST MANAGEMENT AND PESTICIDE USE**

The Board is committed to maintaining the integrity of school buildings and grounds while protecting the health and safety of students and staff and maintaining a productive learning environment.

Structural and landscape pests can pose significant problems for people and property. Weeds and infestations can destroy playing fields and playgrounds and more importantly, cause severe allergic reactions. Pesticides can pose risks to people, property, and the environment. It is therefore the policy of the District to incorporate Integrated Pest Management (IPM) procedures for control of weeds, structural and landscape pests. The objective of this program is to provide necessary pest control while using the least toxic approach to all pests, weeds and infestations.

**Pest/Pesticide Management Plan**

The District will manage weeds and pests to:

a) Reduce any potential human health hazard or threat to public safety.

b) Prevent loss or damage to school structures or property.

c) Prevent pests from spreading into the community, or to plant and animal populations beyond the site.

d) Enhance the quality of life for students, staff, and others.

**Integrated Pest Management (IPM) Coordinator**

An IPM Coordinator will be appointed by the Superintendent. The Coordinator will be responsible for implementing the IPM policy and plan. The coordinator's responsibilities will include the following:

a) Recording all pest sightings by school staff and students.
b) Recording all pesticide use and utilizing the least toxic approach.
c) Meeting with a local pest control expert, such as a pesticide contractor to share information on what pest problems are present in the school.
d) Assuring that all of the expert's recommendations on maintenance and sanitation are carried out where feasible.
e) Assuring that pesticide use is done when school is not in session or when the area can be completely secured against access by school staff and students for a standard seventy-two (72) hours, or as required by the pesticide being used.
f) Evaluating the school's progress in the IPM plan.
g) Notifying parents, staff and neighbors of any applications of pesticides forty-eight (48) hours before they occur. The IPM Coordinator will serve as the District's Pesticide Representative.

Continued

**SUBJECT: PEST MANAGEMENT AND PESTICIDE USE**

**Pesticide Use on Common Areas**

Pesticides will not be used on playgrounds, turf, athletic or playing fields, in effect, all lawn areas of the school. In these common areas where children gather and play, pesticide alternatives will be used whenever possible and effective. The prohibition does not apply to indoor use or the application to building structures.

An exception may be made for emergency applications of pesticide only when approved in advance by the Board. The Board may consult with the local Health Department on public health related emergency determinations. They may also consult with the Department of Environmental Conservation (DEC) for environmental emergency determinations. Emergency determinations should only be sought for one-time pesticide application in a specific situation, which presents a true emergency. The guidance document from DEC provides clarification on emergency determinations. It can be found at:

http://www.dec.ny.gov/docs/materials_minerals_pdf/guidancech85.pdf

Some types of pesticides and alternatives, those deemed safe in federal regulation, may be allowable on playing fields and playgrounds in certain circumstances. The District will develop regulations governing the use of pesticides and their alternatives on school grounds.

**Fertilizer Use**

New requirements and restrictions regarding the use of phosphorus fertilizers on school grounds have been developed. Chapter 205 of the Laws of 2010 dictates the requirements which must be adhered to regarding grounds maintenance starting on January 1, 2012.

a) Fertilizer use is prohibited between December 1 and April 1 annually.

b) The use of fertilizers is prohibited within twenty (20) feet of any surface water except:

   1. Where a continuous natural vegetation buffer, at least ten (10) feet wide, separates lawn and water.

   2. Where a spreader guard, deflector shield or drop spreader is used, then the application may not occur within three feet of any surface water.

c) The use of phosphorus fertilizers are prohibited on lawns or other non-agricultural turf with the following exceptions:

Continued

**SUBJECT: PEST MANAGEMENT AND PESTICIDE USE**

1. The use of phosphorus fertilizers are needed to establish a new lawn; or

2. A soil test shows that phosphorus fertilizers are needed for growth.

d) Fertilizer cannot be used on any impervious surfaces and if such an application occurs, it must be cleaned immediately and legally applied or placed in an appropriate container.

**Notification**

The District's IPM Coordinator or designated Pesticide Representative will give prior written notice of all pesticide applications to anyone who has asked to receive such notice. The District will also notify parents, students and staff of periodic pesticide applications. The District will maintain a list of those people who wish to receive forty-eight (48) hour notice before pesticide applications and will ensure that a system is developed to deliver such notice in a timely fashion to all affected. The notification system may be by mail or email, and will ensure that a back-up method is available to notify those for whom the regular system is unworkable. The name and contact information for the District Pesticide Representative will be made available to all requesting it.

Sample forms for forty-eight (48) hour prior notification can be obtained at:

http://www.emsc.nysed.gov/facplan/documents/PesticideNeighborNotificationGuidelineforSchools_091001.pdf

The District must also provide additional written notification to all parents and staff three (3) times per year to inform them of any pesticide applications that have occurred: within ten (10) days of the end of the school year, within two (2) school days of the end of winter recess and within two (2) days of the end of spring recess.

**Recordkeeping**

Records of pesticide use will be maintained on site for three (3) years. Records will be completed on the day of pesticide use. In addition, pest surveillance records will be maintained to help verify the need for pesticide treatments. Annual reports of any applications must be sent to DEC.

Education Law Sections 409-k, 409-h
Environmental Conservation Law Sections 17-2103, 33-0303
40 Code of Federal Regulations (CFR) Part 152.25
7 United States Code Section 136(mm), 136q(h)(2)
(FIFRA)
NYCRR Part 155.4(d)(2)

Adoption Date: 10/23/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5633

Non-Instructional/Business Operations

**SUBJECT: GENDER NEUTRAL SINGLE-OCCUPANCY BATHROOMS**

The District is committed to creating and maintaining an inclusive educational and work-environment. The District will ensure that all single-occupancy bathroom facilities are designated as gender neutral for use by no more than one occupant at a time or for family or assisted use.

"Single-occupancy bathroom" means a bathroom intended for use by no more than one occupant at a time or for family or assisted use and which has a door for entry into and egress from the bathroom that may be locked by the occupant to ensure privacy and security.

All gender neutral bathroom facilities will be clearly designated by the posting of signage either on or near the entry door of each facility.

Education Law § 409-m
Public Buildings Law § 145

NOTE: Refer also to Policy #7552 - Student Gender Identity

Adoption Date: 10/23/2023

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

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

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

Exceptions may exist for authorized medical cannabis use.

**Definitions**

For purposes of this policy, the following definitions apply:

a) "Electronic cigarette" (or "e-cigarette") means an electronic device delivering vapor inhaled by an individual user, and includes any refill, cartridge, and any other component of such a device.

b) "School function" means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

c) "School grounds" means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's preschool, nursery school, elementary, or secondary school's legally defined property boundaries as registered in the County Clerk's Office, as well as any vehicles used to transport children or school personnel.

d) "Smoking" means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance containing tobacco, cannabis, or cannabinoid hemp.

e) "Tobacco products" means cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water, or any other tobacco products.

f) "Vaping" means the use of an electronic cigarette.

**Notification**

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

Continued

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

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

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

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

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

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

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

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

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

Adoption Date: 10/23/2023

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5650

Non-Instructional/Business Operations

**SUBJECT: ENERGY CONSERVATION IN THE SCHOOLS**

The Board recognizes the importance of energy conservation and is committed to the analysis, development, and initiation of conservation measures throughout the District for the purpose of reducing energy consumption. The Board maintains an aggressive and responsible program to reduce consumption of energy by its facilities and to provide education to both staff and students on the conservation of energy.

The District is committed to an energy conservation program that addresses not only capital-related energy projects but ongoing, day-to-day energy related issues as well. All staff are urged to participate actively in a program of energy conservation by assisting in the efforts to eliminate the wasteful use of energy in the operation of the District's buildings. Cooperation will be required of each employee and each student to achieve a meaningful energy conservation program that results in a more efficient use of energy resources. Involvement of staff and students is essential to a successful program of energy conservation.

**Energy Manager**

The Director of Facilities is designated as the Energy Manager and shall report directly to the Board and the Superintendent /designee, on matters pertaining to energy conservation.

**Energy Conservation**

The Board directs the Superintendent/designee to monitor energy conservation in accordance to the Law and with regulations 5650R. Progress reports on the implementation of energy conservation measures will be made available to the Board.

**Minimum Indoor Air Temperature**

The District will comply with the Property Maintenance Code of New York State, part of the New York State Uniform Fire Prevention and Building Code, which requires that indoor occupiable work spaces be maintained at a minimum temperature of sixty five (65) degrees from September 14 to May 31 during the period the spaces are occupied. There are exceptions for areas of vigorous physical activities such as gymnasiums as well as processing spaces such as coolers or freezers. However, by law, code or regulation there is no maximum temperature specified. Ventilation requirements only require fresh air, not cool air-conditioning.

**Long-Range Considerations**

The energy conservation program is an important factor to be considered in planning effective use of school facilities, new construction, remodeling or rehabilitation programs, and modernization projects.

Environmental Conservation Law Sections27-2101- 27-2117
General Municipal Law Section 120-aa19 New York State Code of Rules and Regulations (NYCRR)
Sections 1221- 228 and Section 1240
Energy Conservation Code of New York State 2007

Adoption Date: 10/23/2023

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

**School Food Service Program**

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

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

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

All necessary staff will be trained annually on the implementation of this policy.

**Applying for the Free/Reduced Meal Program/Parent Outreach**

The District will send every family an application to enroll in the free or reduced-price meal program. In addition, the District will:

a) Make every attempt to determine if the student is directly certified to be eligible for free or reduced-priced meals.
b) Make at least two additional attempts (not including the application package) to reach the student's parent or guardian to fill out a meal application.
c) Contact the parent or guardian to;
    1) Offer assistance with a meal application
    2) Determine if there are other issues within the household that have caused the child to have insufficient funds to purchase a school meal
    3) Offer any other assistance that is appropriate

The District may in accordance with 7 CFR 245.6(d) complete and file an application for a free or reduced-price meal for a student if the District becomes aware that a student who has not submitted a meal application is eligible for free or reduced priced meals.

The Liaison for Homeless Children and Youth will coordinate with the Food Services Department to ensure such students are receiving free meals in accordance with federal law.

Continued

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

**Access to Meals**

a) Free meal benefit eligible students will be allowed to receive a free breakfast and lunch meal of their choice each day. A la carte items or other similar items must be paid/prepaid.

b) Reduced meal benefit eligible students will be allowed to receive a free breakfast and lunch of their choice each day. A la carte items or other similar items must be paid/prepaid.

c) Full pay students will pay for meals at the District's published paid meal rate each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the District to withhold a meal. A la carte items or other similar items must be paid/prepaid.

**Prepaid Accounts**

Students/Parents/Guardians may pay for meals in advance via myschoolbucks.com or with a check payable to Lewiston-Porter School District. Further details are available on the District's webpage at www/lew-port.com. Funds should be maintained in accounts to minimize the possibility that a student may be without meal money on any given day. Any remaining funds for a particular student will be carried over to the next school year.

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

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

**Charging School Meals/Snacks**

It is the right of the District to receive compensation for food that is sold during the school year. It is solely the responsibility of the parent(s)/guardian(s) to provide their child with a meal or the means to purchase a meal. This funding may come through the state as reimbursement, which is why families are encouraged to fill out a free and reduced meal application to assess their child's eligibility for free meals. If students are not eligible for free meals, the payment for individual meals must come from the parent/guardian. This policy regarding school meal charges is in accordance with New York State child nutrition guidelines and is consistent with other districts in the area.

Continued

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

If a participating student does not have the money to purchase a meal, the student will be provided a reimbursable meal and no action will be taken against the student to collect unpaid meal fees.

In addition, no snacks will be charged and no snacks will be sold to a student who has a negative account balance. This policy applies to all paying students, whether they are paying full or reduced-price.

**Meal Account Parent/Guardian Notification**

The following protocols will be used to notify parents/guardians of accounts with low or negative balances:

| Prepaid Meals | Elementary/Secondary |
|---|---|
| 2 remaining meals | Food Service Manager will notify Administration.<br>Administration will contact the parent/guardian. |
| 1 remaining meal | Food Service Manager will notify Administration.<br>Administration will contact the parent/guardian. |
| None remaining – first instance | Food Service Manager will notify Administration.<br>Administration will contact the parent/guardian. |
| Exhausted - Letter will be generated by the Food Service Department and sent home to the parent/guardian. | Food Service Manager will notify Administration.<br>Administration will contact the parent/guardian. |

**Minimizing Student Distress**

a) Staff will not publicly identify or stigmatize any student in line for a meal or discuss any outstanding meal debt in the presence of any other students.

b) Students with unpaid meal charges will not be required to wear a wristband or handstamp, or to do chores or other work to pay for meals.

c) Staff will not throw away a meal after it has been served because of the student's inability to pay for the meal or because of previous unpaid meal charges.

d) Staff will not take any action directed at a student to collect unpaid meal charges.

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

Continued

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

**Delinquent Account Information**

In the event that pre-paid meals have been exhausted, as indicated in the above chart:

a) A letter will be generated by the Food Service Department and sent to the household which will include the amount to be paid for a $0 balance, including an application for free/reduced price lunch.
b) If full payment is not received within five (5) school days, the District Business Office will be notified of the problem.
c) A call will be placed to the child's home by the District Business Office when a child owes charges that have exceeded the limits outlined above.
d) If repeated requests for payment are not answered and the student returns to school with no means to obtain a meal, the District may consider this a case of neglect. The matter will be turned over to the School Social Worker which may lead to a referral to the Niagara County Social Service Agency and/or the District may pursue payment in small claims court. Parents will be notified of such mandated action.

Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265
Child Nutrition Act 1966, 42 United States Code (USC) Section 1771 et seq.
Richard B. Russell National School Lunch Act 1946, 42 United States Code (USC) Section 1751 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400-1485
7 Code of Federal Regulations (CFR) Parts 15B, 210 and 220
Education Law Sections 902(b), 915, 918, 1604(28), 1709(22), 1709(23) and 2503(9)(a)
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(1) and 200.2(b)(2)
Social Services Law Section 95

Adoption Date: 11/27/2023

**SUBJECT: WELLNESS**

The District is committed to providing a school environment that promotes and protects students' health, well-being, and ability to learn, by fostering healthy eating and physical activity before, during, and after the school day. This wellness policy outlines the District's approach to ensuring that there are opportunities for all students and personnel to practice healthy eating and physical activity behaviors throughout the school day. The District will work to ensure that all students and personnel across the District have equitable access to health and wellness efforts. This wellness policy applies to all students, personnel, and schools in the District.

**Definitions**

For the purpose of this wellness policy:

a) "School campus" means all areas of property under the jurisdiction of the District that are accessible to students during the school day.

b) "School day" means the period from the midnight before, to 30 minutes after the end of the official school day.

**Governance**

District Wellness Committee

The District has established a wellness committee that meets at least twice per year to oversee and establish goals for school health and safety policies and programs, including the development, implementation, and periodic review and update of this District-level wellness policy. The District Wellness Committee will evaluate and make recommendations that reflect the specific needs of the District and its students.

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

The District Wellness Committee membership will represent all school levels, and include (to the extent possible), but not be limited to, representatives from the following groups:

a) Parents and caregivers, including leaders from different parent organizations;
b) Students;
c) Physical Education teachers;
d) School health professionals;
e) Specialized instructional support personnel such as school counselors, psychologists, or social workers;
f) District food service program representatives;
g) School Board;
h) Community health professionals such as dieticians, doctors, nurses, or dentists;
i) School administrators;
j) General Education teachers;
k) Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators; and
l) The general public.

Continued

**SUBJECT: WELLNESS**

District Wellness Leadership

The following District official is responsible for the implementation and oversight of this District-level wellness policy: Bradly Halgash, Director of Athletics, Physical Education, Health & Wellness/Assistant Middle School Principal

The contact information for this-individual is: bhalgash@lew-port.com

This individual will be referred to as District Wellness Coordinator throughout this wellness policy.

The District Wellness Coordinator will convene the District Wellness Committee, facilitate the development of and updates to this wellness policy, and serve as a liaison with community agencies. The District Wellness Coordinator will also work to ensure each school's compliance with this wellness policy.

Building-Level Wellness Teams

The District encourages individual buildings within the District to establish an ongoing building-level wellness committee that supports the implementation of this policy and the efforts of the District Wellness Committee.

District Advisory Board

The District will establish an Advisory Board as required by 7 CFR Part 210.16(a) (8). The Advisory Board will function as a sub-committee of the Wellness Committee. It will be composed of parents, teachers, and students to assist the Food Service Management Company (FSMC) in menu planning. A representative of the FSMC will meet with the Advisory Board to review menus and confirm that meal standards outlined in the bid specifications are being met.

**Wellness Policy Implementation, Monitoring, and Accountability**

The District will develop and maintain an implementation plan to manage and coordinate the execution of this wellness policy. The plan delineates roles, responsibilities, actions, and timelines specific to each school. It also includes specific goals and objectives for nutrition standards for all foods and beverages available on the school campus, food and beverage marketing, nutrition promotion and education, physical activity, physical education, and other school-based activities that promote student wellness. In developing these goals, the District will review and consider evidence-based strategies and techniques.

Triennial Assessments

At least once every three years, the District will assess its compliance with this wellness policy. The triennial assessment will measure the implementation of this wellness policy, and include an assessment of:

a) The extent to which schools in the District are in compliance with this wellness policy;
b) The extent to which this wellness policy compares to model local school wellness policies; and
c) A description of the progress made in attaining the goals of this wellness policy.

Continued

**SUBJECT: WELLNESS**

The following District official is responsible for managing the District's triennial assessment: Bradly Halgash. The contact information for this individual is: bhalgash@lew-port.com

The District will notify the public of the availability of the triennial assessment results.

Updating the Policy

This wellness policy will be assessed and updated, at a minimum, every three years based on the results of the triennial assessment. This wellness policy may also be updated as: District priorities change; community needs change; wellness goals are met; new health science, information and technology emerge; and/or new federal or state guidance or standards are issued.

Evaluation and feedback from interested parties are welcomed as an essential part of revising and updating this wellness policy.

**School Meals**

All schools within the District participate in the following federal Child Nutrition Programs: *National School Lunch Program; School Breakfast Program; Child and Adult Care Food Program; Summer Food Service Program; Fresh Fruit and Vegetable Program; Special Milk Program.* All school meals will meet or exceed nutrition requirements established by local, state, and federal laws and regulations.

In addition:

a) Meal Modifications
School meals will be accessible to all students, and the District will accommodate special dietary needs and food allergies as required by law and regulation. This includes making meal modifications, including substitutions for lunches and after-school snacks, for students with a disability whose disability restricts their diet. Any meal modification requested must be related to the disability or limitations caused by the disability and will be offered at no additional cost to the student. The District will notify parents of the procedures for requesting meal modifications for students with disabilities and the process of procedural safeguards related to meal modifications for disabilities. Please refer to 5661P, Meal Modification Procedures and 5661F, Meal Modification Form for Special Dietary Accommodations and 5661F1, Discontinuation of Special Dietary Accommodations for Meal Modifications.

b) Qualified Nutrition Professionals
School meals will be administered by a team of qualified nutrition professionals who meet or exceed the hiring and annual continuing education/training requirements of the USDA Professional Standards for Child Nutrition Professionals.

c) Unpaid Meal Charges
The District is committed to ensuring that a student whose parent/guardian has unpaid meal charges is not shamed or treated differently than a student whose parent/guardian does not have unpaid meal charges. The District has established procedures to address unpaid meal charges throughout the District in a way that does not stigmatize, distress, or embarrass students.

Continued

**SUBJECT: WELLNESS**

The District also operates additional nutrition-related programs and activities, including: *Farm to Schools; Breakfast After the Bell.*

The District promotes student health and aims to reduce childhood obesity by:

a) Promoting student participation in Child Nutrition Programs and working to ensure that families are aware of what programs are available in the District and how to access those programs;
b) Ensuring all students have a scheduled lunch period and that they are served lunch at a reasonable and appropriate time of day;
c) When applicable, serving breakfast to students using a variety of service models to increase participation, such as "grab and go" breakfast or breakfast served in the classrooms.
d) Providing all students with adequate time to eat meals, meaning that, when applicable, students will be allowed at least ten minutes to eat breakfast and at least 20 minutes to eat lunch, counting from the time they have received their meal and are seated;
e) Promoting healthy food and beverage choices;
f) Offering a variety of foods and beverages that are appealing and attractive to students;
g) Serving meals in clean and inviting settings;
h) Having lunch follow the recess period to better support learning and healthy eating;
i) Posting menus on the District website and including nutrient content and ingredients;
j) When feasible, purchasing, promoting, and serving fresh fruits, vegetables, and other foods from local farmers; and
k) Not serving food and beverages where natural sugar has been replaced with high-intensity sweeteners or non-nutritive sweeteners.

Child Nutrition Programs aim to improve the diet and health of students, help mitigate childhood obesity, model healthy eating to support the development of lifelong healthy eating patterns and support healthy choices while accommodating cultural food preferences and special dietary needs.

District food service personnel will meet with students in grades 4 through 12 twice annually to solicit feedback on the school breakfast and/or school lunch program(s).

Water

To promote hydration, free, safe, unflavored drinking water will be available to all students and personnel throughout the school day and throughout every school campus. The District will make drinking water available where school meals are served during meal times.

Continued

**SUBJECT: WELLNESS**

**Foods and Beverages Provided, But Not Sold, to Students During the School Day**

The District is committed to ensuring that all foods and beverages available to students on the school campus during the school day support healthy eating. The foods and beverages provided, but not sold, to students on the school campus during the school day (e.g., classroom parties, classroom snacks brought by parents, or other foods given as incentives) will *meet or exceed the USDA Smart Snack in School nutrition standards.*

**Competitive Foods and Beverages**

All competitive foods will meet, at a minimum, the USDA Smart Snacks in School nutrition standards. The Smart Snacks in School nutrition standards aim to improve student health and well-being, increase consumption of healthful foods during the school day and create an environment that reinforces the development of healthy eating habits.

Competitive foods include all food and beverages available for sale to students on the school campus during the school day other than meals offered through the Child Nutrition Programs. This includes, but is not limited to, a la carte options in cafeterias, vending machines, school stores, and snack or food carts.

Fundraising

The District requires that all foods and beverages available for sale to students through fundraisers on the school campus during the school day will meet, at a minimum, the USDA Smart Snacks in School nutrition standards. The District encourages the use of fundraisers that promote physical activity (e.g., walk-a-thons, Jump Rope for Heart or fun runs).

School fundraisers conducted outside of the school day will be strongly encouraged to sell only non-food items or foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards.

The District will provide to any individual or group conducting a school fundraiser the USDA Smart Snacks in School nutrition standards, as well as a list of healthy fundraising ideas.

**Foods and Beverages Available for Sale at Events Outside of the School Day**

The District is committed to ensuring that all foods and beverages available to students support healthy eating. The foods and beverages that are available for sale at school-sponsored events outside of the school day will *meet or exceed the USDA Smart Snack in School nutrition standards.*

Continued

**SUBJECT: WELLNESS**

The District is aware that certain scoreboards, signs, and other durable equipment it employs may market foods and beverages in a way that is inconsistent with the aims of this wellness policy. While the immediate replacement of this equipment is not required, as the District replaces or updates this equipment over time, it will ensure its replacement and purchasing decisions reflect the marketing guidelines established by this wellness policy.

**Nutrition Promotion and Education**

Nutrition promotion and education positively influence lifelong eating behaviors. The District will model and encourage healthy eating by:

a) Promoting healthy food and beverage choices for all students by using Smarter Lunchroom techniques which guide students toward healthful choices, as well as by ensuring that 100% of foods and beverages promoted to students meet the USDA Smart Snacks in School nutrition standards;
b) Cultivating a school environment that promotes a healthy body image, shape, and size among students and personnel;
c) Encouraging and promoting food purchases from local vendors and advertising local farmers markets to families;
d) Promoting nutrition education activities that involve parents, students, and the community;
e) Promoting school and community awareness of this wellness policy through various means, such as publication on the District website;
f) Encouraging and promoting wellness through social media, newsletters, and an annual family wellness event;
g) Ensuring that the marketing and advertising of foods and beverages on school campuses during the school day is consistent with nutrition education and health promotion;
h) Integrating nutrition education within the comprehensive health education curriculum and other instructional areas, as appropriate, and taught at every grade level, K through 12. Nutrition education follows applicable New York State standards and is designed to help students acquire:
    1. Nutrition knowledge, including, but not limited to: the benefits of healthy eating; essential nutrients; nutritional deficiencies; principles of healthy weight management; the use and misuse of dietary supplements; and safe food storage, handling, and preparation; and
    2. Nutrition-related skills, including, but not limited to: planning healthy meals; understanding and using food labels; critically evaluating nutrition information, misinformation, and commercial food advertising; assessing personal eating habits; and setting and achieving goals related to these concepts;
i) Providing families and teachers with a list of healthy party ideas, including non-food celebration ideas;
j) Providing families with a list of classroom snacks and beverages that meet USDA Smart Snacks in School nutrition standards;
k) Discouraging personnel from using food as a reward or withholding food as punishment under any circumstance – teachers and other appropriate school personnel will be provided with a list of alternative ways to reward students; and
l) Encouraging District personnel to model healthy eating, drinking, and physical activity behaviors for students.

Continued

**SUBJECT: WELLNESS**

**Physical Activity and Education**

Physical Activity

Since physical activity affects students' emotional and physical well-being, as well as their cognitive development, the District is committed to ensuring that all students, including students with disabilities requiring adaptations or modifications, are provided the opportunity to participate in physical activity before, during, and after school. Physical activity opportunities will be in addition to, not in lieu of, physical education.

Recess, physical education, or other physical activity time will not be cancelled for instructional make-up time, nor will it be withheld for disciplinary action unless the student is a danger to themself or others. This does not include participation on sport teams that may have specific academic requirements. Classroom teachers will be provided with a list of ideas for alternative ways to discipline students.

The District is committed to encouraging physical activity through the following:

a) Classroom Physical Activity Breaks (Elementary and Secondary)
All classroom teachers, and particularly those engaged in the instruction of K through 5 students, are strongly encouraged to incorporate into the school day short breaks for students that include physical activity, especially after long periods of inactivity.

b) Recess (Elementary)
All elementary students will be offered one daily period of recess for a minimum of 20 minutes. This requirement will not apply on days where students arrive late, leave early, or are otherwise on campus for less than a full day. Outdoor recess will be offered when weather permits. In the event that indoor recess is necessary, it will be offered in a place that accommodates moderate to vigorous physical activity.

c) Active Academics
Teachers are encouraged to incorporate kinesthetic learning approaches into core learning subjects, when possible, to limit sedentary behavior during the school day.

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

e) Active Transport
The District supports active transport to and from school, i.e., walking or biking through programs such as Safe Routes to School. The District will encourage this behavior by securing storage facilities for bicycles and equipment and instructing students on walking and bicycling safety. The District strongly encourages the use of appropriate protective wear, such as helmets.

f) Family and Community Engagement
Parents and family members are encouraged to participate in evening or weekend events involving physical activity.

Continued

Physical Education

The District will have a Board-approved Physical Education Plan on file with the New York State Education Department that meets or exceeds the requirements set forth in the Commissioner's regulations. All students will be required to fulfill the physical education requirements set forth in the Commissioner's regulations as a condition of graduating from the District's schools.

The District recognizes the importance of physical education classes in providing students with meaningful opportunities for physical exercise and development. Consequently, the District will ensure that:

a) All physical education classes are taught or supervised by a certified physical education teacher;
b) All physical education personnel receive professional development relevant to physical education on an annual basis;
c) Interscholastic sports, intramural sports, and recess do not serve as substitutes for a quality physical education program;
d) Students are afforded the opportunity to participate in moderate to vigorous activity for at least 50% of physical education class time;
e) It provides adequate space and equipment for physical education and conforms to all applicable safety standards;
f) An age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education is implemented, with a focus on students' development of motor skills, movement forms, and health-related fitness;
g) A physical and social environment is provided that encourages safe and enjoyable activity for all students; and
h) Activities or equipment are adapted or modified to meet the needs of students who are temporarily or permanently unable to participate in the regular program of physical education. In doing so, the District will abide by specific provisions in 504 Plans and/or individualized education programs (IEP). To that end, the Committee on Special Education (CSE) will ensure that a certified physical education teacher participates in the development of a student's IEP, if the student may be eligible for adapted physical education.

**Other School-Based Activities that Promote Student Wellness**

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

Community Partnerships

The District will develop, enhance, and continue relationships with community partners in support of the implementation of this wellness policy. Existing and new community partnerships will be evaluated to ensure they are consistent with this wellness policy and its goals. The District will provide all community partners with a copy of this wellness policy so that they are aware of the District's requirements and goals.

Continued

**SUBJECT: WELLNESS**

Community Access to District Facilities for Physical Activities

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

**Professional Learning, Awareness, and Support**

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

When feasible, the District will offer annual professional learning opportunities and resources for personnel to increase knowledge and skills about promoting healthy behaviors in the classroom (e.g., increasing the use of kinesthetic teaching approaches or incorporating nutrition lessons into math class). Professional learning will help District personnel understand the connections between academics and health and the ways in which health and wellness are integrated into ongoing District improvement plans/efforts.

Personnel Wellness

To promote a healthy and productive environment, the District will promote personnel wellness. Promoting personnel wellness can lead to enhanced productivity, reduced absenteeism, and lowered healthcare costs.

The District Wellness Committee, in collaboration with community partners, will promote wellness through various initiatives and activities tailored to enhance personnel well-being. The specific offerings may change annually, providing flexibility to adapt to new trends and needs.

District personnel, including teachers, often serve as important role models for student well-being. By focusing on personnel wellness, the District aims to create a positive ripple effect, benefiting both personnel and students.

**Notification**

The District is committed to being responsive to community input, which begins with an awareness of this wellness policy. On an annual basis, the District will make this wellness policy available to families and the public. The District will also annually inform families and the public, in culturally and linguistically appropriate ways, of its content and implementation status, as well as any updates to this wellness policy. The District will make this information available via the District website and/or District-wide communications. The District will use these same means to inform families and the public about the results of the triennial assessment. The results of the triennial assessment will be made available in an easily understood format.

Continued

**SUBJECT: WELLNESS**

The District will endeavor to share as much information as possible about its schools' nutrition environment, including a summary of school events or activities relative to this wellness policy implementation. Each year, the District will also publicize the name and contact information of the District official leading and coordinating the District Wellness Committee, as well as information on how the community may get involved with the District Wellness Committee.

**Recordkeeping**

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

a) The written wellness policy;
b) Documentation demonstrating that this wellness policy has been made available to the public;
c) Documentation of efforts to review and update this wellness policy, including an indication of who is involved in the update and methods the District uses to make stakeholders aware of their ability to participate on the District Wellness Committee;
d) Documentation demonstrating compliance with the annual public notification requirements;
e) The most recent triennial assessment on the implementation of this wellness policy; and
f) Documentation demonstrating that the most recent triennial assessment results have been made available to the public.

42 USC Sections 1758 and 1758b
7 CFR Sections 210.10, 210.11, 210.31, and 220.8
Education Law Section 915
8 NYCRR Section 135.4

NOTE: Refer also to Policy #5660 - Meal Charging and Prohibition Against Meal Shaming
#7550 - Dignity for All Students

Adoption Date: 05/26/2026
10/28/2024
11/27/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5670

Non-Instructional/Business Operations

**SUBJECT: RECORDS MANAGEMENT**

The Superintendent will designate a Records Management Officer, subject to Board approval, to develop and coordinate the District's orderly and efficient records management program. Among other aspects, this program includes the legal disposition or destruction of obsolete records and the storage and management of inactive records. The Records Management Officer will work with other District officials to develop and maintain this program.

The District may create a Records Advisory Board to assist in establishing and supporting the records management program. Members of this board may include the District's legal counsel, the fiscal officer, and the Superintendent/designee, among others.

**Retention and Disposition of Records**

The District will retain records and dispose of them in accordance with the Retention and Disposition Schedule for New York Local Government Records (LGS-1) or as otherwise approved by the Commissioner of Education. Further, if any law specifically provides a retention period longer than that established by this schedule, the retention period established by the law will govern.

**Replacing Original Records with Microforms or Electronic Images**

The District will follow procedures prescribed by the Commissioner of Education to ensure accessibility for the life of any microform or electronic records that replace paper originals or micrographic copies.

**Retention and Preservation of Electronic Records**

The District will ensure that records retention requirements are incorporated into any program, plan, or process for design, redesign, or substantial enhancement of an information system that stores electronic records. The District will also ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements expire.

Arts and Cultural Affairs Law Article 57-a
8 NYCRR Part 185

Adoption Date: 11/27/2023

**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION**

The District values the protection of private information of individuals in accordance with applicable law and regulations. The District is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the Information Security Breach and Notification Act and Board policy.

1. "Personal information" means any information concerning a person which, because of name, number, symbol, mark, or other identifier, can be used to identify that person.

2. "Private information" means either:

    1. Personal information consisting of any information in combination with any one or more of the following data elements, when either the data element or the combination of personal information plus the data element is not encrypted or encrypted with an encryption key that has also been accessed or acquired:
        1) Social security number;
        2) Driver's license number or non-driver identification card number;
        3) Account number, credit or debit card number, in combination with any required security code, access code, password, or other information which would permit access to an individual's financial account.;
        4) Account number, or credit or debit card number, if circumstances exist where the number could be used to access an individual's financial account without additional identifying information, security code, access code, or password; or
        5) Biometric information, meaning data generated by electronic measurements of an individual's unique physical characteristics, such as fingerprint, voice print, retina or iris image, or other unique physical representation or digital representation which are used to authenticate or ascertain the individual's identity;

    2. A username or email address in combination with a password or security question and answer that would permit access to an online account.

Private information does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

3. "Breach of the security of the system" means unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the District. Good faith acquisition of personal information by an employee or agent of the District for the purposes of the District is not a breach of the security of the system, provided that private information is not used or subject to unauthorized disclosure.

Continued

**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION**

**Determining if a Breach Has Occurred**

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or person without valid authorization, the District may consider the following factors, among others:

1) Indications that the information is in the physical possession or control of an unauthorized person, such as a lost or stolen computer or other device containing information;

2) Indications that the information has been downloaded or copied;

3) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported; or

4) System failures.

**Notification Requirements**

1) For any computerized data owned or licensed by the District that includes private information, the District will disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, accessed or acquired by a person without valid authorization. The disclosure to affected individuals will be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the integrity of the data system. The District will consult with the New York State Office of Information Technology Services to determine the scope of the breach and restoration measures. Within 90 days of the notice of the breach, the New York State Office of Information Technology Services will deliver a report to the District on the scope of the breach and recommendations to restore and improve the security of the system.

2) Notice to affected persons under State Technology Law is not required if the exposure of private information was an inadvertent disclosure by persons authorized to access private information, and the District reasonably determines the exposure will not likely result in the misuse of the information, or financial or emotional harm to the affected persons. This determination must be documented in writing and maintained for at least five years. If the incident affected over 500 New York State residents, the District will provide the written determination to the New York State Attorney General within ten days after the determination.

Continued

**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION**

3) If notice of the breach of the security of the system is made to affected persons pursuant to the breach notification requirements under certain laws and regulations, the District is not required to provide additional notice to those affected persons under State Technology Law. However, the District will still provide notice to the New York State Attorney General, the New York State Department of State, the New York State Office of Information Technology Services, and to consumer reporting agencies.

4) For any computerized data maintained by the District that includes private information which the District does not own, the District will notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, accessed or acquired by a person without valid authorization.

The notification requirement may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. The required notification will be made after the law enforcement agency determines that the notification does not compromise the investigation.

If the District is required to provide notification of a breach, including breach of information that is not private information, to the United States Secretary of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996 or the Health Information Technology for Economic and Clinical Health Act, it will provide notification to the New York State Attorney General within five business days of notifying the United States Secretary of Health and Human Services.

**Methods of Notification**

The required notice will be directly provided to the affected persons by one of the following methods:

1) Written notice;

2) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form and a log of each notification is kept by the District when notifying affected persons in electronic form. However, in no case will the District require a person to consent to accepting the notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;

Continued

**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION**

3) Telephone notification, provided that a log of each notification is kept by the District when notifying affected persons by phone; or

4) Substitute notice, if the District demonstrates to the New York State Attorney General that the cost of providing notice would exceed $250,000, or that the affected class of subject persons to be notified exceeds 500,000, or that the District does not have sufficient contact information. Substitute notice will consist of all of the following:

   a) Email notice when the District has an email address for the subject persons;

   b) Conspicuous posting of the notice on the District's website page, if the District maintains one; and

   c) Notification to major statewide media.

Regardless of the method by which notice is provided, the notice will include:

1) Contact information for the notifying District;
2) The telephone numbers and websites of the relevant state and federal agencies that provide information regarding security breach response and identity theft prevention and protection information; and

3) A description of the categories of information that were, or are reasonably believed to have been, accessed or acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, accessed or acquired.

In the event that any New York State residents are to be notified, the District will notify the New York State Attorney General, New York State Department of State, and New York State Office of Information Technology Services as to the timing, content, and distribution of the notices and approximate number of affected persons and provide a copy of the template of the notice sent to affected persons. This notice will be made without delaying notice to affected New York State residents.

In the event that more than 5,000 New York State residents are to be notified at one time, the District will also notify consumer reporting agencies as to the timing, content, and distribution of the notices and approximate number of affected persons. This notice will be made without delaying notice to affected New York State residents.

A list of consumer reporting agencies will be compiled by the New York State Attorney General and furnished upon request to any district required to make a notification in accordance with State Technology Law.

State Technology Law §§ 202 and 208

Adoption Date: 11/27/2023

**SUBJECT: EMPLOYEE PERSONAL IDENTIFYING INFORMATION**

In accordance with Section 203-d of the New York State Labor Law, the District shall restrict the use and access to employee personal identifying information. As enumerated in law, "personal identifying information" shall include social security number, home address or telephone number, personal electronic mail address, internet identification name or password, parent's surname prior to marriage, or driver's license number.

The District shall not unless otherwise required by law:

a) Publicly post or display an employee's social security number;

b) Visibly print a social security number on any identification badge or card, including any time card;

c) Place a social security number in files with unrestricted access; or

d) Communicate an employee's personal identifying information to the general public.

A social security number shall not be used as an identification number for purposes of any occupational licensing.

District staff shall have access to this policy, informing them of their rights and responsibilities in accordance with Labor Law Section 203-d. District procedures for safeguarding employee "personal identifying information" shall be evaluated; and employees who have access to such information as part of their job responsibilities shall be advised as to the restrictions on release of such information in accordance with law.

Labor Law Section 203-d

Adoption Date: 11/27/2023

**SUBJECT: STUDENT GRADING INFORMATION SYSTEMS**

Student performance is assessed in many ways, but primarily through assigned grades. The District will help ensure the integrity of student grades by controlling access to its grading information system and by approving modifications to grades where warranted.

**The System**

The District utilizes an electronic software system that contains a record of student performance, credit accumulation, report cards, and a transcript. More specifically, the system includes class rosters where teachers enter student grades and track their students' academic progress. The system is used to generate student report cards and transcripts, and to maintain all student grading records.

To protect student data in the system, the District will first establish who has the authority to grant, change, or terminate user access. The personnel with this authority will be very limited. Further, if the grading system has a feature that allows one user or account to assume the identity of another user or account, the District will restrict or disable that feature. These types of features could allow a user greater access than intended, including inheriting permissions of another user that are greater than the user's.

**System Access**

The District will create categories of system users and assign appropriate system permissions to each. Users' permissions will be compatible with and restricted by their roles and job duties; their access will be as restrictive as possible. Typically, teachers will have the ability to enter, update, and modify grades each marking period before a pre-determined lockout date. The lockout function will be consistently used throughout the school year to help prevent grade modifications without authorization after a marking period closes. Through increased system permissions, other individuals such as non-classroom teachers, guidance counselors, information technology (IT) staff, clerical staff, and support staff will be able to view or modify grades.

The District will work with its IT, human resources, and other appropriate departments to determine how best to timely establish access rights, add users, deactivate or modify user accounts, and monitor user accounts. The District will develop further IT controls to protect against improper access, if needed.

**Grade Changes**

Once the lockout period begins, only authorized users identified by the District may change grades, and only under certain circumstances. The system will recognize when grades change, and a log of modified grades may then be viewed and printed. Any grade mismatches will be reconciled before the next marking period closes or before the end of the school year, whichever is earlier.

Continued

**SUBJECT: STUDENT GRADING INFORMATION SYSTEMS**

The staff member seeking to change a grade will submit a grade-change form (refer to 5675F) signed by the requesting party, the teacher who assigned the original grade, and the appropriate administrator. This form and all other documents supporting a grade modification will be electronically filed in the grading system or filed in a non-electronic system if electronic filing is impossible or impractical and maintained for six years. The personnel seeking the modification should specify one or more reasonable grounds for the grade change on the form. There must be reasonable grounds to alter a grade. The reasons may include:

a) Data entry error;

b) Computational error;

c) A modification based on work submitted or considered after the lockout date;

d) Changing an incomplete grade to a regular grade because a student completed course requirements;

e) Credit recovery coursework;

f) Administrative change; or

g) Other acceptable justifications.

**Audit Log and Monitoring**

The District's grading system will have an audit log or grade-change report function that records certain system activities, including modifications to grades. The District will periodically monitor audit logs or grade-change reports to confirm the integrity of the system, to ensure proper access by personnel, and to confirm that modifications within the system are appropriate and completed in a timely manner. The District will also periodically monitor user accounts and rights so that the permissions granted are proper and the minimum necessary for each user or user group. To the extent feasible, the District will make sure that user accounts are current and updated regularly. The District will be able to print user information, logs, reports, and other documents from the student grading information system, as needed.

**Student Transcripts**

Student transcripts may show all credit-bearing classes; final grades; test scores; grade-point average; class rank; diploma type; SAT, ACT, and other standardized test scores; and graduation date. The same controls, protections, and monitoring applicable to student grading information apply equally to student transcripts.

Adoption Date: 11/27/2023

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**

The District is committed to maintaining the privacy and security of student data and teacher and principal data and will follow all applicable laws and regulations for the handling and storage of this data in the District and when disclosing or releasing it to others, including, but not limited to, third-party contractors. The District adopts this policy to implement the requirements of Education Law Section 2-d and its implementing regulations, as well as to align the District's data privacy and security practices with the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1).

**Definitions**

As provided in Education Law Section 2-d and/or its implementing regulations, the following terms, as used in this policy, will mean:

a) "Breach" means the unauthorized acquisition, access, use, or disclosure of student data and/or teacher or principal data by or to a person not authorized to acquire, access, use, or receive the student data and/or teacher or principal data.
b) "Building principal" means a building principal subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
c) "Classroom teacher" means a teacher subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
d) "Commercial or marketing purpose" means the sale of student data; or its use or disclosure for purposes of receiving remuneration, whether directly or indirectly; the use of student data for advertising purposes, or to develop, improve, or market products or services to students.
e) "Contract or other written agreement" means a binding agreement between an educational agency and a third-party, which includes, but is not limited to, an agreement created in electronic form and signed with an electronic or digital signature or a click-wrap agreement that is used with software licenses, downloaded, and/or online applications and transactions for educational technologies and other technologies in which a user must agree to terms and conditions prior to using the product or service.
f) "Disclose" or "disclosure" means to permit access to, or the release, transfer, or other communication of personally identifiable information by any means, including oral, written, or electronic, whether intended or unintended.
g) "Education records" means an education record as defined in the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.

Continued

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**

h) "Educational agency" means a school district, board of cooperative educational services (BOCES), school, or the New York State Education Department (NYSED).

i) "Eligible student" means a student who is eighteen years or older.

j) "Encryption" means methods of rendering personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons through the use of a technology or methodology specified or permitted by the Secretary of the United States Department of Health and Human Services in guidance issued under 42 USC Section 17932(h)(2).

k) "FERPA" means the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.

l) "NIST Cybersecurity Framework" means the U.S. Department of Commerce National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1). A copy of the NIST Cybersecurity Framework is available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, New York 12234.

m) "Parent" means a parent, legal guardian, or person in parental relation to a student.

n) "Personally identifiable information (PII)," as applied to student data, means personally identifiable information as defined in 34 CFR Section 99.3 implementing the Family Educational Rights and Privacy Act, 20 USC Section 1232g, and, as applied to teacher or principal data, means personally identifying information as this term is defined in Education Law Section 3012-c(10).

o) "Release" has the same meaning as disclosure or disclose.

p) "Student" means any person attending or seeking to enroll in an educational agency.

q) "Student data" means personally identifiable information from the student records of an educational agency.

r) "Teacher or principal data" means personally identifiable information from the records of an educational agency relating to the annual professional performance reviews of classroom teachers or principals that is confidential and not subject to release under the provisions of Education Law Sections 3012-c and 3012-d.

s) "Third-party contractor" means any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to the educational agency, including but not limited to data management or storage services, conducting studies for or on behalf of the educational agency, or audit or evaluation of publicly funded programs. This term will include an educational partnership organization that receives student and/or teacher or principal data from a school district to carry out its responsibilities pursuant to Education Law Section 211-e and is not an educational agency, and a not-for-profit corporation or other nonprofit organization, other than an educational agency.

t) "Unauthorized disclosure" or "unauthorized release" means any disclosure or release not permitted by federal or state statute or regulation, any lawful contract or written agreement, or that does not respond to a lawful order of a court or tribunal or other lawful order.

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**

**Data Collection Transparency and Restrictions**

As part of its commitment to maintaining the privacy and security of student data and teacher and principal data, the District will take steps to minimize its collection, processing, and transmission of PII. Additionally, the District will:

a) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.

b) Ensure that it has provisions in its contracts with third-party contractors or in separate data sharing and confidentiality agreements that require the confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

Except as required by law or in the case of educational enrollment data, the District will not report to NYSED the following student data elements:

a) Juvenile delinquency records;

b) Criminal records;

c) Medical and health records; and

d) Student biometric information.

Nothing in Education Law Section 2-d or this policy should be construed as limiting the administrative use of student data or teacher or principal data by a person acting exclusively in the person's capacity as an employee of the District.

Continued

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**

**Chief Privacy Officer**

The Commissioner of Education has appointed a Chief Privacy Officer who will report to the Commissioner on matters affecting privacy and the security of student data and teacher and principal data. Among other functions, the Chief Privacy Officer is authorized to provide assistance to educational agencies within the state on minimum standards and best practices associated with privacy and the security of student data and teacher and principal data.

The District will comply with its obligation to report breaches or unauthorized releases of student data or teacher or principal data to the Chief Privacy Officer in accordance with Education Law Section 2-d, its implementing regulations, and this policy.

The Chief Privacy Officer has the power, among others, to:

a) Access all records, reports, audits, reviews, documents, papers, recommendations, and other materials maintained by the District that relate to student data or teacher or principal data, which includes, but is not limited to, records related to any technology product or service that will be utilized to store and/or process PII; and

b) Based upon a review of these records, require the District to act to ensure that PII is protected in accordance with laws and regulations, including but not limited to requiring the District to perform a privacy impact and security risk assessment.

**Data Protection Officer**

The District has designated a District employee to serve as the District's Data Protection Officer. The Data Protection Officer for the District is the Director of Technology and Data.

The Data Protection Officer is responsible for the implementation and oversight of this policy and any related procedures including those required by Education Law Section 2-d and its implementing regulations, as well as serving as the main point of contact for data privacy and security for the District.

The District will ensure that the Data Protection Officer has the appropriate knowledge, training, and experience to administer these functions. The Data Protection Officer may perform these functions in addition to other job responsibilities. Additionally, some aspects of this role may be outsourced to a provider such as a BOCES, to the extent available.

Continued

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**

**District Data Privacy and Security Standards**

The District will use the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1) (Framework) as the standard for its data privacy and security program. The Framework is a risk-based approach to managing cybersecurity risk and is composed of three parts: the Framework Core, the Framework Implementation Tiers, and the Framework Profiles. The Framework provides a common taxonomy and mechanism for organizations to:

a) Describe their current cybersecurity posture;

b) Describe their target state for cybersecurity;

c) Identify and prioritize opportunities for improvement within the context of a continuous and repeatable process;

d) Assess progress toward the target state; and

e) Communicate among internal and external stakeholders about cybersecurity risk.

The District will protect the privacy of PII by:

a) Ensuring that every use and disclosure of PII by the District benefits students and the District by considering, among other criteria, whether the use and/or disclosure will:

   1. Improve academic achievement;

   2. Empower parents and students with information; and/or

   3. Advance efficient and effective school operations.

b) Not including PII in public reports or other public documents.

The District affords all protections under FERPA and the Individuals with Disabilities Education Act and their implementing regulations to parents or eligible students, where applicable.

Continued

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**

**Third-Party Contractors**

District Responsibilities

The District will ensure that whenever it enters into a contract or other written agreement with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District, the contract or written agreement will include provisions requiring that confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

In addition, the District will ensure that the contract or written agreement includes the third-party contractor's data privacy and security plan that has been accepted by the District.

The third-party contractor's data privacy and security plan must, at a minimum:

a) Outline how the third-party contractor will implement all state, federal, and local data privacy and security contract requirements over the life of the contract, consistent with District policy;

b) Specify the administrative, operational, and technical safeguards and practices the third-party contractor has in place to protect PII that it will receive under the contract;

c) Demonstrate that the third-party contractor complies with the requirements of 8 NYCRR Section 121.3(c);

d) Specify how officers or employees of the third-party contractor and its assignees who have access to student data or teacher or principal data receive or will receive training on the laws governing confidentiality of this data prior to receiving access;

e) Specify if the third-party contractor will utilize subcontractors and how it will manage those relationships and contracts to ensure PII is protected;

f) Specify how the third-party contractor will manage data privacy and security incidents that implicate PII including specifying any plans to identify breaches and unauthorized disclosures, and to promptly notify the District;

g) Describe whether, how, and when data will be returned to the District, transitioned to a successor contractor, at the District's option and direction, deleted or destroyed by the third-party contractor when the contract is terminated or expires; and

h) Include a signed copy of the Parents' Bill of Rights for Data Privacy and Security.

Continued

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**

Third-Party Contractor Responsibilities

Each third-party contractor, that enters into a contract or other written agreement with the District under which the third-party contractor will receive student data or teacher or principal data from the District, is required to:

a) Adopt technologies, safeguards, and practices that align with the NIST Cybersecurity Framework;

b) Comply with District policy and Education Law Section 2-d and its implementing regulations;

c) Limit internal access to PII to only those employees or subcontractors that have legitimate educational interests (i.e., they need access to provide the contracted services);

d) Not use the PII for any purpose not explicitly authorized in its contract;

e) Not disclose any PII to any other party without the prior written consent of the parent or eligible student:

   1. Except for authorized representatives of the third-party contractor such as a subcontractor or assignee to the extent they are carrying out the contract and in compliance with law, regulation, and its contract with the District; or

   2. Unless required by law or court order and the third-party contractor provides a notice of the disclosure to NYSED, the Board, or the institution that provided the information no later than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by law or court order;

f) Maintain reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of PII in its custody;

g) Use encryption to protect PII in its custody while in motion or at rest; and

h) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.

Where a third-party contractor engages a subcontractor to perform its contractual obligations, the data protection obligations imposed on the third-party contractor by law and contract apply to the subcontractor.

Continued

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**

Cooperative Educational Services through a BOCES

The District may not be required to enter into a separate contract or data sharing and confidentiality agreement with a third-party contractor that will receive student data or teacher or principal data from the District under all circumstances.

For example, the District may not need its own contract or agreement where:

a) It has entered into a cooperative educational service agreement (CoSer) with a BOCES that includes use of a third-party contractor's product or service; and

b) That BOCES has entered into a contract or data sharing and confidentiality agreement with the third-party contractor, pursuant to Education Law Section 2-d and its implementing regulations, that is applicable to the District's use of the product or service under that CoSer.

To meet its obligations whenever student data or teacher or principal data from the District is received by a third-party contractor pursuant to a CoSer, the District will consult with the BOCES to, among other things:

a) Ensure there is a contract or data sharing and confidentiality agreement pursuant to Education Law Section 2-d and its implementing regulations in place that would specifically govern the District's use of a third-party contractor's product or service under a particular CoSer;

b) Determine procedures for including supplemental information about any applicable contracts or data sharing and confidentiality agreements that a BOCES has entered into with a third-party contractor in its Parents' Bill of Rights for Data Privacy and Security;

c) Ensure appropriate notification is provided to affected parents, eligible students, teachers, and/or principals about any breach or unauthorized release of PII that a third-party contractor has received from the District pursuant to a BOCES contract; and

d) Coordinate reporting to the Chief Privacy Officer to avoid duplication in the event the District receives information directly from a third-party contractor about a breach or unauthorized release of PII that the third-party contractor received from the District pursuant to a BOCES contract.

Continued

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**

Click-Wrap Agreements

Periodically, District staff may wish to use software, applications, or other technologies in which the user must "click" a button or box to agree to certain online terms of service prior to using the software, application, or other technology. These are known as "click-wrap agreements" and are considered legally binding "contracts or other written agreements" under Education Law Section 2-d and its implementing regulations.

District staff are prohibited from using software, applications, or other technologies pursuant to a click-wrap agreement in which the third-party contractor receives student data or teacher or principal data from the District unless they have received prior approval from the District's Data Privacy Officer or designee.

The District will develop and implement procedures requiring prior review and approval for staff use of any software, applications, or other technologies pursuant to click-wrap agreements.

**Parents' Bill of Rights for Data Privacy and Security**

The District will publish its Parents' Bill of Rights for Data Privacy and Security (Bill of Rights) on its website. Additionally, the District will include the Bill of Rights with every contract or other written agreement it enters into with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District.

The Bill of Rights will contain all required elements including supplemental information for each contract the District enters into with a third-party contractor where the third-party contractor receives student data or teacher or principal data from the District. The supplemental information must be developed by the District and include the following information:

Continued

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**

a) The exclusive purposes for which the student data or teacher or principal data will be used by the third-party contractor, as defined in the contract;

b) How the third-party contractor will ensure that the subcontractors, or other authorized persons or entities to whom the third-party contractor will disclose the student data or teacher or principal data, if any, will abide by all applicable data protection and security requirements, including but not limited to those outlined in applicable laws and regulations (e.g., FERPA; Education Law Section 2-d);

c) The duration of the contract, including the contract's expiration date, and a description of what will happen to the student data or teacher or principal data upon expiration of the contract or other written agreement (e.g., whether, when, and in what format it will be returned to the District, and/or whether, when, and how the data will be destroyed);

d) If and how a parent, student, eligible student, teacher, or principal may challenge the accuracy of the student data or teacher or principal data that is collected;

e) Where the student data or teacher or principal data will be stored, described in a manner as to protect data security, and the security protections taken to ensure the data will be protected and data privacy and security risks mitigated; and

f) Address how the data will be protected using encryption while in motion and at rest.

The District will publish on its website the supplement to the Bill of Rights (i.e., the supplemental information described above) for any contract or other written agreement it has entered into with a third-party contractor that will receive PII from the District. The Bill of Rights and supplemental information may be redacted to the extent necessary to safeguard the privacy and/or security of the District's data and/or technology infrastructure.

**Right of Parents and Eligible Students to Inspect and Review Students' Education Records**

Consistent with the obligations of the District under FERPA, parents and eligible students have the right to inspect and review a student's education record by making a request directly to the District in a manner prescribed by the District.

The District will ensure that only authorized individuals are able to inspect and review student data. To that end, the District will take steps to verify the identity of parents or eligible students who submit requests to inspect and review an education record and verify the individual's authority to do so.

Requests by a parent or eligible student for access to a student's education records must be directed to the District and not to a third-party contractor. The District may require that requests to inspect and review education records be made in writing.

Continued

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**

The District will notify parents annually of their right to request to inspect and review their child's education record including any student data stored or maintained by the District through its annual FERPA notice. A notice separate from the District's annual FERPA notice is not required.

The District will comply with a request for access to records within a reasonable period, but not more than 45 calendar days after receipt of a request.

The District may provide the records to a parent or eligible student electronically, if the parent consents. The District must transmit the PII in a way that complies with laws and regulations. Safeguards associated with industry standards and best practices, including but not limited to encryption and password protection, must be in place when education records requested by a parent or eligible student are electronically transmitted.

**Complaints of Breach or Unauthorized Release of Student Data and/or Teacher or Principal Data**

The District will inform parents, through its Parents' Bill of Rights for Data Privacy and Security, that they have the right to submit complaints about possible breaches of student data to the Chief Privacy Officer at NYSED. In addition, the District has established the following procedures for parents, eligible students, teachers, principals, and other District staff to file complaints with the District about breaches or unauthorized releases of student data and/or teacher or principal data:

a) All complaints must be submitted to the District's Data Protection Officer in writing.

b) Upon receipt of a complaint, the District will promptly acknowledge receipt of the complaint, commence an investigation, and take the necessary precautions to protect PII.

c) Following the investigation of a submitted complaint, the District will provide the individual who filed the complaint with its findings. This will be completed within a reasonable period of time, but no more than 60 calendar days from the receipt of the complaint by the District.

d) If the District requires additional time, or where the response may compromise security or impede a law enforcement investigation, the District will provide the individual who filed the complaint with a written explanation that includes the approximate date when the District anticipates that it will respond to the complaint.

These procedures will be disseminated to parents, eligible students, teachers, principals, and other District staff.

The District will maintain a record of all complaints of breaches or unauthorized releases of student data and their disposition in accordance with applicable data retention policies.

Continued

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**

**Reporting a Breach or Unauthorized Release**

The District will report every discovery or report of a breach or unauthorized release of student data or teacher or principal data within the District to the Chief Privacy Officer without unreasonable delay, but no more than ten calendar days after the discovery.

Each third-party contractor that receives student data or teacher or principal data pursuant to a contract or other written agreement entered into with the District will be required to promptly notify the District of any breach of security resulting in an unauthorized release of the data by the third-party contractor or its assignees in violation of applicable laws and regulations, the Parents' Bill of Rights for Student Data Privacy and Security, District policy, and/or binding contractual obligations relating to data privacy and security, in the most expedient way possible and without unreasonable delay, but no more than seven calendar days after the discovery of the breach.

In the event of notification from a third-party contractor, the District will in turn notify the Chief Privacy Officer of the breach or unauthorized release of student data or teacher or principal data no more than ten calendar days after it receives the third-party contractor's notification using a form or format prescribed by NYSED.

**Investigation of Reports of Breach or Unauthorized Release by the Chief Privacy Officer**

The Chief Privacy Officer is required to investigate reports of breaches or unauthorized releases of student data or teacher or principal data by third-party contractors. As part of an investigation, the Chief Privacy Officer may require that the parties submit documentation, provide testimony, and may visit, examine, and/or inspect the third-party contractor's facilities and records.

Upon the belief that a breach or unauthorized release constitutes criminal conduct, the Chief Privacy Officer is required to report the breach and unauthorized release to law enforcement in the most expedient way possible and without unreasonable delay.

Third-party contractors are required to cooperate with the District and law enforcement to protect the integrity of investigations into the breach or unauthorized release of PII.

Upon conclusion of an investigation, if the Chief Privacy Officer determines that a third-party contractor has through its actions or omissions caused student data or teacher or principal data to be breached or released to any person or entity not authorized by law to receive this data in violation of applicable laws and regulations, District policy, and/or any binding contractual obligations, the Chief Privacy Officer is required to notify the third-party contractor of the finding and give the third-party contractor no more than 30 days to submit a written response.

Continued

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**

If after reviewing the third-party contractor's written response, the Chief Privacy Officer determines the incident to be a violation of Education Law Section 2-d, the Chief Privacy Officer will be authorized to:

a) Order the third-party contractor be precluded from accessing PII from the affected educational agency for a fixed period of up to five years;
b) Order that a third-party contractor or assignee who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data be precluded from accessing student data or teacher or principal data from any educational agency in the state for a fixed period of up to five years;
c) Order that a third-party contractor who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data will not be deemed a responsible bidder or offeror on any contract with an educational agency that involves the sharing of student data or teacher or principal data, as applicable for purposes of General Municipal Law Section 103 or State Finance Law Section 163(10)(c), as applicable, for a fixed period of up to five years; and/or
d) Require the third-party contractor to provide additional training governing confidentiality of student data and/or teacher or principal data to all its officers and employees with reasonable access to this data and certify that the training has been performed at the contractor's expense. This additional training is required to be performed immediately and include a review of laws, rules, and regulations, including Education Law Section 2-d and its implementing regulations.

If the Chief Privacy Officer determines that the breach or unauthorized release of student data or teacher or principal data on the part of the third-party contractor or assignee was inadvertent and done without intent, knowledge, recklessness, or gross negligence, the Chief Privacy Officer may make a recommendation to the Commissioner that no penalty be issued to the third-party contractor.

The Commissioner would then make a final determination as to whether the breach or unauthorized release was inadvertent and done without intent, knowledge, recklessness or gross negligence and whether or not a penalty should be issued.

**Notification of a Breach or Unauthorized Release**

The District will notify affected parents, eligible students, teachers, and/or principals in the most expedient way possible and without unreasonable delay, but no more than 60 calendar days after the discovery of a breach or unauthorized release of PII by the District or the receipt of a notification of a breach or unauthorized release of PII from a third-party contractor unless that notification would interfere with an ongoing investigation by law enforcement or cause further disclosure of PII by disclosing an unfixed security vulnerability. Where notification is delayed under these circumstances, the District will notify parents, eligible students, teachers, and/or principals within seven calendar days after the security vulnerability has been remedied or the risk of interference with the law enforcement investigation ends.

Continued

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**

Notifications will be clear, concise, use language that is plain and easy to understand, and to the extent available, include:

a) A brief description of the breach or unauthorized release, the dates of the incident and the date of discovery, if known;

b) A description of the types of PII affected;

c) An estimate of the number of records affected;

d) A brief description of the District's investigation or plan to investigate; and

e) Contact information for representatives who can assist parents or eligible students that have additional questions.

Notification will be directly provided to the affected parent, eligible student, teacher, or principal by first-class mail to their last known address, by email, or by telephone.

Where a breach or unauthorized release is attributed to a third-party contractor, the third-party contractor is required to pay for or promptly reimburse the District for the full cost of this notification.

**Annual Data Privacy and Security Training**

The District will annually provide data privacy and security awareness training to its officers and staff with access to PII. This training will include, but not be limited to, training on the applicable laws and regulations that protect PII and how staff can comply with these laws and regulations. The District may deliver this training using online training tools. Additionally, this training may be included as part of the training that the District already offers to its workforce.

**Notification of Policy**

The District will publish this policy on its website and provide notice of the policy to all its officers and staff.

Education Law § 2-d
8 NYCRR Part 121

Adoption Date: 11/27/2023

2023 5680

Non-Instructional/Business Operations

**SUBJECT: SAFETY AND SECURITY**

The Board hereby declares that it is the policy of this District to provide a safe and secure environment to all those persons, students, staff and visitors, who lawfully enter upon District property or who travel in District vehicles for the purposes of the District.

It shall be the responsibility of the Superintendent to establish and carry out written regulations which will:

a) Identify those staff members who will be responsible for the effective administration of the regulations;

b) Provide staff time and other necessary resources for the effective administration of the regulations;

c) Establish periodic written review of the activities of the staff to insure compliance with applicable laws and regulations;

d) Provide an on-going mechanism for the effective review of safety and security concerns of the staff, students and affected public;

e) Provide reports to the Board regarding the significant aspects of safety and security of the District.

New York State Labor Law 12 New York Code of Rules and Regulations (NYCRR) Part 820 Article 28
Occupational Safety and Health Administration (OSHA)
29 Code of Federal Regulations (CFR) 1910.1200

Adoption Date: 11/27/2023

**SUBJECT: SCHOOL SAFETY PLANS**

The District considers the safety of its students and personnel to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-Wide School Safety Plan and the Building-Level Emergency Response Plan(s) will be designed to prevent or minimize the effects of violent incidents, declared state disaster emergency involving a communicable disease or local public health emergency declaration and other emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies. These plans will be reviewed and updated by the appropriate team on at least an annual basis and adopted by the Board by September 1 of each school year.

The Board will make the District-Wide School Safety Plan available for public comment at least 30 days prior to its adoption. The District-Wide School Safety Plan may only be adopted by the Board after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. The District-Wide School Safety Plan and any amendments must be submitted to the Commissioner, in a manner prescribed by the Commissioner, within 30 days of adoption, but no later than October 1 of each school year.

Building-Level Emergency Response Plan(s) and any amendments must be submitted to the appropriate local law enforcement agency and the state police within 30 days of adoption, but no later than October 1 of each school year. Building-Level Emergency Response Plan(s) will be kept confidential and are not subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.

The District will provide written information to all students and personnel about emergency procedures by October 1 of each school year.

**District-Wide School Safety Plan**

District-Wide School Safety Plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the District, addresses crisis intervention, emergency response and management, and the provision of remote instruction during an emergency school closure, at the district-level, and has the contents as prescribed in Education Law and Commissioner's Regulations.

The District-Wide School Safety Plan will be developed by the district-wide school safety team appointed by the Board. The district-wide school safety team will include, but not be limited to, representatives of the Board, teacher, administrator, and parent organizations, school safety personnel, and other school personnel including bus drivers and monitors. The district-wide school safety team will consider, as part of their review of the comprehensive District-Wide School Safety Plan, the installation of a panic alarm system. At the discretion of the Board, a student may be allowed to participate on the district-wide school safety team.

Continued

**SUBJECT: SCHOOL SAFETY PLANS**

The District-Wide School Safety Plan will include, but not be limited to:

a) Policies and procedures for responding to implied or direct threats of violence by students, teachers, other school personnel including bus drivers and monitors, and visitors to the school, including threats by students against themselves, which includes suicide;

b) Policies and procedures for responding to acts of violence by students, teachers, other school personnel including bus drivers and monitors, and visitors to the school, including consideration of zero-tolerance policies for school violence;

c) Appropriate prevention and intervention strategies, which may include:

1. Collaborative arrangements with state and local law enforcement officials, designed to ensure that school safety officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;

2. Nonviolent conflict resolution training programs;

3. Peer mediation programs and youth courts;

4. Extended day and other school safety programs; and

5. If the District has a multi-disciplinary behavioral assessment team, behavioral assessment team, or a county or regional threat assessment team, the establishment and/or participation of district personnel in a multi-disciplinary behavioral assessment team to assess whether certain exhibited behaviors or actions need intervention or other support, including a school or district-level behavioral assessment team or, if available, a county or regional threat assessment team. When these teams are utilized, the District will:
   (a) Describe the school, district, or county team and its purpose in the District-Wide School Safety Plan; and
   (b) Include information regarding the purpose and procedures of these teams in the District's annual personnel training on safety and emergency procedures.

d) Policies and procedures for contacting appropriate law enforcement officials in the event of a violent incident;

e) A description of the arrangements for obtaining assistance during emergencies from emergency services organizations and local governmental agencies;

f) Procedures for obtaining advice and assistance from local government officials, including the county or city officials responsible for implementation of Executive Law Article 2-B, State and Local Natural and Man-Made Disaster Preparedness;

Continued

**SUBJECT: SCHOOL SAFETY PLANS**

g) The identification of district resources which may be available for use during an emergency;

h) A description of procedures to coordinate the use of district resources and manpower during emergencies, including identification of the officials authorized to make decisions and of the personnel assigned to provide assistance during emergencies;

i) Policies and procedures for contacting parents, guardians, or persons in parental relation to district students in the event of a violent incident or an early dismissal or emergency school closure;

j) Policies and procedures for contacting parents, guardians, or persons in parental relation to an individual district student in the event of an implied or direct threat of violence by the student against themselves, which includes suicide;

k) Policies and procedures relating to school building security, including, where appropriate: the use of school safety officers, school security officers, and/or school resource officers; and security devices or procedures;

l) Policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including, but not limited to, the identification of family, community, and environmental factors to teachers, administrators, school personnel including bus drivers and monitors, parents or other persons in parental relation to students of the District or Board, students, and other persons deemed appropriate to receive the information;

m) Policies and procedures for annual multi-hazard school safety training for personnel and students, provided that the District must certify to the Commissioner that all personnel have undergone annual training by September 15 on the Building-Level Emergency Response Plan. The training will include:

1. A description of the roles and responsibilities of the building-level emergency response team, the building-level incident command system including the roles and responsibilities of designated personnel, and the Building Level-Emergency Response Plan procedures for implementing the following required emergency response terms: shelter/shelter-in place, hold/hold-in place, evacuate/evacuation, secure lockout, and lockdown.
2. The procedures for conducting drills, including whether classrooms will be released from lockdown by law enforcement or school or district administrators during drills, and the district and building policies, procedures, and programs related to safety including those which include components on violence prevention, mental health~~.~~, and sudden cardiac arrest.

Continued

**SUBJECT: SCHOOL SAFETY PLANS**

New employees hired after the start of the school year will receive training within 30 days of hire or as part of the District's existing new hire training program, whichever is sooner;

n) Procedures for the review and conduct of drills, tabletop exercises, and information about emergency procedures and drills, including information about procedures and timeframes for notification of parents or persons in parental relation regarding drills and other emergency response training(s) that include students. At its discretion, the District may participate in full-scale exercises in coordination with local and county emergency responders and preparedness officials. These procedures must ensure that:

1. Drills conducted during the school day with students present will be conducted in a trauma-informed, developmentally, and age-appropriate manner and will not include props, actors, simulations, or other tactics intended to mimic a school shooting or other act of violence or emergency;

2. When drills are conducted, students and personnel will be informed that the activities are a drill. Students and personnel will not be informed in advance of evacuation drills;

3. When utilized as a training resource, tabletop exercises may include a discussion-based activity for personnel in an informal classroom or meeting-type setting to discuss their roles during an emergency and their responses to a sample emergency situation;

4. If the District opts to participate in full-scale exercises in conjunction with local and county emergency responders and preparedness officials that include props, actors, simulations, or other tactics intended to mimic a school shooting or other act of violence or emergency, the District will not conduct these exercises on a regular school day or when school activities such as athletics are occurring on district grounds. These exercises will not include students unless written consent from parents or persons in parental relation has been obtained;

o) The identification of appropriate responses to emergencies, including protocols for responding to bomb threats, hostage-takings, intrusions, and kidnappings;

p) Strategies for improving communication among students, between students and personnel, and between administration and parents or persons in parental relation regarding reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence, and establishing anonymous reporting mechanisms for school violence;

Continued

**SUBJECT: SCHOOL SAFETY PLANS**

q) A description of the duties of hall monitors and any other school safety personnel, the training required of all personnel acting in a school security capacity, and the hiring and screening process for all personnel acting in a school security capacity;

r) A system for informing all educational agencies within the District of a disaster or emergency school closure;

s) The designation of the Superintendent or designee as the district chief emergency officer whose duties will include, but not be limited to:

1. Coordinating the communication between school personnel, law enforcement, and other first responders;
2. Leading the efforts of the district-wide school safety team in the completion and yearly update of the District-Wide School Safety Plan and the coordination of the District-Wide School Safety Plan with the Building-Level Emergency Response Plan(s);
3. Ensuring personnel understanding of District-Wide School Safety Plan;
4. Ensuring the completion and yearly update of Building-Level Emergency Response Plans for each school building;
5. Assisting in the selection of security-related technology and development of procedures for the use of the technology;
6. Coordinating appropriate safety, security, and emergency training for district and school personnel, including required training in the District-Wide School Safety Plan and Building-Level Emergency Response Plan(s);
7. Ensuring the conduct of required evacuation and lockdown drills in a trauma-informed, developmentally, and age-appropriate manner that does not include props, actors, simulations, or other tactics intended to mimic a school shooting or other act of violence or emergency in all district buildings as required by law; and
8. Ensuring the completion and yearly update of Building-Level Emergency Response Plan(s) by the dates designated by the Commissioner;

t) Protocols for responding to a declared state disaster emergency involving a communicable disease that are substantially consistent with the provisions in Labor Law Section 27-c;

u) An emergency remote instruction plan;

v) Appropriate accommodations for students with life-threatening health conditions ;and

Continued

**SUBJECT: SCHOOL SAFETY PLANS**

w) Policies and procedures relating to sudden cardiac arrest. The district-wide school safety team will develop and implement a written sudden cardiac emergency response plan that addresses the use of appropriate personnel to respond to incidents involving any individual experiencing sudden cardiac arrest or similar life-threatening emergency on any school site owned or operated by a school or at a location of a school sponsored event, including, but not limited to, all athletic programs. The sudden cardiac emergency response plan will:

1. Include specific procedures for incidents involving an individual experiencing sudden cardiac arrest or similar life-threatening emergencies while attending or participating in an athletic practice or event while on school grounds that are venue specific.

2. Integrate nationally recognized, evidence-based core elements recommended by a recognized professional association.

3. Be integrated into community EMS responder protocols.

The district-wide school safety team may provide first aid, CPR, and AED training for all relevant staff, including members of the building-level emergency response teams that is voluntary.

**Building-Level Emergency Response Plan(s)**

Building-Level Emergency Response Plan means a building-specific school emergency response plan that addresses crisis intervention, emergency response and management at the building-level and has the contents as prescribed in Education Law and Commissioner's Regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

Building-Level Emergency Response Plan(s) will be developed by the building-level emergency response planning team. The building-level emergency response planning team is a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board. The building-level emergency response planning team will include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel including bus drivers and monitors, community members, local law enforcement officials, local ambulance, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

Classroom door vision panels will not be covered except as outlined in the Building-Level Emergency Response Plan.

Education Law Sections 807 and 2801-a; Labor Law Section 27-c; 8 NYCRR Section 155.17

Adoption Date: 01/27/2026
10/27/2027
10/28/2024
12/18/2023

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES**

The District shall provide and maintain on-site in each *instructional school facility* functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each such facility shall have sufficient automated external defibrillator equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors enumerated in Commissioner's Regulations. *An instructional school facility means a building or other facility maintained by the District where instruction is provided to students pursuant to its curriculum.*

Whenever an *instructional District facility* is used for a school-sponsored or school-approved curricular or extracurricular event or activity and whenever a *school-sponsored athletic contest* is held at <u>any</u> location, the public school officials and administrators responsible for such school facility or athletic contest shall ensure that AED equipment is provided on-site and that there is present during such event, activity or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED. *School-sponsored or school-approved curricular or extracurricular events or activities means events or activities of the District that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an extraclass intramural athletic activity of instruction, practice and competition for students in grades 4 through 12 consistent with Commissioner's Regulations Section 135.4.*

Where a *school-sponsored competitive athletic event* is held at a site other than a District facility, District officials shall assure that AED equipment is provided on-site by the sponsoring or host district and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during such athletic event. *A school-sponsored competitive athletic event means an extraclass interscholastic athletic activity of instruction, practice and competition for students in grades 7 through 12 consistent with Commissioner's Regulations Section 135.4.*

District facilities and District staff responsible for carrying out the duties enumerated in Education Law Section 917 are deemed a "public access defibrillation provider" as defined pursuant to Public Health Law Section 3000-b and subject to the Public Health Law requirements and limitations.

Therefore, it is the policy of our District to provide proper training requirements for District AED users, to ensure the immediate calling of 911 and/or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units as enumerated in the District's Public Access Defibrillation Collaborative Agreement.

The District will provide for regular maintenance and checkout procedures of the AED unit(s) which meet or exceed manufacturer's recommendations. Appropriate documentation will be maintained in accordance with law and/or regulation. Further, the District will participate in the required Quality Improvement Program as determined by the Regional Emergency Medical Services Council.

Continued

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES**

The District shall post a sign or notice at the main entrance to the facility or building in which the AED unit(s) is stored, indicating the exact location where the unit(s) is stored or maintained on a regular basis.

The District, or any employee or other agent of the School District who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured, will not be liable for damages for injury or death unless caused by gross negligence.

Education Law Section 917
Public Health Law Sections 3000-a and 3000-b
8 New York Code of Rules and Regulations
(NYCRR) Section 135.4

Adoption Date: 12/18/2023

**SUBJECT: EVACUATION, LOCKDOWN, AND EMERGENCY DISMISSAL DRILLS**

**Evacuation, Lockdown, and Emergency Dismissal Drills**

Overview

The purpose of drills is to practice personnel and student actions during an emergency. Except for evacuation drills, at the time that drills are conducted, students and personnel will be informed it is a drill. All drills must:

a) Be conducted in a trauma-informed, developmentally, and age-appropriate manner and shall not include props, actors, simulations, or other tactics intended to mimic a school shooting, incident of violence, or other emergency;

b) Occur after annual training in emergency procedures has been provided to students and personnel; and

c) Be completed on different dates, days of the week, and during different times of the school day.

The administration of each school building will instruct and train students on appropriate emergency responses, through drills, in the event of a sudden emergency.

Definitions

For purposes of this section, the following definitions apply:

a) Trauma means an emotional response to a deeply distressing or disturbing experience such as, but not limited to, an act of violence, natural disaster, abuse, neglect, or loss.

b) Trauma-informed means an understanding of trauma and how it affects the physical, emotional, and mental health of students and adults.

c) Trauma-informed drills mean avoiding tactics in training or drills that may introduce or activate trauma, such as the use of props, actors, simulations, or other tactics intended to mimic a school shooting, incident of violence, or other emergency, or inclusion of developmentally or age-inappropriate content. Drills may inadvertently prompt a negative emotional or psychological response in personnel or students because of previous exposure(s) to trauma.

Continued

**SUBJECT: EVACUATION, LOCKDOWN, AND EMERGENCY DISMISSAL DRILLS**

Drill Requirements

The District will practice emergency response procedures under its District-wide school plan and building-level emergency response plan(s), where possible in cooperation with local law enforcement, emergency preparedness plan officials, and other first responders as follows:

a) Evacuation Drills
The District will conduct at least eight evacuation drills with students each school year. Six of the eight drills will be conducted between September 1 and December 31 of the school year. Four of the eight drills will be through the use of the fire escapes on buildings where fire escapes are provided or through the use of identified secondary means of egress, such as through different corridors, hallways, stairways, and exit doors.

Evacuation drills will be conducted at different times of the school day. Students will be instructed in the procedure to be followed if a fire occurs during a lunch period or assembly, provided, however, that this additional instruction may be waived where a drill is held during a regular school lunch period or assembly.

At least two additional drills will be held during summer school in buildings where summer school is conducted. One of the two drills will be held during the first week of summer school.

In the case of after-school programs, events, or performances which are conducted within a school building and which include persons who do not regularly attend classes in the school building, the principal or other person in charge of the building will require the teacher or person in charge of such after-school program, event, or performance to notify persons in attendance at the beginning of the program, event, or performance, of the procedures to be followed in the event of an emergency so that they may be able to respond in a timely, orderly manner.

b) Lockdown Drills
The District will conduct at least four lockdown drills with students each school year. Two of the four drills will be conducted between September 1 and December 31 of the school year.

Lockdown drills will be conducted at different times of the school day. Students will be instructed in the procedure to be followed if an emergency occurs during a lunch period or assembly, provided, however, that this additional instruction may be waived where a drill is held during a regular school lunch period or assembly.

Continued

c) Emergency Dismissal Drills
The District will conduct at least one emergency dismissal drill to test emergency response procedures that require early dismissal at a time not to occur more than 15 minutes earlier than the normal dismissal time.

Emergency dismissal drills will test the usefulness of the communications and transportation system during emergencies.

Notification

The District will notify parents or persons in parental relation at least one day, but no more than one week, before any drill. For emergency dismissal drills, the District will notify parents or persons in parental relation at least one week prior.

**Bomb Threats**

School Bomb Threats

A bomb threat, even if later determined to be a hoax, is a criminal act. No bomb threat should be treated as a hoax when it is first received. Upon receiving any bomb threat, the school has an obligation and responsibility to ensure the safety and protection of the students and other occupants of the school. This obligation takes precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat-location, if any; time of detonation; etc. Specific procedures as to appropriate responses as a result of a bomb threat can be located in the building-level emergency response plan, as required by relevant law and regulation.

Police Notification and Investigation

Appropriate law enforcement agencies must be notified by the building administrator or designee of any bomb threat as soon as possible after receiving the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

**Bus Emergency Drills**

The administration will conduct a minimum of three emergency drills to be held on each school bus during the school year. The first drill will be conducted during the first seven days of school, the second drill between November 1 and December 31, and the third drill between March 1 and April 30. No drills will be conducted when buses are on routes.

Students who ordinarily walk to school will also be included in the drills. Students attending public and nonpublic schools who do not participate in regularly scheduled drills will also be provided drills on school buses, or as an alternative, will be provided classroom instruction covering the content of these drills.

Continued

**SUBJECT: EVACUATION, LOCKDOWN, AND EMERGENCY DISMISSAL DRILLS**

Each drill will include practice and instruction in the location, use, and operation of the emergency exits, fire extinguishers, first-aid equipment, and windows as a means of escape in the event of fire or accident. Similarly, students will be instructed on all topics mandated by relevant sections of the Education Law and Commissioner's regulations, including, but not limited to, the following:

a) Safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking;

b) Advancing at least 15 feet in front of the bus before crossing the highway after disembarking;

c) Specific hazards encountered during snow, ice, rain, and other inclement weather, including, but not necessarily limited to, poor driver visibility, reduced vehicular control, and reduced hearing; and

d) Orderly conduct as bus passengers.

The administration of the drills will be in accordance with the New York State Education Department's Bus Safety Drill Guide and Compliance Form.

Instruction on Use of Seat Belts

When students are transported on school buses, the District will ensure that all students who are transported on any school bus owned, leased, or contracted for by the District will receive instruction on the use of seat safety belts. This instruction will be provided at least three times each year to both public and nonpublic school students who are so transported and will include, but not be limited to:

a) Proper fastening and release of seat safety belts;

b) Acceptable adjustment and placement of seat safety belts on students;

c) Times at which the seat safety belts should be fastened and released; and

d) Acceptable placement of the seat safety belts when not in use.

Education Law Sections 807, 2801-a, 3623, and 3635-a
Penal Law Article 240
8 NYCRR Sections 100.2(gg), 155.17, and 156.3

NOTE: Refer also to Policy #5681 - School Safety Plans

Adoption Date: 10/28/2024
12/18/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5684

Non-Instructional/Business Operations

**SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE SCHOOL DISTRICT**

It is the Board's responsibility to ensure the safety of the District's students, staff, facilities, and property. While the Board recognizes the importance of privacy, it has authorized the use of surveillance cameras on District property including in school buildings, school facilities, as well as on school buses, when necessary. These surveillance cameras will help to assist the Board in maintaining the overall safety and welfare of the District's students, staff, property, and visitors, as well as to deter theft, violence, and other criminal activities.

Further, surveillance cameras will only be placed in public or common areas, such as stairwells, hallways, cafeterias, parking lots, or playgrounds, and not in private areas such as locker rooms, bathrooms, or other areas in which individuals have a reasonable expectation of privacy. Audio recordings will not be utilized by the District officials, however, this prohibition may not preclude the use of audio recordings by law enforcement officials in accordance with their official duties or as otherwise authorized by law.

**Disciplinary Proceedings**

Video recordings or footage from District surveillance cameras may be used in student or employee disciplinary proceedings, as appropriate.

**Signage/Notification**

The District will place signage at entrances to the school campus or at major entrances into school buildings notifying students, staff, as well as any visitors of the District's use of surveillance cameras. Students and staff will also receive additional notification, as deemed appropriate by the Superintendent, regarding the use of its surveillance cameras through means such as publication in the District calendar, employee handbook, and/or the student handbook.

**Maintenance of Video Recordings**

Any video surveillance recording in the schools, on school buses, or on school property, on tape, CD, or digitally, will be the sole property of the District and stored in its original form and in a secure location to avoid tampering and also to ensure its confidentiality in accordance with relevant law and regulations.

In addition, to the extent that any video images create student or personnel records, the District will comply with all applicable state and federal laws related to record retention, record maintenance, and record disclosure, including the Family Educational Rights and Privacy Act ("FERPA").

Adoption Date: 12/18/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5690

Non-Instructional/Business Operations

**SUBJECT: EXPOSURE CONTROL PROGRAM**

The District shall establish an exposure control program designed to prevent and control exposure to infectious disease. According to the New York State Department of Labor's Division of Safety and Health and OSHA standards, the program shall consist of:

a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike.

b) Written standard operating procedures for blood/body fluid clean-up.

c) Appropriate staff education/training.

d) Evaluation of training objectives.

e) Documentation of training and any incident of exposure to blood/body fluids.

f) A program of medical management to prevent or reduce the risk of pathogens, specifically Hepatitis B and HIV.

g) Written procedures for the disposal of medical waste.

h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids or tissues.

U.S. Department of Labor,
OSHA Instructional CPL2-244B

Adoption Date: 12/18/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5691

Non-Instructional/Business Operations

**SUBJECT: COMMUNICABLE DISEASES**

Whenever, upon investigation and evaluation by the School Physician or other health professionals, a student in the public schools shows symptoms of any communicable or infectious disease reportable under the public health law that imposes a significant risk of infection of others in the school, shall be excluded from the school and sent home immediately, in a safe and proper conveyance. The School Physician shall immediately notify a local public health agency of any disease reportable under the public health law.

Following absence on account of illness or from unknown cause, the School Physician may examine each student returning to a school without a certificate from a local public health officer, a duly licensed physician, physician assistant, or nurse practitioner.

The School Physician or other health professionals may make evaluations of teachers and any other school employees, school buildings and premises as, in their discretion, they may deem necessary to protect the health of the students and staff.

Regulations and procedures will be developed for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

Education Law Section 906
8 New York Code of Rules and Regulations (NYCRR)
Section 136.3(h) and 136.3(i)

Adoption Date: 12/18/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 5692

Non-Instructional/Business Operations

**SUBJECT: ACQUIRED IMMUNE DEFICIENCY SYNDROME AND/OR POSITIVE BLOOD TEST TO THE HUMAN IMMUNODEFICIENCY VIRUS**

The Board contends that a student shall not be denied the right to attend school or continue his/her education nor shall an employee be denied the right to continue their employment who has been diagnosed or identified as having Acquired Immune Deficiency Syndrome and/or positive blood tests for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential AIDS and/or HIV-related information shall be strictly limited.

Administrative regulations and procedures shall be developed and implemented by the administration based on recommendations from the New York State Education Department, and from consultation with appropriate professional and medical staff in the District.

The Superintendent shall also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

Confidentiality: Public Health Law, Article 27-F

Adoption Date: 12/18/2023

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 5710

Non-Instructional/Business Operations

**SUBJECT: TRANSPORTATION PROGRAM**

It is the intent of the Board to comply with the letter and spirit of the New York State Education Law; with the regulations of the Department of Motor Vehicles and of the Department of Transportation and with the Commissioner of Education's regulations and decisions pertinent to student transportation, and these shall govern any questions not covered by specific declaration of policy herein.

The purpose of the transportation program is to transport students to and from school and to transport them on field trips.

The Board recognizes and assumes the responsibility for all aspects of the transportation of students wherein the health and safety of students are involved, for the Board has a legal obligation to safeguard the welfare of bus-riding students.

**Scheduling and Routing**

Transportation services shall be provided to meet the needs of the students of the District within specified limits.

Education Law Sections 1501-b, 3602(7), 3620-3628, 3635 and 3636

NOTE: Refer also to Policy #7131 - Education of Homeless Children and Youth

Adoption Date: 01/22/2024

**SUBJECT: TRANSPORTATION OF STUDENTS**

**Requests for Transportation to and from Nonpublic Schools**

Transportation of students to and from nonpublic schools may be provided in accordance with Education Law. The parent or person in parental relation of a parochial or private school child residing in the District who desires his or her child to be transported to a parochial, private, or charter school outside of the District during the next school year, must submit a written request to the Board no later than April 1 of the preceding year, or within 30 days of moving into the District. The District will publish the April 1 date in its school calendar and/or local newspaper as a reminder to parents of this deadline. Late requests will not be denied where a reasonable explanation is provided for the delay.

**Transportation to Nonpublic Schools on Holidays**

The District will share its calendar and start and dismissal times with nonpublic schools before the start of the school year. The District is not required to provide transportation to nonpublic schools on days on which the District's schools are not in session.

**Transportation for Nonpublic School Students with Disabilities who are Parentally Placed**

For students with disabilities, ages 5 through 21, who are parentally placed in nonpublic schools outside their district of residency, if special education services are to be provided to a student at a site other than the nonpublic school, the school district of location is responsible for providing the special education services, including, as applicable, arranging and providing transportation necessary for the student to receive special education services.

The district of residence remains responsible to provide transportation to parentally placed nonpublic school students from the student's home to the nonpublic school.

**Transportation of Students with Disabilities**

Transportation of students with disabilities in the District may not exceed 50 miles one way from the student's home to the appropriate special service or program, unless the Commissioner certifies that no appropriate nonresidential special service or program is available within 50 miles. In that event, the Commissioner may then establish transportation arrangements.

Student Information

Upon written consent of the parent or person in parental relation, every school bus which is used to regularly transport students with disabilities will maintain the following information about each student with a disability being transported:

a) Student's name;
b) Nature of the student's disability;
c) Name of the student's parent, guardian, or person in parental relation and one or more telephone numbers where that person can be reached in an emergency; and/or
d) Name and telephone number of any other person designated by such parent, guardian, or person in parental relation who can be contacted in an emergency.

Continued

**SUBJECT: TRANSPORTATION OF STUDENTS**

This information will be used solely for the purpose of contacting the student's parent, guardian, person in parental relation, or designee in the event of an emergency involving the student, will be kept in a manner which retains the privacy of the student, and will not be accessible to any person other than the driver or a teacher acting in a supervisory capacity. In the event that the driver or teacher is incapacitated, this information may be accessed by any emergency service provider.

This information will be updated as needed, but at least once each school year and will be destroyed if parental consent is revoked, the student no longer attends the school, or the disability no longer exists.

Fire Extinguishers

School buses manufactured on or after January 1, 1990 fueled with other than diesel fuel and used to transport three or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight passengers and used to transport these students will be equipped with an engine fire suppression system.

School buses manufactured on or after September 1, 2007 fueled with diesel fuel and used to transport three or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight passengers and used to transport these students will be equipped with an engine fire suppression system.

School buses will also be equipped with at least one hand fire extinguisher in the event of an emergency.

**Transportation of Non-Resident Students**

Non-resident families must provide their own transportation.

**Transportation To Child Care Locations**

The District shall provide transportation to any child attending grades kindergarten through eight between the school a child legally attends and a child care location within the District. Transportation before and/or after school requires a written request from a parent/legal guardian.

**Transportation to School Sponsored Events**

Where the District has provided transportation to students enrolled in the District to a school sponsored field trip, extracurricular activity, or any other similar event, it will also provide transportation back to either the point of departure or to the appropriate school in the District unless a student's parent or legal guardian has provided the District with written notice, consistent with District policy, authorizing an alternative form of return transportation for the student. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical, and the parent has not authorized alternative return transportation, a representative of the District will remain with the student until the student's parent or legal guardian has been contacted and informed of the intervening circumstances and the student has been delivered to their parent.

Continued

**SUBJECT: TRANSPORTATION OF STUDENTS**

**Transportation in Personal Vehicles**

Personal cars of teachers and staff will not be used to transport students except in the event of extenuating circumstances and authorized by the administration.

Education Law §§ 1604, 1709, 1804, 1903, 1950, 2503, 2554, 2590-e, 3242, 3602-c, 3621(15), 3623-a (2c), 3635, 4401-a, 4401(4), 4402, 4404, 4405, and 4410-6 Vehicle and Traffic Law § 375(20)(1) and 375(21-i)

NOTE: Refer also to Policy #7692 - Education of Homeless Children and Youth

Adoption Date: 01/22/2024

**SUBJECT: SCHOOL BUS SAFETY PROGRAM**

The safe transportation of students to and from school is of primary concern in the administration of the school bus program. All state laws and regulations pertaining to the safe use of school buses shall be observed by drivers, students and school personnel.

To assure the safety and security of students boarding or exiting school buses on school property, it shall be unlawful for a driver of a vehicle to pass a stopped school bus when the red bus signal is in operation.

**Use of Cell Phones and Portable Electronic Devices Prohibited**

Use of portable electronic devices by a school bus driver or monitor at times the vehicle is in operation on the roadway poses a potential safety risk. All school bus drivers and monitors are prohibited from using portable electronic devices while the bus is in operation and students are on the bus.

Personal cell phones are to be placed in the "off" position when in the possession of the school bus driver and monitor while the bus is in operation. Cell phones may be used in case of emergency.

The following terms are defined as:

a) "Portable electronic device" shall mean any mobile telephone (hand held or "hands free"), personal digital assistant (PDA), portable device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device.

b) "Using" shall mean holding a portable electronic device while viewing, taking or transmitting images, playing games, or composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages, or other electronic data.

c) "In operation" shall mean that the bus engine is running, whether in motion or not.

The Transportation Supervisor, in cooperation with the Principals, has the responsibility of developing and publishing safety rules to be followed by drivers and passengers, including rules of student conduct. In order to ensure maximum safety to those riding school buses, it is necessary that students and drivers cooperate in this effort. There is no substitute for training to develop safe habits in pedestrian and vehicular traffic.

All buses and other vehicles owned by vendors/contract bus companies with whom the District contracts will have frequent safety inspections and be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

Continued

**SUBJECT: SCHOOL BUS SAFETY PROGRAM**

Every bus driver is required to report promptly any school bus accident involving death, injury, or property damage. All accidents, regardless of damage involved, must be reported at once to the Transportation Supervisor by the vendors/contract bus companies.

Education Law Section 3623
Vehicle and Traffic Law Sections 509-a(7), 509-1(1-b), 1174(a) and 1174(b)
8 New York Code of Rules and Regulations (NYCRR) Section 156.3

NOTE: Refer also to Policies #5683 - Fire and Emergency Drills, Bomb Threats, and Bus Emergency Drills
#5741 - Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees

Adoption Date: 01/22/2024

**SUBJECT: SCHOOL BUS IDLING**

The Board recognizes the need to promote the health and safety of District students and staff and to protect the environment from harmful emissions found in bus exhaust, in particular diesel exhaust, by eliminating the unnecessary idling of all school buses on school property including all schools within the District or at any school or school related activities to which District students are transported. For purposes of this policy, an "idling school bus" shall mean a school bus that is parked or stopped at a school or other location and has its engine running. *This policy applies to the operation of every District-owned and/or contracted school bus*. The District shall strive to eliminate all unnecessary idling of school buses such that idling time is minimized in all aspects of school bus operation.

In accordance with the Rules and Regulations of the New York State Department of Environmental Conservation (DEC), excessive idling of certain vehicles is illegal in New York State. State regulations provide in part that buses exceeding 8,500 pounds and designed primarily for transporting persons or properties (i.e., a "heavy duty vehicle") shall not idle for more than five (5) consecutive minutes when not in motion unless otherwise authorized by the regulations. Significantly, the state regulations apply to a heavy duty vehicle whether or not powered by a diesel or non-diesel fueled engine.

Further, the five (5) consecutive minute limitation on idling applies to buses whether owned, operated or leased; or to one who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of the bus present on such land.

**Exceptions**

Exceptions to the five (5) consecutive minute limitation on idling of school buses will be as enumerated in state regulations and include, but are not limited to, the following:

a) The bus is forced to remain motionless because of the traffic conditions over which the driver has no control; and

b) Idling to maintain an interior temperature of fifty (50) degrees Fahrenheit when the outside temperature is less than fifty (50) degrees or an interior temperature of seventy (70) degrees Fahrenheit when the temperature outside is more than eighty (80) degrees.

c) Auxiliary function such as wheelchair lifts if the operation requires the engine to continue running.

d) When operation of the vehicle is required for maintenance, including necessary pre-trip safety inspections.

**Publication of District Policy/Bus Driver Training**

This policy shall be posted at the Transportation Department and bus garage; and the Assistant Superintendent for Administrative Services shall ensure that training is provided to bus drivers/transportation personnel on the District's idling reduction program and other practices for environmentally friendly bus operations to reduce school bus emissions and minimize exposure to bus exhaust. Appropriate signage shall be posted at each school to remind drivers and school staff of the policy.

Continued

Also, as may be applicable, the District shall ensure that each vendor/contract bus company receives a copy of the District policy regarding idling of school buses and shall provide any educational materials, regulations and/or procedures developed by the District with regard to meeting training requirements of the District's idling reduction program. The vendor/contract bus company shall sign for receipt of all of the above documents at the beginning of each school year and shall provide training for all currently employed bus drivers/transportation personnel. The vendor/contract bus company must also ensure that newly hired bus drivers, upon employment, are informed of the District policy and provided appropriate training regarding the idling of school buses.

The provisions of this policy shall be incorporated by reference in all transportation contracts and agreements.

The District shall otherwise publish its School Bus Idling Policy at its discretion which may include publication in the local newspaper and/or annual District calendar.

**Sanctions for Violation of District Policy**

District employed bus drivers as well as other District employees who are known to have engaged in prohibited behavior with regard to excessive idling of school buses are subject to disciplinary action pursuant to the applicable collective bargaining agreement, as well as the sanctions provided for in law and/or regulations.

Any significant violations by vendors/contract bus companies of District policy and/or regulations regarding excessive idling of school buses shall result in revocation of their contract for the transportation of District students; and they may be subject to sanctions provided for in law and/or regulations.

The District will monitor and enforce compliance with this policy; and any person may report incidents of noncompliance by contacting the Supervisor or Assistant Superintendent for Administrative Services.

State Regulations: 6 New York Code of Rules and Regulations (NYCRR) Subpart 217-3

NYC Regulations: New York City Administrative Code Section 24-163

Adoption Date: 01/22/2024

**SUBJECT: QUALIFICATIONS OF BUS DRIVERS**

A person shall be qualified to operate a bus only if such person:

a) Is at least twenty-one (21) years of age;

b) Has been issued a currently valid operator's or commercial driver's license which is valid for the operation of a bus in New York State;

c) Has passed the annual bus driver physical examination administered pursuant to Regulations of the Commissioner of Education and the Commissioner of Motor Vehicles. In no case shall the interval between physical examinations exceed a thirteen-month (13) period;

d) Is not disqualified to drive a motor vehicle under Vehicle and Traffic Law Sections 509-c and 509-cc and any other provisions of Article 19-A;

e) Has on file at least three (3) statements from three (3) different persons who are not related to the driver/applicant pertaining to the moral character and to the reliability of such driver/applicant;

f) Has completed, or is scheduled to complete, State Education Department safety programs as required by law;

g) Is in compliance with federal law and regulations, as well as District policy and/or regulations, as it pertains to meeting the standards governing alcohol and controlled substance testing of bus drivers if and when applicable;

h) Has taken and passed a physical performance test at least once every two (2) years and/or following an absence from service of sixty (60) or more consecutive days from their scheduled work duties; and

i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

**Special Requirements For New Bus Drivers**

Before a vendor/contract bus company employs a new bus driver, the Superintendent/designee shall be entitled to:

a) Require such person to pass a physical examination within four (4) weeks prior to the beginning of service;

Continued

**SUBJECT: QUALIFICATIONS OF BUS DRIVERS**

b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three (3) years;

c) Investigate the person's employment record during the preceding three (3) years;

d) Require such person to submit to the mandated fingerprinting procedures/criminal history background check;

e) Request the Department of Motor Vehicles to initiate a driving record abstract check; and

f) Require that newly hired bus drivers take and pass the physical performance test, as mandated by Commissioner's Regulations, before they transport students.

**Occasional Drivers**

Under Commissioner's Regulations, an occasional driver is defined as a certified teacher employed by a school district or Board of Cooperative Educational Services (BOCES) who is not primarily employed as a school bus driver or substitute bus driver on either a full-time or part-time basis. Occasional drivers used for other than regular routes are not required to fulfill the training required for regular school bus drivers.

Omnibus Transportation Employee Testing Act of 1991, (Public Law 102-143)
49 United States Code (USC) Section 521(b)
49 Code of Federal Regulations (CFR) Parts 40, 382, 391, 392 and 395
Education Law Section 3624
Vehicle and Traffic Law Sections 509-c, 509-cc and Article 19-A
8 New York Code of Rules and Regulations (NYCRR) Section 156.3
15 New York Code of Rules and Regulations (NYCRR) Part 6

NOTE: Refer also to Policy #5741 - Drug and Alcohol Testing For School Bus Drivers and Other Safety-Sensitive Employees

Adoption Date: 01/22/2024

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY SENSITIVE EMPLOYEES**

In order to help prevent accidents and injuries resulting from the misuse of drugs and/or alcohol by school bus drivers, the Board adopts this policy in compliance with federal and state law and regulation.

The District has designated the following individual to answer driver questions about this policy and related materials:

Assistant Superintendent for Administrative Services

**Drug and Alcohol Testing Program**

School bus drivers are subject to drug and/or alcohol testing in a variety of circumstances. The District will comply with all federal and state law and regulation regarding the implementation of a drug and alcohol testing program for school bus drivers.

The District will ensure that vendors or contract bus companies either establish and manage their own drug and alcohol testing program or by contract have a consortium/third-party administrator manage all, or part of, their drug and alcohol testing program for school bus drivers.

Under federal law and regulation, individuals who operate a Commercial Motor Vehicle (CMV) designed to transport 16 or more occupants (including the driver) and are subject to commercial driver's license (CDL) requirements established by the United States Department of Transportation are safety-sensitive employees and are subject to the following drug and/or alcohol testing:

a) **Pre-employment drug testing** which will be conducted after a conditional offer to hire has been extended, but before the actual performance of safety-sensitive functions for the first time. This pre-employment testing will also be required when employees transfer to a safety-sensitive position.
b) **Random drug and/or alcohol testing** which will be conducted on an unannounced basis.
c) **Reasonable suspicion drug and/or alcohol testing** which will be conducted when reasonable suspicion exists that a driver has engaged in prohibited use of drugs and/or alcohol. The required observation for reasonable suspicion drug and/or alcohol testing must be made by a supervisor or official who has been trained in accordance with federal law and regulation.
d) **Post-accident drug and/or alcohol testing** which will be conducted as soon as practicable following certain occurrences involving a CMV operating on a public road.
e) **Return-to-duty drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct before the driver returns to perform a safety-sensitive function.

Continued

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY SENSITIVE EMPLOYEES**

f) **Follow-up drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct and has returned to performing a safety-sensitive function. This testing will be conducted on an unannounced basis in accordance with a written follow-up testing plan developed by a substance abuse professional (SAP).

All procedures used to test for the presence of drugs and/or alcohol will conform to the requirements outlined in federal law and regulation for protecting the driver and the integrity of the testing process, safeguarding the validity of the test results, and ensuring that all test results are attributed to the correct driver.

Under New York State law and regulation, all school bus drivers are subject to pre-employment and random drug and alcohol testing in accordance with the provisions and requirements of federal regulations, regardless of CDL endorsement. Every school bus driver will be included in the random testing pool and must submit to testing when selected.

**Prohibitions and Consequences for School Bus Drivers**

Under federal law and regulation, individuals who operate a CMV designed to transport 16 or more occupants (including the driver) and are subject to CDL requirements established by the United States Department of Transportation are prohibited from:

a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive functions for not less than 24 hours, but no punitive action will be taken by the employer;
b) Using alcohol while performing safety-sensitive functions;
c) Performing safety-sensitive functions within four hours after using alcohol;
d) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first;
e) Refusing to submit to a drug or alcohol test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements;
f) Refusing to submit to a pre-employment drug test;
g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver uses any drugs, as defined by federal law and regulation. This prohibition does not apply when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a CMV; or
h) Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the driver tests positive for drugs.

Continued

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY SENSITIVE EMPLOYEES**

Additionally, under New York State law, all school bus drivers are prohibited from:

a) Consuming a drug or intoxicating liquor, regardless of its alcoholic content, or be under the influence of a drug or intoxicating liquor, within six hours before going on duty or operating, or having physical control of a bus;
b) Consuming a drug or intoxicating liquor, regardless of its alcoholic content while on duty, or operating, or in physical control of a bus; or
c) Possessing a drug or intoxicating liquor, regardless of its alcoholic content while on duty, operating or in physical control of a bus. However, this paragraph does not apply to the possession of a drug or intoxicating liquor which is transported as part of a shipment or personal effects of a passenger or to alcoholic beverages which are in sealed containers.

It is the employer's responsibility to ensure that no school bus driver:

a) Violates any of the above listed provisions of New York State law; or
b) Be on duty or operate a school bus if, by a person's general appearance or by a person's conduct or by other substantiating evidence, a person appears to have consumed a drug or intoxicating liquor within the preceding eight hours.

Any violation of this policy, District procedures, and/or applicable federal and state law and regulation by a school bus driver will be grounds for disciplinary action and penalties including, but not limited to, fines, suspension, and/or discharge in accordance with the District's and/or the vendors' or contract bus companies' policies, collective bargaining agreements, and applicable law.

Drivers who are found to have engaged in prohibited conduct under federal law and regulation will be removed immediately from safety-sensitive functions and will not be allowed to return to perform safety-sensitive functions until they:

a) Are evaluated by a SAP;
b) Complete any requirements for rehabilitation as set by the employer and the SAP; and
c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a drug test with a verified negative result if the conduct involved drug use.

Continued

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY SENSITIVE EMPLOYEES**

**The Drug and Alcohol Clearinghouse**

The Drug and Alcohol Clearinghouse ("Clearinghouse") is a secure online database that provides real-time information about CDL and commercial learner's permit holder's drug and alcohol program violations. The District will comply with all federal law and regulation regarding the Clearinghouse.

In accordance with 49 CFR Part 382, the following personal information will be collected, maintained, and reported to the Clearinghouse:

a) A verified positive, adulterated, or substituted drug test result;

b) An alcohol confirmation test with a concentration of 0.04 or higher;

c) A refusal to submit to any required test;

d) An employer's report of actual knowledge of:

1. On duty alcohol use;
2. Pre-duty alcohol use;
3. Alcohol use following an accident; and
4. Drug use;

e) A SAP's report of the successful completion of the return-to-duty process;

f) A negative return-to-duty test; and

g) An employer's report of completion of follow-up testing.

**Prohibitions and Consequences for Vendors or Contract Bus Companies**

Any significant violation of this policy or District procedures, and applicable federal and state law and regulation by a vendor or contract bus company and its employees will result in revocation of its contract for the transportation of students.

Continued

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY SENSITIVE EMPLOYEES**

**Employee Notification**

The Superintendent/designee will ensure that vendors or contract bus companies receive a copy of educational materials that explain the requirements of drug and alcohol testing law and regulation, and any policies, regulations, and/or procedures developed by the District with respect to meeting those requirements. The Superintendent/designee will ensure that a copy of these materials

is distributed to vendors or contract bus companies, who will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of any drug and/or alcohol testing as well as at the beginning of each school year or at the time of hire for any school bus driver.

The Superintendent/designee will further ensure that vendors or contract bus companies receive a copy of the District's educational materials concerning: the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management.

The Superintendent/designee can assist vendors or contract bus companies with arrangements for training of all supervisors who may be utilized to determine whether reasonable suspicion exists to test a driver for prohibited conduct involving the drugs and/or alcohol.

**Records Management and Retention**

Employee records relating to drug and/or alcohol testing, as well as to substance abuse and/or alcohol prevention programs, will be maintained in accordance with law and regulation. All employee drug and/or alcohol testing will be kept confidential and will only be revealed as required or authorized by law or regulation.

49 USC §§ 31136 and 31306
49 CFR Parts 40, 382, and 383
Vehicle and Traffic Law §§ 142, 509-g, 509-l

Adoption Date: 01/22/2024

**SUBJECT: SCHOOL BUS MONITORS AND ATTENDANTS**

**School Bus Monitors and Attendants**

In accordance with Education Law and Commissioner's Regulations, the employment of each school bus monitor and school bus attendant shall be approved by the Superintendent for each school bus operated within the District. Approval for employment as a school bus monitor or attendant shall be in writing on a form prescribed by the Commissioner of Education.

As defined in Commissioner's Regulations:

a) A **school bus monitor** shall mean any person employed for the purpose of assisting children to safely embark and disembark from a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services, and for the purpose of assisting the school bus driver with maintaining proper student behavior on such bus.

b) A **school bus attendant** shall mean any person who is employed for the purpose of serving pupils with a disabling condition on a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services.

All school bus monitors and attendants shall be at least nineteen (19) years of age; and shall have the physical and mental ability to satisfactorily perform their duties.

Each monitor or attendant will be examined by a duly licensed physician prior to the beginning of such monitor's or attendant's service. The written report of the physician shall be considered by the Superintendent in determining the fitness of the monitor or attendant to carry out their functions. The examining physician shall require the monitor or attendant to undergo any diagnostic tests that are necessary to determine the physical and mental ability of the monitor or attendant to perform their duties.

Each school bus monitor or attendant of a school bus owned, leased or contracted for by a school district or board of cooperative educational services shall pass a physical performance test approved by the Commissioner.

A school bus monitor or attendant who fails any portion of the physical performance test shall be deemed unqualified to perform the duties of that position. The monitor or attendant may request a re-examination. The cost of such re-examination shall be borne by the employer if the monitor/attendant passes the re-examination, or by the monitor/attendant if they fail the re-examination.

All school bus monitors and attendants shall meet the qualifications and/or certification requirements as enumerated in law and/or Commissioner's Regulations. Further, pursuant to Commissioner's Regulations, school bus monitors and attendants shall receive pre-service instruction, safety training, specialized training, and refresher training.

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**SUBJECT: SCHOOL BUS MONITORS AND ATTENDANTS**

**School Bus Attendants - Special Requirements**

Every school bus attendant serving students with a disabling condition shall receive school bus safety training and instruction relating to the special needs of such students. Such training shall include guidance on the proper techniques for assisting disabled students in entering and exiting the school bus, and shall include instruction in cardiopulmonary resuscitation (CPR) where such skills are required as part of the individualized education plan (IEP) prepared for the student. Such training and instruction shall also include any additional first aid or health emergency skills that the Commissioner of Education deems appropriate and necessary for school bus attendants to possess. In addition, school bus attendants shall demonstrate the ability to perform procedures necessary in emergency situations as deemed appropriate by the Commissioner of Education.

Education Law Section
3624 Vehicle and Traffic Law
Section 1229-d
8 New York Code of Rules and Regulations
(NYCRR) Section 156.3

Adoption Date: 01/22/2024

**SUBJECT: ARTIFICIAL INTELLIGENCE (AI)**

**Overview**

The emergence of artificial intelligence (AI) technologies, especially generative AI (GenAI), pose unique challenges and opportunities for learning environments. As these technologies integrate deeper into everyday life, the District must proactively address the implications of AI usage to ensure it enhances educational outcomes without compromising academic integrity or equity. This policy outlines the District's commitment to responsible AI integration in educational practices, balancing innovation with the core values of the District's educational mission. Further, it sets forth guidelines designed to evolve as new technologies and methodologies emerge, ensuring the District remains at the forefront of academic excellence and technological responsibility.

Scope and Application

This policy applies to all District students, personnel, volunteers, and contractors. It integrates with, and complements, existing policies on data privacy, acceptable use, and student conduct. This policy aims to provide clear guidelines on the use of AI within the District's schools, ensuring that its application supports the District's educational goals and adheres to its privacy and security standards.

**Definitions**

a) Generative AI (GenAI) represents a dynamic subset of AI technologies that can create new, human-like content from extensive data training sets. This content spans across text, images, audio, and more, often mimicking human creativity and adaptability.

b) Traditional AI refers to systems that operate on fixed algorithms and predefined rules without altering their behavior based on new data after their initial deployment.

**Risks and Limitations**

The use of GenAI comes with some risks and limitations which include, but are not limited to:

a) Hallucinations/Confabulations
GenAI can generate plausible, but false or inaccurate, information, a phenomenon known as a hallucination/confabulation.

b) Biases
GenAI tools learn from data created by people, which means any biases, prejudices, and stereotypes in that data can be reflected in the outputs produced by GenAI. For example, GenAI has been found to generate images and text that reinforce existing gender and racial biases. It is essential to recognize that these biases exist and to critically assess the outputs of GenAI tools to prevent the perpetuation of stereotypes and unfair treatment.

The impact of GenAI biases is particularly significant in the context of Diversity, Equity, and Inclusion (DEI) initiatives. DEI initiatives aim to create environments where all individuals have equal opportunities and are treated with respect and fairness. Biased AI outputs can undermine these goals by perpetuating inequality and exclusion, which can be detrimental to the educational mission of the District.

GenAI can also suffer from response bias, where the AI generates answers tailored to what it predicts the user wants to hear based on its training data or specific tuning.

Continued

**SUBJECT: ARTIFICIAL INTELLIGENCE (AI)**

c) Copyright
GenAI may pose copyright issues as it may have used copyrighted material within its training data without explicit permission from the copyright holders. As a result, there are unsettled legal questions about the ownership and copyright status of GenAI's outputs, which can closely mimic or incorporate elements of existing copyrighted works.

Data Privacy and Security

Information entered into GenAI may be accessible to others due to data sharing or breaches. All users should exercise caution when utilizing GenAI. Under no circumstances should any sensitive, copyrighted, confidential, or proprietary information be entered into GenAI or any other AI platform, consistent with relevant state and federal laws and District policy. This includes, but is not limited to, data protected by:

a) Family Educational Rights and Privacy Act (FERPA);

b) Education Law Section 2-d (Unauthorized Release of Personally Identifiable Information);

c) Labor Law Section 203-d (Employee Personal Identifying Information);

d) State Technology Law Section 208 (Notification of Security Breach of Private Information).

Further, if the information would not be disclosed in response to a Freedom of Information Law (FOIL) request, it should not be entered into GenAI.

**Student Use**

The District prohibits students from using GenAI to complete academic assignments. Student use of GenAI that conflicts with this policy and/or the District's Code of Conduct may result in an investigation and/or disciplinary action.

**District Personnel Use**

District personnel may utilize GenAI in accordance with this policy. However, regardless of the tools used to enhance their work, personnel are ultimately responsible for the accuracy and integrity of all work they produce. AI is intended to support, not replace, an employee's responsibility for their own work.

**Training, Awareness, and Support**

The District will provide training, awareness, and support to teachers in navigating the evolving use of GenAI in the classroom. This may include professional learning opportunities, workshops, and resources to enhance teachers' proficiency and confidence in using GenAI to enrich student learning. The goal is to equip teachers with the knowledge to critically assess GenAI technologies and guide students in understanding the complexities associated with these tools. Additionally, the District may extend training, awareness, and support regarding GenAI to other District personnel who may benefit from understanding and utilizing GenAI in their roles.

Continued

**SUBJECT: ARTIFICIAL INTELLIGENCE (AI)**

**Compliance with Other Documents**

When using GenAI, all personnel and students must comply with all applicable laws, regulations, and District documents. This includes Education Law Section 2-d, which requires the District to ensure that whenever it enters into a contract or other written agreement with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District, the contract or written agreement will include provisions requiring that confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

Applicable District documents may include the District's policies on data security and acceptable use, as well as the District's *Code of Conduct*.

NOTE: Refer also to Policies

#3310 - Public Access to Records
#3320 - Confidentiality of Computerized Information
#5672 - Information Security Breach and Notification
#5673 - Employee Personal Identifying Information
#5674 - Data Networks and Security Access
#5676 - Privacy and Security for Student Data and Teacher and Principal Data
#6410 - Staff Use of Computerized Information Resources
#7240 - Student Records: Access and Challenge
#7315 - Student Use of Computerized Information Resources (Acceptable Use)
#7316 - Student Use of Personal Technology
#8271 - Internet Safety/Internet Content Filtering
#8350 - Use of Copyrighted Materials
District *Code of Conduct*

Adoption Date: 12/16/2024

Non-Instructional/Business Operations

**SUBJECT: DATA NETWORKS AND SECURITY ACCESS**

The District values the protection of private information of individuals in accordance with applicable law, regulations, and best practice. Accordingly, district officials and information technology (IT) staff will plan, implement, and monitor IT security mechanisms, procedures, and technologies necessary to prevent improper or illegal disclosure, modification, or denial of sensitive information in the district computer system (DCS). Similarly, IT mechanisms and procedures will also be implemented in order to safeguard district technology resources, including computer hardware and software. District network administrators may review district computers to maintain system integrity and to ensure that individuals are using the system responsibly. Users should not expect that anything stored on school computers or networks will be private.

In order to achieve the objectives of this policy, the Board entrusts the Superintendent or designee to:

a) Maintain inventories of computer hardware, software, and data, to include:
   1. Computer hardware - physical description, person assigned to, physical location, and relevant purchase or lease information;
   2. Software - description of item, locations installed, and pertinent licensing information;
   3. Data - classification based on district data classification scheme, and location where data resides.
b) Regularly update inventories;
c) Install and maintain antivirus software on all district devices. Antivirus software should be set to update definitions daily and to scan for threats throughout the day. Hardware should be set to force scans of all newly connected devices;
d) Ensure that software patches and updates are installed in a timely fashion to address potential weaknesses in out-of-date software;
e) Develop procedures for promptly disabling accounts of former employees and for ensuring that former employees cannot access district systems and accounts;
f) Develop password standards for all users that adhere to current industry standards for password security;
g) Periodically review user access rights to the network and to specific software applications to ensure that users are given access only to those resources necessary for their job duties;
h) Establish policies for remote access, which should include eligibility requirements, District expectations, and provisions to monitor and control remote access;
i) Utilize a firewall configured to allow only communication types necessary for system operation and to explicitly deny all other communications. Such firewall logs should be monitored for potential security and resource issues, including for intrusion detection;
j) Develop procedures to control physical access to computer facilities, data rooms, systems, networks, and data, ensuring adequate physical security commensurate with the risks of physical damage or access;
k) Develop an IT contingency plan appropriate for the size and complexity of district IT operations to ensure continuous critical IT services in the event of any sudden, catastrophic event, including, but not limited to fire, computer virus, or deliberate or inadvertent employee action.

Adoption Date: 01/27/2026
11/27/2023

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2026 5851

Non-Instructional/Business Operations

**SUBJECT: CYBERSECURITY INCIDENT RESPONSE**

The District is committed to providing a timely and comprehensive response to any cybersecurity incident or demand of ransom payment, in accordance with all applicable laws and regulations.

**Definitions**

For the purposes of this policy, the following definitions apply:

a) "Cybersecurity incident" means an event occurring on or conducted through a computer network that actually or imminently jeopardizes the integrity, confidentiality, or availability of computers, information or communications systems or networks, physical or virtual infrastructure controlled by computers or information systems, or information resident thereon.

b) "Ransom payment" means the transmission of any money or other property or asset, including virtual currency, or any portion thereof, which has at any time been delivered as ransom in connection with a ransomware attack.

**Identifying and Determining the Scope of Cybersecurity Incidents**

District personnel must report any suspected cybersecurity incident to their immediate supervisor or manager or to the appropriate district information technology staff. In the event that the incident includes a breach of personally identifiable information (PII), all applicable laws and regulations regarding PII must be followed.

**Reporting of Cybersecurity Incidents**

The District will report all cybersecurity incidents and/or demand of ransom payments to the commissioner of the division of homeland security and emergency services using the reporting forms at the Division of Homeland Security and Emergency Services Cybersecurity Incident and Ransom Payment Reporting website (https://www.dhses.ny.gov/cybersecurity-incident-and-ransom-payment-reporting). This report must:

a) Include whether the District is requesting or declining advice and/or technical assistance from the division of homeland security and emergency services in relation to the reported cybersecurity incident or demand for a ransom payment; and

b) Be filed no later than 72 hours after the District reasonably believes the cybersecurity incident has occurred.

These reports and any records related to ransom payments submitted to the commissioner of the division of homeland security and emergency services are exempt from disclosure under the Freedom of Information Law (FOIL).

**Notice and Explanation of Ransom Payment(s)**

In the event that the District makes a ransom payment in connection with a cybersecurity incident, the District will provide the commissioner of the division of homeland security and emergency services with the following information:

a) Notice of the payment within 24 hours of the ransom payment; and

b) A written description within 30 days of the ransom payment, to include:
   1. The reasons the payment was necessary;
   2. The amount of the payment;
   3. The means by which the payment was made;
   4. A description of the alternatives to payment that were considered; and
   5. A description of the diligence performed to find alternatives to payment and to ensure compliance with applicable rules, laws, and regulations.

General Municipal Law Article 19 Section 995

Adoption Date: 01/27/2026