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

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

The State Legislature has implemented this constitutional mandate through the creation of school districts of various types. The Niagara Falls City School District is governed by the laws set forth for Small City School Districts in Education Law Articles 51 and 53, and by laws relating to, or affecting, Central School Districts as set forth in Education Law Article 37, Union Free School Districts as set forth in Education Law Article 35, and Common School Districts as set forth in Education Law Article 33.

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

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

**Board of Education Authority**

As a body created under the Education Law of New York State, the Board of Education of the Niagara Falls City School District has full authority, within the limitations of federal and state laws and the Regulations of the Commissioner of Education and interpretations of them, to carry out the will of the people of its District in matters of education.

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

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

Education Law Sections 1604, 1701, 1709, 1804, 1805, 2502, 2503 and Articles 33, 35, 37, 51 and 53
New York State Constitution

Adoption Date 2/23/2012

**SUBJECT: BOARD OF EDUCATION: QUALIFICATIONS, NUMBERS AND TERMS OF OFFICE**

A Board of Education member of the Niagara Falls City School District must meet the following qualifications:

a) A citizen of the United States;

b) Eighteen (18) years of age or older;

c) Able to read and write;

d) A legal resident of the District for a continuous and uninterrupted period of at least one (1) year prior to the election;

e) Cannot be an employee of the Niagara Falls City School District;

f) The only member of his/her family (that is, cannot be a member of the same household) on the Niagara Falls City School District Board;

g) May not simultaneously hold another incompatible public office, including, but not limited to Superintendent, clerk, tax collector, treasurer or librarian, or an employee of the Board. In small city school districts, Board members may not hold any city office other than that of police officer or firefighter.

h) Must not have been removed from a school district office within one (1) year preceding the date of appointment or election to the Board.

**Number of Members**

The Board of Education of the Niagara Falls City School District shall consist of nine (9) members elected by the qualified voters of the School District at the annual election as prescribed by law.

**Terms of Office**

Members of the Board of Education shall serve for five (5) years beginning July 1 following their election and each term shall expire on the thirtieth (30th) day of June of the fifth year.

Education Law Sections 1602, 1702(1), 1804(1), 1950(9), 2101, 2102, 2103, 2103-a, 2130(1), 2105, and 2502
Public Officers Law Section 3
Town Law Section 23(1)

Adoption Date 2/23/2012

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

a) Candidates for the office of member of the Board of Education shall be nominated by a petition directed to the Board of Education which is signed by at least one hundred (100) qualified voters of the District. Petitions must state the residence of each signer, the name and residence of each candidate.

b) The notice of the Annual District meeting must state that petitions nominating candidates for the Board of Education must be filed with the Clerk of the District no later than twenty (20) days before the Annual or Special District Meeting at which the school board election will occur, between 9 a.m. and 5 p.m.

c) Voting will be by machine, and provision shall be made for the election by "write-in-vote" of any candidate not previously nominated. The position of candidates on ballots shall be determined by lot at a drawing conducted by the District Clerk on the day after the last filing. Candidates or their proxies may be present for the drawing.

d) The hours of voting shall be as indicated by Board resolution.

e) The candidates receiving the largest number of votes shall be declared elected in accordance with Education Law.

f) At least ten (10) days prior to the election, the Board shall appoint at least three (3) inspectors of election for each voting machine, and set their salary.

g) The District Clerk shall oversee the election. The Clerk shall give notice immediately to each person declared elected to the Board, informing him/her of the election and his/her term of office.

h) Only qualified voters as determined by Education Law Section 2012 may vote at any District meeting or election.

i) No electioneering will be allowed within one hundred (100) feet of the polling place.

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

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

Adoption Date 1/30/2014

**SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS**

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

Required contribution statements shall include:

a) The dollar amount and/or fair market value of any receipt, contribution or transfer which is other than money;

b) The name and address of the transferor, contributor or person from whom received;

c) If that transferor, contributor or person is a political committee as defined in Election Law Section 14-100;

d) The name and political unit represented by the committee;

e) The date of receipt;

f) The dollar amount of every expenditure;

g) The name and address of the person to whom the expenditure was made, or the name of and political unit represented by the committee to which it was made; and

h) The date of the expenditure.

The times for filing the statements are as follows:

a) The first statement on or before the thirtieth day preceding the election to which it relates;

b) A second statement on or before the fifth day before the election;

c) A third statement within twenty days after the election.

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

(Continued)

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

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

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

ADOPTED: 6/21/2012

Adoption Date

By-Laws

NF/EB

**SUBJECT: RESIGNATION AND DISMISSAL**

Board members may resign at a District meeting of residents (i.e., the annual meeting, not a regular Board of Education meeting) or by filing a written resignation with the District Superintendent of the Supervisory District who must endorse his/her approval and file the resignation with the District Clerk.

Alternatively, a Board member may resign under Public Officers Law Section 31 by filing a written resignation with the District Clerk. The Clerk must then notify the School Board and the State Board of Elections.

A resignation may be withdrawn only with the consent of the person to whom the resignation was delivered (i.e., the District Clerk or BOCES District Superintendent). The School Board has no authority to act upon a request to withdraw a resignation.

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

It shall be the duty of each member of the Board of Education to attend all meetings of the Board and, if any member shall refuse to attend three (3) consecutive meetings of the Board after having been regularly notified and a satisfactory cause for each non-attendance is not shown, the Board will proceed to declare that office vacant.

A Board member may be removed from office by the Commissioner of Education for willful violation of any provision of law, neglect of duty, or willfully disobeying any decision, order or regulation of the Commissioner. The Board of Education may also remove a Board member for misconduct relating to the exercise of authority as a Board member. A written copy of all charges made of such misconduct must be served upon the Board member at least ten (10) days before the time designated for a hearing on the charges; and the Board member shall be allowed a full and fair opportunity to refute such charges before removal.

As a small city school district, the District is not obligated to fill a vacancy on the Board which occurs due to death, resignation, removal from office or from the School District, or refusal to serve of a Board member.

However, the Board may fill the vacancy by appointment for a term ending with the next annual election of the School District. If the Board chooses to fill the vacancy by appointment, the appointment requires a majority vote of the remaining members of the Board.

The Board, at its own option, may instead call a special election within ninety (90) days to fill the unexpired term. If not so filled, the District Superintendent of the Supervisory District may appoint a competent person to fill the vacancy until the next annual election.

(Continued)

**SUBJECT: RESIGNATION AND DISMISSAL (Cont'd.)**

A person elected or appointed to fill a vacancy shall take office immediately upon filing the oath of office.

Education Law Sections 306, 1607, 1706, 1709(17)(18), 1804(1), 2103(2), 2109, 2111, 2112, 2113, 2502, 2503 and 2553
Public Officers Law Sections 30, 31 and 35

ADOPTED: 1/30/2014

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

As a Small City School District, the Board of Education shall have powers and duties as set forth in New York State Education Law, principally Articles 33, 35, 37, 51 and 53, and other applicable Federal and State laws and regulations. In general, the Board shall have in all respects the superintendence, management and control of the educational affairs of the District and shall have all the powers necessary to exercise these powers expressly granted to it by the laws of New York State and the Commissioner of Education.

Education Law Sections 1604, 1709, 1804 and 2503

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

Adoption Date 2/23/2012

**SUBJECT: NOMINATION AND ELECTION OF BOARD OFFICERS AND DUTIES OF THE PRESIDENT AND VICE PRESIDENT**

Officers of the Board of Education shall be nominated and elected by the simple majority of the Board at its Annual Organizational Meeting for a term of one (1) year. They will take their oath as officers at this meeting along with newly elected members.

The elected officers of the Board of Education are:

a) President;

b) Vice President.

**Duties of the President of the Board of Education**

The President's duties include the following:

a) Presides at all meetings of the Board;

b) Calls special meetings as necessary or on request;

c) Appoints members to all committees of the Board;

d) Serves ex-officio as a member of all committees;

e) Executes documents on behalf of the Board;

f) Performs the usual and ordinary duties of the office;

g) The President shall have the right, as other Board members have, to offer resolutions, discuss questions, and to vote.

**Board President Term of Office**

No Board member may serve more than two (2) consecutive terms as Board President.

**Duties of the Vice President of the Board of Education**

The Board of Education may, in its discretion, elect one (1) of its members Vice President who shall have the power to exercise the duties of the President in case of the absence or disability of the President. In case of vacancy in the office of the President, the Vice President shall act as President until a President is elected.

Education Law Sections 1701, 2105(6) and 2502

Adoption Date 2/23/2012
Amended September 28, 2023

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

**Appointments**

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

The following shall be appointed annually:

a) District Clerk;

b) School District Treasurer;

c) Tax Collector;

d) External (Independent) Auditor;

e) Treasurer, Extraclassroom Activities Account;

f) Audit Committee.

The following must be appointed and will be reappointed annually:

a) Census Enumerator and assistants if District conducts census;

b) Director of School Health Services (District Physician/Nurse Practitioner);

c) Supervisors of Attendance;

d) Committee on Special Education and Committee on Preschool Special Education;

e) Public Records Access Officer;

f) Records Management Officer;

g) Asbestos Hazard Emergency Response Act (AHERA) Local Educational Agency (LEA) designee;

h) Title IX/Section 504/ADA Compliance Officer;

i) Liaison for Homeless Children and Youth;

j) Chemical Hygiene Officer.

h) Medicaid Compliance Officer

(Continued)

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

The following will also be appointed:

a) School Attorney;

b) Claims Auditor;

c) Internal Auditor;

d) Insurance Advisor;

e) Copyright Officer;

f) Third Party Administrator for District's Unemployment Insurance Program;

g) Employees having access to records of students with disabilities.

**Designations**

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

a) Petty Cash Fund(s);

b) Official Newspaper(s);

c) Official Bank Depositories;

d) Official Bank Signatories;

e) Purchasing Agent;

f) Certifier of Payrolls;

g) Designated Educational Official (DEO) to receive court notification regarding a student's sentence/adjudication in certain criminal cases and juvenile delinquency proceedings;

h) School Pesticide Representative;

i) Reviewing Official, Hearing Official and Verification Official for participation in the federal Child Nutrition Program (the Hearing Official may not be the same person as the Reviewing and/or Verification Official);

(Continued)

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

j) Transfer agents for debt service;

k) Municipal bond consultants;

l) Bonding Attorneys;

m) Designation of regular Board meeting dates;

n) Designation of Board representative to select Impartial Hearing Officers on behalf of Board.

**Authorizations**

The following authorizations shall be made by the Board of Education at the Annual Reorganization Meeting in July.

a) Approval of attendance at conferences, conventions, workshops, and the like;

b) Superintendent to approve budget transfers within limits prescribed by Commissioner's Regulation Section 170.2 and Board guidelines;

c) Superintendent to apply for Grants in Aid (State and Federal) as appropriate;

d) Establish mileage reimbursement rate;

e) Annual review of procurement policy(ies) by the Board of Education;

f) Other(s) as deemed appropriate/necessary.

McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the No Child Left Behind Act of 2001
29 Code of Federal Regulations (CFR) Section 1910.1450
Education Law Sections 305(31), 1709 and 2503
8 New York Code of Rules and Regulations (NYCRR) Part 185
21 New York Code of Rules and Regulations (NYCRR) Parts 1401, 9760

Adopted: 3/25/10

**SUBJECT: DUTIES OF THE DISTRICT CLERK**

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

a) Attends all meetings of the Board and keeps a record of its proceedings and records, by name, those in attendance;

b) Prepares minutes of the meetings of the Board, obtains approval of the minutes by the Board at the next meeting, signs the minutes to signify their official standing and forwards copies of the minutes to each member of the Board of Education;

c) Sends notices of special meetings to members of the Board; contacts and communicates with members as required;

d) Sees that the proper legal notices and announcements are published on all specifications and items out on bid, in accordance with state law;

e) Maintains an up-to-date record of Board policies and by-laws;

f) Delivers to, and collects from, the President (or Vice President) such papers for signature as may be necessary;

g) Distributes notices to the public announcing availability of copies of the budget to be presented at the Annual District Meeting in compliance with the requirements of the State Education Law;

h) Administers oaths of office, as required by Public Officers Law Section 10;

i) Gives written notice of appointment to persons appointed as inspectors of election;

j) Calls all meetings to order in the absence of the President and Vice President;

k) Assumes other duties customary to the office.

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

Education Law Section 2121
Public Officers Law Section 104

Adoption Date 6/21/2012

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

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

a) Acts as custodian of all moneys belonging to the School District and lawfully deposits these moneys in the depositories designated by the Board;

b) Pays all authorized obligations of the District as directed, including payments of bond principal and interest;

c) Maintains proper records and files of all checks, and approved payment of bills and salaries;

d) Makes all such entries and posts to all such financial ledgers, records and reports, including bond and note registers, as may be properly required to afford the District an acceptable and comprehensive financial accounting of the use of its moneys and financial transactions;

e) Signs all checks drawn on District fund accounts provided that the District's Claims Auditor has attested to the authority to issue the check based upon proper evidence of a charge against the District's funds;

f) Safeguards the check-signing machine and signature plate, personally overseeing all uses of the machine to prepare checks;

g) Assumes other duties customary to the office.

Education Law Sections 2122, 2130 and 2523
Local Finance Law Sections 163 and 165
8 New York Code of Rules and Regulations (NYCRR) Sections 170.2(g), 170.2(o) and 170.2(p)

Adoption Date 6/21/2012

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

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

**Request for Proposal Process**

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

Education Law Sections 1709(20-a), 2110-a, 2116-a and 2854(c)
General Municipal Law Sections 33 and 104-b
8 New York Code of Rules and Regulations (NYCRR) Sections 170.2, 170.3 and 170.12

Adopted: **March 25, 2010**

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

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

**Qualifications**

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

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

a) A member of the Board;

b) The Clerk or Treasurer of the Board;

c) The Superintendent or official of the District responsible for business management;

d) The Purchasing Agent;

e) Clerical or professional personnel directly involved in accounting and purchasing functions of the District or under the direct supervision of the Superintendent;

f) The individual or entity responsible for the internal audit function (the Internal Auditor);

g) The External (Independent) Auditor responsible for the external audit of the financial statements;

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

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

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

(Continued)

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

a) Has no other responsibilities related to the business operations of the School District;

b) Has no interest in any other contracts with, and does not provide any goods or services to, the School District; and

c) Is not a close or immediate family member of anyone who has responsibilities related to business operations of the School District, or has an interest in any other contracts with the District. A "close family member" is defined as a parent, sibling or nondependent child; an "immediate family member" is a spouse, spouse equivalent, or dependent (whether or not related).

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

a) Examine all claim forms with respect to the availability of funds within the appropriate codes and adequacy of evidence to support the District's expenditure;

b) Meet such other requirements as may be established by the Regulations of the Commissioner of Education and/or the Comptroller of the State of New York.

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

Adoption Date 03/22/2012

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

Extraclassroom Activity (ECA) Central Treasurer

The ECA Central Treasurer is appointed by the Board and has custody of all ECA funds. The ECA Central Treasurer's duties include, but are not limited to:

a) Disbursing ECA funds by means of prenumbered check forms upon receipt of a payment order signed by the student activity treasurer and faculty advisor of the ECA, provided that there are sufficient funds in the account;

b) Signing all checks disbursing ECA funds;

c) Providing completed checks disbursing ECA funds to the student activity treasurer of the ECA;

d) Signing a receipt for all ECA funds placed into his or her custody and depositing those funds promptly into a bank designated by the Board;

e) Maintaining a record of the receipts and disbursements of each individual ECA account and of all the ECA accounts combined;

f) Verifying bank statements and preparing a reconciliation of cash balances and ECA accounts to be forwarded to the Faculty Auditor monthly;

g) Submitting to the Board a financial report relating to the receipts and expenditures for all ECA accounts on a quarterly basis; and

h) Reporting to the Board or its designee regularly and independently of the Faculty Auditor.

Faculty Auditor

The Faculty Auditor is appointed by the Board. The Faculty Auditor's duties include, but are not limited to:

a) Examining the statements of accounts from the ECA Central Treasurer monthly;

b) Auditing the ledgers kept by the student activity treasurer(s) at least twice a year on a rotating basis, and reconciling these ledgers with the ECA Central Treasurer's records;

c) Examining transactions and paperwork to determine if correct procedures are being used, including supporting documentation requirements and receipt issuance;

(Continued)

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

d) Certifying the accuracy of entries posted and available balances listed;

e) Investigating any instances when the ECA Central Treasurer's report and the student activity treasurer's ledgers do not agree;

f) Assembling, at the end of the school year, the monthly reports and preparing a composite report listing the financial condition of each ECA account for the full school year; and

g) Reporting to the Board or its designee regularly and independently of the ECA Central Treasurer.

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

Adoption Date 12192019

**SUBJECT: DUTIES OF THE SCHOOL ATTORNEY(S)**

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

a) Negotiation of all legal charges and processes for each bond issue and construction and/or reconstruction of new buildings;

b) Legal counsel on matters referred to him/her to determine legality of procedure;

c) Matters related to "due process" hearings or procedures.

Adoption Date 6/21/2012

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

The school physician/nurse practitioner shall be appointed by the Board of Education. The duties of the school physician/nurse practitioner shall include, but are not limited to, the following:

a) Performs professional medical services in the examination and care of school children;

b) Performs routine examinations of school children to detect the presence of contagious diseases and physical defects;

c) Serves as an on call member on the Committee on Special Education;

d) Reports to the Board on school health services;

e) Coordinates scheduling for physical examinations to all students participating in interscholastic athletics;

f) Develops the program of health service in accordance with policies approved by the Board and as directed by the Superintendent of Schools;

g) Conducts physical exams for all bus drivers and substitutes prior to employment and annually thereafter;

h) Conducts physical exams for all new employees (instructional and non-instructional);

i) Conducts a medical evaluation on any employee at the request of the Board of Education.

Education Law Sections 902, 913 and 6902

Adoption Date

**SUBJECT: DUTIES OF THE INTERNAL AUDITOR**

The Internal Auditor reports directly to the Board of Education.

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

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

a) Development of a risk assessment of District operations, including but not limited to, a review of financial policies, procedures and practices;

b) An annual review and update of such risk assessment;

c) Annual testing and evaluation of one or more areas of the District's internal controls, taking into account risk, control weakness, size, and complexity of operations;

d) Preparation of reports, at least annually or more frequently as the Board may direct, which:

1. Analyze significant risk assessment findings;

2. Recommend changes for strengthening controls and reducing identified risks; and

3. Specify timeframes for implementation of such recommendations.

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

NOTE: Refer also to Policy #5573 -- Internal Audit Function

Adoption Date 6/21/2012

**SUBJECT: POLICY AND ADMINISTRATIVE REGULATIONS**

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

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

The adoption of a written policy shall occur only after the proposal has been moved, discussed and voted on affirmatively at two (2) separate meetings of the Board of Education (i.e., the "first reading" and the "second reading"). The policy draft may be amended at the second meeting. By a majority vote, the Board may waive the "second reading" and complete the adoption of the proposed policy at its "first reading."

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

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

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

A copy of the District's Policy Manual will be maintained on the District website.

**Execution of Policy: Administrative Regulations**

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

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

Adoption Date 2/23/2012

**SUBJECT: SUSPENSION OF POLICIES**

The operation of any section or sections of Board policies not established by law or contract may be temporarily suspended to meet the needs of a particular instance, or to provide suitable action during the course of an emergency, by a two-thirds vote of the membership, at any regular or special meeting.

NOTE: Above policy is current District policy entitled “Suspension of Policies”

Adoption Date 2/23/2012

By-Laws

NF/EB

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

All Board of Education meetings must be open to the public except those portions of the meetings which qualify as executive sessions. A "meeting" is defined as an official convening of a public body for the purpose of conducting public business and a "public body" is defined as an entity of two (2) or more persons which requires a quorum to conduct public business, including committees and subcommittees. Reasonable efforts shall be made to ensure that all meetings are held in an appropriate facility which can adequately accommodate any and all members of the public who wish to attend.

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

If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

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

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

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

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

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

(Continued)

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

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

**Recording of Meetings**

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

**Public Expression at Meetings**

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

The Board of Education reserves the right to enter into executive session as specified in Policy #1540 -- Executive Sessions.

**Quorum**

The quorum for any meeting of the Board shall be five (5) members. No formal action shall be taken at any meeting at which a quorum is not present. When only a quorum exists, the Board shall act by unanimous vote unless otherwise required by the laws of the State of New York.

**Use of Parliamentary Procedure**

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

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

(Continued)

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

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

Adoption Date: 6/21/12

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

Special meetings of the Board shall be held on call by any member of the Board. A reasonable and good faith effort shall be made by the Superintendent or the Board President, as the case may be, to give every member of the Board twenty-four (24) hours notice of the time, place and purpose of the meeting. All special meetings shall be held at a regular meeting place of the Board and/or in accordance with provisions of the Open Meetings Law as may be applicable.

In an emergency, the twenty-four (24) hour notice may be waived by having each Board member sign a waiver-of-notice form.

Public notice of the time and place shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one (1) or more designated public locations at a reasonable time prior to the meeting.

Education Law Section 1606(3)
Public Officers Law Sections 103 and 104

NOTE: Refer also to Policy #1510 -- Regular Board Meetings

Adoption Date 2/23/2012

**SUBJECT: MINUTES**

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

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

a) The type of meeting;

b) The date, time of convening, and adjournment;

c) Board members present and absent;

d) Board members' arrival and departure time, if different from opening or adjournment times;

e) All action taken by the Board, with evidence of those voting in the affirmative and the negative, and those abstaining;

f) The nature of events that transpire, in general terms of reference.

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

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

**Minutes of Executive Sessions**

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

If action is taken by a formal vote in executive session (i.e., 3020-a action), minutes shall be available to the public within one (1) week of the date of the executive session.

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

Adoption Date 2/23/2012

**SUBJECT: EXECUTIVE SESSIONS**

Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the area or areas of the subject or subjects to be considered, the Board of Education may conduct an executive session for discussion of the below enumerated purposes only, provided, however, that no action by formal vote shall be taken except on an Education Law Section 3020-a probable cause finding. For all other purposes, the action by formal vote shall be taken in open meeting and properly recorded in the minutes of the meeting.

a) Matters that will imperil the public safety if disclosed;

b) Any matter that may disclose the identity of a law enforcement agent or informer;

c) Information relating to current or future investigation or prosecution of a criminal offense that would imperil effective law enforcement if disclosed;

d) Discussions regarding proposed, pending or current litigation;

e) Collective negotiations pursuant to Civil Service Law Article 14;

f) Medical, financial, credit or employment history of any particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of any particular person or corporation;

g) Preparation, grading or administration of examinations;

h) Proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities, but only when publicity would substantially affect the value thereof.

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

Education Law Section 3020-a
Public Officers Law Article 7

Adoption Date 2/23/2012

By-Laws

NF

**SUBJECT: AGENDA**

The superintendent of schools shall prepare or have prepared a statement of all matters to come before the Board of Education at any regular or special meeting and shall cause said statement to be delivered to all members of the Board prior to each meeting.

The format of the agenda shall be as follows:

I. Call to Order

II. Letters and Communications

A. Oral Communications

B. Written Communication

III. Recommended Actions from the Superintendent of Schools

A. Routine Matters

1. Minutes of the Regular/Special Meeting of (date of meeting)
2. Minutes of the Executive Session of (date of meeting)
3. Personnel Report for Instructional Staff
4. Personnel Report for Non-instructional staff
5. Award of Bids
6. Treasurer's Report for (month and year)
7. Extraclassroom Activities Fund Report for (month and year)
8. Budget Status Report for (month and year)
9. Budget Transfers
10. Revenue Amendments
11. Report from the Committee on the Handicapped

B. Unfinished Business

C. New Business

(Continued)

**SUBJECT: AGENDA (Cont'd)**

IV. Review of Proposed Policies

V. Information and Reports

A. Reports and Questions from Board Members

B. Reports from the Superintendent

VI. Advanced Planning

A. Discussion of Items for Future Agenda

B. Future Meeting Dates

VII. Adjournment

NOTE: Above Policy is current District policy entitled "Agenda"

Adoption Date 2/23/2012

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

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

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

The District Clerk shall give notice of the time and place of holding the Annual Meeting and Election/Budget Vote by publishing such notice four (4) times within seven (7) weeks preceding the meeting. The first publication of the notice must be at least forty-five (45) days prior to the meeting. Such notice must appear in two (2) newspapers, if there are two (2) newspapers which have a general circulation within the District, or one (1) newspaper, if there is one (1) newspaper with a general circulation within the District. But if no newspaper shall then have general circulation therein, the said notice shall be posted in at least twenty of the most public places in said district forty-five days before the time of such Annual Meeting. The notice shall also contain such other information as required by law.

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

Education Law Sections 1608, 1716, 1804(4), 1906(1), 2003(1), 2004(1), 2007(3), 2017(5), 2017(6), 2022(1),
2504 and 2601-a(2)

Adopted: July 2, 2015

**SUBJECT: ANNUAL ORGANIZATIONAL MEETING**

The Annual Organizational Meeting of the Board of Education shall be held during the first week in July, at 4 p.m. in the afternoon or such other hour as the Board may determine, at which meeting the Board shall select a President for the ensuing year. At such meeting the Board may also select a Vice-President who shall be authorized to act for the President in case of the President's absence or inability to act during such year.

**Officers**

The meeting shall be called to order by the District Clerk, who shall act as a Temporary Chairperson. The Board shall proceed to the election of a President. The President shall then take the chair. The Board shall then elect a Vice President. Election shall be by a majority vote.

**Oath of Office**

The District Clerk shall administer the Oath of Office to the newly elected officers and new members of the Board.

Education Law Sections 1701, 1706, 1707, 1709, 2109, 2502(9) and 2504(1)

ADOPTED 2/23/2012

Adoption Date

By-Laws

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

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

a) A citizen of the United States;

b) Eighteen (18) years of age or older;

c) A resident within the District for a period of thirty (30) days preceding the next meeting or election at which he/she offers to vote.

No person shall have the right to register for or vote at any school meeting or election who would not be qualified to register for or vote at an election in accordance with the provisions of section 5-106 of the election law.

Education Law Sections 2012, 2025 and 2603
Election Law Article 5

Personal Registration of Voters

Personal registration of voters in the City School District of The City of Niagara Falls has been provided.

The Board of Education will authorize registration of voters on dates and hours to be determined at their discretion by resolution designate at least twenty days before the first registration day.

The registration must include all persons registering personally for the referendum or election in question. The register will also include:

a) All persons who previously have registered for any annual budget referendum or special meeting of election held with four (4) calendar years prior to the year in which such register is being prepared.

b) Any person, otherwise qualified to vote who is registered to vote under the provisions of Article 5 the Election Law.

The last day of registration shall not be less than two weeks, preceding the annual budget referendum or election. Such registration must be open at least four hours between seven o'clock in the morning and eight o'clock in the evening.

The Board of Education reserves the right to revoke the provisions for personal registration in this District. However, once revoked they cannot be reinstated unless authorized by the voters at a District election.

Education Law 2606

Election Law Article 5

Adopted July 2, 2015

**SUBJECT: ABSENTEE BALLOTS**

The Board of Education authorizes the District Clerk to provide absentee ballots to qualified District voters. Absentee ballots shall be used for the election of School Board members, School District public library trustees, the adoption of the annual budget and School District public library budget and referenda.

A District voter must request in advance an application for an absentee ballot. The voter must complete the application and state the reason he/she will not be able to appear in person on the day of the District election/vote for which the absentee ballot is requested. The application must be received by the District Clerk at least seven (7) days before the election/vote if the ballot is to be mailed to the voter, or the day before the election/vote if the ballot is to be delivered personally to the voter.

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

a) He/she is or will be a patient in a hospital, or is unable to appear personally at the polling place on the day of the election/vote because of illness or physical disability;

b) He/she has duties, occupation or business responsibilities, or studies which require being outside of the county or city of residence on the day of the School District election/vote;

c) He/she will be on vacation outside of the county or city of residence on the day of such District election/vote;

d) He/she will be absent from the voting residence due to detention in jail awaiting action by a grand jury or awaiting trial, or is confined in prison after conviction for an offense other than a felony; or

e) He/she will be absent from the School District on the day of the School District election/vote by reason of accompanying spouse, parent or child who is or would be, if he/she were a qualified voter, entitled to apply for the right to vote by absentee ballot.

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

An absentee ballot will automatically be issued to any voter whose registration record is marked "permanently disabled" or "military absentee voter" by way of application filed with its County Board of Elections, providing such is not inconsistent with the laws and regulation of the United States and/or New York State.

An absentee ballot must reach the Office of the District Clerk not later than 5 p.m. on the day of the election/vote in order that his/her vote may be canvassed.

A list of all persons to whom absentee ballots have been issued shall be maintained in the Officof the District Clerk and made available for public inspection during regular office hours until the day of the election/vote. Any qualified voter may, upon examination of such list, file a written challenge of the qualifications as a voter of any person whose name appears on such list, stating the reason for such challenge. The written challenge shall be transmitted by the District Clerk to the election inspectors on the day of the District election/vote. In addition, any qualified voter may challenge the acceptance of the absentee voter's ballot of any person on such list by making his/her reasons known to the election inspector before the close of the polls.

Education Law Sections 1501-c, 2014, 2018-a, 2018-b and 2613
Board Directive of 2012 (inclusion of "Military Absentee Voters")

**Adoption Date July 2, 2015**

Adoption Date

By-Laws

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

**Questions and Propositions at Annual District Elections**

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

a) Questions or propositions other than a proposition to increase or decrease the number of members of such board to a number specified in subdivision two of Education Law Section ~~2503~~ 2502; or a proposition to increase or decrease the term of office of members of the board of education in accordance with subdivision three of Education Law Section 2503, shall be submitted by petition directed to the Clerk of the School District and shall be signed by twenty-five (25) qualified voters, or five percent (5%) of the registered voters of the District who voted in the previous annual election of Board members, whichever is greater.

b) Each board of education may upon its own motion, and shall upon a written petition, subscribed by not less than five hundred qualified voters of the district, cause to be submitted at the annual school election a proposition to increase or decrease the number of members of such board to a number specified in subdivision two of Education Law Section 2502; or a proposition to increase or decrease the term of office of members of the board of education in accordance with subdivision three of Education Law Section ~~2503~~ 2502.

c) A separate petition shall be required for each question or proposition.

d) Each petition shall be filed with the Clerk of the School District. Petitions relating to an Annual Election except as to a question or proposition required by law to be stated in the published or posted notice of the meeting shall be filed with the trustees or board of education not later than thirty days before the meeting or election at which the question or proposition is to be voted upon. Petitions related to proposition required by law to be stated in the published or posted notice of the Annual Meeting or Election shall be filed with the Clerk of the School District a reasonable time before the forty-five (45) day notice period for the annual meeting.

e) Questions or propositions submitted in accordance with these rules and accepted will be printed on the ballot for the voting machine.

f) The Board of Education shall cause the rules and regulations set forth in this policy and amendments from time to time, to be printed for general distribution in the District.

g) Nothing herein contained shall affect the nominations of candidates as set forth in the Annual District Election notice pursuant to Educational Law Section 2018.

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

The procedure for requesting the Board of Education to call a Special District Meeting to vote on a question or proposition other than propositions which by law are required to be presented at the annual

meeting, shall be in accordance with subdivision 2 of Education Law Section 2008. Education Law Sections 2008(2), 2018, 2035(2), ~~2503~~ 2502 (2) (3) (4) and 2601-a(3)

**Adoption Date July 2, 2015**

Adoption Date

Procedure Videoconferencing Meetings

The Board of Education of the City School District of The City of Niagara Falls a public body a defined in laws of the state of New York may, in its discretion, use videoconferencing to conduct its meetings pursuant to the requirements of Public Officers Law Section 103-a. provided however that should the Board decide to use videoconferencing to conduct meetings, the following procedure and criteria shall be met:

(a) The Board of Education upon giving of appropriate notice, shall hold a public hearing, for the purpose of adopting a resolution authorizing the use of videoconferencing for its Board meetings.

(b) That following a public hearing, the Board shall adopt the resolution, authorizing the use of videoconferencing which resolution shall set forth these procedures for videoconferencing meetings approved by the Board

(c) That a minimum number of members are to be present to fulfill the Board's quorum requirement in the same physical location for the meeting where the public can attend:

(d) That Members of the Board shall be physically present at any such meeting location using videoconferencing unless such Member is unable to be physically present at any such meeting location due to extraordinary circumstances, as set forth herein which are to be stated in the resolution approving use of videoconferencing for the meeting, including disability, illness, caregiving responsibilities, first responders, with employer's approval, required to be at his/her work station to maintain full staffing critical to meet emergencies, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting as may be determined and approved by the Board

(e) That except in the case of executive sessions conducted pursuant to section one hundred five of the New York State Public Officers Law , the Board shall ensure that Board Members can be heard, seen and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon;

(f) That if videoconferencing is to be used to conduct a meeting, the public notice for that meeting shall inform the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available, and identify the physical location for the meeting where the public can attend;

(g) That the Board shall provide the opportunity for members of the public to view meeting using videoconferencing via video, and to participate in proceedings in person where public comment or participation is authorized; and

(h). That each meeting conducted using videoconferencing shall be recorded and such recordings *shall be* posted or linked on the District's public website within five business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request;

(i). That the minutes of the meetings involving videoconferencing shall include which, if any, members participated remotely and shall be available to the public pursuant to section one hundred six of the New York State Public Officer's Law.

(j) That the District shall maintain its official website so long as it utilizes videoconferencing to conduct its meetings.

(k) That the in person participation requirements of paragraph (d) hereof of shall not apply during a state disaster emergency declared by the governor pursuant to section twenty-eight of the executive law, or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to section twenty-four of the executive law, if the Board determines that the circumstances necessitating

the emergency declaration would affect or impair *its* the ability to hold an in person meeting.

(l) That Open meetings of the Board that are broadcast or that use videoconferencing shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this section, “disability” shall have the meaning defined in section two hundred ninety-two of the executive law of  New York State

(m) That these written procedures governing member and public attendance consistent with Section 103-a of the New York State Public Offices Law, adopted by the Board and as may be amended, shall be conspicuously posted on the District’s public website.

The procedures provided herein for Videoconferencing of Board Meetings shall become effective upon approval by the Board and shall remain in effect and terminate July 3, 2026.

Adopted July 1, 2025

Internal Operations

NF/EB

**SUBJECT: ORIENTING NEW BOARD MEMBERS**

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

a) The electee shall be given selected materials relating to the responsibilities of Board membership, which material is supplied by the New York State School Boards Association, the National School Boards Association, and/or other professional organizations;

b) The electee shall be invited to attend Board meetings and to participate in its discussions;

c) The Clerk shall supply material pertinent to meetings and shall explain its use;

d) The electee shall be invited to meet with the Superintendent and other administrative personnel to discuss services they perform for the Board;

e) A copy of the Board's policies and by-laws shall be given to the electee by the Clerk;

f) The opportunity shall be provided for new Board members to attend the New York State School Boards Association orientation program.

**Adopted: 2/23/12**

Adoption Date

Internal Operations

NF/EB

**SUBJECT: MEMBERSHIP IN ASSOCIATIONS**

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

Education Law Section 1618
Comptroller's Opinion 81-255

**Adopted: 2/23/12**

Adoption Date

NIAGARA FALLS CITY SCHOOL DISTRICT
Niagara Falls, New York

***2010*** 2320

Internal Operations

**SUBJECT: ATTENDANCE BY BOARD MEMBERS AT CONFERENCES, CONVENTIONS AND WORKSHOPS**

The Board believes that continuing in-service training and development are important for its members. The Board, therefore, encourages the participation of all members at appropriate school board conferences, conventions and workshops which are believed to be of benefit to the School District. However, in order to control both the investment of time and funds necessary to implement this policy, the Board establishes the following guidelines:

a) A calendar of school board conferences, conventions and workshops shall be maintained by the Board Clerk. The Board will periodically decide which meetings appear to be most likely to produce direct and indirect benefits to the School District. At least annually, the Board will identify those new ideas or procedures and/or cost benefits that can be ascribed to participation at such meetings.

b) Funds for participation at such conferences, conventions, workshops and the like will be budgeted for on an annual basis. When funds are limited, the Board will designate which members are to participate at a given meeting.

c) Reimbursement to Board members for all actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established regulations for expense reimbursement.

d) When a conference, convention or workshop is not attended by the full Board, those who do participate will be requested to share information, recommendations and materials acquired at the meeting.

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

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

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

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

Adopted: **March 25, 2010**

**SUBJECT: COMPENSATION AND EXPENSES**

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

**Conference Travel for Newly Elected Board Members**

In accordance with General Municipal Law, the Board, by a majority vote, may authorize a newly elected Board member whose term of office has not yet commenced to attend a conference. Such conference travel shall be for official District business and shall be made utilizing a cost-effective and reasonable method of travel.

Authorization must be by resolution adopted prior to such attendance and duly entered in the minutes. However, the Board may delegate the power to authorize such attendance at a conference to the Board President or Board Vice President.

Education Law Section 2118
General Municipal Law Sections 77-b and 77-b(2)

Adopted: June 21, 2012

Adoption Date

**SUBJECT: BOARD SELF-EVALUATION**

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

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

ADOPTED: 6/21/2012

Adoption Date

Internal Operations

NF/

**SUBJECT: BOARD OF EDUCATION MEMBERS USE OF DISTRICT COMPUTER EQUIPMENT AGREEMENT**

The Niagara Falls City School District strongly believes in the educational value of electronic services and recognizes the potential of such to support curriculum and student learning in the District. Board of Education members are a part of the community of stakeholders in the education of our children and should have the tools to communicate effectively within that community and have access to educational electronic resources used by the Niagara Falls City School District.

Board of Education members shall be issued a District laptop and have access to the School District electronic communication system, online policy database, and the District website. Access and authorization to information and equipment carry a corresponding responsibility to their appropriate use. Access should be primarily for educational, professional, and career development activities.

All hardware, including computers and equipment, is the property of the Niagara Falls City Schools and Erie 1 BOCES.

The use of the equipment and services shall not violate any of the following:
a) Illegal or Destructive Activities
1. Board members shall not go beyond their authorized access to the District network or other computer equipment or software including the files or accounts of others.

2. Board members shall not disrupt or attempt to damage or disrupt any computer, system, system performance, or data.

3. Board members shall not use District equipment to engage in illegal acts.

b) System Security
1. Board members are responsible for the security of their computer equipment, files, and passwords. At a minimum, passwords should be changed every one hundred twenty (120) days.

2. Board members shall promptly notify the Administrator for Information Services of security problems.
c) Inappropriate Conduct
The following conduct is prohibited when using any District technical resource:
1. Obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language;

2. Potentially damaging, dangerous, or disruptive material;

3. Personal or generalized harassment in violation of District policies; and

4. False or defamatory information.

d) Plagiarism and Copyright Infringement

1. Works may not be plagiarized.

2. The rights of copyright owners are to be respected. Copyright infringement occurs when an individual inappropriately reproduces a work that is protected by copyright.

3. Software copyrights and software licenses must be strictly respected.

e) Inappropriate Access to Material

1. Technical resources shall not be used with material that is profane, obscene (pornographic), or advocates illegal acts, violence, or discrimination.

2. Board members shall not use the District access to the Internet (including e-mail), nor shall they use any District-created or District-related website to advertise any private commercial ventures in which they have a financial or proprietary interest, or in which members of their families have financial or proprietary interests.

f) Unacceptable Uses

The following uses will be regarded as not acceptable:

1. Illegal or malicious use, including downloading or transmitting of copyright material.

2. Use of racial, sexual, or other harassment in violation of District policy.

3. To access, view, or transmit pornographic or obscene material.

4. To solicit personal information with the intent of using such information to cause emotional or physical harm.

5. To disrupt the work of other users. This includes the propagation of computer viruses and use of the Internet to make unauthorized entry to any other Internet resource.

6. Use for private commercial purposes.

7. To promote political views.

Expectation of Privacy

Board members have no expectation of privacy in files, disks, Internet history logs, or documents that have been created in, entered in, stored in, downloaded from, or used on District equipment or resources.

Services and Assumption of Risks

The Niagara Falls City School District makes no warranties of any kind, whether express or implied, for services provided, and is not responsible for any damages suffered while on the system to include loss of data and inaccurate or poor quality information obtained from the system. Users are responsible for backing up data stored on the hard drive of any computer assigned to them.

Discipline

Deliberate violations of this agreement (e.g., malicious acts or omissions; searching for, viewing or otherwise visiting pornographic or sexually explicit sites) are cause for revocation of privileges.

Etiquette

The following general principles should be adopted:

a) Be polite; do not be abusive in messages to others.

b) Use appropriate language. Remember that you are a representative of Niagara Falls City School District and that you are using a public network.

c) Do not disrupt the use of the Internet for other users.
E-Mail

Every user is responsible for all e-mail originating from his/her user ID (e-mail address). Forgery or attempted forgeries of electronic mail are prohibited. An attempt to read, delete, copy, or modify the e-mail of other users is prohibited.

a) E-mail is NOT private. The District Superintendent, or designee has the right of access to all e-mail sent or received. In the event the Niagara Falls City School District is involved in any legal proceedings, any relevant e-mails (including Internet e-mail) may have to be disclosed on the same basis as the case for written documents.

b) Forwarding of chain letters is not allowed.

c) Selling or purchasing items for private or commercial gain is not allowed.

d) Expression of political views is prohibited.

District Hardware and Software

Board members assigned District hardware must take care of the equipment, ensuring its security when not in use. Board members will be charged for damaged District hardware if it is determined care was not exercised.

2350F
NIAGARA FALLS CITY SCHOOL DISTRICT
CONSENT AND WAIVER

By signing the Consent and Waiver form, Board members agree to abide by this agreement.

In consideration for the privilege of using the Niagara Falls City School District on-line services and the Internet, and in consideration for having access to information contained on them or accessible through them, I hereby release Niagara Falls City School District's Board of Education, administration, staff and the WNYRIC (internet service provider) from any and all claims of any nature arising from the use, misuse, or inability to use the Niagara Falls City School District on-line services or Internet.

I further understand that failure to comply with this agreement may result in loss of use of equipment, computing and Internet privileges, and may result in criminal charges being filed.

I have read and understood the above information.

_____ _____
Signature of Board Member Date

_____ _____
Last Name First Name (Please Print) Address

ID (First initial & First 7 letters of last name) Password (Min. of 6 characters - including at least 2 numbers)

2350F.1
NIAGARA FALLS CITY SCHOOL DISTRICT
LAPTOP COMPUTER LOAN FORM

Laptop Make: Model:
Serial Number: School:
In consideration of the Niagara Falls City School District permitting my use of the above-described equipment or software at school or off District grounds, and intending to be legally bound, I agree to the following:

I acknowledge receipt of the above-mentioned hardware/software.

I agree to take the necessary precautions to ensure the continued working condition and security of the above-mentioned hardware/software. In the event of damage/malfunction, I will report this to the District Computer Help Desk.

I agree to return the above-mentioned hardware/software, complete and in working order:
Upon request of the Administrator for Information Services, upon completion of my term of office with the Niagara Falls City School Board of Education.

I agree to abide by all software copyright laws and the Board Member Use of District Equipment Agreement. I understand that I may not load any software onto my laptop not legally licensed by the Niagara Falls School District without the specific permission of the Administrator for Information Services.

Name (please print)_____

Signature: _____ Date: _____

Return Equipment to Information Services Department.

Received by: _____ Date: _____
(Initial each item returned and in working order)

Adopted: July 2, 2009
Revised: June 21, 2012

**SUBJECT: MEDIA/MUNICIPAL GOVERNMENTS/SENIOR CITIZENS**

## School District Media

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

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

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

**Municipal Governments**

It is the policy of the Board to establish and maintain a positive working relationship with the governing bodies of the municipality. The Board shall also cooperate with municipal, county and state agencies whose work affects the welfare of the children of the District, including but not limited to the County Social Service Department, the Board of Health, the Recreation Department, the Public Library, and all community emergency service agencies.

**Senior Citizens**

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

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

**Adopted: April 23, 2013**

Community Relations

**SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING/COPYRIGHTED MATERIALS/INTELLECTUAL PROPERTY**

General Criteria

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

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

The District shall provide general training on relevant legal considerations and compliance with applicable laws and regulations including copyright, intellectual property, and privacy of student records as well as relevant District procedures to those staff members and students who are allowed to develop or place material on the District/school/classroom Web Page(s).

Content Standards

a) Approval for posting a Web Page must be obtained from the Website Manager or his/her designee(s). If at any time, the Website Manager/designee(s) believes the proposed material does not meet the standards approved by the District, it will not be published on the Web. Decisions regarding access to active Web Pages for editing content or organization will be the responsibility of the Website Manager/designee(s).

b) A Web Page must be sponsored by a member of the District faculty, staff or administration who will be responsible for its content, design, currency and maintenance. The sponsor is responsible for ensuring that those constructing and maintaining the Web Page have the necessary technical training and that they fully understand and adhere to District policies and regulations.

*Customize to District - intended as a template that should be customized to District practices as applicable.

c) Staff or student work should be published only as it relates to a school/classroom authorized project or other school-related activity.

d) The review of a Student Web Page (if considered a school-sponsored student publication) shall be subject to prior District review as would any other school-sponsored student publication.

e) An authorized teacher who is publishing the final Web Page(s) for himself/herself or for a student will edit and test the Page(s) for accuracy of links and check for conformance with District standards and practices.

f) A disclaimer statement about the content of Web Pages must be part of the home page on individual sites:

"The District has made every reasonable attempt to ensure that our Web Pages are educationally sound and do not contain links to questionable material or material that can be deemed in violation of the School District's Standards and Guidelines for Web Page Publishing Policy."

g) Commercial advertising or marketing on the District/school/classroom Web Page(s) (or the use of school-affiliated Web Pages for the pursuit of personal or financial gain) shall be prohibited unless otherwise authorized in accordance with law and/or regulation. Decisions regarding Website advertising must be consistent with existing District policies and practices on this matter. School-affiliated Web Pages may mention outside organizations only in the context of school programs that have a direct relationship to those organizations (e.g., sponsorship of an activity, student community service project).

h) Web Pages may include faculty or staff names; however, other personal information about employees including, but not limited to, home telephone numbers, home addresses, home or personal e-mail addresses, or other identifying information such as names of family members may be published only with the employee's written permission.

i) All Web Pages must conform to the standards for appropriate use found in the District's Acceptable Use Policy(ies) and accompanying Regulations regarding standards of acceptable use; examples of inappropriate behavior; and compliance with applicable laws, privacy, and safety concerns.

j) All Web Pages must be approved through the designated process before being posted to the District/school/classroom Websites.

k) All staff and/or students authorized to publish material on the District/school/classroom Web Page(s) shall acknowledge receipt of the District's Web Page Standards and agree to comply with same prior to posting any material on the Web.

Release of Student Education Records/Directory Information

Release of Student Education Records

In accordance with the Family Educational Rights and Privacy Act (FERPA), unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information contained in student education records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature:

a) Identifies and authenticates a particular person as the source of the electronic consent; and

b) Indicates such person's approval of the information contained in the electronic consent.

Student Directory Information

Per FERPA, Districts must publish an annual public notice informing parents or eligible students of their right to refuse the release of student directory information and indicating a time period for their response. Following such public notice and a reasonable response period, the District may release such information to an outside group without individual consent.

Parental/Eligible Student Consent Required and Privacy Concerns

Written parental/eligible student consent shall be obtained by the District before education records or personally identifiable information contained therein is released to any party unless:
a) Such release is authorized by the Family Educational Rights and Privacy Act, or its implementing regulations;
b) The information released is "directory information" as designated by the District in accordance with FERPA. The District shall provide parents and eligible students with annual notification of their rights under FERPA and designation of directory information (i.e., disclosure of personally identifiable information contained in student records);
c) For anything not specifically designated as "directory information" by the District, the District must receive a "signed and dated written consent" from the parent/eligible student prior to releasing such information (unless otherwise authorized per FERPA);

d) However, even if student photographs are designated as directory information per FERPA, due to privacy and safety concerns, the District requires specific affirmative written parent/eligible student consent prior to posting student photographs on District/school/classroom Web Pages. Whenever possible, group photographs of students and/or the use of photographs where the student is not easily identifiable is preferable to the use of individual student photographs for safety reasons;

e) Web Pages shall not include a student's full name, telephone number, address, e-mail address or post such information of other family members or friends. Posting of student names will be limited to first name only. Permission forms from parents are strongly suggested;

f) Online posting of school bus schedules and/or other specific activity schedules detailing dates/times/locations (e.g., field trips) is prohibited on school-affiliated Websites as such information can pose risks of child abduction or other security concerns. Password protected Websites may be authorized by the Superintendent/designee.
Use of Copyrighted Materials and "Fair Use" Exceptions/Intellectual Property and Works Made for Hire
Copyrighted Materials

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

Pursuant to Section 107 of the Copyright Law ("Fair Use" provisions), the use of copyrighted material for criticism, comment, news reporting, teaching, scholarship, or research may be permitted under certain circumstances.

However, any appropriation of someone else's work on the Internet is a potential copyright infringement. "Fair Use" provisions may not apply when a project created by a teacher or student is accessed by others over the Internet. If there is a possibility that school-affiliated Web Page(s), which incorporate copyrighted works under the "Fair Use" provisions, could later result in broader dissemination, it will be necessary to seek the permission of the copyright holder. The complex interplay between copyright law and the "Fair Use" provisions in educational multimedia projects should be considered in development of Web Page publishing standards and reviewed by school counsel prior to District implementation for compliance with applicable law and regulations.
a) Unless otherwise noted, always assume that work on the web is copyrighted. It is NOT necessary that the copyright symbol -- © -- be displayed for the work to be protected by copyright laws.

b) Proper attribution must always be given.

c) Obtaining permission(s) from the copyright holder(s) (whether text, graphics or music) should occur during the developmental process or project, rather than waiting to seek permission upon completion of the project.

d) Unauthorized electronic transmission of copyrighted materials is illegal.

Intellectual Property/ Works Made for Hire

All works completed by employees as part of their employment shall be considered "works made for hire" as described in the United States Code Annotated, Title 17, Copyrights to the extent permitted by law. This determination includes, but is not limited to, the following activities:
a) Work prepared by an employee within the scope of his/her employment, whether tangible or intangible;

b) Work specifically ordered or commissioned for use as a contribution to a collective work, as enumerated in law.

Any work created within the scope of such a relationship will be considered a work made for hire when a regular employment relationship exists.

Work covered under this policy is the property of the School District, not the creator of such work. The District shall own any and all rights to such works, or derivatives thereof, unless there is a written agreement to the contrary.

Student Work

Students are the copyright holders of their own original work. The District must receive written permission from both the parent and the student prior to publishing students' original work on the District/school/classroom Websites.

Student Free Speech Issues (School-sponsored Publications)

In general, School Districts can exercise editorial control over the style and content of student expression in school-sponsored publications, theatrical productions, and other expressive activities that students, parents and members of the public might reasonably perceive to bear the imprimatur of the school.

However, the school's actions in such a case must be reasonably related to legitimate pedagogical concerns and may not amount to viewpoint discrimination.

Consequences for Non-Compliance

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

Staff

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

Students

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

Oversight

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

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

Adopted: April 23, 2013

Community Relations

NF/EB

**SUBJECT: FLAG DISPLAY**

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

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

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

The District shall also purchase a Mourning flag for each school building.

The American flag shall be flown at full staff at all times except it shall be flown at half-staff on the eleventh of September, known as September 11th Remembrance Day, the seventh day of December, known as Pearl Harbor day, and to commemorate the death of a personage of national or state standing or of a local service member, official or public servant who, in the opinion of the Board of Education contributed to the community. It may also be flown at half-staff during special periods of mourning designated by the President of the United States or the Governor of this state.

In addition the American flag and/or the Mourning flag, at the discretion of the Superintendent, may be flown at half-staff to commemorate the death of a present or former Board member, present employee, teacher, student, clerk or custodian.

The Mourning flag, when displayed, shall always be flown below the American flag at an individual school until noon of the day of the funeral.

An individual school shall receive pre-approval from the Superintendent to display the Mourning flag.

4 United States Code (USC) Section 6
Education Law Sections 418, 419 and 420
Executive Law Article 19
8 New York Code of Rules and Regulations (NYCRR) Part 108

Adopted: April 23, 2013

Community Relations

NF/

## SUBJECT: SCHOOL VOLUNTEERS

The Board of Education recognizes that the use of volunteers strengthens school/community relations through positive participation, builds an understanding of school programs among interested citizens, and can assist District employees in providing more individualized and enriched opportunities in instruction. The Board encourages volunteers from all backgrounds and age groups who are willing to share their time, training, experience or personal characteristics to benefit the students of the District.

Volunteers may be involved in many facets of school operations, from tutoring relationships to clerical tasks. Volunteers shall not be used to provide transportation for school-sponsored activities.

No volunteer shall be permitted to have unsupervised direct contact with students.

School personnel who are responsible for tasks or projects that involve the use of volunteers shall identify appropriate tasks and time schedules for such volunteer activities, as well as making provisions for adequate supervision and evaluation of volunteers. Such personnel shall be responsible for ensuring that all volunteers sign in and out of the building each time they are on school property.

Persons wishing to volunteer must contact the Superintendent or School Principal or other individual designated by the Superintendent or School Principal and must complete a volunteer application form. The application form shall require the volunteer applicant to disclose any criminal convictions and affirm that they have not been accused or convicted of any crime involving the use, possession, sale or intent to sell narcotics, physical/sexual offenses and/or abuse or mistreatment of children.

The School Principal shall be responsible for the approval of volunteer applications and for ensuring that volunteer applications are maintained in a binder to be kept in the Main Office of each school building.

The School Principal shall be responsible for retaining a complete record of all information obtained through the application process for the same period of time the District retains information regarding District employees.

All volunteers are required to act in accordance with District policies, regulations and school rules. The School Principal and any staff member who supervises volunteers may ask any volunteer who violates District policies, regulations or school rules to leave school grounds.

Each School Principal shall be responsible for maintaining a current and complete list of all active volunteers and their assignments. Further, it shall be the responsibility of each School Principal to annually review and update the volunteer information.

Volunteer Protection Act of 1997, 42 United States Code (USC) Section 14501 et seq.
Education Law Sections 3023 and 3028
Public Officers Law Section 18

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

Adopted: April 23, 2013

Community Relations

**SUBJECT: CHARTER SCHOOLS**

A charter school is a public school financed through public local, state and federal funds that is independent of local school boards. Although the New York Charter Schools Act of 1998 designates certain "charter entities," only the local school district may approve the conversion of an existing public school to a charter school. Prior to any such conversion to a charter school, the parents/guardians of the majority of the students then enrolled in the public school must have voted in favor of the conversion.

For charter schools approved by the Board of Trustees of the State University of New York or the Board of Regents, the local school district within which the charter school is located has the right to visit, examine, and inspect the charter school for compliance with all applicable laws, regulations, and charter provisions.

Charter schools may be located in part of an existing public school building, a private work site, a public building, or any other suitable location. At the request of the charter school or prospective applicant, the School District shall make available a list of vacant and unused school buildings and vacant and unused portions of school buildings, including private school buildings, within the School District which may be suitable for the operation of a charter school.

The School District's high school(s) may accept academic credit from students who transfer from the charter school as authorized and/or permitted in accordance with law, Commissioner's Regulations, and local District standards. Either the charter school or the local School Board may issue a high school diploma upon students' graduation from a charter school depending on the charter school's relationship with the School Board.

For the purposes of the Textbook Loan Program defined in Education Law Section 701, the Library Materials Loan Program defined in Education Law Section 711, and the Computer Software Loan Program defined in Education Law Section 751, and Health and Welfare Services defined in Education Law Section 912, students attending a charter school have the same access to textbooks, software and library materials loaned by the School District as if enrolled in a nonpublic school. Within available School District inventory and budgetary appropriations for purchase of such materials, the School District is required to provide such materials on an equitable basis to all public school students and to all nonpublic school and charter school students who are residents of the District (Textbook Loan Program) or who attend a nonpublic or charter school in the School District (Software and Library Materials Loan Programs). The base year enrollment of students in the charter school may be claimed by the School District for the purposes of Textbook, Software and Library Materials Aids, in the same manner as nonpublic school enrollments are claimed.

For the purpose of transportation, charter schools are considered nonpublic schools, which means that students attending charter schools who reside within a fifteen (15) mile radius of the charter school (or a greater radius if the voters of the school district of residence have approved nonpublic transportation for more than fifteen [15] miles) will receive transportation from their school district of residence on the same basis as nonpublic school students; that is, subject to the applicable minimum mileage limits for transportation in the school district of residence, and the requirement of the timely filing of the request for transportation pursuant to Education Law Section 3635(2).

A student cannot be dually enrolled in the charter school and District schools. However, the school district of residence of students attending a charter school may, but is not required to, allow such students to participate in athletic and extracurricular activities.

Special Education programs and services shall be provided to students with disabilities attending a charter school in accordance with the individualized education program recommended by the Committee or Subcommittee of Special Education of the student's school district of residence. The charter school may arrange to have such services provided by the school district of residence or by the charter school directly or by contract with another provider. Where the district of residence provides the special education programs or services, they will be provided in the same manner as provided to students in other public schools in the District. This includes the provision of supplementary and related services on site to the same extent the District's policy and practices provide such services on the site of other public schools.

All employees of a public school converted to a charter school are included within the negotiating unit for the local school district, but the collective bargaining agreement of that negotiating unit may be modified by a majority vote of the members who work at the charter school, with the approval of the Board of Trustees of the charter school.

Instructional employees of a charter school which has not been converted from an existing public school and which has more than 250 students during the first year of instruction will be represented in a separate negotiating unit at the charter school by the same employee organization representing similar employees in the local school district. Employees may be included in the Teachers' Retirement System and other retirement systems open to employees of the School District. Financial contributions for such benefits are the responsibility of the charter school and the charter school's employees.

Teachers employed by the School District may apply for a leave of absence for purposes of teaching at a charter school. Approval for such leave of absence for a period of three (3) years or less shall not be unreasonably withheld. If such approval is granted to a teacher by the District, the teacher may return to teach in the School District during such period of leave without the loss of any right of certification, retirement, seniority, salary status, or any other benefit provided by law or by collective bargaining agreement. If an appropriate position is unavailable, the teacher's name shall be placed on a preferred eligible list of candidates for appointment to a vacancy that may thereafter occur in an office or position similar to the one such teacher filled in the District immediately prior to the leave of service.

Charter School Finances

The enrollment of students attending charter schools shall be included in the enrollment, attendance and, if applicable, count of students with disabilities of the school district in which the charter school student resides. The charter school shall report all such data to the school districts of residence in a timely manner for reporting to the State Education Department. The school district of residence shall pay directly to the charter school for each student enrolled in the charter school the basic tuition as determined by the Commissioner of Education as set forth in Education Law Section 3602(1)(f). The New York Charter Schools Act requires that the school district of residence forward such payments to the charter school in six (6) substantially equal installments each year beginning on the first business day of the months of July, September, November, January, March, and May.

Approved operating expenses include the essential operating cost of the School District. Excluded are costs for transportation, debt services, construction, tuition payments to other school districts, some BOCES payments, cafeteria or school lunch expenditures, balances and transfers, rental income from leased property, and certain other limited categories unless otherwise authorized pursuant to the federal grant program, State Charter School Facilities Incentive Program.

Charter school financing in the first year of operation shall be based on the number of students projected to be served by the charter school and the approved operating expenses of the district of

residence of those students. Adjustments will be made in each subsequent year based upon the final report by the charter school of actual enrollment.

Federal and State aid attributable to students with disabilities are required to be paid to a charter school by the school district of residence for those students attending such charter school in proportion to the services the charter school provides such students directly or indirectly. Payment of federal aid attributable to a student with a disability attending a charter school must be made according to the requirements in 20 United States Code (USC) Sections 76.85-76.799 and Section 300.209 of Title 34 of the Code of Federal Regulations (CFR). Failure by the School District to make such required payments will result in the State Comptroller deducting the required amounts from State funds due to the District and paying them to the charter school.

Neither the School District, the charter entity, nor the State is liable for the debts of the charter school.

Notice and Hearing Requirements

The New York State Board of Regents is required to provide the School District information on the charter school process. If a charter school is proposed, the charter entity and the Board of Regents shall notify the school district in which the charter school is located and public and nonpublic schools in the same geographic area as the proposed charter school at each significant stage of the chartering process.

Such notification shall be provided by the charter entity within thirty (30) days of its receipt of an application for formation of a new charter school or for renewal of an existing charter school and at least forty-five (45) days prior to initial approval of the charter application by the charter entity.

Before a charter is issued, revised or renewed, the school district in which the charter school is located shall hold a public hearing to solicit comments from the community potentially impacted by the proposed charter school. When a revision involves the relocation of a charter school to a different school district, the proposed new school district shall also hold a hearing. The school district shall, at the time of its dissemination, provide the State Education Department with a copy of the public hearing notice.

No later than the business day next following the hearing, the school district shall provide written confirmation to both the charter entity and the State Education Department of the date and time the hearing was held. Copies of all written records or comments generated from the hearing shall be submitted to the charter entity and the State Education Department within fifteen (15) days of the hearing.

The school district shall also be given the opportunity to comment on the proposed charter to the charter entity. The charter entity shall consider any comments raised and submit them to the Board of Regents with the application for issuance, revision or renewal of a charter.

In the event the school district fails to conduct a public hearing, the Board of Regents shall conduct a public hearing to solicit comments from the community in connection with the issuance, revision or renewal of a charter.

20 United States Code (USC) Sections 76.785-76.799
State Charter School Facilities Incentive Program, 34 Code of Federal Regulations (CFR) Part 226
34 Code of Federal Regulations (CFR) Section 300.209
Education Law Article 56 and Sections 3602(11) and 3635
8 New York Code of Rules and Regulations (NYCRR) Parts 100 and 119

Adopted: September 24, 2015

**SUBJECT: VISITORS TO THE SCHOOL**

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

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

Education Law Section 2801
Penal Law Sections 140.10 and 240.35

Adopted: April 23, 2013

Adoption Date

**SUBJE USE OF SERVICE ANIMALS**

The Board of Education allows the use of service animals on school grounds by individuals with disabilities, subject to restrictions permitted by federal and/or state law, and procedures established by the Superintendent of Schools or his/her designee.

For the purpose of this policy, a service animal is defined as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, will not be considered service animals.

The work or tasks performed by a service animal must be directly related to the individual's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Where reasonable, the Board of Education also allows the use of miniature horses on school grounds by individuals with disabilities. Such use will only be permitted where a miniature horse has been individually trained to do work or perform tasks to benefit an individual with a disability. The use of miniature horses by individuals with disabilities will be subject to the considerations and restrictions permitted by federal and/or state law.

The Superintendent of Schools or his/her designee may create regulations and/or building-specific rules regarding the use of service animals and miniature horses on school grounds by individuals with disabilities.

28 CFR Sections 35.104, 35.136, 35.139

**Adopted: July 3, 2014**

12

**SUBJECT: PUBLIC COMPLAINTS**

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

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

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

NOTE: Refer also to Policies #8330 -- Objection to Instructional Materials
#8331 -- Controversial Issues

Adopted: April 23, 2013

Adoption Date

**SUBJECT: STUDENT PARTICIPATION**

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

Adopted: April 23, 2013

Adoption Date

**SUBJECT: PARENT-TEACHER ASSOCIATION**

The Board of Education recognizes that the goal of the District Parent Committee (DPC), School Quality Council (SQC) and the Parent Education Groups (PEG) in the schools is to develop a united effort between educators and the general public to secure for every child the highest achievement in physical, academic and social education. Therefore, staff members and parents are encouraged to join these organizations and to participate actively in its programs.

Adopted: April 23, 2013

Adoption Date

Community Relations

NF/

**SUBJECT: PARENTAL INVOLVEMENT**

The Board of Education supports a comprehensive parent involvement policy, which includes the engagement of parents and family members in the educational process of our School District's students. The partnership includes shared roles and responsibilities as supporters, advocates, decision makers, learners, and teachers.

The following statements are examples of some of the many methods and activities recognized by the Board of Education as representative of Parent Involvement:
a) Sharing the responsibility of improved student achievement
b) Monitoring attendance, homework, and sleep time
c) Supporting school policy for students concerning rules of behavior
d) Encouraging each student to read by having books available and reading to them
e) Attending Parent-Teacher Conferences and connecting regularly with the classroom teacher
f) Volunteering and participating in school activities
g) Staying informed by reading and responding to school correspondence

In our efforts to support parent involvement, the Board of Education recognizes the roles and responsibilities the schools must play. Toward that end, each school will:
a) Provide high quality curriculum and instruction
b) Set high standards for all and pledge to satisfy or exceed New York State Learning Standards for student achievement
c) Provide on-going communication through parent-teacher conferences, student progress reports, and accessibility to meet with staff
d) Promote opportunities to volunteer and participate in school activities

The Board of Education believes that Parent Involvement is directly linked with higher student achievement, more positive student attitudes and behavior, and improved school climates. School and parent partnerships are grounded in mutual respect, and involve much more than a series of unrelated volunteer activities.

The Board of Education has expanded opportunities for parental involvement through District initiatives such as shared decision-making, parent education groups, a District Parent Committee, representation on curriculum committees, Reporting Systems Committee, Teacher Center Policy Board, Code of Conduct, and the Safe Schools Committee. Parents are stakeholders in our District-wide community of learners and have an equal voice in the decision-making process. Parental involvement at home is made easier with monthly newsletters from each school, parent packets for academic support to students, Our Schools (a District newspaper delivered to each home monthly with all the important news of the District), and a weekly cable access program on local television that, again, shares School District information vital to all parents.

The Niagara Falls City School District Business Partners, together with Focus on Families, Evenstart, and EPIC, support District-wide goals and beliefs about the need for parent involvement in our schools. Workshops are held at community sites to work with small groups of parents on skills and

information they need to help their child be successful in school. Programs are offered, where necessary, to assist parents in gaining literacy skills through these and other programs.

Parent involvement is essential for student success, therefore, all that we do is intended to help all children learn and to strengthen the relationship between home and school.

NOTE: Refer also to Policies #7660 -- Parent Involvement for Children with Disabilities
#8260 -- Title I Parent Involvement Policy

Adopted: April 23, 2013

Community Relations

**SUBJECT: SOLICITATION OF CHARITABLE DONATIONS**

**School Children**

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

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

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

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

School Personnel

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

Distribution of information about worthwhile area charities may be made through the Office of the Superintendent of Schools as a service to School District personnel.

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

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

Adopted: April 23, 2013

Adoption Date

NIAGARA FALLS CITY SCHOOL DISTRICT
Niagara Falls, New York

***2010*** 3272

Community Relations

**SUBJECT: ADVERTISING IN THE SCHOOLS**

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

a) Schools may cooperate in furthering the work of any non-profit, community-wide, social service agency, provided that such cooperation does not restrict or impair the educational program of the schools or conflict with the Rules of the Board of Regents;

b) Direct solicitation of charitable donations from children in the public schools on school property during regular school hours shall not be permitted;

c) The schools may use films or other educational materials bearing only simple mention of the producing firm;

d) The Superintendent of Schools may, at his/her discretion, announce or authorize to be announced, any lecture or other community activity of particular educational merit;

e) The schools may, upon approval of the Superintendent of Schools, cooperate with any agency in promoting activities in the general public interest that are non-partisan and non-controversial, and that promote the education and other best interests of the students.

No materials of a commercial nature shall be distributed through the children in attendance in the Niagara Falls City School District except as authorized by law or the Commissioner's Regulations.

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

Adopted: March 25, 2010

NF/

**SUBJECT: COMMUNITY PROMOTIONS IN THE SCHOOLS**

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

a) Schools may cooperate in disseminating information concerning the work of any municipality, public entity, not-for-profit corporation , school, college,university or social service agency, provided that the work or event promoted by such entity does not restrict or impair the educational program of the schools or conflict with Section 19.6 of the Rules of the Board of Regents;

b) All promotional information must be forwarded to the District's Public Relations Director to be verified, reviewed and receive prior approval prior to distribution;

c) The Superintendent of Schools may choose to require that the following disclaimer be added to any posting of activities or services being posted in a school within the Niagara Falls City School District:

"The statements posted are for general informational purposes only and the Niagara Falls City School District makes no representation as to the accuracy or completeness of such information herein. The posted information neither constitutes nor should be construed by any person whatsoever as an event sponsored or endorsed by the Niagara Falls City School District."

No materials of a commercial nature shall be distributed through the children in attendance in the Niagara Falls City School District except as authorized by law or the Commissioner's Regulations.

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

**Adopted: October 28, 2010**

Community Relations

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

It shall be the policy of the Board to encourage the greatest possible use of school facilities for community-wide activities. This is meant to include use by recognized civic, social and fraternal and religious organizations in accordance with law. Groups wishing to use the school facilities must secure written permission from the Superintendent and abide by the rules and regulations established for such use including restrictions on alcohol, tobacco and drug use. The Superintendent, at his/her discretion, may consult with the Board of Education. Monthly reports may be made to the Board regarding community use of the school facilities.

Materials and Equipment

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

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

The District will develop administrative regulations to assure that use of school-owned materials and/or equipment complies with the letter and spirit of this policy, including a description of the respective rights and responsibilities of the School District/lender and borrower in relation to such materials and equipment.

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

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

This statute provides for the following:

a) No covered entity (elementary school, secondary school or LEA) shall deny equal access or a fair opportunity to meet, or discriminate against any group affiliated with the Boy Scouts of America or any other Title 36 patriotic youth group that requests to conduct a meeting within the covered entity's designated open forum or limited public forum.
1. A designated open forum exists when the school designates a time and place for one or more outside youth community groups to meet on school premises or in school facilities, including during the hours in which attendance at the school is compulsory, for reasons other than to provide the school's educational program.

2. A limited public forum exists when the school allows one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

b) No covered entity shall deny access or opportunity or discriminate for reasons including the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the Title 36 patriotic youth group.

c) Access to facilities and the ability to communicate using school-related means of communication must be provided to any group officially affiliated with the Boy Scouts of America or any other Title 36 patriotic youth group on terms that are no less favorable than the most favorable terms provided to other outside youth or community groups.

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

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

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

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

Adoption: 2/23/12

**SUBJECT: USE OF FACILITIES BY THE BOY SCOUTS OF AMERICA AND PATRIOTIC YOUTH GROUPS**

To the extent the District receives funds made available through the United States Department of Education and maintains a "designated open forum" or a "limited public forum," as those terms are defined in federal regulation, it will not deny any group officially affiliated with the Boy Scouts of America or any other patriotic youth group listed in Title 36 of the United States Code equal access or a fair opportunity to meet. Likewise, the District will not discriminate against any such group that requests to conduct a meeting within the District's designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the group's membership or leadership criteria or oath of allegiance to God and country.

The District will provide groups officially affiliated with the Boy Scouts of America or other Title 36 patriotic youth group access to facilities and the ability to communicate using school-related means of communication on terms that are no less favorable than the most favorable terms provided to other outside youth or community groups.

The District is not required to sponsor any group officially affiliated with Boy Scouts or any other Title 36 patriotic youth group.

20 USC Section 7905
36 USC Subtitle II
34 CFR Parts 75, 76 and 108

Adopted July 2, 2015

Refer also to Policy #3280 -- Use of School Facilities, Materials and Equipment

Adoption Date 7/2/2015

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

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

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

All student vehicles are to be registered with the High School Principal and parked in authorized areas only.

Education Law Section 2801(1)
Vehicle and Traffic Law Section 1670

Adopted: April 23, 2013

Community Relations

NF/EB

**SUBJECT: PUBLIC ACCESS TO RECORDS**

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

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

The District shall provide copies of records in the format and on the medium requested by the person filing the Freedom of Information Law (FOIL) request if the District can reasonably do so regardless of burden, volume or cost of the request.

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

Requests for Records via E-mail

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

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

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

Adopted: April 23, 2013

**SUBJECT: CONFIDENTIALITY OF COMPUTERIZED INFORMATION**

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

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

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

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

Adopted: April 23, 2013

Community Relations

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

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

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

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

The Code of Conduct shall include, at a minimum, the following:
a) Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property and at school functions, and conduct, dress and language deemed unacceptable and inappropriate on school property; provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions; the appropriate range of disciplinary measures which may be imposed for violation of such Code; and the roles of teachers, administrators, other school personnel, the Board of Education and parents/persons in parental relation to the student;

b) Standards and procedures to assure security and safety of students and school personnel;

c) Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;

d) Provisions prescribing the period for which a disruptive student may be removed from the classroom for each incident, provided that no such student shall return to the classroom until the Principal (or his/her designated School District administrator) makes a final determination pursuant to Education Law Section 3214(3-a)(c) or the period of removal expires, whichever is less;

e) Disciplinary measures to be taken for incidents on school property or at school functions involving the use of tobacco, the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, harassment and threats of violence;

f) Provisions for detention, suspension and removal from the classroom of students, consistent with Education Law Section 3214 and other applicable federal, state and local laws, including provisions for school authorities to establish procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or

suspended from school, which shall include alternative educational programs appropriate to individual student needs;

g) Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;

h) Provisions ensuring the Code of Conduct and its enforcement are in compliance with state and federal laws relating to students with disabilities;

i) Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;

j) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;

k) Provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition as defined in Articles 3 and 7 of the Family Court Act will be filed;

l) Circumstances under and procedures by which referral to appropriate human service agencies shall be made;

m) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. For purposes of this requirement, as defined in Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law Section 3214(3-a) and the provisions set forth in the Code of Conduct on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, as applicable;

n) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a). However, the suspending authority may reduce the suspension period on a case-by-case basis consistent with any other state and federal law;

o) A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior and a safe and supportive school climate, which shall be written in plain-language, and which shall be publicized and explained in an age-appropriate manner to all students on an annual basis; and

p) Guidelines and programs for in-service education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline. , including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management.

q) Provisions prohibiting discrimination and harassment against any student, by employees or students on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or verbal threats, intimidation or abuse, of such a severe nature that:
1. Has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being;

or

2. Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.
Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law Section 11(6), or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law Sections 3201-a or 2854(2)(a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.) or to prohibit, as discrimination based on disability, actions that would be permissible under 504 of the Rehabilitation Act of 1973;

r) Provisions for responding to acts of discrimination and harassment against students by employees or students on school property or at a school function pursuant to clause (q) of this subparagraph.

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

The District's Code of Conduct shall be reviewed on an annual basis, and updated as necessary in accordance with law. The District may establish a committee pursuant to Education Law Section 2801(5)(a) to facilitate review of its Code of Conduct and the District's response to Code of Conduct violations. The School Board shall reapprove any updated Code of Conduct or adopt revisions only after at least one (1) public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties.

The District shall file a copy of its Code of Conduct and all amendments to the Code with the Commissioner of Education no later than thirty (30) days after their respective adoptions.

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

a) Posting the complete Code of Conduct on the Internet website, if any, including any annual updates and other amendments to the Code;

b) Providing copies of a summary of the Code of Conduct to all students in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year;

c) Providing a plain language summary of the Code of Conduct to all parents or persons in parental relation to students before the beginning of each school year and making the summary available thereafter upon requests;

d) Providing each existing teacher with a copy of the complete Code of Conduct and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code. New teachers shall be provided a complete copy of the current Code upon their employment; and

e) Making complete copies available for review by students, parents or persons in parental relation to students, other school staff and other community members.
Privacy Rights

As part of any investigation, the District has the right to search all school property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the

District for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Education Law Sections 2801 and 3214
Family Court Act Articles 3 and 7
Vehicle and Traffic Law Section 142
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)(2)

NOTE: Refer also to District Code of Conduct on School Property

Adopted: February 23, 2012
Revised: June 21, 2012

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

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

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

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

Penal Law Sections 265.01-265.06

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

Adopted: April 23, 2013

**SUBJECT: THREATS OF VIOLENCE IN SCHOOL**

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

Any person who commits an act or threatens an act of violence, including bomb threats, whether made orally, in writing, or by e-mail, shall be subject to appropriate discipline in accordance with applicable law, District policies and regulations, as well as the Code of Conduct on School Property and collective bargaining agreements, as may be necessary.

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

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

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

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

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

Appropriate sanctions for violations of this policy by students will be addressed in the Code of Conduct.

Adopted: April 23, 2013

**CITY SCHOOL DISTRICT OF THE CITY OF NIAGARA FALLS**
**POLICY AGAINST DISCRIMINATION AND HARASSMENT**


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## SECTION 1: PURPOSE

The City School District of the City of Niagara Falls, believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace. In this regard, the Niagara Falls City school District, (hereinafter "District"), is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without subjugation to harassment or discrimination in the workplace. It is the District's policy to provide an employment environment free from harassment and discrimination based on race, color, gender, religion, religious creed, sex, familial or marital status, age, national origin or ancestry, physical or mental disability, genetic information/predisposition or carrier status, military or veteran status, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender, pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation) citizenship, prior arrest or conviction record, domestic violence victim status or any other characteristics protected by applicable federal, state or local law.

**A. Scope of Policy** This Policy applies to all District employees and all personnel in a contractual or other business relationship with the District including, for example, applicants, temporary or leased employees, interns (whether paid or unpaid), volunteers, visitors, independent contractors, contractors, subcontractors, vendors, consultants or other persons providing services pursuant to a contract in the workplace, including employees of independent contractors, contractors, subcontractors, vendors, consultants, or others providing services pursuant to a contract in the workplace. In the remainder of this Policy, the term "employees" refers to this collective group. This Policy applies with equal force on District property as it does at District-sponsored events, programs, and activities that take place off District premises.

**B. Policy Objectives** By adopting and publishing this Policy, it is the intention of the District's Board of Education to:

(1) Notify employees about the types of conduct that constitute harassment and discrimination prohibited by this Policy;

(2) Inform employees about the complaint and investigation procedures established by the District that enable any employee who believes (s)he is the victim of harassment or discrimination to submit a complaint which will be investigated by the District;

(3) Clearly advise all supervisory staff, administrators, and employees that harassment, discrimination and retaliation is strictly prohibited and no such person possesses the authority to harass or discriminate; and

(4) Notify all employees that the District has appointed Compliance Officer(s) who are specifically designated to receive complaints and ensure compliance with this Policy.

NOTE: The names and office location of the Compliance Officer(s) designated to receive and investigate complaints are listed below in *Section 11* of this Policy. Any change in the designated Compliance Officer(s) shall be distributed in writing to all current employees and shall be posted.

## SECTION 2: DEFINITIONS

**"Prohibited Discrimination of Employees"**

Prohibited discrimination of employees can take the form of any adverse employment action against an employee, by either a District employee or official or a third party engaged in activities sponsored by the District which is based upon the employee's protected characteristic. Prohibited discrimination of employees also includes harassment based on a protected characteristic even where there is no tangible impact upon the employee's employment opportunities and/or employment benefits. The phrase "prohibited discrimination" as used in this Policy includes all forms of prohibited discrimination and harassment based on a protected characteristic, including "Sexual Harassment" as defined below.

**"Harassment"**

Harassment is strictly prohibited and includes, but is not limited to, any conduct that is unwelcome and that subjects an employee to inferior terms, conditions, or privileges of employment because of an individual's membership in one or more of the protected categories. Harassment does not have to be severe or pervasive to be illegal or violate this policy. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Such harassment of employees is prohibited by this Policy if it is based on a protected characteristic or directed at an individual because of a protected characteristic. In this regard, individuals subject to this Policy should be mindful that conduct or behavior that is acceptable, amusing or inoffensive to some individuals may be viewed as unwelcome, abusive or offensive to others.

**"Sexual Harassment"**

Sexual harassment is strictly prohibited. It is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

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

completely outside the gender binary. Some may identify as transgender, but not all do.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(2) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual (e.g., promotion, transfer, demotion, termination); or

(3) Such gender-based conduct has the purpose or effect of subjecting an employee to inferior terms, conditions, or privileges of employment, even if the reporting individual is not the intended target of the sexual harassment.

The foregoing includes offensive comments, jokes, innuendoes or other statements of a sexual or gender-based nature as well as favoritism between a supervisor and subordinate based on an intimate/sexual relationship or desire for the same.

**Who can be the target of harassment?**

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

**Where can harassment occur?**

Unlawful harassment is not limited to the physical workplace itself. It can occur while employees are working remotely, traveling for business or at employer sponsored events or parties. Harassment can occur on virtual meeting platforms, in messaging apps, and between personal cell phones. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

**"Prohibited Behavior and Examples of Harassment, including Sexual Harassment"**

Specific forms of behavior the District considers harassment or sexual harassment are set forth below. Every conceivable example cannot be delineated herein, and thus the descriptions below are examples and should not be interpreted in any way as being all-inclusive.

- **Verbal:** Abusive verbal language including jokes, comments, teasing or threats related to an employee's protected characteristic, sexual activity and/or body parts whether or not said in that person's presence including, but not limited to: sexual innuendos; slurs;

suggestive, derogatory, or insulting comments or sounds; whistling; jokes; propositions; threats; comments on a person's appearance that make the person feel uncomfortable because of his or her protected characteristic; sex stereotyping; continuing to ask someone for dates or to meet after work after the person has made it clear that he or she does not want to go; comments about an employee's anatomy or protected characteristic that are unwelcome; and unwelcome advances or demands based on someone's protected characteristic. This includes verbal remarks made over virtual platforms and in messaging apps when employees are working remotely.

- **Nonverbal:** Abusive written language showing or displaying pornographic or sexually explicit objects or pictures; graphic commentaries based on a protected characteristic; derogatory cartoons or caricatures; luring or obscene gestures in the workplace; staring at a person's body in a sexually suggestive manner; gestures or motions based on a protected characteristic; sending material through the District e-mail system or other electronic communication devices (e.g. voice mail) or using the District's mail, computers or cell phones to view material that is demeaning or derogatory based on one's protected characteristic. This includes the virtual or remote workspace and can include materials visible in the background of one's home during a virtual meeting.

- **Physical:** Unwelcome physical conduct, including but not limited to: hitting, pushing, shoving, slapping, petting, pinching, grabbing, holding, hugging, kissing, tickling, massaging, displaying private body parts, coerced sexual intercourse, rape or assault or attempts to commit these assaults, persistent brushing up against a person's body, unnecessary touching and flashing or other unwelcome physical conduct.

- **Other:** Hostile actions taken against an individual because of an individual's sex, sexual orientation, gender identity and the status of being transgender or because of any other protected characteristic, such as: interfering with, destroying or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job; sabotaging an individual's work; bullying, yelling, or name-calling.

Any employee who feels discriminated against or harassed should report so that any violation of this Policy can be corrected promptly. Any harassing conduct, even if a single incident, can be addressed under this Policy.

## SECTION 3: POLICY

The District prohibits harassment and discrimination based on any characteristic protected by applicable law and will not tolerate any form of unlawful discrimination or harassment. The District will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment, including sexual harassment, in the workplace.

All employees, including but not limited to, District officials and supervisory personnel, are responsible for ensuring a work environment free from prohibited harassment and discrimination. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of harassment or discrimination. Employees are encouraged to report violations to a supervisor, administrator, or the Compliance Officer(s) listed in *Section 11* of this Policy in accordance with the Complaint Procedure set

forth in this Policy. Officials, administrators and supervisors must take immediate and appropriate corrective action when suspected instances of prohibited harassment and/or discrimination come to their attention to assure compliance with this Policy as well as report the suspected misconduct to the District's designated Compliance Officer(s). Furthermore, if any employee believes that any member of management has violated this policy or has not properly responded to and/or handled a report or concerns of discrimination or harassment, the employee should immediately contact one of the District's designated Compliance Officer(s).

Each employee is assured pursuant to *Section 6* of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy. Employees who engage in retaliation against any employee for making or encouraging another employee to make a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws shall be subject to discipline, up to and including termination of employment. Any employee who believes he/she has been retaliated against in violation of this policy should report violations to the Compliance Officer(s) listed in *Section 11* of this Policy in accordance with the Complaint Procedure set forth in this Policy.

Any questions regarding the scope or application of this Policy should be directed to the Compliance Officer(s) listed in *Section 11* of this Policy.

## SECTION 4: POLICY ENFORCEMENT

### A. Complaint Procedure for Employees

1. **Notification Procedure**
   Prompt reporting of complaints or concerns is encouraged so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination and/or harassment is encouraged and essential, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of harassment or discrimination shall contact his or her supervisor or the Compliance Officer(s) listed in *Section 11* of this Policy, or another administrator. Likewise, anyone who witnesses or becomes aware of instances of harassment or discrimination should report such behavior to his or her supervisor or the Compliance Officer(s) listed in *Section 11* of this Policy, or another administrator. Employees should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can occur in different degrees, potential discipline for engaging in harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.

2. **Making a Complaint**

Complaints are accepted orally and in writing. All employees are encouraged to use the District's "Complaint of Alleged Discrimination" form. A copy of this form is attached to this Policy. Additional complaint forms can be obtained from the Compliance Officer(s), with no questions asked, or from the District's website. Because an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of prohibited discrimination or harassment, the District encourages employees to place complaints in writing, even if originally made orally. If an employee has any questions or difficulty filling out the complaint form, she/he can obtain assistance from the Compliance Officer(s) or the supervisor to which he/she complained. All complaints should include: the name of the complaining party, the name of the alleged offender(s), date(s) of the incident(s), description of the incident(s), names of witnesses to the incident(s) and the signature of the complaining party.

Once the complaining party has completed and dated a complaint, with or without the assistance of the District's Compliance Officer(s) or a supervisor, the written complaint, or oral complaint as the case may be, should be promptly forwarded to the District's Compliance Officer(s).

Complainants are expected to cooperate with the District's investigation procedures by providing all relevant information relating to the complaint, as are other supervisory and non-supervisory employees having relevant or related knowledge or information.

If the allegations forming the basis of a complaint of sexual harassment, if proven, would constitute prohibited conduct under Title IX, then the District's response, including the investigation procedures, will be governed by Title IX and the District's Title IX Policy.

3. **Supervisory Responsibilities**

Supervisors and administrators have a responsibility to prevent sexual harassment and discrimination. All supervisors and administrators who receive a complaint or information about suspected harassment or discrimination, observe what may be harassing behavior or for any reason suspects that harassment is occurring, are required to report such suspected harassment or discrimination to the District's Compliance Officer(s).

In addition to being subject to discipline if they engaged in discriminatory or harassing conduct themselves, supervisors and administrators will be subject to discipline for failing to report suspected harassment or otherwise knowingly allowing harassment to continue.
Supervisors and administrators will also be subjected to discipline for engaging in any retaliation.

While supervisors and administrators have a responsibility to report harassment and discrimination, supervisors and administrators must be mindful of the emotional impact to the complainant as well as all parties involved. Supervisors and administrators will ensure complaints are handled with sensitivity and without retaliation.

4. **Bystander Intervention**
   Any employee witnessing harassment as a bystander is encouraged to report it. The following are standard methods of bystander intervention that can be used by a witness to discrimination or harassment who wants to intervene:

   a. Interrupting harassment by engaging with the individual being harassed;
   b. Asking a third party to help intervene in harassment;
   c. Making a record of the harassment to benefit a future investigation;
   d. Following up with the harassed individual and confirming the behavior was not okay; or
   e. If safe, confronting the harasser(s) and naming the behavior as inappropriate. When confronting harassment, physically assaulting an individual or reciprocating by engaging in harassment, is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide for how to react when witnessing harassment in the workplace. As set forth above, any employee witnessing harassment as a bystander is encouraged to report it; a supervisor or administrator who is a bystander to harassment is required to report it.

**B. Time for Reporting a Complaint**

Prompt reporting of all complaints is strongly encouraged. All employees should be aware that appropriate resolution of complaints and effective remedial action oftentimes is possible only when complaints are promptly filed.

**C. Confidentiality and Privacy**

The District shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees. To the extent complaints made under this Policy implicate criminal conduct, the District may be required by law to contact and cooperate with the appropriate law enforcement authorities. During the pendency of an investigation the District will consider implementation of appropriate mitigating measures in an effort to ensure against retaliation and ensure complaints and investigations are handled with sensitivity toward those participating.

**D. Acknowledgement of Complaint**

Upon receipt of an oral or written complaint, the Compliance Officer(s) should

endeavor to contact promptly the complainant to confirm that the complaint has been received. If the complainant does not receive such confirmation promptly, she/he is encouraged to contact the Compliance Officer or his/her supervisor or the supervisor to whom the complaint was made to ensure its receipt. The purpose of this acknowledgment procedure is to ensure that all complaints are received by authorized individuals, carefully processed and promptly investigated.

## SECTION 5: INVESTIGATION PROCEDURES

### A. Timing of Investigations

The District will promptly investigate all allegations of discrimination and harassment prohibited by this Policy. The District will also attempt to complete investigations under this Policy promptly. The length of the investigation will depend upon the complexity and particular circumstances of each complaint.

### B. Method of Investigation

Investigations will provide all parties due process, and reach reasonable conclusions based on the evidence collected. Investigations will be conducted by District Compliance Officer(s), District's legal counsel, and/or other impartial persons designated by the District. The primary purposes of all investigations under this Policy will be to determine:

- Did the conduct complained of occur?;
- Did the conduct complained of violate this Policy?; and
- What remedial measures or preventative steps, if any, shall be taken?

Investigations will necessarily vary from case to case and may typically include the following: fact-finding interviews, including of the accuser and the accused; document request, review and preservation, depositions, observations, or other reasonable methods. District investigators should pursue reasonable steps to investigate each complaint in a thorough and comprehensive manner. Any notes, memoranda, or other records created by District employees or agents conducting an investigation under this Policy shall be deemed confidential and privileged to the extent allowed by law.

Investigators will typically create a written documentation of the investigation (such as a letter, memo or email), which contains the following:

- A list of all documents reviewed, along with a detailed summary of relevant documents;
- A list of names of those interviewed, along with a detailed summary of their statements;
- A timeline of events;
- A summary of prior relevant incidents, reported or unreported; and
- The basis for the decision and final resolution of the complaint,

together with any remedial actions.

**C.** **Notification to Complaining Party and the Accused Party**

The results of the investigation shall be communicated in writing to both the person filing the complaint and the accused party. The District will remind the individual(s) reporting the complaint of his/her rights pursuant to the Legal Protections and External Remedies Section of this Policy.

**D.** **Remedial Measures**

This Policy is intended to prevent all forms of unlawful discrimination and harassment and put an end to any prohibited discrimination that is found to have occurred. While disciplinary action may be appropriate in certain instances, punitive measures are not the exclusive means for responding to prohibited discrimination or harassment. During the pendency of any investigation being conducted pursuant to this Policy, remedial measures may be taken if appropriate and necessary.

Any individual who is found to have engaged in prohibited discrimination or harassment or conduct which may be prohibited by this Policy, may receive education, training, counseling, warnings, discipline, or other measures designed to prevent future violations of this Policy. Disciplinary action may include: warnings, suspension, or discharge from employment or such disciplinary action as may be permitted by applicable collective bargaining agreements and law. Any third party found to have engaged in discrimination or harassment of an employee may be barred from District property.

## SECTION 6: PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY

Unlawful retaliation can be any action that could discourage an employee from coming forward to make a complaint or support a discrimination or harassment claim. Adverse action need not be job-related or occur in the workplace to constitute retaliation (e.g., threats of physical violence outside of work hours). Examples of retaliation may include, but are not limited to: demotion, termination, denying accommodations, reducing hours, or the assignment of less desirable shifts; publicly releasing personnel files; refusing to provide a reference or providing an unwarranted negative reference; labeling an employee as "difficult" and excluding him/her from projects to avoid "drama;" undermining an individual's immigration status; or reducing work responsibilities, passing over for a promotion, or moving an individual's desk to a less desirable office location.

Retaliation is strictly prohibited by this Policy and by law against anyone for making or encouraging another employee to make a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws.

Even if the alleged harassment or discrimination does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if he/she had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment or discrimination.

Complaints of retaliation should be brought directly to the Compliance Officer(s). Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to corrective action up to and including termination from employment, or in the case of a non-employee, an appropriate remedy up to and including termination of the business relationship.

## SECTION 7: APPEALS

Any complainant or accused party who wishes to appeal the conclusion which the District reached in investigating a complaint filed under this Policy, may do so within ten (10) calendar days of receipt of the appealing party's notification of the investigation outcome. Untimely submissions shall not receive consideration. Such appeal must be made in writing to the District Board of Education. The appealing party shall be entitled to present evidence in writing as to why the conclusion was flawed, improper, or otherwise not supported by the evidence. The District's consideration and review of any such appeal shall be conducted confidentially in executive session. Following a review of that evidence, as well as the information obtained in the investigation process and conclusions derived there from, the District Board of Education, or its designee, shall render a decision. That decision shall be final. The appealing party shall be notified of the decision in writing.

Nothing set forth in the Appeal Process above shall be construed to in any way confer upon either the complainant(s) or the person(s) accused of violating this Policy any right to appeal the District's determination as to appropriate disciplinary and/or corrective action to be taken on meritorious complaints. In this regard, the District at all times retains sole discretion to determine the appropriate disciplinary and/or corrective action to be taken with regard to a meritorious complaint.

## SECTION 8: RECORD KEEPING

The District shall maintain a written record of all complaints of discrimination and/or harassment for a period of at least three years. The District shall also document the steps taken with regard to investigations, as well as conclusions reached and remedial action taken, if any. The District shall also maintain these documents for, at a minimum, three years.

The District's records regarding alleged discrimination and harassment shall be maintained separate and apart from personnel records in a secure and confidential location.

## SECTION 9: LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Discrimination and harassment based on protected characteristics, including sexual harassment, are not only prohibited by the District but are also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the District, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

**State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment and harassment based on other protected characteristics set forth in this Policy, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the discrimination or harassment. Complaints of sexual harassment may be filed with DHR at any time **within three years** of the alleged sexual harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged harassment, including sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the District does not extend your time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

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

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual or other illegal harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual or other illegal harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees (in sex discrimination and sexual harassment cases only) and civil fines.

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

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

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide a referral to a volunteer attorney experienced in sexual harassment matters who can provide limited free assistance and counsel over the phone.

**Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the discrimination or harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred but does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

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

**Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human

Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

**Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

## SECTION 10: QUESTIONS

Any questions by employees of the District about this Policy or potential harassment or discrimination should be brought to the attention of one of the District's Compliance Officers. The names, addresses, and telephone numbers of the District's Compliance Officers are listed in *Section 11* of this Policy.

## SECTION 11: COMPLIANCE OFFICER

| | |
|---|---|
| Maria Massaro | 630 66th Street, Niagara Falls, NY 14304 |
| Name | Office Location |
| (716) 286-4225 | mmassaro@nfschools.net |
| Telephone Number | email |

**In the event the Compliance Officer is the person complained of contact the Superintendent of Schools**

## SECTION 12: EFFECTIVE DATE AND POLICY DISSEMINATION

The effective date of this Policy, as revised, shall be _____. The District Superintendent shall ensure that this Policy is adequately disseminated and made available to all employees of the District. This Policy shall be distributed at the time of hire, and at every annual training regarding prevention of sexual harassment. In addition, copies of this Policy and Complaint Form shall be maintained in the office of each Compliance Officer as well as the District's Policy Book that is available at the _____.

Upon the effective date of this Policy, as revised, the provisions of this Policy shall supersede and replace prior District policies and regulations regarding employee discrimination and harassment.

**ACKNOWLEDGEMENT OF RECEIPT OF DISTRICT'S POLICY AGAINST DISCRIMINATION AND HARASSMENT**

From:
To:
Subject:

The District is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without being subjected to harassment or discrimination in the workplace. It is the District's policy to provide a workplace environment free from harassment and discriminatory practices.

The District has adopted and disseminated a revised Policy Against Discrimination and Harassment. Please sign the attached acknowledgement that you have received a copy of the revised Policy, have reviewed it, and have been afforded an opportunity to ask a District Compliance Officer any questions you may have regarding the Policy. Return the signed acknowledgement to **the Human Resources Office – 630 66th Street, Niagara Falls, NY 14304.**

Thank you for your assistance in this matter. If you have any further questions regarding this Policy, feel free to contact **Maria Massaro – mmassaro@nfschools.net**

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**ACKNOWLEDGEMENT OF RECEIPT OF DISTRICT'S POLICY AGAINST DISCRIMINATION AND HARASSMENT**

**I, _____, have received the District's Policy Against Discrimination and Harassment adopted effective _____. I have reviewed this Policy, and I have had the opportunity to ask questions regarding the Policy.**

_____ _____

**Signature of Employee** **Date**

Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION**

**Overview**

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

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

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

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

Scope and Application of Policy

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

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

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

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

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

**What Constitutes Sex Discrimination Including Sexual Harassment**

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

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

a) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;

b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;

c) Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

d) Dating violence, meaning violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

2. Where the existence of such a relationship will be determined based on a consideration of the following factors:

(a) The length of the relationship;

(b) The type of relationship;

(c) The frequency of interaction between the persons involved in the relationship;

e) Domestic violence, meaning felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the

(Continued)



victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

f) Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for his or her safety or the safety of others; or

2. Suffer substantial emotional distress.

**Title IX Coordinator**

The District has designated and authorized the following District employee(s) to serve as its Title IX Coordinator(s):

Maria Massaro, Administrator for Human Resources
630 – 66th Street
Niagara Falls, NY 14304
(716) 286-4225
mmassaro@nfschools.net

If the Title IX Coordinator is unavailable, including due to a conflict of interest or other disqualifying reason, the Superintendent of Schools will ensure that another person with the appropriate training and qualifications is appointed to act as the Title IX Coordinator.

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

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

**Reporting Allegations of Sex Discrimination**

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

Reports of sex discrimination may also be made to any other District employee including a supervisor, building principal, or the District's CRCO. All reports of sex discrimination, including sexual ***2024*** 3421





**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

harassment, will be forwarded to the District's Title IX Coordinator. Reports may also be forwarded to other District employees depending on the allegations.

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

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

In addition to complying with this policy, District employees must comply with any other applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. This includes, but is not limited to, Policy #7550 -- Dignity for All Students

(DASA) which requires District employees to make an oral report promptly to the Superintendent or principal, their designee, or the DAC not later than one school day after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination of a student. Two days after making the oral report, DASA further requires that the District employee file a written report with the Superintendent or principal, their designee, or the DAC.

If the Title IX Coordinator is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to the Superintendent of Schools who will ensure that another person with the appropriate training and qualifications is appointed to act as the Title IX Coordinator.

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

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

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

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

(Continued)



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

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

Definitions

a) "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to a District's Title IX Coordinator or any official of the District who has authority to institute corrective measures on behalf of the District, or to any District employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the District with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in this policy.

b) "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

c) “Days" means business days, but excludes any weekday during which the school is closed.

d) "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the District. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by email or through an online portal provided for this purpose by the District) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party, and must comply with the requirements of law and regulation.

(Continued)

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

e) "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

f) "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. These measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other courserelated adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The District must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

General Requirements for the Investigative and Grievance Process

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

a) Complainants and respondents are treated equitably. This includes applying any provisions, rules, or practices incorporated into the District's grievance process, other than those required by law or regulation, equally to both parties.

b) All relevant evidence is objectively evaluated, including both inculpatory and exculpatory evidence. Inculpatory evidence implicates or tends to implicate an individual in a crime or wrongdoing. Exculpatory evidence frees or tends to free an individual from blame or accusation.

c) The Title IX Coordinator, investigator, decision-maker involved in the grievance process, or any person designated by the District to facilitate any informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

(Continued)

d) Respondents are presumed not to be responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

e) The grievance process, including any appeals or informal resolutions, is concluded within a reasonably prompt time frame and that the process is only temporarily delayed or extended for good cause. Good cause includes, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Whenever the time frame is temporarily delayed or extended, written notice will be provided to all complainants and respondents of the delay or extension and the reasons for the action.

f) The range of possible disciplinary sanctions and remedies that may be implemented by the District following any determination regarding responsibility are described to any known party.

g) The same standard of evidence is used to determine responsibility in all formal complaints.

h) The procedures and permissible bases for an appeal are known to all complainants and respondents.

i) The range of supportive measures available are known to all complainants and respondents.

j) There is no requirement, allowance of, reliance on, or otherwise use of questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.

k) The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on the parties.

(Continued)

l) The Title IX Coordinator, the investigator, any decision-maker, or any other person participating on behalf of the District does not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for the grievance process. If the party is not an eligible student, as defined in FERPA as a student who has reached 18 years of age or is attending a post-secondary institution, the District will obtain the voluntary, written consent of a parent.

m) The parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

n) Credibility determinations are not based on a person's status as a complainant, respondent, or witness.

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

o) The ability of either party to discuss the allegations under investigation or to gather and present relevant evidence is not restricted.

p) The parties are provided with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for any complainant or respondent in any meeting or grievance proceeding. However, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

q) Written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, is provided to any party whose participation is invited or expected with sufficient time for the party to prepare to participate.

(Continued)

r) The parties are provided with equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the District does not intend to rely on in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

s) Any document sent to a minor or legally incompetent person is also sent to the party's parent or legal guardian.

t) Any document sent to a party is also sent to the party's advisor, if known.

After a Report of Sexual Harassment Has Been Made

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

a) Promptly contact the complainant to discuss and offer supportive measures;

b) Inform the complainant both of the range of supportive measures available and that these measures are available regardless of whether a formal complaint is filed;

c) Consider the complainant's wishes with respect to supportive measures; and

d) Explain to the complainant the process for filing a formal complaint.

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

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

Requests for confidentiality or use of anonymous reporting may limit how the District is able to respond to a report of sexual harassment.

Emergency Removal and Administrative Leave

(Continued)

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

a) Undertakes an individualized safety and risk analysis;

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

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

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

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

Filing a Formal Complaint

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

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

(Continued)

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

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

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

The formal complaint form may be obtained from the District's Title IX Coordinator or found on the District's website.

Consolidation of Formal Complaints

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

Written Notice of Allegations

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

a) The District's grievance process, including any informal resolution process; and

b) The allegations of sexual harassment which will:

1. Provide sufficient details known at the time and sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;

2. State that the respondent is presumed not to be responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

(Continued)

3. Inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;

4. Inform the parties that they may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint; and

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

5. Include notice of any provision in any applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct* that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

Investigation of a Formal Complaint

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

It is anticipated that most investigations will be completed within 30 business days after receiving a formal complaint.

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

a) Collect, review, and preserve all evidence including, but not limited to, any relevant documents, videos, electronic communications, and phone records.

b) Interview all relevant persons including, but not limited to, any complainants, respondents, and witnesses. Interviews of complainants and respondents will be conducted separately. If a student is involved, the District will follow any applicable District policy, procedure, or other document such as the District's *Code of Conduct* regarding the questioning of students.

c) Create written documentation of the investigation (such as a letter, memo, or email), which contains the following:

1. A list of all documents reviewed, along with a detailed summary of relevant documents;

2. A list of names of those interviewed, along with a detailed summary of their statements;

3. A timeline of events; and

4. A summary of prior relevant incidents, reported or unreported.

(Continued)

d) Keep any written documentation and associated documents in a secure and confidential location.

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

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

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

Dismissal of a Formal Complaint

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

a) Would not constitute sexual harassment even if proven;

b) Did not occur in the District's education program or activity; or

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

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

a) A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any of its allegations;

b) The respondent is no longer enrolled or employed by the District; or

c) Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or any of its allegations.

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

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

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**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

Informal Resolutions

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

It is anticipated that most informal resolutions will be completed within 30 business days.

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

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

a) Provide written notice to all known parties which details:

1. The allegations in the formal complaint;

2. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint;

3. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and

b) Obtain the parties' voluntary, written consent to the informal resolution process.

Determination Regarding Responsibility

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

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Before reaching a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to:

a) Submit written, relevant questions that a party wants asked of any party or witness within 10 business days after the parties have received the investigative report;

b) Provide each party with the answers given by any party or witness within 10 business days of receiving the questions; and

c) Allow for additional, limited follow-up questions and responses from each party to occur within 10 business days after the parties have received responses to their initial questions.

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

The decision-maker(s) will issue a written determination regarding responsibility to the Title IX Coordinator, the Superintendent, and all parties simultaneously within 20 business days after responding to all follow-up questions.

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

The written notice of the determination regarding responsibility will include:

a) Identification of the allegations potentially constituting sexual harassment;

b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;

c) Findings of fact supporting the determination;

d) Conclusions regarding the application of any applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct* to the facts;

e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District is imposing on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and

f) The District's procedures and permissible bases for the complainant and respondent to appeal.

Finality of Determination Regarding Responsibility

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

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

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

Appeals

Either party may file an appeal from a determination regarding responsibility or from the District's dismissal of a formal complaint or any of its allegations. Appeals must be submitted in writing to the Title IX Coordinator within 10 business days of the written notice of the determination regarding responsibility or dismissal of the formal complaint or any of its allegations.

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

a) Procedural irregularity that affected the outcome of the matter;

b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

c) The Title IX Coordinator, investigator, or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

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

(Continued)

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

Upon receipt of an appeal, the District will:

a) Notify the other party in writing that an appeal has been filed and implement appeal procedures equally for both parties;

b) Ensure that any decision-maker for the appeal:

1. Is not the same person as any decision-maker that reached the initial determination regarding responsibility or dismissal, investigator, or Title IX Coordinator;

2. Does not have any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;

c) Give all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Parties will have to submit these written statements within 10 business days

d) Issue a written decision describing the result of the appeal and the rationale for the result; and

e) Provide the written decision simultaneously to the Title IX Coordinator, the Superintendent, and all parties within 10 business day after receiving the parties written statements in support of, or challenging, the outcome.

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

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

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

(Continued)

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

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

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

**Confidentiality**

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

a) Individual who has made a report or complaint of sex discrimination;

b) Individual who has made a report or filed a formal complaint of sexual harassment;

c) Complainant;

d) Individual who has been reported to be the perpetrator of sex discrimination;

e) Respondent; and

f) Witness.

**Training**

The District will ensure that:

a) All Title IX Coordinators, investigators, decision-makers, or persons who facilitate an informal resolution process receive training on:

1. The definition of sexual harassment as defined in Title IX;

2. The scope of the District's education program or activity;

3. How to conduct an investigation and grievance process including appeals, and informal resolution processes, as applicable; and

4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

(Continued)



b) All decision-makers receive training on any technology to be used and on issues of relevance of questions and evidence, including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant.

c) All investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

d) All District employees receive training on mandatory reporting obligations and any other responsibilities that they may have relative to Title IX.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process will not rely on sex stereotypes and will promote impartial

investigations and adjudications of formal complaints of sexual harassment. Training materials will be made publicly available on the District's website.

**Notification**

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

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

**Recordkeeping**

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

a) Records of each sexual harassment investigation including any:

1. Determination regarding responsibility;

2. Audio or audiovisual recording or transcript required under law or regulation;

3. Disciplinary sanctions imposed on the respondent; and

4. Remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity.

b) Any appeal and its result.

(Continued)



c) Any informal resolution and its result.

d) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

e) For each response to sexual harassment where the District had actual knowledge of sexual harassment in its education program or activity against a person in the United States, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

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

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#6121 -- Sexual Harassment in the Workplace
#7550 -- Dignity for All Students

District *Code of Conduct*

Adoption Date September 28, 2023

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

In compliance with the Uniform Violent and Disruptive Incident Reporting System (VADIR), the District will record each violent or disruptive incident that occurs on school property or at a school function. School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

In accordance with the manner prescribed, the District will submit an annual report of violent and disruptive incidents (on the Summary of Violent and Disruptive Incidents form) from the previous school year to the Commissioner of Education. Summary data will be used to determine the rate of violent and disruptive incidents in each school and to identify schools as persistently dangerous, as required by the No Child Left Behind Act.

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

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

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

Reporting Guidelines

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

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

Adopted: April 23, 2013

**SUBJECT: METAL DETECTOR**

The Board of Education is committed to providing every student in its schools the physical environment within which to study, learn and grow to the best of his/her ability and recognizes the right of every student and every member of the school staff to expect that he/she may go about his/her business any place on the school premises in an atmosphere that is orderly, safe and conducive to his/her putting forth best efforts.

The Board of Education is cognizant of increasing incidences of weapon-related violence in public schools throughout the nation. The Board will not tolerate weapons of any nature being brought on to school property unless by authorized law enforcement personnel. This policy expressly forbids all employees, students, non-employee volunteers or any other persons that work subject to the control of school authorities as well as all visitors to school buildings, from carrying weapons either on their person or in their bags, backpacks, parcels or lockers on school property or in school buildings. This Metal Detector Policy is promulgated as a means of promoting greater safety in the District's schools and more efficiently enforcing the "zero tolerance policy" on weapons in schools by deterring individuals from bringing weapons into schools.

The Board of Education will implement the procedures put forth in this policy when in the opinion of the Superintendent of Schools, or designee, these procedures are necessary for the maintenance of a safe and orderly environment in the schools.

This policy is intended to supplement not supplant the current Board policy concerning searches and seizures of students and is to be distributed to all personnel and posted in appropriate places. This policy will also be placed in Niagara Falls City School District discipline handbook entitled "Regulations for Implementing Board Policies on School Discipline Codes in the Niagara Falls Public Schools".

Adopted: April 23, 2013

**SUBJECT: EMERGENCY SCHOOL CLOSINGS**

In the event it is necessary to close school for the day, activate a delayed starting time or early dismissal (as well as information relating to cancellation of after-school activities/late bus runs), due to inclement weather, impassable roads, or other emergency reasons, announcement thereof shall be made over local radio and television stations and the Internet/District Website as designated by the Board of Education.

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

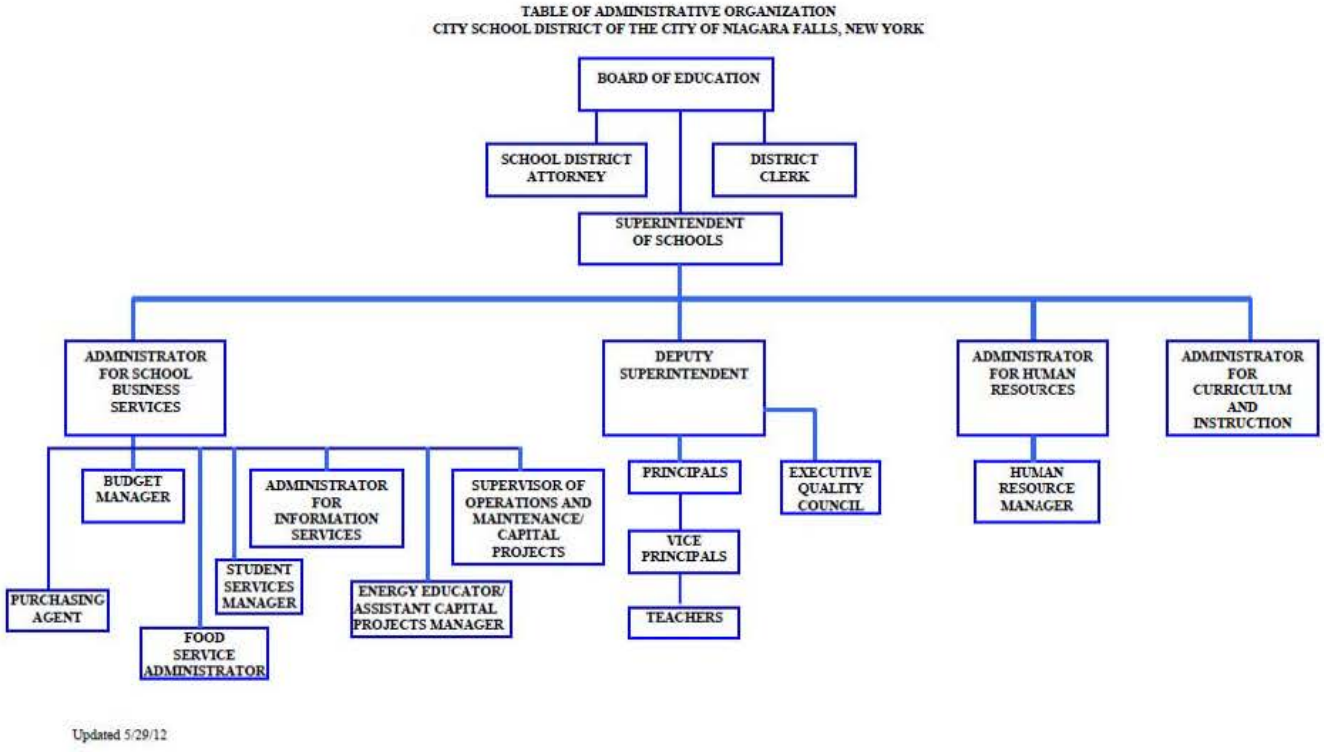
The attendance of personnel shall be governed by their respective contracts.

Education Law Section 3604(7)

Adopted: April 23, 2013

Adoption Date

**SUBJECT: ORGANIZATIONAL CHART:**




Adoption Date 4/23/13

**SUBJECT: ADMINISTRATIVE AUTHORITY**

The basic principles of Administrative Organization and Operation are:

a) The working relationships shall involve two (2) types of officers: line and staff. Line organization involves a direct flow of authority upward and downward from Superintendent to Building Principal. A line officer has power and authority over subordinates. Staff officers do not stand in the direct line of authority; they serve as coordinators or consultants.
b) The Board of Education shall formulate and legislate educational policy.

c) Administrative regulations shall be developed by the Superintendent in cooperation with affected or interested staff members or lay persons.

d) The Central Office staff shall provide overall leadership and assistance in planning and research.

e) A reasonable limit shall be placed upon the number of persons with whom an administrator shall be expected to work effectively.

f) Areas of responsibility for each individual shall be clearly defined.

g) There shall be full opportunity for complete freedom of communication between all levels in the school staff.

Line Responsibility

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

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

Adopted: April 23, 2013

NF/EB

**SUBJECT: DISTRICT COMMITTEES**

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

The Board authorizes the Superintendent to establish such permanent or temporary councils, cabinets and committees as he/she deems necessary for proper administration of Board policies and for the improvement of the total educational program.

All councils, cabinets and committees created by the Superintendent shall be for the purpose of obtaining to a maximum degree the advice and counsel of administrative and supervisory personnel of the District and to aid in District communication. Functioning in an advisory capacity, such groups may make recommendations for submission to the Board through the Superintendent. However, such groups shall exercise no inherent authority. Authority for establishing policy remains with the Board and authority for implementing policy remains with the Superintendent.

Adopted: April 23, 2013

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

**Superintendent**

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

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

**Evaluation of Administrative Staff**

In accordance with Education Law Section 3212-c regarding annual professional performance review (APPR), the Board shall direct the Superintendent to conduct an evaluation of all administrative personnel.

The purposes of this evaluation are:

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

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(o)(2)(v)
Education Law Section 3212-c

**Adopted: April 23, 2013**

**SUBJECT: CONSULTANTS**

Consultants shall exercise no administrative authority over the work of the employees of the School District but shall act only as advisers in the field in which they are qualified to offer assistance.

All administrative supervision of employees shall be in the hands of those to whom such responsibility has been specifically delegated by the Superintendent.

Adoption Date 4/23/2013

**SUBJECT: HANDBOOKS AND GUIDES**

Administrative personnel and committees will find it necessary to publish for use within the District various publications pertaining to students, curriculum and staff. The Superintendent shall approve the publication of all guides, manuals, handbooks, pamphlets or similar publications. Any revisions of such publications shall also require the approval of the Superintendent.

The Superintendent/designee shall establish procedures for the production and distribution of all such publications, including the title page format.

Adoption Date 4/23/13

**SUBJECT: SUPERINTENDENT OF SCHOOLS**

The Superintendent of Schools is the chief executive officer of the Board of Education. He/She is responsible for carrying out the policy of the Board and for keeping it informed of matters which should be weighed by the Board in reaching decisions. He/She is responsible to the Board in his/her stewardship of the entire school system.

The Superintendent will have the specific powers and duties discussed below and will be directly responsible to the Board for their proper exercise. As chief executive officer of the Board of Education, he/she shall:

a) Attend all regular, special, and work meetings of the Board except that the Superintendent may be excluded when his/her employment contract or performance is discussed in executive session;

b) Administer all policies and enforce all rules and regulations of the Board;

c) Review the local school situation and recommend to the Board areas in which new policies seem to be needed;

d) Organize, administer, evaluate, and supervise the programs and personnel of all school departments, instructional and non-instructional;

e) Recommend to the Board the appointment of all instructional and support personnel;

f) Prepare and recommend to the Board the annual School District budget in accordance with the format and development plan specified by the Board;

g) Advise the public about the activities and needs of the schools through his/her written and spoken statements, and shall be responsible for all news releases emanating from the local schools;

h) Create all salary scales and administer the salary plan approved by the Board. Some of these salary scales will be developed within staff contracts negotiated under the provisions of the Taylor Law;

i) Determine the need and make plans for plant expansion and renovation;

j) Recommend for hire, evaluate, promote, and dismiss all professional and non-professional staff personnel;

k) Prepare or supervise the preparation of the teacher's handbook, staff bulletins, and all other District-wide staff materials;

(Continued)

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

l) Plan and coordinate the recruitment of teachers and other staff to assure the District of the best available personnel;

m) Plan and conduct a program of supervision of teaching staff that will have as its goal the improvement of instruction, and, at the same time, will assure that only the teachers found to have a high degree of competence will be recommended for tenure;

n) Distinguish for all concerned between the areas of policy decisions appropriate to the Board and management decisions appropriate to the District's administrative personnel;

o) Transfer personnel when necessary and/or desirable to promote optimal effectiveness. Any such personnel transfers shall be made pursuant to appropriate guidelines established by state laws, District policies and negotiated contracts; and

p) Submit data from the School Report Card and/or other such reports of student/District performance as prescribed by and in accordance with requirements of the Commissioner of Education.

Education Law Sections 1711, 2508 and 3003
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(m)

Adopted: April 23, 2013

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

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

a) With respect to School District goals and objectives, the Board will establish broad guidelines to be observed in the development of further policy and action. The Board reserves the right to issue either restrictive or general policy statements.

b) Generally, the Superintendent will be empowered to assign and use resources; employ, promote, discipline and deploy staff; to translate policies of the Board into action; to speak as agent of the Board; to organize and delegate administrative responsibilities; and to exercise such other powers as are customary for chief executives.

c) The Superintendent may not perform, cause, or allow to be performed any act that is unlawful, in violation of commonly accepted business and professional ethics; in violation of any contract into which the Board has entered; or, in violation of policies adopted by the Board that limit the Superintendent's authority.

d) Should the Superintendent or his/her designee consider it unwise or impractical to comply with an explicit Board policy, the Superintendent will inform the Board of that determination. The Board will decide whether such judgment was warranted.

Education Law Sections 1711, 2503 and 2508

Adoption Date 4/23/13

**SUBJECT: PROFESSIONAL DEVELOPMENT OPPORTUNITIES**

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

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

Participation shall be limited by available resources and reimbursement guidelines.

General Municipal Law Sections 77-b and 77-c

Adoption Date 4/23/13

**SUBJECT: COMPENSATION AND RELATED BENEFITS**

The salaries and related benefits of administrators shall be set annually by the Board of Education upon the recommendation of the Superintendent and/or shall be in accordance with the terms and conditions of the applicable collective bargaining agreement/contract currently in effect.

Education Law Section 2507

Adoption Date 4/23/2013

**SUBJECT: ADMINISTRATIVE PERSONNEL**

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

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

**Abolishing an Administrative Position**

Existing administrative positions shall not be abolished by the Board of Education without minimum 14-day written notification of the impending abolition. Such written notification is to be served to the individual currently holding that position. In all cases the individual currently holding the position should receive as much advance notice as possible.

Education Law Sections 1709, 2503(5) and 3013

Adopted: April 23, 2013

# Niagara Falls City School District

## Procedures for Ensuring Grant Compliance and Allowability for IDEA 611/619 Grants → Policy #5413 "Procurement: Uniform Grant Guidance for Federal Awards

The district is committed to ensuring compliance with Allowable/Unallowable Expense cost principles. The following is a summary of the system that the district follows:

1. During the final months of the school year, the Committee on Special Education conducts several meetings in order to determine what item(s)/supplies(s)/purchased service(s) that the schools within the District need in order to fulfill NYSED requirements:
    - The Special Education Director meets with the Business Office to review the current budget, to see where we can improve budgeting for the following fiscal year
    - The Special Education Director completes a cost analysis, per school, to determine what personnel and item(s)/supplies(s)/purchased service(s) are needed based on this analysis. This is reviewed with the Business Office
    - The cost analysis is then reviewed Special Education Office for current needs
    - Develop needs assessments
    - Once the Special Education Office determines needs, the Grant Writer will Create a draft budget for review with the Business Office
    - Once next year's figures are released, adjust draft budget
    - Meet with Superintendent to present and discuss finalized budget and any needs from General Fund.
    - SEDCAR:
        - Reports are received by the Special Education Office
        - Reports are reconciled to student roster held in Special Education Office
        - Reports are then sent to the Business Office
        - Business Office determines flow-through dollars from SEDCAR information:
            - Business Office will keep a spreadsheet of vendors
            - Business Office will look up the rates for the following:
                - Section 611 Per Pupil Amount
                - Section 619 Per Pupil Amount
                - RSLO Amount (Per pupil amount divided by 3)
                - Rates can be found here: http://www.p12.nysed.gov/sedcar/federal.html
            - Business Office will multiply number of students identified by the SEDCAR Report by either the 611 Per Pupil amount, the 619 Per Pupil amount or the RSLO amount for each vendor
            - The totals are tabulated to arrive at a Grand Total for Flow-Through budget
            - The Flow-Through spreadsheet is forwarded to the Special Education Office to input into the FS-10 budget and the grant narrative

2. Annually, usually during the summer, the Grant Writer (the liaison between the District and the Grantor) reviews the Allowable/Unallowable Expenses cost principles for both grants (IDEA 611 and IDEA 619) before the grant applications are prepared. This information is available at: http://www.p12.nysed.gov/specialed/finance/allowableosts-IDEA611.pdf
    - Once the information from the Special Education Department meeting with the Superintendent is reviewed, the Grant Writer would determine which costs are deemed allowable and reports back to the Special Education department
        - If items are deemed "allowable", the Grant Writer would include these items in the FS-10 budget and in the budget narrative
        - If the items are deemed "unallowable," the Grant Writer would appeal to the Superintendent to fund through General Fund budget

3. The Grant Writer ensures that personnel included in the grant meet the requirements of the grant for both job responsibility and educational standards.
    - Review Code 15 (Professional Salaries) & Code 16 (Support Staff Salaries) with the Business Office
        - The Special Education Office will provide a listing of potential staff members they wish to include in the grant
        - The Business Office will use a "salary projection" document (populated by the Human Resource Office) to determine what budget should be allocated to each staff member and code line
    - The Special Education Director will review certification of staff designated on Grant with the Human Resource Office to ensure that all personnel meet Special Education Certification Standards
        - If a staff member does not have the correct certification for Special Education, they cannot be paid out of either IDEA 611 or IDEA 619
    - Once the Special Education Director reviews the coding and certifications, the Special Education Office will:
        - Determine FTE's based on school-specific needs
        - Status is determined on the school-level:
            - If a staff member is assigned to one school, that staff member would receive a full FTE for that school
            - If a staff member is assigned to multiple schools, then the staff member is coded to each school based on amount of time spent at each school
                - For example, if one staff member works 3 days at School A and 2 days at School B they would be coded as such:
                    - School A = .6 FTE
                    - School B = .4 FTE
                - This information is reviewed semi-annually by the Special Education, Business and Human Resource Offices to account for changes in staffing, change in positions, job creation, job abolishment, etc.
                - This information is then kept in the Human Resource Office
        - Substitutes

- In the rare occasion that one of our professional staff members is absent, the District would require a substitute be put into this individuals classroom
- The Grant Writer would verify that this cost if allowable:
    - If the cost is allowable then the Grant Writer and the Human Resource Office would compile a list, based on seniority, of certified substitutes
    - If a professional staff member requests a substitute, then the substitutes would be called in based on the seniority list
    - The substitute would be required to fill out a time sheet, signed by the school principal, indicating the days and hours worked as well as what code the substitute will be paid from

4. Once the Flow-Through has been determined, all of the item(s)/supplies(s)/purchased service(s) and travel have been determined and the staffing has been determined, the Grant Writer will begin compiling the information into the IDEA Grant Narrative and the IDEA FS-10 Budget form
    - The Grant Writer will create a draft narrative to be submitted to the Department of Education for review with the FS-10 budget
    - The Grant Writer will then fill in the FS-10 Budget with the amounts determined previously
    - The Grant Writer will review both the budget narrative and the FS-10 budget with Special Education Office
        - If the budget narrative and FS-10 budget are accepted, the Grant Writer will review the FS-10 budget with the Business Office to make sure that the amounts indicated on the budget match the amounts indicated in the draft budget
            - If the amounts match, the budget narrative and the FS-10 budget are forwarded to the Superintendent for review
            - If the amounts do not match, the Grant Writer and the Business Office will review and reconcile the FS-10 budget until the FS-10 budget matches the draft budget
        - If the budget narrative and FS-10 budget are not accepted, the Grant Writer will review with the Special Education Director until the budget narrative and FS-10 budget is approved and accepted by the Special Education Director

5. Once the budget narrative and FS-10 Budget form is accepted and approved by the Superintendent, the Grant Writer will forward a copy of both the narrative and budget to the Business Office
    - The Business Office compares the total FS-10 budget to the IDEA allocation to ensure that there were no more adjustments made to the budget before submission and that the budget total matches the allocation listed at: http://www.p12.nysed.gov/sedcar/federal/2018-19/allocations_public_1819.html
    - If the budget does NOT match the allocation, the Business Office will return the budget narrative and FS-10 Budget form back to the Grant Writer for revision
    - If the budget does match the allocation, the Business Office will:
        - Assign account codes in our financial software system (Finance Manager)

- Input Budget appropriation amounts that reflect the budget on the FS-10 budget form
- Input Revenue amount equal to the Budget appropriation amount
- Create a Chart of Accounts using an Excel spreadsheet
- Once the budget appropriation amounts are input into Finance Manager, the Business Office will run a Budget Status Report and give to the following people:
  - Grant Writer
    - The Grant Writer uses this to know what coding to use to when giving the Secretary of Special Education a requisition request
  - Requisitioner
    - If the Grant Writer is unavailable for coding questions, the requisitioner has a list of codes he or she can refer to
  - Human Resources Office
    - Uses the coding to assign codes to teachers, psychologists, PSA's, secretaries and other staff being paid from the grant
  - Business Office
    - Each grant has a file/binder, this is the first page of each grant file/binder
      i. Also included in the binder are Budget Status Reports, Permission slips, correspondences, amendments (if any), revenue and copies of journal entries pertaining to the particular grant
- Permissions to requisition:
  - Each grant has a different requisitioner
  - A permission sheet is sent to Information Technology listing the User Names of the requisitioner and approvers. The permission sheet also specifies which codes to allow the requisitioner and approvers to access

6. Once the District receives the Grant Award Letter signifying that the grant has been approved, the Grant Writer will inform the Secretary of Special Education. He or she will prepare a requisition request for the item(s)/supplies(s)/purchased service(s) identified in the FS-10 budget and the grant narrative.
   - The secretary will input a requisition request into our financial software program (Finance Manager)
   - The requisition request is forwarded to the Superintendent for approval
   - After the Superintendent approves, the requisition request is forwarded to the Business Office for approval
   - The Business Office verifies that the item(s)/supplies(s)/purchased service(s) are written into the narrative as well as included in the descriptions identified in the FS-10 budget:
     - If the item(s)/supplies(s)/purchased service(s) are written in the narrative and listed in the FS-10 Budget, the requisition request is:
       - Recorded on a spreadsheet specific to the code used for said item(s)/supplies(s)/purchased service(s)
       - Approved

- If the item(s)/supplies(s)/purchased service(s) are not written in the narrative and/or not listed in the FS-10 Budget, the requisition request is put on hold and the following process occurs:
  - The Business Office verifies that the item(s)/supplies(s)/purchased service(s) are allowable expenses using the matrix listed at this website: http://www.p12.nysed.gov/specialed/finance/allowableosts-IDEA611.pdf
  - The Business Office requests a verbal explanation of why the item(s)/supplies(s)/purchased service(s) was not written into the narrative or FS-10 Budget. There could be several different reasons, the most common reason is a change in IEP or a student now deemed to need Special Education equipment
  - The Business Office will determine if the item(s)/supplies(s)/purchased service(s) requested are necessary and appropriated based upon the parameters of the grant
  - If the item(s)/supplies(s)/purchased service(s) are deemed necessary, appropriate and allowable, the requisition request is approved
  - If the item(s)/supplies(s)/purchased service(s) are deemed unnecessary, inappropriate and "unallowable," then the requisition request is denied and funding must be sought elsewhere
- Once the requisition request is approve, the requisition will be converted into a Purchase Order

7. Purchase Orders Conversion
   - Once a requisition request is converted to a Purchase Order, the Purchasing Secretary provides a copy of the Purchase Order to the warehouse receiver (If there is a physical item to be delivered, the Warehouse Receiver receives a copy of the Purchase order. If there is no physical item to be delivered (e.g. – if the Purchase Order is for Professional development, then the Warehouse Receiver does not require a copy of the Purchase Order), the requisitioner, Accounts payable and the vendor.
     - The Warehouse Receiver (if the Purchase Order contained physical items such as supplies or special equipment):
       - The receiver will retain a copy of the Purchase Order until the order arrives at the warehouse
       - Once delivered, the receiver will reconcile what is delivered to what is listed on the purchase order
       - If there is a discrepancy, the receiver will bring it to the attention of the requisitioner who will then inquire with the company purchased from as to the discrepancy
       - If there is no discrepancy, the receiver will send the copy of the Purchase order, along with the packing slip, to the requisitioner
     - The Requisitioner:
       - The requisitioner will keep a copy of the Purchase Order until an invoice and packing slip is received
       - Once an invoice is received, the requisitioner will sign the invoice and the purchase order

        - The 2 copies of the Purchase Orders, along with the invoice and packing slip are sent to Accounts Payable for processing
    - Accounts Payable:
        - When Accounts Payable receives the packet of the 2 copies of the Purchase Order, the invoice and the packing slip, they will attach their original copy of the Purchase order to said packet
        - Their original copy of the Purchase Order is reconciled to the packet received from the requisitioner
        - Accounts Payable will then input the information into our financial software system (Finance Manager)
        - A check will be printed and sent, along with the voucher packet (Purchase orders, invoices, packing slips, etc) to our internal Claims Auditor for approval
        - The Claims Auditor reviews the voucher packages for district purchasing policy compliance
            - If the voucher packets are approved, checks are released and mailed
            - If the voucher packets are disapproved, the District will resolve the issue until the packet is approved for mailing
    - The Vendor:
        - Receives a copy of the Purchase order
        - Fills order
        - Ships to the District

8. Check Packets
    - After the Internal Claims Auditor releases the check packets, the packets pertaining to grant funds are given to the Business Office:
        - Business Office prints out a copy of the Check Warrant from Finance Manager
        - Business Office records the PO, check number, check date and check amount on a spreadsheet corresponding to the code from where the money was distributed from
        - After all checks are logged, the Business Office reconciles each account code affected on the spreadsheet to the Budget Status Report from Finance Manager

9. Monthly Reports
    - On the first business day of every month, the Business Office will distribute Budget Status Reports to the Grant Writer
    - These reports are used to determine, based on remaining budget, what additional POs need to be input into Finance Manager or if there needs to be a transfer of funds or if there needs to be an amendment completed or if there are any cost changes
        - The Business Office will reconcile what expenses have already been input to Finance Manager to the original FS-10 Budget to determine what, if any, items have not been requisitioned.
        - Transfer of funds can occur if the transfer increase does not exceed $1,000 or 10% of the original budget. If the transfer violates this rule, then an amendment is submitted to NYSED

- If it is determined that transferring budget into a code would violate the 10% Rule, an amendment would need to be submitted to the Grantor. The Grant Writer would fill out an FS-10A form, indicating where budget would be re-allocated and submit to NYSED
    - The District usually prepares and submits amendments in January or February. This allows for time for the amendment to be processed and the District to be able to utilize funds before the end of the grant year
    - Once the amendment is approved, the Grant Writer will give a copy of the approval letter to the Business Office so that a journal entry can be input into Finance Manager
- If a program or item has changed significantly (increased or decreased), the Special Education Office should make the Business Office aware of such change.
    - If the program or item has increased in value, the Special Education Office and the Business office would meet to discuss the possible funding sources (whether the funding source be through transferring budget to cover the increase or using General Fund budget to cover the cost of the program or item)
    - If the program or item has decreased in value, the Special Education Office and the Business office would meet to discuss other options of spending the budget that was allocated for that specific program or item
        - If it's determined that a new program or item can be funded through the excess in budget over the decrease, the program or item is verified for allowability by the Grant Writer

10. Requesting Grant funds during the Grant year
    - Monthly, the Business Office will review the Budget Appropriation Status report for all grants
    - If it is determined that the District should request reimbursement from the Grantor (whether State or Federal), the Business Office will submit an FS-25 Request for Funds Form
        - The Business Office determines if they should request funding if the expenses exceed $100,000 (less any revenue earned)
        - If a grant has incurred net expenses of more than $100,000, an FS-25 Form will be submitted
            - Exceptions:
                - Indian Education – draw down quarterly
                - CN Equipment – reimbursed 100% after FS-10F submitted
                - Promise – Grantor is invoiced quarterly and District is reimbursed after Grantor processes invoice
                - Focus on Families – Grantor is invoiced quarterly and District is reimbursed after Grantor processes invoice
                - OSC TV – receive check for full amount of the grant in the first quarter of the new calendar year (usually by March)
        - When the District receives the reimbursement, the revenue is booked to the revenue code of the grant the reimbursement pertains to

11. At grant year-end, the FS-10F (Final Expenditure Report) is completed by the Business Office
    - All expenditures are reviewed against the Allowable/Unallowable Expense list before completion of the FS-10F form
    - The Business Office will reconcile payroll and other expenses from Payroll Reports and Expense Spreadsheets to the reports obtained from Finance Manager
    - Once the reconciliation balances, the Business Office will input the information on the FS-10F form
    - One more review of the form is performed
    - The FS-10F form is then sent to the Superintendent for signature
    - Once signed, the FS-10F form is submitted to Department of Education for reimbursement of grant monies

**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 buildings, provided that such budget will include a rental, operations, and maintenance section that

(Continued)

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

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 4% 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.

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.

(Continued)

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

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

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

(Continued)

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

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; and a schedule of reserve funds setting forth the name of each reserve fund, a description of its purpose, the balance as of the close of the third quarter of the current fiscal year, and a brief statement explaining any plans for the use of each reserve fund for the ensuing fiscal year; and

e) The District's school tax levy limit calculation. The District will submit its school tax levy limit calculation to the Office of the State Comptroller, 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).

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 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;

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

(Continued)

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

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

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

e) The cumulative impact of all exemptions granted.

Notice of this report 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 3/25/2010 amended 3/26/2020

Non-Instructional/Business Operations

**SUBJECT: SCHOOL DISTRICT BUDGET HEARING**

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

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

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

**Dissemination of Budget Information**

Copies of the proposed annual operating budget for the succeeding year and all required attachments may be obtained by any District resident. Requests for copies of the proposed budget should be made at least seven days before the budget hearing. Copies will 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 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 will mail a School Budget Notice to all qualified voters of the District after the date of the Budget Hearing, but no later than six days prior to the Annual Meeting and Election or Special District Meeting at which a school budget vote will occur. The Budget Notice will compare the percentage increase or decrease in total spending under the proposed budget over total spending under the District budget adopted for the current school year, with the percentage increase or decrease in the Consumer Price Index from January first of the prior school year to January first of the current school year.

The District will also include in the notice:

a) The school tax levy limit;

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

(Continued)

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

c) The total permissible exclusions; and

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

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

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

Notice of Budget Hearing/Availability of Budget Statement:
Education Law §§ 1608(2), 1716(2), 2003(1), 2004(1), 2023-a, and 2601-a(2)
Election and Budget Vote:
Education Law §§ 1804(4), 1906(1), 2002(1), 2017(5), 2017(6), 2022(1), 2023-a, and 2601-a(2)
Budget Development and Attachments:
Education Law §§ 1608(3), 1608(4), 1608(5), 1608(6), 1608(7), 1716(3), 1716(4), 1716(5), 1716(6), 1716(7), 2022(2-a), 2023-a, and 2601-a(3)
8 NYCRR §§ 100.2(bb), 170.8, and 170.9

Adoption Date 3/25/2010 Amended 3/26/2020

NIAGARA FALLS CITY SCHOOL DISTRICT
Niagara Falls, New York

***2010*** 5130

Non-Instructional/Business Operations

**SUBJECT: BUDGET ADOPTION**

The Board of Education shall review the recommended budget of the Superintendent of Schools and shall seek public input and feedback regarding the recommended budget including, but not limited to, holding a public budget hearing not less than seven (7) nor more than fourteen (14) days prior to the Annual District Meeting and Election at which the budget vote is to occur. The Board may modify the recommended budget of the Superintendent prior to its submission to District voters. Final authorization of the proposed budget is dependent upon voter approval unless a contingency budget is adopted by the Board.

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. In the alternative, if the initial proposed budget is defeated, the Board may adopt a contingency budget and levy taxes as necessary for implementation of the contingency budget expenditures. If the voters fail to approve the second budget submittal, or budget proposition(s), the Board shall adopt a contingency budget in accordance with law.

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

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

Education Law Sections 1608, 1716, 1804(4), 1906(1), 2002(1), 2003(1), 2007(3)(b), 2004(1), 2022, 2023 and 2601-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(bb), 170.8 and 170.9

ADOPTED 3/25/2010

Adopted: **March 25, 2010**

**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 contingent codes or from non-contingent to contingent codes. Transfers can never be made from contingent areas to non-contingent areas of budget nor between non-contingent areas of the budget . Whenever changes are made, they are to be incorporated in the next Board agenda for informational purposes only.

**Statement of the Total Funding Allocation**

When required by law, the District will annually submit, prior to July 1, to the Commissioner of Education and the Director of the Budget a detailed statement of the total funding allocation for each school in the District for the upcoming school budget year. This statement will be in a form developed by the Director of the Budget, in consultation with the Commissioner of Education. This statement will be made publicly available and posted on the District website.

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

Adoption Date 02272020

**SUBJECT: CONTINGENCY BUDGET**

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

If the original proposed budget is not approved by District voters at the Annual District Meeting and Election, the Board has the option of either resubmitting the original or revised budget for voter approval at a special meeting held at a later date; or the Board may, at that point, adopt a contingency budget and levy a tax for teachers' salaries and ordinary contingent expenses as enumerated in law. If the Board decides to submit either the original or a revised budget to the voters for a second time, and the voters do not approve the second budget submittal, the Board shall adopt a contingency budget and levy a tax for those expenditures mandated pursuant to law and/or for those services necessary to maintain the educational program.

The contingency budget will include the sum necessary for teachers' salaries (i.e., professional educator positions certificated by the State Education Department which include teachers, administrators, teaching assistants, and professional specialists in the various areas of pupil personnel services) and ordinary contingent expenses as determined by the Board in accordance with law including, but not limited to, the purchase of library books and other instructional materials associated with the school library; expenses for cafeteria or restaurant services; and expenses incurred for interscholastic athletics, field trips and other extracurricular activities. Ordinary contingent expenses include, but are not limited to, legal expenses incurred by the District; expenditures specifically authorized by statute; and other items necessary to maintain the educational program, preserve property, and assure the health and safety of students and staff. As deemed necessary, school counsel may be consulted for review as to those items considered to be ordinary contingent expenses prior to Board adoption of the contingency budget.

If any question shall arise as to what are ordinary contingent expenses the same may be referred to the Commissioner of Education, by a statement in writing, signed by one or more of each of the opposing parties upon the question, and the decision of the Commissioner shall be conclusive.

In accordance with law, the contingency budget will reflect the statutory expenditure limits imposed on the administrative component of the contingency budget as well as the total spending authorized in the overall contingency budget.

With regard to overall District spending, the contingency budget, as a whole, shall not result in a percentage increase in total spending over the District's total spending under the School District budget for the prior year that exceeds the lesser of:

a) The result when one hundred twenty percent (120%) is multiplied by the percentage increase in the Consumer Price Index (CPI), with the result rounded to two decimal places; or

(Continued)

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

b) Four percent (4%).

Additionally, 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.

The Consumer Price Index to be used refers to the percentage that represents the average of the national consumer price indexes determined by the U.S. Department of Labor for the twelve-month period preceding January first of the current year.

In determining the increase in total expenses when computing the contingency budget percentage increase, the following expenditures shall be disregarded:

a) Expenditures resulting from a tax certiorari proceeding;

b) Expenditures resulting from a court order or judgment against the School District;

c) Emergency expenditures that are certified by the Commissioner of Education as necessary as a result of damage to, or destruction of, a school building or school equipment;

d) Capital expenditures resulting from the construction, acquisition, reconstruction, rehabilitation or improvement of school facilities, including debt service and lease expenditures, subject to the approval of qualified voters;

e) Expenditures in the contingency budget attributable to projected increases in public school enrollment, which may include increases attributable to the enrollment of students attending a pre-kindergarten program established in accordance with Education Law Section 3602-e;

f) Non-recurring expenditures in the prior year's School District budget;

g) Expenditures for payments to charter schools; and

h) Expenditures for self-supporting programs (i.e., any programs that are entirely funded by private funds that cover all the costs of the program).

In addition, the Board of Education shall be authorized to add appropriations for the following:

(Continued)

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

a) The categories of expenditures listed in a) through h) above subject to the approval of qualified voters;

b) Expenditures resulting from an actual increase in enrollment over the projected enrollment used to develop the contingency budget; and

c) Expenditures of gifts, grants in aid for specific purposes or for general use or insurance proceeds in addition to that which has been previously budgeted.

Should the Board of Education adopt a contingency budget, it will officially pass a resolution reflecting such action; and that resolution shall incorporate by reference a statement specifying the projected percentage increase or decrease in total spending for the school year, and explain the reasons why the Board disregarded any portion of an increase in spending in formulating the contingency budget.

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

Adopted: **March 25, 2010**

# City School District of the City of Niagara Falls
# Emergency Remote Instruction Plan

## INTRODUCTION

The City School District of the City of Niagara Falls developed the following Emergency Remote Instruction Plan to address the instruction of students if extraordinary circumstances prevent students and staff from physically attending school. The Emergency Remote Instruction Plan meets the requirements of New York State Education Commissioner's Regulations for inclusion in the 2023-2024 District-Wide School Safety Plan.

## BACKGROUND INFORMATION

The NYS Education Department (NYSED) authorized a "snow day pilot" program during the Covid-19 pandemic 2020-2021 and 2021-2022 school years. This program allowed school districts to deliver instruction remotely on days in which they would otherwise have closed due to an emergency.

To give districts greater predictability, in September 2022, the NYSED Board of Regents amended section 175.5(e) of the Commissioner's regulations to codify this flexibility. Districts that would otherwise close due to an emergency may, but are not required to, remain in session and provide instruction through remote learning and count these instructional days towards the annual hours requirement for State Aid purposes. Instruction must be provided to all students and be consistent with the definition of remote instruction, as explained below. In addition, beginning with the 2023-2024 school year, such instruction must be consistent with the school district's Emergency Remote Instruction Plan.

NYSED also amended section 155.17 of the Commissioner's regulations to require public schools, BOCES, and county vocational education and extension boards amend their District-Wide School Safety Plans to include plans for remote instruction beginning with the 2023-2024 school year. This gives the public an opportunity to provide feedback on such plans for remote instruction prior to their adoption. The Emergency Remote Instruction Plan must include the methods that the school district will ensure the availability of: devices; internet access; provision of special education and related services for students with disabilities; the expectations for time spent in different remote modalities.

Such plans also require that each chief executive officer of each educational agency located within a public school district report information on student access to computing devices and access to the internet each year.

NYSED additions to section 100.1 of the Commissioner's regulations define the term "remote instruction." This definition identifies various ways in which remote instruction may be delivered, but which must include, in all situations, regular and substantive teacher-student interaction with an appropriately certified teacher.

The NYS Board Regents adopted the amendments noted above that became effective as a permanent rule on September 28, 2022. Sections 200.7, 200.16, and 200.20 of the Regulations of the Commissioner of Education were amended, and became effective September 13, 2022, and December 12, 2022, as an emergency action for the preservation of the general welfare to

permit approved special education providers to provide remote instruction in the 2022-2023 school year on days they would otherwise close due to an emergency and to count such instructional days towards 14 minimum requirements and to identify the ways in which such remote instruction may be delivered. These amendments relate to remote instruction and its delivery under emergency conditions for students in approved private schools for the education of students with disabilities, state-supported schools, state-operated schools, and approved preschool special education programs. These updated regulations now provide the same flexibility for remote instruction under emergency conditions that was given to school districts. The effective date of the final rule was January 25, 2023.

## REMOTE INSTRUCTION

The Commissioner's regulations define remote instruction as “instruction provided by an appropriately certified teacher, or in the case of a charter school an otherwise qualified teacher pursuant to Education Law §2854(3)(a-1), who is not in the same in-person physical location as the student(s) receiving the instruction, where there is regular and substantive daily interaction between the student and teacher.” For the purpose of this plan, remote instruction means the instruction occurring when the student and the instructor are in different locations due to the closure of one or more of the district's school buildings due to emergency conditions as determined by the Superintendent of Schools. Emergency conditions include, but are not limited to, extraordinary adverse weather conditions, impairment of heating facilities, insufficient water supply, prolonged disruption of electrical power, shortage of fuel, destruction of a school building, shortage of transportation vehicles, or a communicable disease outbreak, and the school district would otherwise close due to such an emergency.

## UNSCHEDULED SCHOOL DELAYS AND EARLY RELEASES

Instructional hours that a school district scheduled but did not execute, either because of a delay to the start of a school day or an early release, due to emergency conditions, may still be considered as instructional hours for State Aid purposes for up to two instructional hours per session day, provided the School Superintendent certifies such to NYSED, on the prescribed NYSED form, that an extraordinary condition existed on a previously scheduled session day and that school was in session on that day (NYSED Part 175.5).

The Emergency Remote Instruction Plan shall identify various ways in which instruction may be delivered, including synchronous and asynchronous instruction. In all situations, remote instruction requires regular and substantive teacher-student interaction with an appropriately certified teacher.

Synchronous instruction engages students in learning in the direct presence (remote or in-person) of a teacher in real time. During remote instruction, students and teachers attend together from different locations using technology. Asynchronous instruction is self-directed learning that students engage in learning without the direct presence (remote or in-person) of a teacher. Students access class materials during different hours and from different locations. During an emergency closing, synchronous instruction is the preferred method of instruction, whereas asynchronous instruction is considered supplementary instruction.

## ENSURING ACCESSIBILITY AND AVAILABILITY (INTERNET, COMPUTERS / DEVICES)

The City School District of the City of Niagara Falls shall survey families to find out who has a reliable high-speed internet connection. A survey conducted in 2020 identified families who live in the district that do not have access, therefore remote learning is a challenge, if not impossible, for these students. Since 2020, every student who enrolls in the district provides information on internet access and computer accessibility. All survey information is stored and available in Microsoft Teams. When students do not have internet access, the district works with the families to develop a plan to provide instructional materials for them as well as a process for recording attendance and grading. The district works with the community to provide locations where internet access could be used if they are able to use these locations.

Commissioner's regulation 115.17(f) outlines the annual data collection that districts must submit to SED every year by June 30. It requires the school district to survey families regarding internet and device access at the student's place(s) of residence. The chief executive officer (School Superintendent) shall survey students and parents and persons in parental relation to such students to obtain information on student access to computing devices and access to internet connectivity.

District policy [8270 – Instructional Technology, 7317 – Laptop Computer Distribution, Use and Collection, 5170 – Emergency Remote Instruction] and procedures are followed to ensure computing devices are made available to students or other means by which students will participate in synchronous instruction.

# City School District of the City of Niagara Falls

## Emergency Remote Instruction Plan

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| POLICIES | The plan adheres to guidance set forth in the following Board of Education policies: [Policy 5170 – Emergency Remote Instruction, Policy 8270 – Instructional Technology, Policy 8271 – Children's Internet Protection Act: Internet Content Filtering/Safety Policy, Policy 7317 – Laptop Computer Distribution, Use and Collection, Policy 6410 – Staff/Students Acceptable Use policy (AUP) for District Computer Systems]. |
| INTERNET AND DIGITAL DEVICE ACCESS | The school district provides all students in grades K-12 access to a personal laptop computer. In the event of an emergency, closing provisions will be made to the greatest extent possible to ensure that all students have their device at home for instruction.<br><br>The school district participates fully in the SED Digital Access Survey along with locally developed surveys to assess how many students have internet access at home. The district provides hotspots to any families that indicate a need for reliable internet to facilitate access to learning at home.<br><br>All faculty should have an alternative general activity for students in the instance that widespread power outages or other disruptions to connectivity occur preventing synchronous connection. If students lose connectivity, then the expectation is they will complete the alternate assignment provided. |
| PEDAGOGY | All teachers in grades K-12 will use [Microsoft Teams - Office 365] as their primary instructional platform.<br><br>Several district provided instructional technology software programs are available to support instruction along with a wide array of other resources curated by faculty. Teachers will utilize these programs to differentiate instruction, accessing a variety of delivery methods that best suit their course, grade level, and teaching style. The instructional approach may include a combination of:<br><br>Synchronous "Live" Instruction - Using [Microsoft Teams] along with other digital platforms, teachers will deliver real time instruction to a full group or subset of students. Teachers may incorporate asynchronous or project based opportunities within this model.<br><br>Teachers will make personal connections with all students during scheduled class times via [Microsoft Teams]. These connections will allow teachers to take attendance, introduce new content or skills and will allow students to connect with their teachers and peers in order to be guided through lessons, ask questions, and maintain personal relationships. The duration of these synchronous connections depends on the grade level and daily instructional |

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| | plan but should be the primary mode of instruction and substantial enough to guide learning.<br>Asynchronous “Flipped” Instruction - Using a variety of digital platforms, teachers will deliver captured or recorded lessons with associated expectations for students participation and assignment completion [Near Pod]. These activities may include teacher/student synchronous interactions for a portion of the lesson.<br><br>Authentic Independent Instruction - Using a variety of methods, teachers will engage students in high quality learning activities. These activities must engage students in the learning process. Teachers will provide assistance to students in this mode of instruction through asynchronous and synchronous methods outlined above. |
| STUDENT EXPECTATIONS | All students will receive information on how to access course material and instruction from their teachers. Students are expected to follow all directions and requests to participate in instruction to the fullest extent possible. During synchronous instruction students are expected to be school ready. This includes being on time for class, engaging fully through video and audio as directed by their teacher, and presenting themselves in a manner that is in accordance with school expectations.<br><br>All students are expected to practice appropriate digital etiquette and responsible behavior during assigned [Microsoft Teams]:<br>• Mute yourself on meets as directed by your teacher<br>• Cameras are to be kept on during classroom meets unless directed specifically by your teacher to do otherwise.<br><br>Students are expected to work in an appropriate setting when participating remotely / on-line. Work places include a desk, table, kitchen counter, etc... Other locations are not appropriate or acceptable.<br><br>Student dress must be appropriate in all platforms - the Student Dress Code section of the Student Handbook / Code of Conduct applies to students in all platforms.<br><br>If there are any circumstances preventing full and appropriate participation the student should let the teacher know. As this is a required attendance day, students must fulfill expectations for satisfactory participation as determined by their teacher. |
| DAILY SCHEDULE | The virtual day will follow the same schedule framework as the HS, MS and Elementary School to which the student is assigned. As with all school schedules, appropriate breaks will be included in the daily schedule for students and faculty, including time for lunch. Students will attend all assigned classes at their scheduled time. The method of instructional delivery will vary to facilitate appropriate screen time per age level within these parameters. (https://www.nfschools.net/domain/3027) |

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| COMMUNICATION PROTOCOL: INTERVENTION | Teachers will follow the same communication protocols that are established in school for addressing areas of academic or behavioral need. This includes a combination of email, phone calls, and academic/behavioral referrals to the administration. All effective strategies should be accessed to maintain effective communication. |
| SPECIAL SERVICES | School districts are required to implement supports, services and accommodations, as indicated in students' IEPs or 504 Accommodation Plans, to the best of their ability. NYSED recognizes that there may be limitations to implementing certain services or accommodations through remote instruction and as a result, encourages districts to apply a "lens of reasonableness" to their approach. Please see Emergency Remote Instructional Supports for Students with Disabilities [insert hyper link] for specific guidelines. |
| NON- INSTRUCTIONAL SERVICES<br>• TRANSPORTATION<br>• FOOD SERVICE<br>• MAINTENANCE<br>• CUSTODIAL<br>• CLERICAL/ ADMINISTRATIVE SUPPORT | When a school district is in remote session, non-instructional services may still be required to report to work to perform critical services related to their area of expertise. In the event that the change to remote instruction is due to a snow or other weather emergency, such change will likely impact transportation and other critical services. Decisions whether or not non-instructional employees should report to work will be made and communicated in real time by the appropriate supervisor or administrator based on whether services can be provided in a safe and efficient manner. |

NYSED Plan Requirements

1. Policies and procedures to ensure computing devices will be made available to students or other means by which students will participate in synchronous instruction;
2. Policies and procedures to ensure students receiving remote instruction under emergency conditions will access internet connectivity;
3. Expectations for school staff as to the proportion of time spent in synchronous and asynchronous instruction of students on days of remote instruction under emergency conditions with an expectation that asynchronous instruction is supplementary to synchronous instruction;
4. A description of how instruction will occur for those students for whom remote instruction by digital technology is not available or appropriate;
5. A description of how special education and related services will be provided to students with disabilities and preschool students with disabilities, as applicable, in accordance with their individualized education programs to ensure the continued provision of a free appropriate public education; and
6. For school districts that receive foundation aid, the estimated number of instructional hours the school district intends to claim for State Aid purposes for each day spent in remote instruction due to emergency conditions pursuant to section 175.5 of this Chapter.

## INSTRUCTIONAL HOURS FOR STATE AID AND REPORTING REQUIREMENTS

Pursuant to Section 175.5 of Education Law the school district may decide to transition to remote instruction in the event emergency conditions dictate the closure of the PreK through Grade 12 facilities. Under the provisions of New York State Education Law and the district Emergency Remote Instruction Plan any instruction sessions provided during the closure of the school facilities are counted towards annual hour requirements for meeting 180 days required for State financial aid.

Annual Hourly Requirements for the purpose of apportionment of State Aid (for districts receiving foundation aid) are noted below:

- 450 instructional hours for pupils in half-day kindergarten
- 900 instructional hours for pupils in full-day kindergarten and grades one through six
- 990 instructional hours for pupils in grades seven through twelve

The district estimates the number of instructional hours it intends to claim for State Aid purposes for each day spent in remote instruction due to emergency conditions from a minimum of 1 remote instruction day due to emergency conditions, up to the full year's annual hourly requirement.

## REPORTING

### IMMEDIATELY

Whenever a school building must close to instruction due to the activation of its District-Wide School Safety Plan or Building-Level Emergency Response Plan, a Report of School Closure must be submitted to the Commissioner of Education by the School Superintendent as required under CR 155.17(f) via the NYSED Report of School Closure portal. Even when remote instruction is provided during an emergency closure, a Report of School Closure must be submitted. This also applies when instruction can be delivered in an interim location or via another instructional modality.

When it is determined that it is safe to re-open a school building after an emergency closure, the School Superintendent must notify the Commissioner by completing a corresponding Report of School Re-Opening, via the NYSED Report of School Re-Opening portal.

The Report of School Closure is intended to provide immediate notification to the Commissioner regarding an emergency closure. The Report of School Re-Opening notifies the Commissioner of the re-opening and also collects the actual duration of the closure, the location and modality of instruction, and detailed information that may not have been available at the time of the closure.

Reasons for building closures may include, but are not limited to, natural disasters, power outages, instances of infectious disease, extraordinary adverse weather conditions and threats of violence. It is no longer required to submit a Report of School Closure for routine snow days.

### ANNUALLY BY JUNE 30TH

The School Superintendent shall notify the NYSED Commissioner the results of the survey on student access to computing devices and access to internet connectivity through the Student Information Repository System (SIRS) every year by June 30th.

## END OF THE SCHOOL YEAR

The school district shall report the Emergency Remote Instruction Plan through the State Aid Management System at the end of the school year. After the close of the school year starting with the ending of 2023-2024, the School Superintendent reports remote instructional days under emergency conditions through the State Aid Management System, and certifies this at the time NYSED's Form A is submitted as part of other required certifications. Using the NYSED prescribed form, the School Superintendent certifies to NYSED:

- That an emergency condition existed on a previously scheduled session day and that the school district was in session and provided remote instruction on that day;
- How many instructional hours were provided on such session day; and
- Beginning with the 2023-2024 school year, that remote instruction was provided in accordance with the district's Emergency Remote Instruction Plan.

## BOARD OF EDUCATION APPROVAL

As part of the District-Wide School Safety Plan, the school district's Board of Education shall make the Emergency Remote Instruction Plan available for public comment and public hearing for no less than thirty days (30) prior to adoption. The plan must be adopted as part of the District-Wide School Safety Plan annually prior to September 1st and posted on the district website in a conspicuous location.

## SUPPORT FOR STUDENTS WITH DISABILITIES DURING EMERGENCY CLOSING VIRTUAL INSTRUCTION

School districts are required to implement supports, services and accommodations, as indicated in students' IEPs or 504 Accommodation Plans, to the best of their ability, when providing virtual instruction.

Special education teachers who provide direct/indirect consultant services will initiate outreach to their students' general education teacher(s) to collaborate on instructional modalities and any necessary accommodations or modifications required of assignments or assessments for the day.

Special education teachers who teach resource room, self-contained special classes either content specific or specialized programs, should follow the same guidance and expectations as classroom teachers in regards to pedagogy, content, class meetings, and flexibility.

Teaching assistants are available for instructional support by way of participating in class meetings, keeping up on classroom assignments and expectations, and serving as additional academic support.

Related service providers are to provide “tele-therapy” services, to the best of their ability. Related service providers are expected to adhere to similar guidelines as other professionals in regard to student and teacher work at home, communication, and flexibility and they will use the students’ IEPs to determine an appropriate/reasonable level of communication and support.

Documentation Requirements: Special education personnel are expected to document all supports and services provided to students during this time. Document the manner, means, duration of time, follow up efforts, etc. IEP progress monitoring is required to be collected and reported to parents following the schedule listed on students’ IEPs. Medicaid session notes continue to be a requirement for eligible related service providers. Special education teachers/service providers are responsible to hold any virtual professional meetings already scheduled on a day that becomes a virtual instruction day.

NIAGARA FALLS CITY SCHOOL DISTRICT
Niagara Falls, New York

***2010*** 5210

Non-Instructional/Business Operations

**SUBJECT: REVENUES**

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

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

Adopted: **March 25, 2010**

**SUBJECT: DISTRICT INVESTMENTS**

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

**Objectives**

The objectives of this investment policy are four-fold:

a) Investments will be made in a manner so as to safeguard the funds of the District.

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

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

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

**Authorization**

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

The Treasurer 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 (Cont'd.)**

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

1. Deposits in excess of the amount insured by the Federal Deposit Insurance Corporation will be secured in accordance with subdivision 3 of the General Municipal Law Section 10.

2. The District may, in its discretion, authorize the bank designated for the deposit of District funds to arrange for the redeposit of such funds in one or more banking institutions, for the account of the District, through a deposit placement that meets the conditions set forth in General Municipal Law Section 10(2)(a)(ii).

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

**Implementation**

Using the policy as a framework, regulations and procedures 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 will 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 District transacts business; and

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

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

(Continued)

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

Education Law §§ 1604-a, 1723-a, 2503(1), and 3652
General Municipal Law §§ 10, 11, and 39
Local Finance Law § 165.00
Public Authorities Law § 2925

Adoption Date 3/25/2010 AMENDED 3/26/2020

NIAGARA FALLS CITY SCHOOL DISTRICT
Niagara Falls, New York

***2010*** 5230

Non-Instructional/Business Operations

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

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

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

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

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

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

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

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

**Gift Giving**

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

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

Adopted: **March 25, 2010**

NIAGARA FALLS CITY SCHOOL DISTRICT
Niagara Falls, New York

***2010*** 5240

Non-Instructional/Business Operations

**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 School Business Administrator to the Board of Education. Tax collection shall occur by mail or by direct payment to the place designated by the Board of Education.

**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 percentum of the assessed valuation determined by the Board if the owners meet the criteria established annually by the Board.

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

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

Education Law Section 2130
Public Health Law Section 2801
Real Property Tax Law Sections 1300-1342

Adopted: **March 25, 2010**

***2014*** 5250

Non-Instructional/Business Operations

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

Sale of School Property

No property with an estimated value exceeding $5,000 shall be sold without prior approval of the Board of Education and in case of sale of real property and motor vehicles for transportation of children the approval of the voters. However, the responsibility for such sales may be delegated. The net proceeds from the sale of school property shall be deposited in the General Fund.

Disposal of District Personal Property

Identification of District Personal Property No Longer in Service

Assets may be identified as no longer in service by an administrator, who is to notify the Purchasing Agent of such determination. Upon notification, the Purchasing Agent may declare the property as surplus.

Equipment

School District equipment, other than motor vehicles for transportation of children, that is obsolete, surplus, or unusable by the District shall be disposed of in such a manner that is advantageous to the District.

The Superintendent will be responsible for selling the equipment in such a way so as to maximize the net proceeds of sale which may include a bona fide on-site public sale preceded by adequate public notice., or may utilize an on-line auctioning service without public notice. If it is determined that reasonable attempts to dispose of the equipment have been made and such attempts have not produced an adequate return, the Superintendent or his/her designee may dispose of the equipment in any manner which he/she deems appropriate.

Textbooks

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

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

a) Sale of textbooks. If reasonable attempts to dispose of surplus textbooks fail to produce monetary return to the School District; then

b) Donation to charitable organizations; or

c) Disposal as trash.

Education Law Sections 1604(4), 1604(30), 1604(36), 1709(9), 1709(11), 2503, 2511 and 2512
General Municipal Law Sections 51 and 800 et seq.

Revised/Adopted: December 18, 2014

NIAGARA FALLS CITY SCHOOL DISTRICT
Niagara Falls, New York

***2010*** 5310

Non-Instructional/Business Operations

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

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

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

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

Adopted: June 24, 2010

NIAGARA FALLS CITY SCHOOL DISTRICT
Niagara Falls, New York

***2010*** 5320

Non-Instructional/Business Operations

**SUBJECT: EXPENDITURES OF SCHOOL DISTRICT FUNDS**

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

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

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

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

NOTE: Refer also to Policies #5321 -- Use of the District Credit Card
#5322 -- Use of the District Cell Phone
#5323 -- Reimbursement for Meals/Refreshments
#6161 -- Conference/Travel Expense Reimbursement

Adopted: June 24, 2010

NIAGARA FALLS CITY SCHOOL DISTRICT
Niagara Falls, New York

***2010*** 5321

Non-Instructional/Business Operations

**SUBJECT: CREDIT/PURCHASING CARDS**

The District recognizes that credit/purchasing cards are an essential requirement for persons traveling/purchasing supplies or materials in the ordinary course of business. The District also recognizes that credit/purchasing cards must be carefully controlled to prevent the possibility of fraud and abuse. The Superintendent shall be responsible for developing regulations and procedures governing the use and distribution of credit/purchasing cards among District employees.

Adopted: June 24, 2010

NIAGARA FALLS CITY SCHOOL DISTRICT
Niagara Falls, New York

***2010*** 5322

Non-Instructional/Business Operations

**SUBJECT: USE OF THE DISTRICT CELL PHONE**

**District-Owned Cell Phones That are Assigned to Individual**

A School District-owned cell phone will be issued to a District employee when required by that employee's job duties and as determined by the Superintendent or designee.

Additionally, the following rules shall apply regarding the use of a District-owned cell phone:

An annual amount will be deducted from the paycheck of each employee who is issued a District-owned cell phone. The amount will be divided equally over the employee's paycheck period. This deduction covers a proportionate amount of the base service charge for the use of the cell phone for personal phone calls made by the employee. The amount will be adjusted annually to represent approximately twenty-five percent (25%) of the basic service charge. In the event the employee's cell phone charges exceed the basic service charge due to personal calls, the employee will be required to pay the overage charges through a payroll deduction.

Adopted: **June 24, 2010**

NIAGARA FALLS CITY SCHOOL DISTRICT
Niagara Falls, New York

***2010*** 5323

Non-Instructional/Business Operations

**SUBJECT: REIMBURSEMENT FOR MEALS/REFRESHMENTS**

**Travel Outside of District/Emergency Meetings**

School 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 his/her 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.

**Staff/Board Meetings and District Events**

However, the Board of Education 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 an administrative and/or 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 expenditures must be appropriately documented with an itemized receipt and information showing the date and purpose of the meeting, food served, who attended the meetings and why the attendees needed food and/or refreshments to conduct School 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 School District official.

In no case will the costs for meals exceed the current Federal per diem meal rates for the geographic area.

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

Adopted: **March 25, 2010**

NIAGARA FALLS CITY SCHOOL DISTRICT
Niagara Falls, New York

***2010*** 5330

Non-Instructional/Business Operations

**SUBJECT: BUDGET TRANSFERS**

Within monetary limits as established by the Board to be five thousand dollars ($5,000), the Superintendent is authorized to transfer funds within the budget. For monetary limits over five thousand dollars ($5,000), whenever changes are made, they are to be incorporated in the next Board agenda for information only. All transfers made above the five thousand dollar ($5,0000) limit are subject to final approval by the Board.

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

Adopted: **June 24, 2010**

NIAGARA FALLS CITY SCHOOL DISTRICT
Niagara Falls, New York

***2010*** 5340

Non-Instructional/Business Operations

**SUBJECT: BORROWING OF FUNDS**

The School District may borrow money only by means of serial bonds, bond anticipation notes, capital notes, tax anticipation notes, revenue anticipation notes, budget installment purchase agreements, budget notes, and other capital lease agreements if applicable.

Local Finance Law Article 2

Adopted: **June 24, 2010**

Non-Instructional/Business Operations

NF/EB

SUBJECT: PURCHASING

A) The intention and measure of efficient and economical purchasing by the Purchasing Department shall be to acquire the best possible price for the best products and best services available within the budgetary limits for specific purposes.

B) The purchasing, receiving, storing and distribution of necessary supplies, equipment, and services for use in the education program and for the auxiliary services represent a significant expenditure in the school budget. These items must be procured efficiently and economically. The measure of efficient, economical purchasing is the degree to which the right items are provided at the right price, in the right quantity, to the right place, at the right time.

C) The Board declares its intention to purchase competitively without prejudice and to seek maximum education value for every dollar expended.

D) The acquisition of services, equipment and supplies shall be centralized in the Purchasing Department under the direction of the Purchasing Agent, which shall function under the supervision of the School Business Administrator.

E) All requests for expenditures, whether budget items or not, shall be subject to the approval of department heads and/or principals.

F) Purchasing procedures employed shall comply with all applicable laws and regulations of the state and per Board approved policies.

**Competitive Bids and Quotations**

The following POLICY ON PURCHASING PROCEDURES for the School District of Niagara Falls, New York, was first approved by the Niagara Falls Board of Education at its Regular Board Meeting of November 4, 1993, and at every subsequent yearly Reorganizational Meeting since:

The School District of the City of Niagara Falls, New York, shall comply with the New York State General Municipal Law, Chapter 413, Section 103 governing bid procedures for purchase contracts for items in excess of twenty thousand dollars ($20,000) and public work contracts of thirty-five thousand dollars ($35,000) or more within a given fiscal year.

The School District shall also adhere to the Education Law, Section 2513 in advertising for said bids. A legal notice shall be published in the School District's Official Newspaper, the **NIAGARA GAZETTE**, at least five (5) days prior to the opening of bids. Any additional advertising to stimulate competitiveness shall be at the discretion of the Administration, based on the subject of the bid.

(Continued)

The Administration has the right to request or waive the formality of a bid of performance bond in the preparation of the bid documents or award, depending on the scope of the bid.

Any sealed bids presented to the Administration after the advertised bid deadline shall remain sealed, time and date noted, and returned to the bidder.

Contracts shall be awarded to the lowest responsible bidder or based on best value in accordance with specifications, terms and conditions as set forth in the coordinating bid. In the event the Administration awards the contract to any bidder other than the lowest dollar offered, based on best value, they shall be required to present justification as to why the purchase was in the best interest of the School District.

The Purchasing Agent shall try to maintain updated Minority Vendor Listings from the published documents and internal records, and whenever possible shall include minority vendors as part of the bidders' list.

In keeping with the Affirmative Action Policy of the School District of the City of Niagara Falls, the Board will attempt to commit five percent (5%) of the total purchases to minority vendors. They shall also encourage capital project contractors to make every reasonable effort to establish the level of minority participation at a minimum of five percent (5%) of the contractor's labor force and/or material purchases from minority enterprises.

All factors being equal, a tie bid shall be awarded to a local vendor. However, in keeping with the Affirmative Action Policy of the School District of Niagara Falls, if a tie exists concerning a local vendor and a minority vendor, all things being equal, the Board of Education will split the award at the consent of both vendors involved. In the absence of consent of both parties, or if the award does not warrant dividing, the tie will be given to the Minority Vendor. When a Minority Vendor and an Out-of-town vendor tie, the tie will be given to the Minority Vendor. In all instances, the Minority Vendor designation must be identified by an official certification accompanying the bid.

**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.

(Continued)

**Procurement of Goods and Services**

Under Section 104-b of the General Municipal Law, effective January 1, 1992, procurement of goods, and services for which competitive public bidding is not required [items not meeting the dollar limitation value of twenty thousand dollars ($20,000) or public works of thirty-five thousand dollars ($35,000)] must still be done in a manner so as to assure the prudent and economical use of public monies, in the best interest of the taxpayers, to facilitate the acquisition of goods, and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

a) Solicitation for verbal or written quotations shall be done in the procurement of most equipment, costly supplies, and any time a quantity discount can be realized. Variables such a delivery, assembly, lead-time, cost, etc., will determine the mode the Purchasing Department will use in the quotation procedure, and will canvass at least three (3) vendors for pricing.

b) Formal bid procedures may still be utilized at the discretion of the Purchasing Agent if he/she ascertains any advantages can be realized over informal quotations for better pricing, quality, and delivery.

c) Written Quotations should be received for any public works not subject to competitive bidding in the best interest of the Board, and the Administration will decide at that time whether a performance bond is required.

d) Whenever possible, Requests for Proposals will be accepted for Professional Services that are usually exempt from the bidding process.

e) A Selection Criteria will be determined prior to the solicitation of a Request for Proposals by and RFP Selection committee, The committee to be determined by the Superintendent of Schools.

Circumstances where purchases should not be held, awaiting solicitation of bids or quotations should be:

a) Emergencies where time is a crucial factor: (Documentation should accompany purchase request.)

1. When the situation arises out of an accident or unforeseen occurrence or condition.
2. When property, life, health, or safety, are affected.
3. When situations that require immediate attention occur which cannot await public bidding.

(Continued)

b) Certain Food Purchases: Whenever possible, quotations are to be done to ascertain that we are getting the best prices possible in the interest of the School District. However, since most food purchases are purchased to compliment meals prepared in conjunction with Free Government Commodities given to the Board on a monthly basis, lead time does not warrant procurement of these types of foods on a formal bid/quote basis.

c) Sole Source Commodities: The administration must ascertain that these types of commodities are indeed sole source by obtaining documentation.

d) Professional Services, which do not lend themselves to procurement through solicitation will require a Professional Services Justification Form which will be approved by the Purchasing Agent.

e) Purchasing items through the New York State Contract (General Municipal Law 104.)

f) Purchasing articles manufactured in the State Correctional Institutions (Correction Law, Sections 184, 186).

g) Purchasing items from Agencies for the Blind or Disabled (State Finance Law, Section 175-b)

h) Curriculum will be selected via the District Steering Committee. Procurement of Curriculum materials which may include print and non-print items, training, subscriptions and licensing will be approved by Board of Education Resolution.

**Cooperative Purchasing**

A resolution was approved by the Niagara Falls Board of Education at its Regular Board Meeting on July 2, 1998, and at every subsequent yearly Reorganizational Meeting, to endorse cooperative purchasing through the BOCES agencies, and/or various municipalities and government agencies which would benefit the District, expand its purchasing power, and which would be in the best interest of the Niagara Falls City School District. This would include purchasing from bid results made available by those municipalities who include local government or school districts in the specifications to vendors.

**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 of format, other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for each student with a disability, including students requiring Section 504 Accommodation Plans, enrolled in the School District). Alternative formats include, but are not limited to, Braille, large print, open and closed captioned, audio, or an electronic file in an approved format as defined in Commissioner's Regulations.

(Continued)

SUBJECT: PURCHASING
(Cont'd.)

**District Plan**

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 district 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, contracts with publisher executed on and after December 3, 2006 for textbooks and other printed core materials *must* include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this will not add any cost to the contract).

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

**Environmentally Sensitive Cleaning and Maintenance Products**

In accordance with Commissioner's Regulations, State Finance Law and Education Law, effective with the 2006-2007 school year, the District shall follow guidelines, specifications and sample lists when purchasing cleaning and maintenance products for use in its facilities. Such facilities include any building or facility used for instructional purposes and the surrounding grounds or other sites used for playgrounds, athletics or other instruction.

Environmentally sensitive cleaning and maintenance products are those which minimize adverse impacts on health and the environment. Such products reduce as much as possible exposures of children and school staff to potentially harmful chemicals and substances used in the cleaning and maintenance of school facilities. The District shall identify and procure environmentally sensitive cleaning and maintenance products which are available in the form, function and utility generally used.

(Continued)

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 its personnel of the availability of such guidelines, specifications and sample product lists.

**Contracts for Goods and Services**

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

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

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 ten thousand 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.

20 United States Code (USC) Section 1474(e)(3)(B)
Education Law Sections 305(14), 409-i, 701, 1604, 1709, 1950, 2503, 2554, and 3602
General Municipal Law Articles 5-A and 18
State Finance Law Sections 162 and 163-b
8 New York Codes of Rules and Regulations (NYCRR) Sections 155, 170.2, 200.2(b)(10), 200.2(c)(2) and 200.2(i)

Adoption Date June 24, 2010
Revised August 26, 2010; July 6, 2023; revised July 1, 2025
Readopted:

# CITY SCHOOL DISTRICT OF THE CITY OF NIAGARA FALLS

## PURCHASING THRESHOLDS

**SUPPLIES AND EQUIPMENT**

| Threshold | Quotes Needed |
|---|---|
| $1,500 or less | Judgement/catalog pricing |
| $1,501 to $3,500 | 3 verbal quotes-<br>Must provide documentation |
| $3,501 to $19,999 | 3 written quotes-<br>Must provide documentation |
| $20,000 and over | Public and Advertised Bid |

**SERVICES**

| Threshold | Quotes Needed |
|---|---|
| $5,000 or less | Judgement |
| $5,001 to $10,000 | 3 verbal quotes-<br>Must provide documentation |
| $10,001 to $19,999 | 3 written quotes-<br>Must provide documentation |
| $20,000 and over | Public and Advertised Bid |

**PUBLIC WORKS**

| Threshold | Quotes Needed |
|---|---|
| $5,000 or less | Judgement |
| $5,001 to $10,000 | 3 verbal quotes-<br>Must provide documentation |
| $10,001 to $34,999 | 3 written quotes-<br>Must provide documentation |
| $35,000 and over | Public and Advertised Bid |

Non-Instructional/Business Operations

SUBJECT: PROCUREMENT OF GOODS AND SERVICES

## Purchasing Authority

The District's purchasing activities will be part of the responsibilities of the Business Office, under the general supervision of the purchasing agent designated by the Board. The purchasing agent is authorized to enter into cooperative bidding and cooperative purchasing arrangements to meet the various needs of the District. No contracts for goods and services will be made by individuals or organizations in the school that involve expenditures without first securing approval for the contract from the purchasing agent.

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

## Purchasing Process

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 will be procured in a manner so as to:

a) Assure the prudent and economical use of public moneys in the best interests of the taxpayer;

b) Facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and

c) Guard against favoritism, improvidence, extravagance, fraud, and corruption.

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

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

b) With certain exceptions, provide that alternative proposals or quotations for goods and services will 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 I04-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;

(Continued)

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

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. This information will be updated biennially.

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

The District will develop administrative regulations to establish processes for the procurement of goods and services.

Professional Services

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

Education Law Sections 1604, 1709,1950,2503, 2554, and 3602
General Municipal Law Articles 5-A and 18
General Municipal Law Sections 104-b and 119-o

NOTE: Refer also to Policies #5410-Purchasing: Competitive Bidding and Offering
#5412 -- Alternative Formats for Instructional Materials
#5413 – Procurement: Uniform Grant Guidance for Federal Awards

Adoption Date 07022026

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

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

**Uniform Grant Guidance Requirements**

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

a) Use its own documented procurement procedures which reflect applicable state, local and tribal laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in the Uniform Grant Guidance.

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

   1. Effectiveness and efficiency of operations;

   2. Reliability of reporting for internal and external use; and

   3. Compliance with applicable laws and regulations.

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

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

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

f) Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the District considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

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

(Continued)

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

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

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

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

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

1. Rationale for the method of procurement;

2. Selection of contract type;

3. Contractor selection or rejection; and

4. The basis for the contract price.

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

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

n) Conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference.

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

1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured; and

2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids.

(Continued)

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

p) Ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition.

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

1. Micro-purchases;

2. Small purchase procedures;

3. Sealed bids;

4. Competitive proposals; and

5. Noncompetitive proposals.

r) Have a written method for conducting technical evaluations of the proposals received and for selecting recipients.

s) Take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

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

u) Perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications.

v) Negotiate profit as a separate element of the price for each contract in which there is not price competition and in all cases where an analysis is performed.

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

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

(Continued)

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

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

Adoption Date 10/18/2018

NIAGARA FALLS CITY SCHOOL DISTRICT
Niagara Falls, New York

***2010*** 5510

Non-Instructional/Business Operations

**SUBJECT: ACCOUNTING OF FUNDS**

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

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

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

**Electronic or Wire Transfers**

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

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

All wire transfers must be authorized by the District Treasurer. Dual approval controls will be established for all 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-a

Adopted: **June 24, 2010**

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 specific expenses, future projects, acquisitions and other lawful purposes. To this end, the District may establish and maintain reserve funds in accordance with New York State Laws (GASB 54), Commissioner's Regulations and the rules and/or opinions issued by the Office of the New York State Comptroller, as applicable.

Any and all District reserve funds shall be properly established and maintained to promote the goals of creating an open, transparent and accountable use of public funds. The District may engage independent experts and professionals, including but not limited to, auditors, accountants and other financial and legal counsel, as necessary, to monitor all reserve fund activity and prepare any and all reports that the Board may require.

**Government Fund Type Assignment (GASB 54)**

The District shall comply with the reporting requirements of Article 3 of General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) Statement Number 54, Fund Balance Reporting and Governmental Fund Type Definitions. The Board authorizes the Administrator for School Business Services to complete the following actions as necessary to comply with the requirements of GASB 54:

a) If the District must use funds for emergency expenditures, the Board shall authorize the Administrator for School Business Services to expend funds first from funds classified under GASB 54 as unassigned funds as defined by this statement. The use of restricted funds as classified by GASB 54 will occur after the exhaustion of unassigned funds, unless the expenditure meets the legal purpose of a particular restricted reserve fund and the use of those monies is recommended by the Administrator for School Business Services and is approved by a majority vote of the Board of Education.

b) The Board authorizes the Administrator for School Business Services to make a determination of the assigned amounts of fund balance. Assigned funds represent amounts intended to be used for a specific purpose. For example, the amount appropriated to reduce the tax levy as determined through the budget process and finalized when the tax rates are established would be considered an assigned fund balance.

c) Restricted fund balances are amounts as approved by the Board of Education or by a vote of District residents that will be placed in legal reserves (and thereby restricted), but at the end of the fiscal year the dollar amount is unknown. As such the Administrator for School Business Services is authorized to establish a funding plan with specific dollar amounts to be determined subsequent to the District’s fiscal year end. The amounts must be approved by the majority vote of the Board of Education at a regularly scheduled meeting or a special meeting called for this purpose prior to the release of the audited financial statements for that fiscal year.

**Periodic Review and Annual Report**

The Board of Education will periodically review all restricted reserve funds. The Audit Committee will be responsible for preparing and submitting an annual report of all reserve funds to the Board of Education. The annual report shall include the following information for each reserve fund:

a) The type and description of the reserve funds;

b) The interest earned on each reserve fund;

c) Capital gains or losses resulting from the sale of investments of the reserve funds;

d) The sum total increase and sum total decrease in the reserve funds;

e) The ending balance in the reserve funds at fiscal yearend; and

g) A summary statement of projected use and need of the reserve funds.

The Board shall utilize the information in the annual report to discuss reserve fund balances and to adequately maintain necessary funds for the District's long-term financial planning. The Board will be mindful of its role and responsibility as a fiduciary of public funds. when acting on reserve fund issues.

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

Revised: 9/26/12
Adopted: 2/23/12

**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 an ECA Central Treasurer, a Faculty 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 Treasurer. Two separate and independent sets of records of receipts and expenditures will be maintained, one by the ECA Central Treasurer and one by the ECA's student activity treasurer. On a quarterly basis, the ECA Central Treasurer 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 Treasurer is 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.

When an ECA becomes inactive or is discontinued, the ECA Central Treasurer is 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

(Continued)

**SUBJECT: EXTRACLASSROOM ACTIVITY FUND (Cont'd.)**

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 Treasurer and Faculty Auditor
#3280 -- Use of School Facilities, Materials, and Equipment
#5220 -- District Investments
#5530 -- Petty Cash Funds and Cash in School Buildings
#5620 -- Fixed Asset Inventories, Accounting, and Tracking
#7410 -- Extracurricular Activities
#7450 -- Fundraising by Students

NIAGARA FALLS CITY SCHOOL DISTRICT
Niagara Falls, New York

***2010*** 5530

Non-Instructional/Business Operations

**SUBJECT: CASH IN SCHOOL BUILDINGS**

Not more than two hundred fifty dollars ($250), whether District or extraclassroom funds, shall be held in the vault in the Main Office of each District school building. Under no circumstances shall cash be left in classroom areas or desks. The District will not be responsible for funds left unprotected.

All funds, whether District or extraclassroom funds, shall be deposited prior to close of school each day. Only authorized personnel designated by the building administrator shall be allowed in the Main Office vault.

Education Law Sections 1604(26), 1709(29) and 2503(1)
8 New York Code of Rules and Regulations (NYCRR) Section 170.4

Adopted: **June 24, 2010**

Non-Instructional/Business Operations

**SUBJECT: PUBLICATION OF DISTRICT'S ANNUAL FINANCIAL STATEMENT**

In compliance with Education Law, as a Small City School District, the Board of Education is required to annually publish a financial report within three months of the close of the fiscal year. This financial report must include the specifics of all moneys received and expended and also include a full and complete statement of any bonds issued the preceding year for school purposes and the disposition made or to be made of the proceeds of such bonds.

The law requires that this statement be published in one newspaper, or two if available, having general circulation in the School District, as prescribed by the Commissioner. The report will also be posted on the District website.

Education Law Sections 1610, 1721, 2117, 2528 and 2577
8 New York Code of Rules and Regulations (NYCRR) Section 170

**Adopted: 2/23/12**

Non-Instructional/Business Operations

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

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

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

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

a) Any expenditures for community services, capital outlay, and debt service;

b) Any expenditures made from funds provided by the federal government for which the LEA is required to account to the federal government directly or through the SEA.

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

Title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001
34 Code of Federal Regulations (CFR) Part 200

Adoption Date 2/23/2012

Non-Instructional/Business Operations

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

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

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

In recognition of this stricture, the Board of Education assigns the Administrator for School Business Services 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.

OMB Circular A-87 Cost Principles for State, Local and Indian Tribal Governments (revised May 10, 2004)
Compliance Supplement for Single Audit of State and Local Governments (revised June 27, 2003)
Supplementing OMB Circular A133

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

Adoption Date 2/23/2012

**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; operations are efficient and effective; assets are safeguarded; and accurate, timely and reliable data are maintained.

The Niagara Falls City School District's governance and control environment will include the following:

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

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

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

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

   1. Treasurer's cash reports,

   2. Budget status reports,

   3. Revenue status reports,

   4. Monthly extra-classroom activity fund reports, and

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

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

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

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

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

(Continued)

**SUBJECT: FINANCIAL ACCOUNTABILITY (Cont'd.)**

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

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

k) The District requires all staff members that deal with cash receipts to take vacations during which time another staff member performs the duties of the staff on vacation.

8 New York Code of Rules and Regulations (NYCRR) Section 170.12

Adopted: **June 24, 2010**

**SUBJECT: ALLEGATIONS OF FRAUD**

**Reporting and Investigations of Allegations of Fraud**

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

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

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

(Continued)

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

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

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

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

**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.

Civil Service Law Section 75-B
Education Law Section 3028-d

Adopted: **June 24, 2010**

**SUBJECT: AUDIT COMMITTEE**

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

a) The Board of Education as a whole;

b) A subcommittee of the Board of Education; or

c) An Advisory Committee that may include, or be composed entirely of persons other than Board members if, in the opinion of the Board, such membership is advisable to provide accounting and auditing expertise.

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

1. Be employed by the District;

2. Be an individual who within the last two (2) years provided, or currently provides, services or goods to the District;

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

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

The Audit Committee shall consist of at least three (3) members who should collectively possess knowledge in accounting, auditing, financial reporting, and School District finances. They shall serve without compensation, but shall be reimbursed for any actual and necessary expenditure incurred in relation to attendance at meetings. Employees of the District are prohibited from serving on the Audit Committee. Members of the Audit Committee shall be deemed School District Officers, but shall not be required to be residents of the School District.

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

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

(Continued)

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

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

a) The activities of the Audit Committee;

b) A summary of the minutes of the meeting;

c) Significant findings brought to the attention of the Audit Committee;

d) Any indications of suspected fraud, waste, or abuse;

e) Significant internal control findings; and

f) Activities of the internal audit function.

The responsibilities of the Audit Committee include the following:

a) Provide recommendations regarding the appointment of the External (Independent) Auditor for the District;

b) Meet with the External (Independent) Auditor prior to commencement of the audit;

c) Review and discuss with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable;

d) Receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board of Education in interpreting such documents;

e) Make a recommendation to the Board on accepting the annual audit report; and

f) Review every corrective action plan developed by the School District and assist the Board in its implementation.

**Corrective Action Plan**

Within ninety (90) days of receipt of the report or management letter, the Superintendent shall prepare a corrective action plan approved by the Board in response to any findings contained in:

(Continued)

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

a) The annual external audit report or management letter;

b) A final audit report issued by the District's internal auditor;

c) A final report issued by the State Comptroller;

d) A final audit report issued by the State Education Department; or

e) A final audit report issued by the United States or an office, agency or department thereof.

The corrective action plan must be filed with the State Education Department, and if appropriate, must include the expected date(s) of implementation. To the extent practicable, implementation of the corrective action plan should begin no later that the end of the next fiscal year.

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

The Audit Committee may conduct an Executive Session pursuant to Public Officers Law Section 105 pertaining to any matters set forth in Section 105 and pertaining to the following matters:

a) To meet with the External (Independent) Auditor prior to commencement of the audit;

b) To review and discuss with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable; and

c) To receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board of Education in interpreting such documents;

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 such Board member's attendance results in a meeting of a quorum of the full Board, any action taken by formal vote must be referred to the official Board for action.

Education Law Sections 2116-c, and 3811-3813
Public Officers Law Sections 105(b), 105(c) and 105(d)
8 New York Code of Rules and Regulations (NYCRR) Section 170.12(d)

Adopted: **June 24, 2010**

NIAGARA FALLS CITY SCHOOL DISTRICT
Niagara Falls, New York

***2010*** 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 of Education. The Audit Committee shall assist in the oversight of the Internal Audit Function on behalf of the Board.

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

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

Adopted: **June 24, 2010**

Section/Classification 5000 Non-Instructional/Business Operations Policy Number 5574

Status ACTIVE Adopted 07/02/2015

Last review date 07/02/2015

Title

CITY SCHOOL DISTRICT OF THE CITY OF NIAGARA FALLS MEDICAID COMPLIANCE PROGRAM

Policy

Chapter 442 of the Laws of 2006 established the New York State Office of the Medicaid Inspector General (OMIG) and created Social Services Law Section 363-d which requires that Medicaid providers develop, adopt and implement effective compliance programs aimed at detecting fraud, waste and abuse in the Medicaid program. The law further authorized the Medicaid Inspector General to promulgate regulations establishing those providers subject to the compliance program requirement. Under regulations which became effective July 1, 2009, the Medicaid Inspector General determined that the mandatory compliance law applies to providers of care, services and supplies for which the Medicaid program "constitutes a substantial portion of the their business operations" which is defined as ordering, providing, billing or claiming $500,000.00 or more from Medicaid in a 12-month period. (18 NYCRR 521.2 (b) ).

The Board of Education of the City School District of the City of Niagara Falls is a provider required by law to develop a Medicaid Compliance program designed to assist in the detection and prevention of Medicaid fraud, waste and abuse in connection with the District's participation in the New York State Medicaid program and receipt of Medicaid reimbursement for certain health services and related services provided to students in the School District who are eligible to receive Medicaid support. The School District Therefore promulgates:

I. A Code of Ethics describing compliance expectations and providing guidance on dealing with potential compliance issues and the reporting investigation and resolution of potential compliance problems;

II. The designation/appointment of a Compliance Officer vested with responsibility for the operation of the compliance program;

III. Training and education of all affected employees and persons on compliance issues expectations and the compliance program operations;

IV. A communication process for reporting compliance issues which includes a method for anonymous and good faith reporting of such issues;

V. Disciplinary policies/procedures which encourage good faith participation in the compliance program and outline expectations for reporting compliance issues and sanctions for non-compliant behavior;

VI. A system for routine identification of compliance risk areas, self evaluation and audits of risk areas and evaluation of potential for non-compliance;

VII. A system for responding to compliance issues and reducing the potential for recurrence;

VIII. A policy of non-intimidation and non-retaliation for good faith participation in compliance program.

I. CODE OF ETHICS

The City School District of the City of Niagara Falls aspires to the highest ethical standards of conduct and commits its best efforts to comply with all applicable laws and regulations that govern its operations. The Board of Education recognizes that there are rules of ethical conduct for public officers and employees which must be observed if the higher degree of moral conduct is to be obtained and if public confidence is to be maintained in this unit of local government. In this regard, the School District has developed this Code of Ethics as well as compliance policies to guide all employees in the administration of the Medicaid Compliance Program.

Purpose

It is the purpose of this Code of Ethics to promulgate rules of ethical conduct for the officers and employees of this School District regarding responsibilities to provide our students with related services and school health services that are consistent with their individualized education programs and school health plans and to provide services to students in ways that are consistent with applicable laws and ethical responsibilities. The rules of ethical conduct herein set forth shall not conflict with, but shall be in addition to, any prohibition or standard set forth in Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal or school district officers and employees.

Standards of Ethics

All employees and independent contractors are responsible for being familiar with and abiding by this Code of Ethics and other policies, procedures and protocols governing their conduct within the School District. The standards of ethics set forth herein are not all inclusive and are not meant to conflict with the School District's Code of Conduct and other policies applicable to students, staff, contractors or others doing work with and for the School District. The failure to follow the standards of ethics set forth herein may result in disciplinary action, up to and including termination of employment and independent contractors may be subject to termination of their contracts.

Professional Ethics

Employees are responsible for knowing and following all legal requirements relevant to performance of their job duties.

Employees and professionals providing services to students shall not disclose confidential information as required by law.

Appropriate informed consent will be obtained from parents and/or eligible students as required by law.

Claims Submission and Payment

Billing and collection activities shall be performed in accordance with applicable state and federal laws.

Services provided by the School District and its employees and contractors shall be adequately documented in accordance with applicable laws.

Claims for payment to a government program or private payer shall be submitted only for services which were actually performed and only where there is adequate and proper documentation that the service was performed in accordance with a student's individualized education program (IEP) or other school health plan. Claims shall be submitted for payment only if the services provided were mandated in such IEP or other plan and where appropriate, ordered by a physician or other licensed provider. Employees, independent contractors and professionals are responsible for being familiar with the applicable documentation for the services they proved or for which they are responsible for submitting claims.

No employee or independent contractor shall submit, or cause to be submitted false information with respect to services or billing to a government agency, a parent of a student or eligible student, a third party payer, a vendor or to the School District. This includes presenting claims for an item or service the employee knows or should know was not provided, was fraudulent, was not mandated by the IEP or health service plan, or was rendered by a provider the employee knows is not authorized to provide the service.

Employees or independent contractors shall not steal, embezzle or otherwise convert to the benefit of another person or intentionally misapply any funds, money, premiums, credits or other assets of any health care benefit program, including Medicaid or private payer.

Employees or independent contractors shall not encourage, direct, or facilitate either actively or passively non compliant behavior concerning Medicaid billings, payments, medical necessity of services, quality of services, governance, mandatory reporting credentialing, and other risk areas identified.

Reporting Compliance Matters

All employees, and independent contractors and agent of the School District have an obligation to assist the School District in promoting and assuring compliance with applicable laws, and to assist and cooperate with the School District in any compliance investigation.

Employees, independent contractors and agents of the School District have a duty to report any suspected wrongdoing or violation of applicable laws or School District policies or procedures. Employees should be familiar with and follow the School District's policy for reporting compliance concerns, which addresses how reports are made and procedures for responding to reports.

Employees, independent contractors and agents of the School District may make reports of any suspected problems concerning Medicaid billings, payments, medical necessity of services, quality of services, governance, mandatory reporting, credentialing and other risk areas identified directly to the Compliance Officer, the Chairperson of the Committee on Special Education, the employee's supervisor or the director of the employee's department. Reports may be made anonymously, but employees are encouraged to identify themselves to aid in the investigative process. Reports may also be made

confidentially to the State Compliance Officer by U.S mail, courier service, email or facsimile transmission.

Audits/Reviews/Investigations

Periodic audits and reviews of billing practices will be conducted to assure that accurate and appropriate bills are submitted to Medicaid, other federal health programs, and private payers. Employees, independent contractors and agents are responsible for cooperating with and participating in these reviews, as requested.

Any employee who receives a subpoena, inquiry or other legal document regarding matters covered by this policy from any government agency will immediately notify his or her supervisor who will immediately notify the Compliance Officer and the Clerk of the City School District of the City of Niagara Falls. The Compliance Officer will be responsible for coordinating the District's response to a government audit review inquiry or investigation.

Records

All necessary records maintained regarding matters covered by this policy shall comply with applicable legal requirements.

No employee, independent contractor or agent of the School District shall create a false record or falsify any information in a record regarding matters covered by this policy.

All records regarding matters covered by this policy shall be retained as required by law and the School District's Record retention policy. No records shall be destroyed unless authorized by the Chairperson for the Committee on Special Education after review with and approval is obtained from the Compliance Officer.

Distribution of the Code of Ethics

The Superintendent shall cause of copy of this Code of Ethics to be distributed to every office, administrator, affected employee, independent contractor and professional. Anyone subsequently elected, appointed or employed shall be furnished a copy before entering upon the duties of his/her office or employment.

Penalties

Any question pertaining to this Code of Ethics should be referred to the Compliance officer, the Chairperson of the Committee on Special Education, the director of the appropriate department, or a member of the administration.

In addition to any penalty provided by law or contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this Code of Ethics may be fined, suspended, or removed from office or employment in the manner provided by law.

II. APPOINTMENT OF A COMPLIANCE OFFICER

The Superintendent of Schools shall appoint a Compliance Officer responsible for implementing the School District's Medicaid Compliance Program and monitoring, evaluating and revising the program as

necessary to conform to changes in the regulatory environment. The Superintendent's appointment is subject to the approval of the Board of Education.

The Compliance Officer has the responsibility to:

Periodically review and update the School District's Code of Ethics, compliance standards and policies to respond to changes in School District procedures and the laws policies and procedures of governmental agencies applicable to Medicaid billing

Develop, coordinate, oversee and participate in education and training programs to inform School District employees and independent contractors of applicable state and federal laws and to promote compliance with such laws.

Assist with audits or investigations of suspected wrongdoing and coordinating the School District response to any external investigation or voluntary disclosure to an applicable regulatory agency.

Develop mechanisms to detect potential compliance violations and promote adherence to the compliance program. Coordinate and conduct internal investigations or compliance reviews related to compliance issues including any resulting corrective action and recommending employee discipline related to compliance issues.

Review documents and other information relevant to compliance issues including without limitation, education records, billing records and the School District's arrangements with other parties such as employees, independent contractors, suppliers, agents and payers.

Report directly to the Superintendent of Schools and perform other activities as assigned by the Superintendent or Board of Education.

Provide periodic and annual reports to the Board of Education on the activities of the Compliance program. Reports will be made to the Board of Education by the Superintendent and the Compliance Officer as soon as practicable in the event of an investigation into an alleged violation of the Program.

III. TRAINING AND EDUCATION ON COMPLIANCE ISSUES

Training and education on compliance issues is a condition of employment or

contractual relationship with the City School District of the City of Niagara Falls. No employee or independent contractor shall perform functions which require adherence to compliance standards without receiving the required training. Any exceptions to this policy must be in writing and approved by the Administrator for Human Resources upon consultation with the Compliance Officer.

Training and education may take place through internal training programs provided by the District or through attendance at external training seminars with the approval of the Compliance Officer.

Internal training programs may take place using publications, lectures, videos, videos and other interactive activities designed to effectively communicate information to employees and others. Training and education program materials should be designed to be understandable by all levels of employees who receive the materials. The program should include a component to verify that persons receiving the training and education understand the materials provided.

Written materials provided at any training program shall be retained and attached to a verified attendance list. A copy of the attendance list and training program materials shall be provided to the Compliance Officer.

Training materials shall be reviewed and updated at least annually by the Chairperson for the Committee on Special Education and the Compliance Officer.

IV. PROCEDURES FOR REPORTING COMPLIANCE CONCERNS

Duty

All employees and independent contractors for the City School District of the City of Niagara Falls have a duty to report any suspected wrongdoing or violation of applicable laws, regulations or the School District's compliance standards or policies. Employees who fail to fulfill this duty may be subject to disciplinary action and independent contractors may be subject to termination of their contracts.

Methods of reporting

Suspected misconduct or violations of compliance standards and policies may be reported in any of the following ways:

Directly contacting the Compliance Officer.

Contacting the employee's supervisor or the director of the employee's department. Supervisors and directors who receive such reports shall forward them immediately to the Compliance Officer.

Submitting a written report using a compliance report form which may be obtained from the Compliance Officer.

Submitting a report to the State Compliance Officer by U.S. mail courier service, e-mail or facsimile transmission. Reports are to be submitted to Rose Firestein or her successor, State Compliance Officer, New York State Department of Health, Officer of General Counsel, 90 Church Street, 4th Floor, New York, New York 10007, Telephone: (212) 417-4393, Facsimile: (212) 417-4392 E-mail: ref01@health.state.ny.us. Oral Disclosure to the State Compliance Officer will not generate review and follow-up by the State Compliance Officer.

The report must contain specific information regarding the suspected misconduct, including how and when the conduct occurred or is occurring, the persons involved in the conduct and the specific nature of the conduct.

Anonymous reporting

Employees may report suspected violations anonymously. The School District encourages persons making anonymous reports to maintain contact with the Compliance Officer so that the Compliance Officer may obtain any additional information needed to properly investigate the report.

Confidentiality of reports

The School District shall treat reports of suspected misconduct as confidential insofar as legal and practicable, subject to the obligation to investigate, report and correct any violations or misconduct. The School District shall also take reasonable steps to maintain the confidentiality of the identity of the person making the report. The School District does not guarantee complete confidentiality of the person(s) who make reports due to obligations to investigate and correct misconduct and its obligations to report certain misconduct to state and federal authorities.

No retaliation/false reports

The School District prohibits any form of retaliation against any employee or other person for filing a report in good faith pursuant to this policy. Persons who engage in such retaliation shall be subject to discipline. If it is determined that a report is not bona fide or that a person has knowingly and willfully provided false information, disciplinary action may be taken against the individual who knowingly or willfully distorted, exaggerated, minimized or otherwise fabricated, filed the false report or gave the false information.

Discipline of a reporting employee

An employee who files a report of misconduct concerning personal wrongdoing is not guaranteed protection from disciplinary action. The weight given to self-reporting will depend upon whether the employee's involvement was not previously known to the School District or its discovery was not imminent.

V.DISCIPLINARY POLICIES/PROCEDURES WHICH ENCOURAGE GOOD FAITH PARTICIPATION IN THE COMPLIANCE PROGRAM

Employees who fail to report suspected problems, participate in noncompliant behavior, or encourage, direct or permit noncompliant behavior will be subject to sanctions ranging from a written warning, up to suspension or immediate termination or initiation of procedures leading to termination. In appropriate cases, referrals will be made to law enforcement agencies.

Any disciplinary action will be taken in accordance with applicable legal requirements and applicable provisions of any collective bargaining agreement or employment agreements to which the School District is a party.

VI.IDENTIFICATION OF COMPLIANCE RISK AREAS

The School District will take reasonable steps to achieve compliance with applicable laws and with compliance standards by utilizing, monitoring and auditing systems reasonably designed to detect criminal or other improper conduct by its employees and other agents.

The School District will conduct regular audits and/or reviews of its operations to assure that it is complying with its own compliance standards and with applicable laws and

regulations regarding matters covered by this policy.

A written report of the results of the audits and/or reviews together with recommendations for corrective action or modification of compliance standards or policies will be submitted to the

Superintendent of Schools and the Board of Education on a regular basis and no less frequently than annually.

VII.RESPONDING TO COMPLIANCE ISSUES AND REDUCING THE POTENTIAL FOR RECURRENCE

Should an offense or violation of the School District's compliance standards or policies be detected, the School District will take steps to respond appropriately to the offense or violation and to prevent further similar offenses or violations which may include any necessary modifications to the Medicaid Compliance Program to prevent and detect violations of the law or the compliance standards or policies.

The School District shall take all reports of misconduct or wrongdoing seriously. Any such report shall be forwarded to the Compliance Officer who shall assure that the appropriate investigation, review and follow up will be undertaken.

VIII. POLICY OF NON-INTIMIDATION AND NON-RETALIATION FOR GOOD FAITH PARTICIPATION IN THE MEDICAID COMPLIANCE PROGRAM

The City School District of the City of Niagara Falls prohibits any retaliatory behavior directed against a person or persons who report a non-compliance issue or suspicion of non-compliance or wrongdoing, in good faith, as well as against any witness who testifies in a non-compliance investigation. Persons who engage in such retaliation shall be subject to discipline.

Employees may report suspected violations anonymously. The School District encourages employees to identify themselves in order to aid in the investigative process. Such individuals are also encouraged to maintain contact with the Compliance Officer so that the Compliance Officer may obtain any additional information needed to properly investigate the report. Persons making anonymous reports will be assured that retaliation for making such report is prohibited and that an individual who subjects an employee to such retaliation or intimidation will be subject to discipline under this policy.

An employee making a report under this policy may only be subject to disciplinary action if it is determined that a report was not made in good faith or that a person has knowingly and willfully provided false information, or knowingly or willfully distorted, exaggerated, minimized or otherwise fabricated filed the false report or gave the false information.

Adopted: July 2, 2015

**SUBJECT: INSURANCE**

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

The Board 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 vehicles.

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

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

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

Adoption Date 4/23/2013

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

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

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

The School Business Administrator shall be responsible for accounting for general fixed assets according to the procedures outlined by the Uniform System of Accounts for School Districts and GASB Statement 34 Regulations.

These accounts will serve to:

a) Maintain a physical inventory of assets;

b) Establish accountability;

c) Determine replacement costs; and

d) Provide appropriate insurance coverage.

Fixed assets with a minimum value established by the Board that have a useful life of one (1) year or more and physical characteristics not appreciably affected by use or consumption shall be inventoried and recorded on an annual basis. Fixed assets shall include land, buildings, equipment and materials. Construction in progress shall be reclassified to the appropriate asset class and be subject to depreciation upon receipt of notice of substantial completion.

The Board shall establish a dollar threshold as a basis for considering which fixed assets are to be depreciated. Such threshold shall ensure that at least eighty percent (80%) of the value of all assets is reported. However, it is recommended that such threshold shall not be greater than five thousand dollars ($5,000). A standardized depreciation method and averaging convention shall also be established for depreciation calculations.

Fixed assets acquired having a value equal to or greater than the established threshold are considered depreciable assets and shall be inventoried for the purposes of GASB 34 accounting practices and placed on a depreciation schedule according to its asset class and estimated useful life as stipulated by the New York State Comptroller's Office, the Internal Revenue Service (IRS), or as outlined in the table below.

| Equipment Classification | Useful Life (years) |
|---|---|
| Infrastructure technology (may include servers, | 7 |

| | |
|---|---|
| switches, telecommunications etc.) | |
| School Equipment (may include athletic equipment, cafeteria equipment, etc.) | 3 - 5 |
| Maintenance Equipment | 7 - 10 |
| Vehicles | 5 |
| Buildings | 39 |

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

a) Date of acquisition;
b) Description;
c) Cost or value;
d) Location;
e) Asset type;
f) Estimated useful life;
g) Replacement cost;
h) Current value;
i) Salvage value;
j) Date and method of disposition; and
k) Responsible official.

The School Business Administrator shall arrange for the annual inventory and appraisal of School District property, equipment and material. Any discrepancies between an inventory and the District's property records on file should be traced and explained.

Uniform System of Accounts for School Districts (Fiscal Section)

Revised/Adopted: December 18, 2014

Adopted: June 24, 2010

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

**Operation and Maintenance**

The Superintendent is charged with the responsibility for administering plant operations in the most efficient and economical manner possible, while placing high priority on health and safety of students and conservation of natural resources.

The Board, through the Superintendent and his/her staff, has the responsibility of protecting the District investment in plant and facilities through a systematic maintenance program.

It is expected that the program shall include periodic preventive maintenance activities, long-range maintenance schedules and emergency repair procedures. It is further expected that all maintenance work will be carried out in a manner that will cause the least interference with the educational program.

**Construction and Remodeling of School Facilities**

All capital projects and maintenance must assure compliance with the requirements of the New York State Uniform Fire Prevention and Building Code, the Manual of Planning Standards and the Regulations of the Commissioner of Education. All new buildings must be formally submitted no matter the size or cost. The New York State Education Department Office of Facilities Planning has provided an Instruction Guide at website: http://www.emsc.nysed.gov/facplan/ProjMgmt.htm

Plans and specifications for the erection, enlargement, repair or remodeling of facilities of the School District shall be submitted to the Commissioner when the contemplated construction costs of such work are ten thousand dollars ($10,000) or more, and for all projects affecting the health and safety of students.

Plans and specifications submitted to the Commissioner shall bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications shall also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code (19 NYCRR Parts 1220 through 1226) and the State Energy Conservation Construction Code (19 NYCRR Part 1240).

All changes to remodeling and/or construction projects that affect the total cost of a construction contract or the nature of the work attributed to said contract, shall be approved by the School Board via resolution.

For remodeling or construction projects costing five thousand dollars ($5,000) or more, the District shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (19 NYCRR Parts 1220 through 1226) and Commissioner's Regulations Part 155, and shall retain the services of an architect or engineer licensed to practice in New York State.

For remodeling or construction projects costing less than five thousand dollars ($5,000), the

(Continued)

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

District shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (19 NYCRR Parts 1220 through 1226) and Commissioner's Regulations Part 155.

**Inspections**

The administration of the School System shall cooperate with appropriate officials conducting health, fire, asbestos, bus, and boiler inspections. The administration shall keep the Board of Education informed of the results of such inspections in a timely fashion.

In accordance with law, local building inspectors may not enter District premises at any time they wish. Only the Fire Safety Inspector conducting the Annual Fire Safety Inspection may enter District premises for inspections.

In addition, per the requirements of the Asbestos Hazard Emergency Response Act (AHERA), the District will at least once each school year inform all employees and building occupants (or their legal guardians) 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. Written notice will be provided in the District newsletter and will be filed in the District asbestos management plan.

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

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

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

a) A five (5) year capital facilities plan which will include an appraisal of the following: the educational philosophy of the District, with resulting administrative organization and program requirements; present and projected student enrollments; space use and State-rated student capacity of existing facilities; the allocation of instructional space to meet the current and future education program and service needs, and to serve students with disabilities in settings with nondisabled peers; priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and the provision of additional facilities.

(Continued)

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

b) A District-wide building inventory, which will include information pertaining to each building including, but not limited to:

1. Type of building, age of building, size of building;

2. Rated capacity, current enrollment;

3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and

4. Summary of triennial Asbestos Inspection reports.

c) Annual Visual Inspections:

1. An annual visual inspection of each occupied building and assignment of a safety rating score. The inspection committee must include a state certified code enforcement official, the District's Facility Director or designee, and a member of the District's Health and Safety Committee.

2. The Commissioner shall require a re-inspection of school buildings where a report of inspection identified violations that, if uncorrected, would cause the department to deny an annual Certificate of Occupancy to such school building, and shall require additional re-inspections until it is demonstrated to the satisfaction of the Commissioner that said violations have been corrected.

d) A building condition survey shall be conducted for all occupied school buildings once every five (5) years by a team that includes at least one (1) licensed architect or engineer.

e) A District-wide monitoring system which includes:

1. Establishing a Health and Safety Committee;

2. Development of detailed plans and a review process of all inspections;

3. Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the District's Health and Safety Committee for oversight, and a copy kept on permanent file.

f) Procedures to ensure the safety of the building occupants while a construction/renovation project is taking place. These procedures will include:

(Continued)

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

1. Notification to parents, staff and the community at least two (2) months in advance of a construction project of ten thousand dollars ($10,000) or more to be conducted in a school building while the building is occupied; provided, however, that in the case of emergency construction projects, such notice shall be provided as far in advance of the start of construction as is practicable;

2. A plan to ensure that all contractors comply with all health and safety issues and regulations, and wear photo identification badges;

3. An opportunity for the District's Health and Safety Committee to conduct a walk-through inspection of newly renovated or constructed areas to confirm that the area is ready to be reopened for use; and

4. An emergency plan which will address potential concerns with the capital project including, but not limited to, evacuation procedures, fire drills, and structural failures.

School Facility Report Cards

The School District shall prepare an annual School Facility Report Card for each occupied school building, including a description of the activities of the District's Health and Safety Committee.

The School Facility Report Card for each building shall be reviewed annually by the Board of Education. The Board shall report in a public meeting on the status of each item set forth in Commissioner's Regulations for each facility located in the District.

Asbestos Inspection:
40 Code of Federal Regulations (CFR) Part 763, Subpart E
Education Law Article 9-A
Fire Inspection:
Education Law Section 807-a
8 New York Code of Rules and Regulations (NYCRR) Section 155.4
Health and Safety Committee:
8 New York Code of Rules and Regulations (NYCRR) Section 155.6(c)(17)
Health Inspection:
Education Law Section 906
Plans and Specifications:
Education Law Sections 408, 408-a and 409
8 New York Code of Rules and Regulations (NYCRR) Sections 155.1 and 155.2
19 New York Code of Rules and Regulations (NYCRR) Sections 1220-1240
Structural Safety Inspections:
Education Law Sections 409-d, 409-e, 3602 and 3641(4)
8 New York Code of Rules and Regulations (NYCRR) Sections 155.1, 155.3, 155.4(b)(1) and 155.6

Adoption Date: 6/24/2010

Non-Instructional/Business Operations

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

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

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

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

**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 2/23/12

Non-Instructional/Business Operations

NF/

**SUBJECT: FACILITY NAMING POLICY**

The Board of Education is responsible for naming or renaming any school, building, classroom, auditorium, theater, gymnasium, swimming pool, athletic field, athletic facility, and/or other location connected to the School District.

In selecting a name or renaming any facility as described herein, the Board of Education may take into account historical appropriateness, School District geography and extraordinary accomplishments of individuals of local, county, state or national importance.

The Board of Education will implement the procedures put forth in this policy upon the construction of a new facility or when presented with a request to rename a facility or a portion of a facility.

Amended 09272018

Amendment in addition to Existing Policy

The District has the responsibility for the care, custody, control, safekeeping and maintenance of all school property used for education, social and recreational purposes and shall prescribe rules and regulations for the preservation of such property. In furtherance of such responsibility, and in consideration for contributions to assist in the preservation of its properties, the District may choose to partner with individuals, and/or business organizations and/or community organizations for granting of the Sponsorships and Naming Rights for its facilities, provided they are granted in a manner which has a clear educational advantage to District students by advancing their learning environment without compromising the District's vision and mission and educational values.
In granting Sponsorships or Naming Rights, consideration will be given to the role which sponsorships and naming of buildings and spaces, play in contributing to and enhancing the District's positive identity in the community. With such as its objective, no Sponsorships or Naming Rights shall be allowed or granted, which may: be associated in any way with, among other things, tobacco, alcohol, illegal drugs, or weapons; contain vulgar and plainly offensive, obscene, or sexually explicit language; advocate the violation of law or District Policy; advance any religious or political organization; promote; favor, or oppose a candidate for elected office or a ballot measure; or be associated with any company or individual whose actions are in violation of law and/or whose name will either initially or during the period of sponsorship tend to negatively impact on the District, its learning environment, vision and mission.
The District has the exclusive discretion to determine whether to pursue, accept or decline an opportunity to grant sponsorship and/or naming rights for its facilities.

**Sponsorships and Naming Rights Conributions**
The contributions made for Sponsorships and Naming Rights granted by the District may be financial contributions or other gift contributions such as donation of equipment, materials, land and/or services. Sponsorships or Naming rights given for contributions made, are to be distinguished and separate from those which may be given by the District in recognition of an individual's meritorious service to the District, City and /or Nation which shall be awarded in

accordance with Paragraph ___ of this Policy
Any financial amounts contributed for Sponsorship or Naming Rights will be deposited into a special fund designated for the facility for which contributed, to be used for capital improvements and/or maintenance of the facility
Only an amount equal to the sum of the total received, divided by the number of years of the Agreement may be used each year for maintaining or improving the facility.
A Naming Agreement will be required between the District and Sponsors or Donors or their representatives in the granting of Sponsorship or Naming Rights in consideration of financial contributions and/or gifts, which Agreement shall include and incorporate the provisions of this Policy including but not limited to the following::

**1. Duration**

The Agreement shall not exceed 10 years unless in the District's discretion it deems it appropriate to increase the term in consideration of the value of the donation as provided in paragraph following of this Polic , designated "Duration of Naming Rights".

**2. Term of the Agreement**

Agreement year shall be between September 1 and August 31 of each calendar year.

**3. Right To Terminate**

The District shall have the right to terminate the Agreement each year by serving Notice of termination to the Sponsor/Donor between July 1 and September 1 of each year.

**4. Effective Date of Termination**

The Agreement shall terminate August 31 following the date of the vote to terminate

**5. Reimbursement**

If the Agreement is terminated by the District, except as provided in this paragraphs "d" and ""e" of paragraph "Early Termination", it shall reimburse the vendor an amount equal to the amount allocated for each year remaining on the Agreement provided however should the Agreement be terminated with 2 or less years remaining, the District shall not be obligated to reimburse the Sponsor /Donor or their representative. Nor shall the District be obligated for any reimbursement if the contribution is a gift other than a financial amount.

**FACILITIES FOR SPONSORSHIP OR NAMING**

Items for which Sponsorships and /or Naming Rights may be granted include but are not limited to the following District property:
School Buildings, Auditoriums, Performing Arts Centers, Gymnasiums, Swimming Pools, Libraries, District-Owned Streets and Path Ways
Athletic Fields/Facilities, Field House, Concessions Stands, Locker Rooms
Classrooms, Laboratories, Hallways

**Monetary Valuation of Naming Rights**

The District shall establish the monetary value for Sponsorships or Naming Rights, with the right to change the valuation in its sole discretion on a case-by-case basis.

**Duration of Naming Rights**

. All Sponsorships or Naming Rights shall be for a specific term of 10 years or longer as may be decided by the District in its sole and absolute discretion, provided however, none shall be longer than the useful life of the property or facility, as determined by the School Board. The duration of the Sponsorship or Naming Right may be proportionate to the value of a donation, endowment or other significant contributions to the District.

**Physical Display of Naming Rights**

The physical display of the Sponsorship or Naming Right shall be decided by the District with

or without the participation of the Donor. In the case of buildings, the physical display of the Sponsor or Name will take into consideration the identification of the District and must comply with all applicable laws and regulations including, but not limited to, New York State and Federal Laws and Regulations of the New York state Commissioner of Education and local zoning requirements if applicable.

**Assignment**

Naming Rights granted in consideration of financial and/or other contributions may be assigned only with the written consent of the District. Assignment shall be limited to the exchange of one naming right for another as in the case when a company changes its name, the naming right may be changed to reflect the new name.

**Renewability**

Naming Rights may be renewed solely at the discretion of the District.

**Control of Facility on the part of the Named Party**

The Named Party after whom a building or part of a building and /or facility is named shall have no right to use or control the use of that building or part of the building and/or facility. Use will be determined solely by the District. The District will not agree to any condition in an Agreement which would limit its ability to achieve its vision, mission, purpose and/or legal obligations.

The Named Party shall bear no liability in respect to the building or part of the building and/or facility upon which the Naming Party's Name is affixed pursuant to this Policy and any Agreement that may be negotiated to allow the name to be so affixed.

**Early Termination of Sponsorship and Naming Rights**

The District shall have the right to terminate the Sponsorship and Naming Rights Agreement and rescind the Sponsorship and Naming Rights in advance of the scheduled date for termination under the following conditions:

a. Termination by new Board each year between July 1 and September 1 of each year, for any reason.

b. Determination by a final Order of New York State's highest court that the District lacks the authority to grant such Sponsorships and Naming Rights.

c. Determination of the New York State Commissioner Education that the District lacks the authority to grant such Sponsorships and Naming Rights and the District's determination not to appeal such determination.

d. Violation of the Sponsorship and Naming Agreement and/ or the provisions of this Policy by the Sponsor or Donor.

e. Determination by the District that early termination of the Sponsorship or Naming Rights is necessary so as to avoid the District being brought into disrepute and/or any action by the individual or corporate entity granted the Sponsorship or Naming Rights, are in the sole discretion of the District, inappropriate and/or contrary and/or in conflict with the District's values, vision, mission, objectives and obligations.

In the event of Early Termination as provided in "a" "b" and "c" above the District will be obligated to refund the consideration given to the Sponsor or Donor in accordance with the provisions of the Sponsorship and Naming Agreement and paragraph designated "5" of this Policy.

In the event of Early Termination as provided in "d" and "e" above the District shall have no obligation to refund the consideration given by the Sponsor or Donor.

**Adopted: 9/27/18; Reviewed 7/29/21**

Non-Instructional/Business Operations

**SUBJECT: SMOKING/TOBACCO USE**

**School Grounds**

Tobacco use shall not be permitted and no person shall use tobacco on school grounds or within one hundred (100) feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary schools. However, this shall not apply to smoking in a residence, or within the real property boundary lines of such residential real property. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's preschool, nursery school, elementary or secondary school's legally defined property boundaries as registered in the County Clerk's Office; as well as all District vehicles, including vehicles used to transport children or school personnel.

For purposes of this policy, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, spit/spitless tobacco and any other smoking or tobacco product, (smokeless, dip, chew, snus and/or snuff) in any form.

The use of e-cigarettes and any other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited.

**Off-School Grounds**

Tobacco use is prohibited by students at any school-sponsored event or activity off school grounds.

**Posting/Notification of Policy**

In compliance with the New York State Clean Indoor Air Act, the District will prominently post its Smoking/Tobacco Use policy and signs prohibiting **all** forms of tobacco products in District buildings and other appropriate locations; and will supply a copy upon request to any current or prospective employee. The District will also designate a school official to tell individuals who smoke in a non-smoking area that they are in violation of the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994 and District policy.

The District shall also ensure that this policy is communicated to staff, students, parents/guardians, volunteers, and visitors as deemed appropriate in order to orient all persons to the District's "No Smoking" Policy and environment.

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

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

a) On school grounds;
b) In school vehicles;
c) At school-sponsored events, including those that take place off school premises and in another

state;
d) In school publications;
e) On clothing, shoes, accessories, gear, and school supplies in accordance with the *District Code of Conduct* and applicable collective bargaining agreements.

This prohibition of tobacco promotional items shall be implemented in accordance with the *Code of Conduct* and applicable collective bargaining agreements.

In addition, tobacco advertising is also prohibited in all school-sponsored publications and at all school sponsored events. The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

Safe and Drug-Free Schools and Communities Act, 20 USC Section 7101 et seq.
Pro-Children Act of 2001, as amended by the No Child Left Behind Act of 2001, 20 USC Sections 7181-7184
Education Law Sections 409, 2801(1) and 3020-a
Public Health Law Article 13-E

NOTE: Refer also to Policies#3280 -- Use of School Facilities, Materials and Equipment
#3410 -- Code of Conduct on School Property
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
#8211 -- Prevention Instruction
*District Code of Conduct*

Revised: 11/21/13
Adopted: 2/23/12

NF/EB

**SUBJECT: ENERGY CONSERVATION IN THE SCHOOLS**

The Board of Education 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, particularly in these times of declining levels of natural energy resources and increasing cost of these resources. 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 Educator/Assistant Capital Projects Manager

The Energy Educator/Assistant Capital Projects Manager shall report directly to the Board of Education and the Superintendent, or their designee, on matters pertaining to the District's energy conservation program. All personnel are expected to follow the established regulations and procedures as part of their normal daily work activities.

Energy Conservation Task Force

The Board of Education further directs the Superintendent to establish an energy conservation task force consisting of at least two Board members, the Superintendent, the School Business Administrator, the Director of Facilities and Operations, and such other individual(s) as may be deemed necessary. The duties of this task force will include, but are not limited to, the following:

a) Analyzing the District's energy consumption patterns and cost data;

b) Selecting and recommending to the Board an energy audit or technical assistance study to determine where the District can save;

c) Consider financing energy improvements with an energy performance contract. A technical assistance study can evaluate a proposed performance contract before the District enters into an agreement;

d) Consider cost savings from cooperative purchasing arrangements with other municipalities and school districts.

Progress reports on the implementation of energy conservation measures will be made to the Board at least annually.

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 Sections 27-2101- 27-2117
General Municipal Law Section 120-aa
19 New York State Code of Rules and Regulations (NYCRR) Sections 1221-1228 and Section 1240
Energy Conservation Code of New York State 2007

Adopted: 2/23/12

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

**School Food Service Program (Lunch and Breakfast)**

School Food Service Program (Lunch and Breakfast)

The District participates in the National School Lunch Program, School Breakfast Program, and Special Milk Program, to receive commodities and subsidies from the U.S. Department of Agriculture. In return, the District provides free and reduced-price meals to elementary and secondary students in its schools and serves meals that meet federal requirements.

The Superintendent or designee will carry out the rules of the School Lunch and Breakfast Programs. The District's Reviewing Official and Verification Official or the Department of Social Services Office of Temporary and Disability Assistance (OTDA) will determine student eligibility. Appeals regarding eligibility should be submitted to the District's Hearing Official.

The District may allow free or reduced-price meals for qualifying District students after receiving a written application from the student's parent or guardian or a direct certification letter from OTDA. Applications will be provided by the District to all families.

School officials must also determine eligibility for free or reduced-price meals and milk by using the Direct Certification Matching Process. Any student residing in a household receiving federal assistance through the Supplemental Nutrition Assistance Program (SNAP), or Temporary Assistance to Needy Families (TANF), or Medicaid is automatically eligible for free meals and milk; eligible families will not have to complete further applications. The District will notify parents or guardians of eligibility, giving them the opportunity to decline free meals and milk.

Child Nutrition Program Authorization

Since the District participates in one or more Child Nutrition Program, the Superintendent has developed rules which address:
a) What can be charged;

b) The limit on the number of charges per student;

c) The system used for identifying and recording charged meals;

d) The system used for collection of repayments; and

e) Ongoing communication of this policy to parents and students. The District's meal-charge policy and procedures will be distributed to all households and applicable staff in writing at the start of each school year and to new households that transfer into the District during the school year. The policy and procedures may vary by grade. The District will also provide details regarding payment methods on its website.
Charging Meals
a) Students may charge up to five reimbursable meals (that are available to all students), and will not be permitted to exceed this limit until the outstanding charges are paid in full;

b) If a student's prepaid meal card or account has been exhausted, he or she will be given a grace period where no more than five reimbursable meals (that are available to all students) may be charged, to allow time for the meal card or account to be replenished.

c) The only item(s) permitted to be charged are a complete meal or milk. A la carte items such as snacks or ice cream may not be charged;

d) The District's point-of-sale system will track all charges and payments;

e) If a student comes to school without a lunch, and has exceeded the maximum reimbursable-meal limit, the District may provide a reimbursable meal (that is available to all students) so that he or she does not go hungry that day;

f) As appropriate, District administration may contact Social Services to report a student's consistent failure to arrive at school with a meal.

Unpaid meal charges will be addressed directly with the student's parent or guardian who is responsible for providing funds for meal purchases; discreet notifications of low, exhausted, or deficit balances will be sent at appropriate intervals during the school year. The notification may include a repayment schedule, but will not charge any interest or fees related to meals charged during the grace period. District administration will further consider the benefits of attempted collections and the costs that would be expended in collection attempts.

Restriction of Sweetened Foods in School

The sale of sweetened foods will be prohibited from the beginning of the school day until the end of the last scheduled meal period.

Sweetened foods consist of sweetened soda water, chewing gum; and candy, including hard candy, jellies, gum, marshmallow candies, fondant, licorice, spun candy, candy coated-popcorn, and water ices, except those which contain fruit or fruit juices.

Restrictions on Sale of Milk Prohibited

The District will not directly or indirectly restrict the sale or marketing of fluid milk products at any time or in any place on school premises or at school-sponsored events.

Food Substitutions for Children with Disabilities

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

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

*Food Substitutions for Nondisabled Children

Though not required, the District will also allow substitutions for non-disabled children who are unable to consume the regular meal because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority.

The District may also allow substitutions for fluid milk with a non-dairy beverage that is nutritionally equivalent (as established by the Secretary of Agriculture) to fluid milk and meets nutritional standards for students who are unable to consume fluid milk because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority or by the student's parent/legal guardian.

Prohibition Against Adults Charging Meals

Adults must pay for their meals at the time of service or set up pre-paid accounts.
HACCP-Based Food Safety Program
Schools participating in the National School Lunch and/or School Breakfast programs are required to implement a food safety program based on Hazard Analysis and Critical Control Point (HACCP) principles. The District must develop a written food safety program for each of its food preparation and service facilities that is based on either traditional HACCP principles or the "Process Approach" to HACCP. (The "Process Approach" simplifies traditional HACCP by grouping foods according to preparation process and applying the same control measures to all menu items within the group, rather than developing an HACCP plan for each item.)

*District Option

Regardless of the implementation option selected, the District's written food safety program must also include:
a) Critical control points and critical limits;

b) Monitoring procedures;

c) Corrective actions;

d) Verification procedures;

e) Recordkeeping requirements; and

f) Periodic review and food safety program revision.

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

Adopted: 2/23/12
Revised/Adopted: 7/6/17

Non-Instructional/Business Operations

NF/

**SUBJECT: DISTRICT WELLNESS POLICY**

**Wellness Policy Goals: Physical Activity and Nutrition**

**Wellness Policy Goals: Physical Activity and Nutrition**

The Niagara Falls City School District is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Therefore, it is the policy of the Niagara Falls City School District that:

a) The School District will engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing District-wide nutrition and physical activity policies.

b) All students in grades Pre K through 12 will have opportunities, support, and encouragement to be physically active on a regular basis.

c) Foods and beverages sold or served at school will meet the nutrition recommendations of the *U.S. Dietary Guidelines for Americans*.

d) Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.

e) To the maximum extent practicable, all schools in our District will participate in available federal school meal programs (including the School Breakfast Program, and National School Lunch Program [including after-school snacks]).

f) Schools will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services.

g) A District Health and Wellness Committee will meet every other month during the school year to discuss current District Health and Wellness programs, and new Health and Wellness initiatives.

**Nutritional Quality of Foods and Beverages Sold and Served on Campus**

<u>School Meals</u>

Meals served through the National School Lunch and Breakfast Programs will:

a) Be appealing and attractive to children;

b) Be served in clean and pleasant settings;

c) Meet, at a minimum, nutrition requirements established by local, state, and federal statutes and regulations;

d) Offer a variety of fresh fruits and vegetables at each school;

e) Serve only low-fat (1%) and fat-free milk and nutritionally-equivalent non-dairy alternatives (to be defined by USDA);
f) Ensure that some of the served grains are whole grain;
g) Schools will occasionally offer new healthy entrees. In addition, schools will share information about the nutritional content of meals with parents and students;
h) District schools will include suggested healthy eating tips in their monthly newsletters and on the District web site;
i) The District Health and Wellness Committee will forward healthy eating tip ideas to schools for use in their newsletters.

Breakfast

To ensure that all children have breakfast, either at home or at school, in order to meet their nutritional needs and enhance their ability to learn:

a) Schools will, to the extent possible, arrange bus schedules and utilize methods to serve school breakfasts that encourage participation.
b) Schools that serve breakfast to students will notify parents and students of the availability of the School Breakfast Program.
c) Schools will encourage parents to provide a healthy breakfast for their children through newsletter articles, take-home materials, or other means.

Free and Reduced-priced Meals

Schools will make every effort to eliminate any social stigma attached to, and prevent the overt identification of students who are eligible for free and, reduced-price school meals. Toward this end, schools may utilize electronic identification and payment systems; promote the availability of school meals to all students; and/or use nontraditional methods for serving school meals, such as "grab-and- go" whenever possible.

Meal Times and Scheduling in Schools

a) Will provide students with at least ten (10) minutes to eat after sitting down for breakfast and twenty (20) minutes after sitting down for lunch;

b) Will schedule lunch periods when possible between 11 a.m. and 1 p.m., and make accommodations for snacks outside these time frames;

c) Should not schedule tutoring, club, or organizational meetings or activities during mealtimes, unless students may eat during such activities;

d) Will provide students access to hand washing or hand sanitizing before they eat, meals or snacks; and

e) Will take reasonable steps to accommodate the tooth-brushing regimens of students with special oral health needs (e.g., orthodontia or high tooth decay risk).

Qualifications of School Food Service Staff

Qualified professionals will administer the school meal programs with assistance from a registered dietician. The District Health and Wellness Committee will forward Free Food Service training opportunities to the Food Service Director for consideration. The Food Service Director will make reasonable attempts to send District Food Service workers for training when possible.

Sharing of Foods and Beverages

Schools should discourage students from sharing their foods or beverages with one another during meal or snack times, given concerns about allergies and other restrictions on some children's diets.

**Foods and Beverages Sold Individually (i.e., foods sold outside of reimbursable school meals, such as through vending machines, cafeteria a la carte [snack] lines, fundraisers, school stores, etc.)**

Elementary Schools

The school food service program will approve and provide all food and beverage sales to students in elementary schools. Given young children's limited nutrition skills, food in elementary schools will be sold as balanced meals. Foods and beverages sold individually are required to meet the same requirements as the food items in school lunches.

Prep and High Schools

In our middle schools and Niagara Falls High School, all foods and beverages sold individually outside the reimbursable school meal programs (including those sold through a la carte [snack] lines, vending machines, student stores, or fundraising activities) during the school day, or through programs for students after the school day, will meet the following nutrition and portion size standards:

Beverages

a) Allowed: water or seltzer water without added caloric sweeteners; fruit and vegetable juices and fruit-based drinks that contain at least 25% fruit juice and that do not contain additional caloric sweeteners; unflavored or flavored low-fat or fat-free fluid milk and nutritionally-equivalent nondairy beverages (to be defined by USDA). Water machines should be provided in schools when possible as a healthy beverage alternative.

The District beverage contract with Coke ends in 2010. If a new contract is negotiated, the District Health and Wellness Committee will ensure that all vending machine drinks sold meet District Wellness and NYS Education Department requirements.

b) Not allowed: soft drinks containing caloric sweeteners; sports drinks; iced teas; fruit-based drinks that contain less than 25% real fruit juice or that contain additional caloric sweeteners; beverages containing caffeine, excluding low-fat or fat-free chocolate milk (which contain trivial amounts of caffeine).

A food item sold individually: Foods

New York State School Food Service Association Choose Sensibly Program

NYSSFSA is taking a bold step to help ensure the health and well being of the children in our schools. This plan, called Choose Sensibly, is designed to put the dietary guideline recommendations into practice in our schools by identifying snacks that are moderate in fat, sugar, and sodium.

Students are our customers, and we cannot change their selection of what to eat; they must make that change for themselves. What we can do is provide the education component to help them learn to make that choice. We need to provide the nutrition information which can help the child select wisely. After looking at many possible ways of accomplishing this, we decided to adopt one that is very easy to monitor.

We will consider an a la carte item to be a Sensible Choice if it meets the following:

a) Fat = 7 grams or less
b) Saturated Fat = 2 grams or less

c) Sodium = 360 mg or less
d) Sugar = 15 grams or less

A choice of at least two (2) fruits and/or non-fried vegetables will be offered for sale at any location on the school site where foods are sold. Such items could include, but are not limited to, fresh fruits and vegetables; 100% fruit or vegetable juice; fruit-based drinks that are at least 25% fruit juice and that do not contain additional caloric sweeteners; cooked, dried, or canned fruits (canned in fruit juice or light syrup); and cooked, dried, or canned vegetables (that meet the above fat and sodium guidelines).

*Food vending machines that sell items that do not meet the above mentioned District nutritional requirements are required to be turned off during school day hours according to New York State law.

Portion Sizes

Limit portion sizes of foods and beverages sold individually to those listed below:
a) One and one-quarter (1 1/4) ounces for chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, or jerky;
b) One (1) ounce for cookies;
c) Two (2) ounces for cereal bars, granola bars, pastries, muffins, bagels, and other bakery items;
d) Four (4) fluid ounces for frozen desserts, including, but not limited to, low-fat or fat-free ice cream;

e) Eight (8)ounces for non-frozen yogurt;

f) Twelve (12) fluid ounces for beverages, excluding water; and

g) The portion size of a la carte entrees and side dishes, including potatoes, will not be greater than the size of comparable portions offered as part of school meals. Fruits and non-fried vegetables are exempt from portion-size limits.

Fundraising Activities

To support children's health and school nutrition-education efforts, all schools will encourage fundraisers that meet the nutrition and portion size standards for foods and beverages sold individually. Schools will discourage fundraisers that promote or sell food items that do not meet Wellness Policy guidelines. Schools will encourage fundraising activities that promote physical activity.

Snacks

Snacks served during the school day or in after-school care or enrichment programs will make a positive contribution to children's diets and health, with an emphasis on serving fruits and vegetables as the primary snacks and water and milk as the primary beverages. Schools will assess if and when to offer snacks based on timing of school meals, children's nutritional needs, children's ages, and other considerations. Schools can disseminate a list of healthful snack items to teachers, after-school program personnel, and parents.

Rewards

Schools should not use foods or beverages, especially those that do not meet the nutrition standards for foods and beverages sold individually (above), as rewards for academic performance or good behavior, and will not withhold food or beverages (including food served through school meals) as a punishment.

Celebrations

Schools should limit celebrations that involve food during the school day when possible. Schools can disseminate a list of healthy party ideas to parents and teachers. It should be stressed by schools, that foods for parties be healthy.

School-sponsored Events (such as but not limited to, athletic events, dances, or performances)

Foods and beverages offered or sold at school-sponsored events outside the school day for elementary and middle schools should meet the nutrition standards for meals or for foods and beverages sold individually (above). At high school events, the District should make an effort to offer healthy alternatives to foods that do not meet Wellness Policy requirements.

In conclusion, our goal is to reduce the levels of, or completely eliminate, the fat, saturated fat, trans fat, cholesterol and sodium contents and we are achieving this by sourcing modified versions of current popular snack item as well as conducting product research of new items available in the market. We have set maximum levels of total fat (38% of total calories) and sodium (250 mg per portion). We have provided a list of items that meet our requirements. This list will be periodically updated as new product and new formulations become available.

The following is a partial list of snacks currently available for A La Carte Sales:

Rold Gold Pretzels - Calories from Fat: 0-13%
Frito Lay Baked Potato Chips, Cheetos, Doritos - Calories from Fat: 21-35%
Frito Lay Sunchips Original & Cheddar - Calories from Fat: 36%
Grandma's Mini Chocolate Chip Cookies - Calories from Fat: 38%
Grandma's Fudge Big Cookies - Calories from Fat 34%
*Additional Low Fat Items*: Granola Bars, Rice Crisp Treats, Animal Crackers, Snack Pack Pudding, Pop Tarts, Fat Free Jerky's, Combo, Low-Fat Ice Creams, yogurt, fruit bars, and fresh fruit.

**Nutrition and Physical Activity Promotion and Food Marketing**

Nutrition Education and Promotion

Niagara Falls City School District aims to teach, encourage, and support healthy eating by students. Schools should provide nutrition education and engage in nutrition promotion that:

a) Is offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
b) Includes enjoyable, developmentally-appropriate, culturally-relevant, and participatory activities;
c) Promotes fruits, vegetables, whole grain products, low-fat and fat free dairy products, healthy food preparation methods, and health enhancing nutrition practices through our health curriculum;

d) Emphasizes caloric balance between food intake and energy expenditure (physical activity/ exercise);

e) Links with school meal programs, other school foods, and nutrition-related community services;

f) Teaches media literacy in middle and high school; and

g) Includes professional development for teachers that provides resources and information.

Integrating Physical Activity into the Classroom Setting

The Niagara Falls City School District recommends that students receive the nationally-recommended amount of daily physical activity *(i.e.,* at least sixty [60] minutes per day) and for students to fully embrace regular physical activity as a personal behavior, students need opportunities for physical activity beyond physical education class. Toward that end:

a) Classroom health education will complement physical education by reinforcing the knowledge and self-management skills needed to maintain a physically-active lifestyle and to reduce time spent on sedentary activities, such as watching television;

b) Efforts should be made for physical activity to be incorporated into other subject lessons.

Communications with Parents

The District/school may support parents' efforts to provide a healthy diet and daily physical activity for their children. The District/school will send home meal information. Schools should encourage parents to pack healthy lunches. The District or schools may provide parents with a list of foods that meet the District's snack standards and ideas for healthy celebrations/parties, rewards, and fundraising activities in school newsletters or the *Our Schools* newsletter. In addition, the District and schools will provide opportunities for parents to share their healthy food practices with others in the school community.

The District/school will provide information about physical education and other school-based physical activity opportunities before, during, and after the school day; and support parents' efforts to provide their children with opportunities to be physically active outside of school. Examples may include, sharing information about physical activity and physical education through a website, newsletter, or other take-home materials, special events, or physical education homework.

Food Marketing in Schools

School-based marketing will be consistent with nutrition education and health promotion. School based marketing must be approved by the Superintendent of Schools. School-based marketing of brands promoting predominantly low-nutrition foods and beverages is prohibited. The promotion of healthy foods, including fruits, vegetables, whole grains, and low-fat dairy products is encouraged.

Examples of marketing techniques include the following: logos and brand names on/in vending machines, books or curricula, textbook covers, school supplies, scoreboards, school structures, and sports equipment; educational incentive programs that provide food as a reward; programs that provide schools with supplies when families buy low-nutrition food products; in-school television, such as Channel One; free samples or coupons; and food sales through fundraising activities. Marketing activities that promote healthful behaviors (and are therefore allowable) include: vending machine covers promoting water; pricing structures that promote healthy options in a la carte lines or vending machines; sales of fruit for fundraisers; and coupons for discount gym memberships.

**Physical Activity Opportunities and Physical Education**

Daily Physical Education PreK through 12

All students in grades PreK through 12, including students with disabilities, special health-care needs, and in alternative educational settings, will participate in a Physical Education program that includes a sequential curriculum and complies with the New York State commissioners regulations. All physical education classes will be taught by a certified Physical Education teacher. (E.g., interscholastic or intramural sports) will not be substituted for meeting the physical education requirement. Students will spend at least fifty percent (50%) of physical education class time participating in moderate to vigorous physical activity.

Physical Activity Opportunities After School

Elementary schools, middle schools, and the high school offer extracurricular physical activity programs, such as physical activity clubs, extended day, or intramural programs. Schools also offer interscholastic sports programs. Schools offer a range of activities that meet the needs, interests, and abilities of all students, including boys, girls, students with disabilities, and students with special health-care needs.

The 21st Century After School Program

The Middle Schools and High School offer the 21st Century After School Program. Each program designates a recreational block that all students take part in.

Physical Activity and Punishment

Teachers and other school and community personnel will not use physical activity (*e.g.,* running laps, pushups) or withhold opportunities for physical activity (*e.g.,* recess, physical education) as punishment.

Safe Routes to School

The School District assesses and, to the extent possible, makes needed improvements to make it safer and easier for students to walk and bike to school. The District will work together with local public works, public safety, and/or police departments in those efforts. The School District will explore the availability of federal "safe routes to school" funds, administered by the state department of transportation, to finance such improvements.

Use of School Facilities Outside of School Hours

Niagara Falls High School and the new Niagara Street Elementary School after its completion, will be available to students, staff, and community members before, during, and after the school day, on weekends, and during school vacations. These facilities are available to community agencies and organizations offering physical activity and nutrition programs. School policies concerning safety will apply at all times.

**Monitoring and Policy Review**

Monitoring

The Superintendent or designee will ensure compliance with established District-wide nutrition and physical activity wellness policies. In each school, the Principal or designee will ensure compliance with those policies in his/her school and will report on the school's compliance to the School District Superintendent or designee.

School food service staff, at the school or District level, will ensure compliance with nutrition policies within school food service areas and will report on this matter to the Student Services Office, and then Superintendent if necessary (or if done at the school level, to the School Principal). In addition, the School District will report on the most recent USDA School Meals Initiative (SMI) review findings and any resulting changes.

The Superintendent or designee will develop a summary report every three years on District-wide compliance with the District's established nutrition and physical activity wellness policies, based on input from schools

within the District. That report will be provided to the School Board and also distributed to the District Wellness Policy Committee, parent/teacher organizations, School Principals, and School Health Services personnel in the District.

Schools will be asked to report on their compliance with the District Wellness Policy by the Superintendent, or his/her designee at each school's mid year review. The District Wellness Policy initiatives and issues will be discussed at the monthly District Health and Wellness Policy meetings as needed.

Policy Review

Assessments of the District's Wellness Policy will be repeated every three (3) years to help review policy compliance, assess progress, and determine areas in need of improvement. As part of that review, the School District will review our nutrition and physical activity policies; provision of an environment that supports healthy eating and physical activity; and nutrition and physical education policies and program elements. The District, and individual schools within the District, will, as necessary, revise the wellness policies and develop work plans to facilitate their implementation.

Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265 Section 204
Richard B. Russell National School Lunch Act , 42 United States Code (USC) Section 1751 et seq.
Child Nutrition Act of 1966, 42 United States Code (USC) Section 1771 et seq.
7 Code of Federal Regulations (CFR) Section 210.10

Adopted: 7/2/09
Reviewed/Adopted: 2/23/12

# Niagara Falls City School District
# Wellness Policy





**Mark Laurrie**
**Superintendent of Schools**

**Board of Education:**

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**Paul Kudela**
**Rob Bilson**

***May 2022 Revised***

# Niagara Falls City School District
# Wellness Policy

## Committee Members

Nicholas Ruffolo (Wellness Committee Coordinator)
Ezra Scott- Pupil Service Associate, NFCSD
Connor Abbott- Cornell Cooperative Extension of Niagara County
Theresa McCabe- Niagara County Health Department
Rocco Merino- School Principal (Niagara Street Elementary)
Justine Hays- Cornell Cooperative Extension of Niagara County
Kevin Edwards- Food Service Administrator
Jo A. Silvaroli- District Nurse Practitioner
Stan Wojton- Principal Cataract Elementary
Mary Beth Dean- FACS – LPS/GPS
Tom Lowe- Field and Fork Network
Joanne Ruppley-Fawley- Fidelis Health Care
Lisa Tucker French- Field and Fork Network
Edward Ventry- Assistant Principal (NFHS)
Bryan Rotella-Assistant Principal (NFHS)
Jaime Evan- F-Bites Mentoring Program

# Wellness Policy

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## Preamble

The Niagara Falls City School District is committed to the optimal development of every student. The district believes that for students to have the opportunity to achieve personal, academic, developmental, and social success, we need to create positive, safe, and health-promoting learning environments at every level, in every setting, throughout the school year. Guidance from the Center for Disease Control (C.D.C), Whole Child Model was used when creating this document.

Research shows that two components, good nutrition and physical activity before, during, and after the school day are strongly correlated with positive student outcomes. This policy outlines the district's approach to ensuring environments and opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. This policy establishes goals and procedures to ensure that:

- The school district will engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing district- wide nutrition and physical activity policies.

- All students in grades Pre K-12 will have opportunities to be physically active before, during, and after school.

- Foods and beverages sold or served at school throughout the day will meet federal and state nutrition standards.

- Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.

- To the maximum extent practicable, all schools in the district will participate in available federal school meal programs (including the School Breakfast Program, and National School Lunch Program [including after-school snacks).

- Schools will provide quality nutrition education to foster lifelong habits of healthy eating, and will establish linkages between health education, school meal programs, and with related community services.

- Schools engage in nutrition and physical activity promotion and other activities that promote student wellness.

- The community is engaged in supporting the work of the district in creating continuity between school and other settings for students and staff to practice lifelong healthy habits.

- District establishes and maintains an infrastructure for management, oversight, implementation, communication about, and monitoring of the policy and its established goals and objectives.

- The District Health and Wellness Committee will meet every other month during the school year to discuss current District Health and Wellness programs, and new Health and Wellness initiatives. Membership will represent all school levels and include health and PE teachers, nutrition service staff members, students, families, school administrators, school nurses and other health-care providers, social service professionals and civic leaders. The committee mission statement and purpose are as follows:

  **Committee Mission:** To improve student and employee health and well-being while reducing risk factors associated with the leading causes of death and disability.

  **Committee Purpose:** To promote healthy lifestyles through educational programs that identify health risks and encourage lifelong wellness. Educate whole school community on policies and practices that *create a Culture of Wellness.*

## Wellness Policy Implementation, Evaluation and Communication

### Implementation Plan

The district will develop and maintain a plan for implementation to manage and coordinate the execution of this wellness policy. The school coordinator for Creating Healthy Schools in conjunction with a school leader will use the Healthy Schools Program tools to complete a school level assessment based on the Centers for Disease Control and Prevention's School Health Index. This will be used to create an action plan that fosters implementation and to generate a progress report.

**This wellness policy and the progress reports can be found at:**

https://www.nfschools.net/Page/4212

### Recordkeeping

The district will retain records to document compliance with the requirements of the wellness policy at Central Office and/or District Website. Documentation maintained in this location will include:

- The written wellness policy
- Documentation demonstrating compliance with community involvement requirements, including; 1. Efforts to solicit DWC membership from the required stakeholder groups. 2. These groups' participation in the development, implementation, and periodic review and update of the wellness policy.
- Documentation of annual policy progress reports for each school under its jurisdiction.
- Documentation of the triennial assessment of the policy.
- Documentation demonstrating compliance with public notification requirements,

including: Methods by which the wellness policy, annual progress reports, and triennial assessments are made available to the public; and efforts to actively notify families about the availability of the wellness policy.

**Annual Progress Reports**

The district will compile and publish an annual report to share basic information about the wellness policy and report on the progress of the schools within the district in meeting wellness goals. This report will include, but is not limited to:

- The website address for the wellness policy and/or how the public can receive/access a copy of the wellness policy.
- A description of each school's progress in meeting the wellness policy goals.
- A summary of each school's events or activities related to wellness policy implementation.
- The name, position title, and contact information of the designated sistrict policy leader(s).
- Information on how individuals and the public can get involved with the DWC or SWC.

The district will actively notify households/families of the availability of the annual report.

**Triennial Progress Assessments**

At least once every three years, the district will evaluate the wellness policy using the WellSAT 2.0 tool. The DWC, in collaboration with individual schools, will monitor schools' compliance with this wellness policy.

The superintendent or designee will ensure compliance with established district-wide wellness policies. Each school building leader shall delegate a school contact or liaison who ensures each school is in compliance with established wellness policies. In addition, information sharing with the school liaison will occur throughout the school year to keep each school informed and up to date regarding the wellness policy.

**District Wellness Policy Monitoring Chart**

| Policy Area | How will it be monitored | Who will monitor | Frequency of Monitoring | Who will results be reported to |
|---|---|---|---|---|
| Nutrition Education | Classroom visitations, teacher planbooks | School Administrative Team | Annually | Assistant Superintendent for Curriculum and Instruction |
| School Meals (Breakfast & Lunch) | School cafeteria visitations | Food Service Administrator | Annually | Superintendent |
| Meal Times and Scheduling in Schools | School cafeteria | School Administrative Team | Annually | Superintendent |
| Qualifications of School Food Service Staff | School kitchen visitations | Food Service Administrator | Annually | Administrator for HRO |

| | | | | |
|---|---|---|---|---|
| Competitive Foods and Beverages (Vending machines, fundraising activities, snacks, classroom celebrations, school stores, school special events) | School visitations | School Administrative Team or Teacher leader | Daily | Superintendent |
| Physical Education Program | Visitations of school PE Programs | School Administrative Team | Annually | Superintendent |
| Physical Activity | Classroom Visitations | School Administrative Team | Daily | Superintendent |
| School Facilities outside of school (Dances, concerts, plays, etc) | Event visitations | School Administrative Team | As necessary | Superintendent |
| Extra-Curricular Activities (Interscholastic Sports) | Sporting event visitations | Athletic Director | Daily | Superintendent |
| Communications with Parents | Review of school web sites and newsletters | School Administrative Team | Monthly | Superintendent |
| Food Marketing | District Wellness Committee | District Wellness Policy Chairperson | Monthly | Superintendent |

## Revisions and Updating the Policy

The DWC will update or modify the wellness policy based on the results of the annual progress reports and triennial assessments, and/or as district priorities change; community needs change; wellness goals are met; new health science, information, and technology emerges; and new federal and state guidance or standards are issued. The wellness policy will be assessed and updated as indicated at least every three years, following the triennial assessment.

## Community Involvement, Outreach, and Communications

The district is committed to being responsive to community input, which begins with awareness of the wellness policy. The district will actively communicate ways in which representatives of the DWC and others can participate in the development, implementation, and periodic review and update of the wellness policy through the district website and/or newsletter. The district will also update parents of the improvements that have been made to school meals and compliance with school meal standards and Smart Snacks. The district will notify the public about the content of any updates to the wellness policy annually. Families will be notified of the content, implementation, and updates to the wellness policy, as well as how to be involved and support the policy. A section of the district website and newsletter will be dedicated to wellness.

# Nutrition Education

## Nutrition Education and Promotion

Niagara Falls City School District aims to teach, model, encourage, and support healthy eating by students. Schools provide nutrition education and engage in nutrition promotion in the following ways:

- The curriculum is designed to provide students with the knowledge and skills necessary to promote and protect their health.
- It is integrated into other subjects such as math, science, language arts, social sciences, and elective subjects.
- In grades Pre K – Grade 6, nutrition education is integrated into the curriculum in a sequential, developmentally appropriate curriculum.
- The Sprouts Curriculum via Field and Fork Network will be taught as part of the Family and Consumer Science Course in Prep School and integrated into other subject areas whenever possible.
- The Cultivators Curriculum via Field and Fork Network will be embedded by the Post-Secondary Success Team at NFHS.
- Students are not allowed to leave campus during lunch periods.
- Nutrition topics will be included in Grade 11 as part of the high school health curriculum and integrated into other subjects whenever possible.
- Nutrition topics link with school meal programs, cafeteria nutrition promotion activities, school gardens, Farm to School Programs, and nutrition related community services.
- Cornell Cooperative Extension will provide hands-on activities, such as cooking demonstrations or lessons, promotions for healthy foods, media literacy with an emphasis on food and beverage marketing, taste-testing, farm to school activities and school gardens.
- Cornell Cooperative Extension will facilitate educational training for teachers and other food service staff.
- Fresh Fruit and Vegetable Program- FFVP is an important tool in our efforts to combat childhood obesity. The Program has been successful in introducing school children to a variety of produce that they otherwise might not have the opportunity to sample.
- The district will continue to partner with community organizations like Cornell Cooperative Extension of Niagara County, United HealthCare, Niagara County Health Department, and Niagara Falls Memorial Medical Center to offer health workshops and guest speakers in schools for our students and staff.

## Essential Healthy Eating Topics in Health Education

The district will include in the health education curriculum the following essential topics on healthy eating:

- The relationship between healthy eating and personal health and disease prevention
- Balancing food intake and physical activity
- Eating a variety of foods everyday
- Reading and using USDA's food labels
- Eating more fruits, vegetables, and whole grain products
- Choosing foods that are low in fat, saturated fat, and cholesterol as well as no trans fat
- Choosing foods and beverages with little added sugars
- Eating more calcium-rich foods
- Preparing healthy meals and snacks
- Risks of unhealthy weight control practices
- Accepting body size differences
- Food Safety
- Importance of water consumption
- Importance of eating breakfast
- Making healthy choices when eating at restaurants
- Eating disorders
- Dietary Guidelines for Americans
- Reducing sodium intake
- Social influences on healthy eating, including media, family, peers, and culture
- How to find valid information or services related to nutrition and dietary behavior
- How to develop a plan and track progress toward achieving a personal goal to eat healthy
- Resisting peer pressure related to unhealthy dietary behavior
- Influencing, supporting, or advocating for others' healthy dietary behavior

### Food guidance from My Plate

MyPlate is a reminder to find your healthy eating style and build it throughout your lifetime. Everything you eat and drink matters. The right mix can help you be healthier now and in the future. This means:

- Focus on variety, amount, and nutrition.
- Choose foods and beverages with less saturated fat, sodium, and added sugars.
- Start with small changes to build healthier eating styles.
- Support healthy eating for everyone.

Eating healthy is a journey shaped by many factors, including our stage of life, situations, preferences, access to food, culture, traditions, and the personal decisions we make over time. All your food and beverage choices count. MyPlate offers ideas and tips to help you create a healthier eating style that meets your individual needs and improves your health.

- Professional Development opportunities will be available to further expand "MyPlate" across the K-2nd grade curriculum.
- Pilot programs to explore effectiveness

# Standards for USDA Child Nutrition Programs and School Meals

## School Meals

Meals served through the National School Lunch and Breakfast Programs will:

- Be appealing and attractive to children
- Be served in clean and pleasant settings
- Meet, at a minimum, nutrition requirements established by USDA (United States Department of Agriculture) Nutrition Standards for the National School Lunch and School Breakfast Programs
- Offer a variety of fresh fruits and vegetables at each school
- Serve only low-fat (1 %) and fat-free milk and nutritionally-equivalent non-dairy alternatives (to be defined by USDA)
- Attempt to serve whole grain items
- Offer new healthy entrees. In addition, schools will share information about the nutritional content of meals with parents and students upon request
- Include suggested healthy eating tips in their monthly newsletters and on the district web site
- Menus will be posted on the district website and will include nutrient content and ingredients.
- Promote healthy food and beverage choices using at least ten of the following Smarter Lunchroom Techniques:

    - Whole fruit options are displayed in attractive bowls or baskets
    - Sliced or cut fruit is available daily
    - Daily fruit options are displayed in a location in the line of sight and reach of students
    - All available vegetable options have been given creative or descriptive names
    - Daily vegetable options are bundled into all grab and go meals available to students
    - All staff members, especially those serving, have been trained to politely prompt students to select and consume the daily vegetable options with their meal
    - White milk is placed in front of other beverages in all coolers
    - Alternative entrée options (e.g. salad bar, yogurt parfaits, etc.) are highlighted on posters or signs within all service and dining areas
    - Student artwork is displayed in the service and/or dining areas
    - Daily announcements are used to promote and market menu options

- The District will implement at least four of the following five *Farm to School* activities:
    - Local and/or regional products are incorporated into the school meal program
    - Messages about agriculture and nutrition are reinforced throughout the learning environment
    - School hosts a school garden
    - School hosts field trips to local farms
    - School utilizes promotions or special events, such as tastings, that highlight

the local/regional products.

**Breakfast**

To ensure that all children have breakfast, either at home or at school, in order to meet their nutritional needs and enhance their ability to learn:

- Schools will, to the extent possible, arrange bus schedules and utilize methods to serve school breakfasts that encourage participation
- Schools that serve breakfast to students will notify parents and students of the availability of the School Breakfast Program
- Schools will encourage parents to provide a healthy breakfast for their children through newsletter articles, take-home materials, or other means
- Each school will develop a policy providing students the opportunity to participate in the NYSED Breakfast After the Bell Program.

**Water**

To ensure that all children, teachers and staff understand the importance of hydration and have ample opportunities to drink water throughout the school day.

To promote hydration, free, safe, unflavored drinking water will be available to all students throughout the school day. The district will make drinking water available where school meals are served during mealtimes. In addition, students will be allowed to bring and carry (approved) water bottles filled with only water with them throughout the day.

- The district purchased Elkay Single Water Foutain's with Bottle Filling Stations at every school.
- Water is available in the cafeteria if a drinking fountain is not present.
- All water sources and containers will be maintained on a regular basis to ensure good hygiene standards.

**Free and Reduced-Priced Meals**

Schools will make every effort to eliminate any social stigma attached to, and prevent the overt identification of students who are eligible for free and, reduced-price school meals. Toward this end, schools utilize electronic identification and payment systems; promote the availability of school meals to all students; and/or use nontraditional methods for serving school meals, such as "grab-and- go" whenever possible.

**Staff Qualifications and Professional Development**

School nutrition program directors, managers, and staff will meet or exceed hiring and annual continuing education/training meeting minimal requirements in the USDA professional standards for child nutrition professionals. The District Health and Wellness Committee will forward free food service training opportunities to the Food Service Director for consideration. The Food Service Director will make reasonable attempts to send District Food Service workers for training when possible. Through the Farm to School grant, Cornell Cooperative Extension will provide culinary food service training emphasizing fresh fruits and vegetables.

**Meal Times and Scheduling in Schools**

- Will provide students with at least 10 minutes to eat after sitting down for breakfast and 20 minutes after sitting down for lunch
- Will schedule lunch periods when possible between10:30 am-1:30 pm.
- Should not schedule tutoring, club, or organizational meetings or activities during meal times, unless students may eat during such activities
- Will provide students access to hand washing or hand sanitizing before they eat, meals or snacks
- Will take reasonable steps to accommodate the tooth-brushing regimens of students with special oral health needs (e.g., orthodontia or high tooth decay risk) signage in student restrooms encouraging students to wash their hands after using the restroom

**Sharing of Foods and Beverages**

All district schools should discourage students from sharing their foods or beverages with one another during meal or snack times, given concerns about *allergies* and other restrictions in some children's diets.

*Food Allergies-Teachers, classroom associates, and cafeteria personnel are notified of student food allergies. Proper steps and protocol taken to ensure a safe and healthy environment for all students.*

## Nutrition Standards for Competitive and other Foods and Beverages

The District is committed to ensuring that all foods and beverages available to students in school during the school day support healthy eating. The foods and beverages sold and served outside of the school meal programs (i.e. “competitive” foods and beverages) will meet the USDA Smart Snacks in School nutrition standards, at a minimum. Smart Snacks 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. A summary of the standards and information are available at:

**Elementary Schools**

The school food service program will approve and provide all food and beverage sales to students in elementary schools. Given young children's limited nutrition skills, food in elementary schools will be provided as balanced meals. Foods and beverages sold individually are required to meet the same USDA nutrition standards as outlined through the National School Lunch and School Breakfast Program.

**Prep and High Schools**

In our Prep schools and Niagara Falls High School, all foods and beverages sold individually outside the reimbursable school meal programs (including those sold through a la carte [snack] lines, vending machines, student stores, or fundraising activities) during the school day, or through programs for students after the school day, are required to meet the same USDA nutrition standards as outlined through the National School Lunch and School Breakfast Program.

**Beverages**

All beverages served must meet the USDA Smart Snack Beverage standards

**Portion Sizes**

Shall not exceed the recommended portions required by the federal nutrition standards.

## Fundraising

To support children's health and school nutrition-education efforts, all school will encourage fundraisers that meet the nutrition and portion size standards for foods and beverages sold individually. Schools will discourage fundraisers that promote or sell food items that do not meet USDA nutrition standards. Schools will encourage fundraising activities that promote physical activity.

A list of healthy fundraising ideas will be made available to parents and teachers from the Alliance for a Healthier Generation and USDA.

**Snacks, Rewards, Celebrations**

All foods offered on the school campus including before and after school programs will meet or exceed the USDA Smart Snacks in School nutrition standards through:

1. Celebrations and parties-the District will provide a list of healthy party ideas to parents and teachers, including non-food celebration ideas. Including options for healthy celebrations and reducing the number of celebrations. Health party ideas from the Alliance for a Healthier Generation and from the USDA
2. Classroom snacks brought by parents- the District will provide to parents a list of foods and beverages that meet Smart Smacks nutrition standards; and
3. Rewards and incentives- the district will provide teachers and other relevant school staff a list of alternative ways to reward children. Foods and beverages will not be used as a reward, or withheld as punishment for any reason, such as for performance or behavior.

| Healthy Classroom Snack Options | Healthy School Party/Celebration Options | Healthy School Fundraiser or Project Options |
|---|---|---|
| Raw vegetable sticks | Vegetable Dip | Walk-a-thon |
| Fruit wedges | Fruit dip | Recycling programs |
| Dried fruit | Fruit/Yogurt Parfait | Dance marathon |
| Single serve apple sauce (low fat) | Smoothies | School Garden projects |
| Trail mix | Watermelon popsicle sticks | Book Fairs |

| | | |
|---|---|---|
| Pretzels | Apple Cider | Plant and flower sales |
| Granola bars (low fat/low sugar) | Educational party games (word bingo, multiplication bingo, etc) | Healthy food sales |
| Pudding cups (low fat) | Healthy food tasting Party | Auctions |
| Yogurt (low fat) | Outdoor games | Cookbook fundraisers |
| Low fat cheese | Scavenger hunts | Fruit sales |
| Bread sticks or whole wheat pretzels | Nature walks | Magazine subscription sales |
| Water | Caroling at the Senior Center | School T-shirt sales |

**School-sponsored Events**

(This includes, but is not limited to, athletic events, dances, or performances). Foods and beverages offered or sold at school-sponsored events outside the school day for elementary and prep schools are encouraged to meet the USDA nutrition standards for meals or for foods and beverages sold individually (above). At high school events, the school should offer healthy alternatives to foods that do not meet USDA nutrition standards for School Lunch and Breakfast Programs.

## Physical Activity

Children and adolescents should participate in 60 minutes of physical activity every day. A substantial percentage of students' physical activity can be provided through a comprehensive school-based physical activity program (CSPAP) that includes these components: physical education, recess, classroom-based physical activity, walk and bicycle to school, and out-of-school time activities and the District is committed to providing these opportunities. Schools will ensure that these varied opportunities are in addition to, and not as a substitute for, physical education.

Physical activity during the school day (including but not limited to recess, physical activity breaks, or physical education) will not be withheld as punishment for any reason. This does not include sports teams that have specific academic requirements. The District will provide teachers and other school staff with a list of ideas for alternative ways to discipline students. In reverse it will not be used as punishment.

**Physical Education: Pre K-12**

All district students in grades Pre K - 12, including special education students, will participate in a Physical Education program that includes a sequential curriculum and complies with the New York State commissioner's regulations. All physical education classes will be taught by a certified Physical Education teacher. The district has in place a comprehensive Pre K – 12 Physical Education curriculum. Physical education curriculum revision will follow a formally established periodic review cycle congruent to other academic subjects.

Interscholastic or intramural sports will not be substituted for meeting the physical education requirement. Students will spend at least 50 percent of physical education class time participating in moderate to vigorous physical activity.

The district will provide students with physical education, using an age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education. The physical education curriculum will promote the benefits of a physically active lifestyle and will help students develop skills to engage in lifelong healthy habits, as well as incorporate essential health education concepts.

All students will be provided equal opportunity to participate in physical education classes. The district will make appropriate accommodations to allow for equitable participation for all students and will adapt physical education classes and equipment as necessary.

All district students will receive 120 minutes a week of physical education throughout the school year.

*All secondary students (prep and high school) are required to take the equivalent of one year of physical education. All students in grades 7-12 shall attend and participate in physical education for not less than three times per week in one semester, and not less than two times per week in the other semester.

**Essential Physical Activity Topics in Health Education**

The district will include in the health education curriculum the following essential topics on physical activity:

- The physical, psychological, or social benefits of physical activity
- How physical activity can contribute to a healthy weight
- How physical activity can contribute to the academic learning process
- How an inactive lifestyle contributes to chronic disease.
- Health-related fitness, that is, cardiovascular endurance, muscular endurance, muscular strength, flexibility, and body composition
- Differences between physical activity, exercise, and fitness
- Phases of an exercise session, that is, warm up, workout, and cool down
- Overcoming barriers in physical activity
- Decreasing sedentary activities such as watching TV
- Opportunities for physical activity in the community
- Preventing injury during physical activity
- Weather-related safety, for example, avoiding heat stroke, hypothermia, and sunburn while being physically active
- How much physical activity is enough, that is, determining frequency, intensity, time, and type of physical activity
- Developing an individualized physical activity and fitness plan
- Monitoring progress toward reaching goals in an individualized physical activity plan
- Dangers of using performance-enhancing drugs, such as steroids
- Social influences on physical activity, including media, family, peers, and culture
- How to find valid information or services related to physical activity and fitness
- How to influence, support, or advocate for others to engage I physical activity
- How to resist peer pressure that discourages physical activity.

**Recess (Elementary)**

All elementary schools will offer at least 20 minutes of recess on all or most days during the school year. The policy may be waived on early dismissal or late arrival days. Outdoor recess will be offered when feasible. If recess is offered before lunch, schools will have appropriate hand-washing facilities and/or hand-sanitizing mechanisms located just inside/outside the cafeteria to ensure proper hygiene prior to eating. The district wellness committee will create or facilitate the development of guidelines for physical activity during recess on an individual school basis. Some elementary schools do not have playgrounds or green space for outdoor activity.

**Physical Activity Breaks (Elementary and Secondary)**

The district recognizes that students are more attentive and ready to learn if provided with periodic breaks when they can be physically active or stretch.

**Integrating Physical Activity into the Classroom Setting**

The Niagara Falls City School District recommends that students receive the nationally-recommended amount of daily physical activity *(i.e.,* at least 60 minutes per day) and for students to fully embrace regular physical activity as a personal behavior, students need opportunities for physical activity beyond physical education class. Toward that end:

1. Classroom health education will complement physical education by reinforcing the knowledge and self-management skills needed to maintain a physically-active lifestyle and to reduce time spent on sedentary activities, such as watching television
2. Teachers will incorporate movement and kinesthetic learning approaches into "core" subject instruction when possible (e.g. science, math, language arts, social studies, and others) and do their part in limiting sedentary behavior during the school day. The district purchased Math and Movement mats for all elementary schools to increase kinesthetic learning.
3. Teachers will provide short (3-5 min.) physical activity breaks to students during and between classroom time. These physical activity breaks will complement, not substitute, for physical education class, recess, and class transition periods.
4. The district will support classroom teachers incorporating physical activity and integrating kinesthetic learning approaches into core subjects by providing professional development opportunities and resources, including information on leading activities, activity options, and background material on the connections between learning and movement.
5. Elementary classroom teachers implement physical activity through nature walks, walk-a-thons, Deskercise*, Go Noodle* videos, and garden planting.

The district will provide resources and links to resources, tools, and technology with ideas for physical activity breaks. Resources and ideas are available through USDA, Fuel up to Play 60, and Alliance for a Healthier Generation.

**Active Transport/Safe Routes to School**

The district will support active transport to and from school, such as walking or biking. The district will work together with local partners including: public works, public safety, and /or police departments in those efforts. It will pursue the availability of federal "safe routes to

school" funds, administered by the state department of transportation, to finance such improvements.

The district will encourage this behavior by engaging in six or more of the activities below; including but not limited to:

- Designation of safe or preferred routes to school
- Promotional activities such as participation in International Walk to School Week, National Walk and Bike to School Week
- Secure storage facilities for bicycles and helmets
- Instruction on walking/bicycling safety provided to students
- Promotion of safe routes program to students, staff, and parents via newsletters, websites, local newspaper
- Crosswalks exist on streets leading to schools
- Walking school buses are used (students walk together in planned groups for safety etc.)

In conjunction with these activities, it would be helpful to provide documentation of the number of children walking and or biking to and from school and/or create and distribute maps of the school environment (e.g., sidewalks, crosswalks, roads, pathways, bike racks, etc.)

**Use of School Facilities Outside of School Hours**

All district schools and facilities will be available to students, staff, and community members before, during, and after the school day, on weekends, and during school vacations. These facilities are available after school hours to community agencies and organizations offering physical activity and nutrition programs. School policies concerning safety will apply at all times. All organizations are required to complete district facility use forms, and provide the district with a copy of the required liability insurance documentation before using district facilities. Listed below is a copy of the link to assess the "School Facilities Use Form":

**Physical Activity Opportunities Before and After School**

The district offers opportunities for students to participate in physical activity either before and/or after the school day (or both) through a variety of methods. Elementary schools, Prep schools, and the high school offer extracurricular physical activity programs, such as physical activity clubs, extended day, or intramural programs. Secondary district schools also offer interscholastic sports programs. Schools offer a range of activities that meet the needs, interests, and abilities of all students, including special education students.

**Elementary Schools**:

District Mile Run, District Swim Meet, District Elementary Basketball League, Walking Clubs and NFCSD Wellness Event.

**Prep Schools:**

Advantage after-school program, Boys and Girls Club, Extended Day program and NFSCD Wellness Event.

**Inter-scholastic Sports:**

Boys- Track, Golf, Cross Country, Football, Ice Hockey, Soccer, Swimming, Volleyball, Basketball, Bowling, Wrestling, Baseball, and Tennis

Girls- Soccer, Swimming, Volleyball, Basketball, Cheerleading, Bowling, Softball, Tennis, and Lacrosse

**District Summer Camp:**

A free Summer Camp Program (July-August) in association with the Niagara Falls Housing Authority hosted at NFHS for 6th – 12th Grade District students offering Co-ed, Drama Club, Art, Basketball, Baseball, Swim, Tennis, Soccer, and Wrestling.

**Camp Wolverine:**

A summer camp at Niagara Falls high school for prep and high school Special Education students that offers fitness, arts and crafts, an academic component, and community field trip opportunities.

**Prep School Health Fairs:**

LaSalle Prep School and Gaskill Prep School both offer health fairs for students that feature various community health organizations. In addition, students are exposed to healthy organizations by way of presentation and guest speakers on a weekly basis throughout the semester.

**District Wellness Center at NFHS:**

The Wellness Center at NFHS is open daily from 6:30pm - 9:00pm, and free to the community. It offers a pool, fitness room, and walking track.

**District Wellness Event:** Annually the district will host a wellness fair showcasing community vendors related to Health and Wellness. At the wellness fair, a 5k community run and 1.7 mile kids/fun run will be offered for participation. District employees will also have the opportunity to enroll in healthcare coverage for the upcoming year.

**District Fitness Report Cards:**

Students in grades 3, 5, 7, 9, and 11 are fitness tested by their school Physical Education teacher. A Fitness Report Card is then generated and mailed home to parents.

## Wellness Promotion and Marketing

The district will integrate wellness activities across the entire school setting to create a *Culture of Wellness*. The district will coordinate and integrate other initiatives related to physical activity, physical education, nutrition, and other wellness components so all efforts are complementary, not duplicative, and work towards the same set of goals and objectives promoting student well-being, optimal development, and strong educational outcomes.

Efforts related to obtaining federal, state, or association recognition for efforts, or grants/funding opportunities for healthy school environments will be coordinated with and complementary of the wellness policy, including but not limited to ensuring involvement of the DWC

All school-sponsored events will adhere to the wellness policy. All school-sponsored wellness events will include physical activity opportunities.

**Food Marketing in Schools (Farm to School Grant)**

School-based marketing will be consistent with nutrition education and health promotion. School-based marketing must be approved by the Superintendent of Schools. School-based marketing of brands promoting predominantly low-nutrition foods and beverages is prohibited. Schools will integrate marketing strategies to promote healthy food and beverage choices as part of the curriculum. The arts are one-way students can express ideas for healthy advertising and food choices.

Examples of marketing techniques include the following: logos and brand names on/in vending machines, books or curricula, textbook covers, school supplies, scoreboards, school structures, and sports equipment; educational incentive programs that provide food as a reward; programs that provide schools with supplies when families buy low- nutrition food products; in-school television, such as Channel One; free samples or coupons; and food sales through fundraising activities. Marketing activities that promote healthful behaviors (and are therefore allowable) include: vending machine covers promoting water; pricing structures that promote healthy options in a la carte lines or vending machines; sales of fruit for fundraisers; and coupons for discount gym memberships.

Farm to School Grant: The grant will provide the following:

- School Gardens at all building district-wide.
- Agriculture Curricula in Prep School and High School through the Field and Fork Network.
- Fresh Fruit and Vegetable Program in all schools. (FFVP)
- Produce kits to enhance food and nutrition access in low-income neighborhoods.
- Cornell Cooperative Extension will provide culinary food service training emphasizing fresh fruits and vegetables

Feedmore of Western New York Backpack Program assist our students by providing easily prepared, nutritious food in take-home bags each Friday throughout the school year and over the summer. This program is offered to all district schools.

Feedmore of Western New York School Pantry Program provides our high school students access to nutritious food that can be shared with others in their household. Niagara Falls

High School will host an on-site food pantry and discreetly allow students to access the pantry for food. This program is critical for NFHS students who serve as the primary or sole caretaker of their children, younger siblings, cousins or when their parent or guardian is unable to obtain food due to a disability, unpredictable work schedules, or lack of transportation.

Fresh Fruits Vegetable Program: FFVP is a valuable tool in our efforts to combat childhood obesity. The Program has been successful in introducing school children to a variety of produce that they otherwise might not have the opportunity to sample. The district will offer fresh fruits and vegetables to all students each school day. An assigned food service staff member will prepare and distribute to students throughout the school day.

F BITES (Food Based Interventions with Technology, Energy & Science) is a work-based learning program designed specifically to give students the opportunity to learn important life skills and break the cycle of poverty. Utilizing culinary education and cooking instruction as a vehicle to develop leadership, professional skills and career readiness, F BITES is a hands-on solution to the problems facing at-risk youth and chronically unemployed adults to help break the cycle of poverty. More than just cooking instruction, F BITES establishes health, wellness, structure, vocational training, and life skills.

**Communications Health Promotion and Engagement**

The district will promote to parents/caregivers, families, and the general community the benefits of and approaches for healthy eating and physical activity throughout the school year. Families will be informed and invited to participate in school-sponsored activities and will receive information about health promotion efforts. The district will use the district website as well as newsletters, text messaging and sending information home with parents to ensure that all families are actively notified of opportunities to participate in school-sponsored activities and receive information about health promotion efforts.

In addition, the building administration will designate a building representative to serve as a liaison between the individual schools and the wellness committee. Information sharing will occur where all parties within the NFCSD will be informed of health and wellness programming.

**District Health Community Partnerships**

The district will continue relationships with community partners in support of this wellness policy's implementation. Existing and new community partnerships and sponsorships will be evaluated to ensure that they are consistent with the wellness policy and goals. Current Partnerships:

American Cancer Society- District Relay for Life
Cornell Cooperative Extension of Niagara County
Creating a Healthy Niagara Falls Collaborative
F Bites
Feedmore of WNY

Fidelis Care
Healthy Community Alliance, Inc.
Niagara University
Niagara Falls City School District Parent Group
Niagara Falls Housing Authority
Niagara Falls Memorial Medical Center
Niagara County Health Department
NYS Association for Health, Physical Education, Recreation, and Dance, Inc. (AHPERD)
Police Athletic League
P2 Collaborative of WNY
Tobacco Coalition at Roswell Park
United Healthcare
University of Buffalo

**Staff Wellness and Health Promotion**

Staff will be encouraged to model healthy eating/drinking behaviors during time with students. Whenever possible staff is encouraged to model physical activity behaviors. The district will implement strategies to support staff in actively promoting and modeling healthy eating and physical activity behaviors. When feasible, the district will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom and school. Professional learning will help district staff understand the connections between academics and health and the ways in which health and wellness are integrated into ongoing district reform or academic improvement plans/efforts.

**Essential Information regarding smoking/tobacco/vaping use:**

- Indoor smoke creates a plethora of health problems for children including tonsillitis, adenoiditis, ear infections, upper respiratory infections, asthma, and sudden infant death syndrome. When parents are smoking while cooking, their third hand smoke settles in the food and children ingest the chemicals from the cigarettes.

- All smoking should take place outside of the home or the car, even when your children are not present. Chemical residue from secondhand smoke (third hand smoke) remains on surfaces in the car and the home. Smoking in the kitchen also leaves chemical deposits on your food. The chemicals present in third hand smoke can also make your child sick. Teachers and all staff are expected to not only abide by the NFCSD no smoking policy but take all the necessary precautions in regard to second-hand and third-hand smoke.

- The School District will provide a program of prevention and intervention designed to eliminate any existing use/abuse of alcohol and other substances and provide supportive services to all students.

- Information pertaining to quitting or helping to quit smoking can be found at www.nysmokefree.com

## Physical Environment

Students and staff have the right to learn and work in a clean and safe environment that does not foster disease or negative health outcomes due to environmental hazards (Physical Environment).

Classroom and school maintenance:

- Floors will be swept/vacuumed and mopped on a regular basis.
- Classroom carpets will be vacuumed and shampooed as often as possible.
- Refrigerators and microwaves will be cleaned weekly. Clean up products will be available near each microwave.
- Soap will be available wherever students and staff wash their hands.
- Hand sanitizer use will be encouraged during cold season.

## Healthy Behaviors:

The district will offer an abstinence plus based health program to students. This program promotes a positive approach to sexual health by providing youth with knowledge and critical thinking skills to make healthy sexual decisions. This program will begin at the elementary level, introducing students to foundational anatomy (grade level appropriate) and progressively reinforcing the abstinence plus program to Prep and High School students. We recognize parents/guardians are the primary educators of their children and will encourage students to share with their parents/guardians what we discuss in these classes. Personal information will not be shared by staff or facilitators.

It is understood that permission has been granted for your child to participate in the program with the following understandings (unless you decide to OPT-OUT your child):

- ***Your teen will be learning about…***
- Puberty and the sexual reproductive systems
- Healthy relationships
- Facts about reproduction and preventing unintended pregnancy
- Facts about sexually transmitted infections (STI), including HIV and AIDS
- Communication and refusal skills
- Getting help with decisions related to sexual health
- Information about contraceptive options
- Information about sexual assault, consent and establishing healthy boundaries

## Mental Health

The Niagara Falls City School District recognizes the need for mental health supports in schools and has developed various strategies to support students with mental health needs.

The Niagara Falls City School District has ensured that every student who is considering self-injurious behaviors, suicide, or is in crisis is aware of immediate support through the local crisis services hotline, by posting the phone number in every classroom for grades 7-12. Additionally, this was accompanied by a video commercial that is able to be aired in all schools throughout the district.

Since the 2017-2018 school year staff have been offered training to be certified in Youth Mental Health First Aid. This training focuses on teaching staff about students that may be in crisis, how to support them, and get them to the necessary school or support staff to better address their concerns.

The Niagara Falls City School District are in partnerships with the Niagara County Department of Mental Health and Substance Abuse, the Suicide Prevention Center – NY, University of Buffalo, and Niagara University to address components that deal with mental health. Additionally, students are exposed to curriculum that discusses identifying and appropriately addressing one's feelings through the Healthy Behavior, and Sources of Strength programs.

Staff are digitally provided printable pamphlets from Suicide Prevention-NY regarding information on suicide for parents/guardians, and educators. This information shares signs that a student may be at risk include the following F-A-C-T-S:

• FEELINGS like expressing hopelessness about the future, seeming sad and unhappy, being anxious and worried, or getting angry and aggressive.

• ACTIONS like withdrawing from activities or friendships, doing risky, dangerous things like drinking & driving, or researching ways to die online.

• CHANGES in the normal mood and behavior of your student. In some ways, this may be what is easiest for you to notice. If you observe changes that concern you, reach out to others in the student's life (i.e., parents, teachers, friends, religious leaders, etc.) to see if they've also noticed changes.

• THREATS are sometimes direct like "I'd rather be dead". They can also be vague like "I just don't care about anything anymore."

• SITUATIONS are events that can serve as triggers for the suicidal behavior. These can include things like getting into trouble at home or school or with the law, experiencing some type of loss or facing a life change that may be too overwhelming for the student to deal with on their own.

<u>Mental Health Service Professional Demonstration Grant</u> – NFCSD will provide support services to students and families. Key activities include:

- providing Mental Health interns for direct emotional support to students in all district schools;
- partnering with a local counseling agency to provide individual and family counseling to students and families;
- training and coaching district staff on trauma-informed care through the University at Buffalo; diversity, equity, and inclusion; and other mental health topics; and
- utilizing the District Social-Emotional Learning Committee to create a comprehensive Multi-Tiered

System of Support.

University at Buffalo Institiute of Trauma and Trauma Informed Care (ITTIC)

Trauma Informed Educational Practice (TI-EP) understanding that:

- bad things happen to people
- these things are beyond their ability to cope
- and this can lead to reactions that create problems for them at school, home, etc.

In TI-EP we try to keep all that in mind and try to keep from making it worse by focusing on 5 values:

- Safety
- Trustworthiness
- Choice
- Collaboration
- Empowerment

At the district level, a committee of administration, teachers, parents, and students engage with stakeholders to create and establish Trauma Informed practices and environment to support all members of the Niagara Falls City School District Community.

At the building level, Champion Teams will be established and implement the following practices to ensure Trauma Informed Practices to meet the unique needs of their school.

Champions will be a key part of the trauma-informed culture change process during our collaboration – they help to ensure overall sustainability of the process. Our Champion teams are individuals who will be positioned to:

1. Be a model and advocate for trauma-informed practices (note: you do not need to be an “expert”)

2. Lead the trauma-informed change process through their deepened understanding of planning, implementing, and sustaining trauma-informed practices at a school-wide level

3. Provide support for other teachers/staff in the school—particularly new staff—that may have less training and experience

Printer Friendly Version
Section/Classification 5000 Non-Instructional/Business Operations Policy Number 5663
Status ACTIVE Adopted 03/25/2021
Last review date 03/25/2021

Title

GENDER NEUTRAL SINGLE-OCCUPANCY BATHROOMS

Policy

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.

Adopted 3/25/21

Education Law § 409-m

Public Buildings Law § 145

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

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 or 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-I) 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 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
NYCRRPart 185 Adoption Date
07022026

Non-Instructional/Business Operations

**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION**

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

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

b) "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:

   (a) Social security number;

   (b) Driver's license number or non-driver identification card number;

   (c) 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;

   (d) 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

   (e) 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.

(Continued)

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

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

**Determining if a Breach Has Occurred**

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

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

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

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

d) System failures.

**Notification Requirements**

a) For any computerized data owned or licensed by the District that includes private information, the District will disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, 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.

(Continued)

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

b) 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.

c) 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.

d) 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:

a) Written notice;

b) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form and a log of each 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 (Cont'd.)**

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

d) Substitute notice, if the District demonstrates to the 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:

1. Email notice when the District has an email address for the subject persons;

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

3. Notification to major statewide media.

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

a) Contact information for the notifying District;

b) 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

c) 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 02272020

Non-Instructional/Business Operations

**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION**

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

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

b) "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:

   (a) Social security number;

   (b) Driver's license number or non-driver identification card number;

   (c) 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;

   (d) 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

   (e) 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.

(Continued)

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

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

**Determining if a Breach Has Occurred**

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

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

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

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

d) System failures.

**Notification Requirements**

a) For any computerized data owned or licensed by the District that includes private information, the District will disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, 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.

(Continued)

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

b) 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.

c) 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.

d) 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:

a) Written notice;

b) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form and a log of each 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 (Cont'd.)**

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

d) Substitute notice, if the District demonstrates to the 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:

1. Email notice when the District has an email address for the subject persons;

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

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

a) Contact information for the notifying District;

b) 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

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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 02272020

Non-Instructional/Business Operations

**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 2/23/2012

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 Data Privacy Information Officer to:

a) Inventory and classify personal, private, and sensitive information on the DCS to protect the confidentiality, integrity, and availability of information;

b) Develop password standards for all users including, but not limited to, how to create passwords and how often passwords should be changed by users to ensure security of the DCS;

c) Ensure that the "audit trail" function is enabled within the District's network operating system, which will allow the District to determine on a constant basis who is accessing the DCS, and establish procedures for periodically reviewing audit trails;

d) Develop procedures to control physical access to computer facilities, data rooms, systems, networks, and data to only authorized individuals; these procedures may include ensuring that server rooms remain locked at all times and the recording of arrival and departure dates and times of employees and visitors to and from the server room;

e) Establish procedures for tagging new purchases as they occur, relocating assets, updating the inventory list, performing periodic physical inventories, and investigating any differences in an effort to prevent unauthorized and/or malicious access to these assets;

f) Periodically grant, change, and terminate user access rights to the overall networked computer system and to specific software applications and ensure that users are given access based on, and necessary for, their job duties;

g) Limit user access to the vendor master file, which contains a list of vendors from which District employees are permitted to purchase goods and services, to only the individual who is responsible for making changes to this list, and ensure that all former employees' access rights to the vendor master list are promptly removed;

(Continued)

**SUBJECT: DATA NETWORKS AND SECURITY ACCESS (Cont'd.)**

h) Determine how, and to whom, remote access should be granted, obtain written agreements with remote access users to establish the District's needs and expectations, as appropriate, and monitor and control remote access;

i) Verify that laptop computer systems assigned to teachers and administrators use full-disk encryption software to protect against loss of sensitive data;

j) Deploy software to servers and workstations to identify and eradicate malicious software attacks such as viruses and malware;

k) Develop a disaster recovery plan appropriate for the size and complexity of District IT operations to ensure continuous critical IT services in the event of any sudden, catastrophic event, including, but not limited to fire, computer virus, or deliberate or inadvertent employee action.

Password Guidelines

Passwords are an important way to protect the security of the DCS and maintain the integrity of sensitive or confidential data. Therefore, in order to ensure the security of the DCS, users must comply with the following:

1. Choosing Passwords

   The initial password provided to a system user must be changed by the user immediately upon gaining access to the system for the first time. Passwords must contain at least twelve (12) characters, a mixture of upper and lowercase letters, and at least one number. Such passwords should not be a common words, family or pet name, address, birthday, social security, or telephone number. When a passport is reset, it should not duplicate the previous passwords. In addition, user account will lock after three unsuccessful attempts to log on to the DCS.

2. Changing Passwords

   Employees of the District must change their network passwords every 90 days. Each password is secured by the individual users and maintained by the Office of Technology.

   All system level passwords will be changed whenever a member of the Information Technology (IT) staff changes. All user level passwords for network access will be changed when a compromise is suspected.

(Continued)

**SUBJECT: DATA NETWORKS AND SECURITY ACCESS (Cont'd.)**

3. Password Sharing

   Passwords should not be shared under any circumstances. If access is required by a supervisor, the system administrator will change the user's password to permit access. When the user returns to work, the password can be reset by the user.

4. Related Security Practices

   Users should log out or lock the DCS if they will not be returning to their work station for a prolonged period of time. In addition, screensavers on all District computer workstations should be set to engage within 45 minutes on battery or one hour plugged in of user activity. The screensaver should then require the username and password of the logged in user when returning to activity. These measures are to lessen the risk of an unauthorized person accessing an unoccupied, but still logged in, workstation. Further, users should not post their current password in plain sight of the workstation. These actions expose the DCS and the user to potential security risks and information theft.

NYS Education Law 2-d

Adoption Date 02272020

Non-Instructional/Business Operations

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(Continued)

**SUBJECT: DATA NETWORKS AND SECURITY ACCESS (Cont'd.)**

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   All system level passwords will be changed whenever a member of the Information Technology (IT) staff changes. All user level passwords for network access will be changed when a compromise is suspected.

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**SUBJECT: DATA NETWORKS AND SECURITY ACCESS (Cont'd.)**

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NYS Education Law 2-d

Adoption Date 02272020

Non-Instructional/Business Operations

**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.

The staff member seeking to change a grade will submit a grade-change form 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 four years after the

student graduates. 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.

Adopted: January 28, 2016

Non-Instructional/Business Operations

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

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

## Definitions

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

a) "Breach" means the unauthorized acquisition, access, use, or disclosure of student data and/or teacher or principal data by or to a person not authorized to acquire, access, use, or receive the student data and/or teacher or principal data.

b) "Building principal" means a building principal subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.

c) "Classroom teacher" means a teacher subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.

d) "Commercial or marketing purpose" means the sale of student data; or its use or disclosure for purposes of receiving remuneration, whether directly or indirectly; the use of student data for advertising purposes, or to develop, improve, or market products or services to students.

e) "Contract or other written agreement" means a binding agreement between an educational agency and a third-party, which includes, but is not limited to, an agreement created in electronic form and signed with an electronic or digital signature or a click-wrap agreement that is used with software licenses, downloaded, and/or online applications and transactions for educational technologies and other technologies in which a user must agree to terms and conditions prior to using the product or service.

f) "Disclose" or "disclosure" means to permit access to, or the release, transfer, or other communication of personally identifiable information by any means, including oral, written, or electronic, whether intended or unintended.

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 (Cont'd.)

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

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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

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

## Data Collection Transparency and Restrictions

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

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

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

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

a) Juvenile delinquency records;

b) Criminal records;

c) Medical and health records; and

d) Student biometric information.

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

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

## Chief Privacy Officer

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

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

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

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

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

## Data Protection Officer

The District has designated a District employee to serve as the District's Data Protection Officer.

The Data Protection Officer for the District is: Raymond Granieri – Administrator for Information Services.

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. School District council may also aid in the administration of Data Protection Officer duties.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

District Data Privacy and Security Standards

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

a) Describe their current cybersecurity posture;

b) Describe their target state for cybersecurity;

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

d) Assess progress toward the target state; and

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

The District will protect the privacy of PII by:

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

   1. Improve academic achievement;

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

   3. Advance efficient and effective school operations.

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

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

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

## 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 (Cont'd.)

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 (Cont'd.)

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.

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.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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 and the District's Technology Committee.

To further clarify:

If District staff is interested in using any software, applications or other technologies pursuant to click-wrap agreement, *or not on the Board approved Instructional Technology Plan list,* a formal request needs to be submitted to the District's Technology Committee for review and potential approval.

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

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

The District's Bill of Rights will state in clear and plain English terms that:

a) A student's PII cannot be sold or released for any commercial purposes;

b) Parents have the right to inspect and review the complete contents of their child's education record;

c) State and federal laws protect the confidentiality of PII, and safeguards associated with industry standards and best practices, including but not limited to encryption, firewalls, and password protection, must be in place when data is stored or transferred;

d) A complete list of all student data elements collected by the state is available for public review at the following website http://www.nysed.gov/student-data-privacy/student-data-inventory or by writing to the Office of Information and Reporting Services, New York State Education Department, Room 865 EBA, 89 Washington Avenue, Albany, New York 12234; and

e) Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed in writing to Privacy Complaint, Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New York 12234. Complaints may also be submitted using the form available at the following website http://www.nysed.gov/student-data-privacy/form/report-improper-disclosure.

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

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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 (Cont'd.)

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, including the Records Retention and Disposition Schedule ED-1 (1988; rev. 2004).

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

## 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.

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SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

interfere with an ongoing investigation by law enforcement or cause further disclosure of PII by disclosing an unfixed security vulnerability. Where notification is delayed under these circumstances, the District will notify parents, eligible students, teachers, and/or principals within seven calendar days after the security vulnerability has been remedied or the risk of interference with the law enforcement investigation ends.

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

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

b) A description of the types of PII affected;

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
08272020

ADOPTED 9/24/2020

Non-Instructional/Business Operations

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

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

## Definitions

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

a) "Breach" means the unauthorized acquisition, access, use, or disclosure of student data and/or teacher or principal data by or to a person not authorized to acquire, access, use, or receive the student data and/or teacher or principal data.

b) "Building principal" means a building principal subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.

c) "Classroom teacher" means a teacher subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.

d) "Commercial or marketing purpose" means the sale of student data; or its use or disclosure for purposes of receiving remuneration, whether directly or indirectly; the use of student data for advertising purposes, or to develop, improve, or market products or services to students.

e) "Contract or other written agreement" means a binding agreement between an educational agency and a third-party, which includes, but is not limited to, an agreement created in electronic form and signed with an electronic or digital signature or a click-wrap agreement that is used with software licenses, downloaded, and/or online applications and transactions for educational technologies and other technologies in which a user must agree to terms and conditions prior to using the product or service.

f) "Disclose" or "disclosure" means to permit access to, or the release, transfer, or other communication of personally identifiable information by any means, including oral, written, or electronic, whether intended or unintended.

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 (Cont'd.)

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

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SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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

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

## Data Collection Transparency and Restrictions

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

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

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

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

a) Juvenile delinquency records;

b) Criminal records;

c) Medical and health records; and

d) Student biometric information.

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

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SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

## Chief Privacy Officer

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

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

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

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

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

## Data Protection Officer

The District has designated a District employee to serve as the District's Data Protection Officer.

The Data Protection Officer for the District is: Raymond Granieri – Administrator for Information Services.

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. School District council may also aid in the administration of Data Protection Officer duties.

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SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

District Data Privacy and Security Standards

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

a) Describe their current cybersecurity posture;

b) Describe their target state for cybersecurity;

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

d) Assess progress toward the target state; and

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

The District will protect the privacy of PII by:

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

   1. Improve academic achievement;

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

   3. Advance efficient and effective school operations.

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

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

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

## 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.

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SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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 (Cont'd.)

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.

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.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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 and the District's Technology Committee.

To further clarify:

If District staff is interested in using any software, applications or other technologies pursuant to click-wrap agreement, *or not on the Board approved Instructional Technology Plan list,* a formal request needs to be submitted to the District's Technology Committee for review and potential approval.

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

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

The District's Bill of Rights will state in clear and plain English terms that:

a) A student's PII cannot be sold or released for any commercial purposes;

b) Parents have the right to inspect and review the complete contents of their child's education record;

c) State and federal laws protect the confidentiality of PII, and safeguards associated with industry standards and best practices, including but not limited to encryption, firewalls, and password protection, must be in place when data is stored or transferred;

d) A complete list of all student data elements collected by the state is available for public review at the following website http://www.nysed.gov/student-data-privacy/student-data-inventory or by writing to the Office of Information and Reporting Services, New York State Education Department, Room 865 EBA, 89 Washington Avenue, Albany, New York 12234; and

e) Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed in writing to Privacy Complaint, Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New York 12234. Complaints may also be submitted using the form available at the following website http://www.nysed.gov/student-data-privacy/form/report-improper-disclosure.

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

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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 (Cont'd.)

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, including the Records Retention and Disposition Schedule ED-1 (1988; rev. 2004).

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

## 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.

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SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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

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SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

interfere with an ongoing investigation by law enforcement or cause further disclosure of PII by disclosing an unfixed security vulnerability. Where notification is delayed under these circumstances, the District will notify parents, eligible students, teachers, and/or principals within seven calendar days after the security vulnerability has been remedied or the risk of interference with the law enforcement investigation ends.

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

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

b) A description of the types of PII affected;

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

**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 of Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity Version 2.0 (NIST Cybersecurity Framework or CSF).

**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 clickwrap 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 (Cont'd.)**

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 18 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 of Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity Version 2.0, which 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

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

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

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

**Data Collection Transparency and Restrictions**

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

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

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

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

a) Juvenile delinquency records;

b) Criminal records;

c) Medical and health records; and

d) Student biometric information.

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

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

**Chief Privacy Officer**

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

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

The chief privacy officer has the power, among others, to:

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

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

**Data Protection Officer**

The District has designated a district employee to serve as the District's data protection officer. The data protection officer for the District is: Raymond Granieri, Administrator for Information Services.

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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. School District Counsel may also be called upon to assist the Data Protection Officer if legal guidance is required.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

**District Data Privacy and Security Standards**

The District will use the National Institute of Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity Version 2.0 (NIST Cybersecurity Framework or CSF) as the standard for its data privacy and security program. The CSF is a risk-based approach to managing cybersecurity risk and is composed of three parts: the CSF Core, the CSF Tiers, and the CSF Organizational Profiles. The CSF provides a taxonomy of high-level cybersecurity outcomes that can be used by the District to better understand, assess, prioritize, and communicate its cybersecurity efforts. The CSF Core, CSF Tiers, and CSF Profiles:

a) Describe the current or target cybersecurity posture of the District, determine gaps, and assess progress toward addressing those gaps;

b) Identify, organize, and prioritize actions for managing cybersecurity risks that align with the District's mission, legal and regulatory requirements, and risk management and governance expectations;

c) Provide a common language for communicating inside and outside the District about cybersecurity risks, capabilities, needs, and expectations.

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 (Cont'd.)**

**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 (Cont'd.)**

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.

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**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

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.

Clickwrap 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 "clickwrap agreements" and are considered legally binding "contracts or other written agreements" under Education Law Section 2-d and its implementing regulations.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

District staff are prohibited from using software, applications, or other technologies pursuant to a clickwrap 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 protection officer or designee.

The District requires prior review approval for staff use of any software, applications, or other technologies pursuant to clickwrap agreements that are not on the District's approved Instructional Technology Plan list. The process is for the use request to be submitted to the District's Technology Committee for review, and approval .

**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:

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

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

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.

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.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

**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.

**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.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

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

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

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

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

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

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

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

a) Order the third-party contractor be precluded from accessing PII from the affected educational agency for a fixed period of up to five years;

b) Order that a third-party contractor or assignee who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data be precluded from accessing student data or teacher or principal data from any educational agency in the state for a fixed period of up to five years;

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

c) Order that a third-party contractor who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data will not be deemed a responsible bidder or offeror on any contract with an educational agency that involves the sharing of student data or teacher or principal data, as applicable for purposes of General Municipal Law Section 103 or State Finance Law Section 163(10)(c), as applicable, for a fixed period of up to five years; and/or

d) Require the third-party contractor to provide additional training governing confidentiality of student data and/or teacher or principal data to all its officers and employees with reasonable access to this data and certify that the training has been performed at the contractor's expense. This additional training is required to be performed immediately and include a review of laws, rules, and regulations, including Education Law Section 2-d and its implementing regulations.

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

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

**Notification of a Breach or Unauthorized Release**

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

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

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

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

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 Awareness 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 personnel.

Education Law Section 2-d
8 NYCRR Part 121

Adoption Date10292026

# PARENTS' BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY

The Niagara Falls City School District is committed to protecting the privacy and security of student data and teacher and principal data. In accordance with New York Education Law Section 2-d and its implementing regulations, the District informs the school community of the following:

1) A student's personally identifiable information cannot be sold or released for any commercial purposes.

2) Parents have the right to inspect and review the complete contents of their child's education record.

3) State and federal laws protect the confidentiality of personally identifiable information, and safeguards associated with industry standards and best practices, including but not limited to encryption, firewalls, and password protection, must be in place when data is stored or transferred.

4) A complete list of all student data elements collected by New York State is available for public review at the following website http://www.nysed.gov/student-data-privacy/student-data-inventory or by writing to the Office of Information and Reporting Services, New York State Education Department, Room 865 EBA, 89 Washington Avenue, Albany, New York 12234.

5) Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed in writing to Privacy Complaint, Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New York 12234. Complaints may also be submitted using the form available at the following website http://www.nysed.gov/student-data-privacy/form/report-improper-disclosure.

## APPENDIX

Supplemental Information Regarding Third-Party Contractors

In the course of complying with its obligations under the law and providing educational services to District residents, the Niagara Falls School District has entered into agreements with certain third-party contractors. Pursuant to these agreements, third-party contractors may have access to "student data" and/or "teacher or principal data," as those terms are defined by law and regulation.

For each contract or other written agreement that 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 following supplemental information will be included with this Bill of Rights:

1) 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;

2) 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);

3) 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);

4) 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;

5) 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

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

Non-Instructional/Business Operations

**SUBJECT: SCHOOL SAFETY PLANS**

The District considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-wide school safety plan and the building-level emergency response plan(s) will be designed to prevent or minimize the effects of violent incidents and emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies. These plans will be reviewed and updated by the appropriate team on at least an annual basis and adopted by the Board by September 1 of each school year.

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

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

**District-Wide School Safety Plan**

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the District, addresses crisis intervention, emergency response and management at the District level, and has the contents as prescribed in Education Law and Commissioner's regulations.

The District-wide school safety plan will be developed by the District-wide school safety team appointed by the Board. The District-wide school safety team will include, but not be limited to, representatives of the Board, teacher, administrator, and parent organizations, school safety personnel, and other school personnel. *At the discretion of the Board, a student may be allowed to participate on the District-wide school safety team.

The District-wide school safety plan will include, but not be limited to:

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

** Allowing a student member to participate on the safety team is now optional, not required. Please customize accordingly. A student may participate provided that no confidential information is shared with that student.*

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

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

c) Appropriate prevention and intervention strategies, such as:

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

2. Nonviolent conflict resolution training programs;

3. Peer mediation programs and youth courts; and

4. Extended day and other school safety programs;

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

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

f) Procedures for obtaining advice and assistance from local government officials, including the county or city officials responsible for implementation of Executive Law Article 2-B State and Local Natural and Man-Made Disaster Preparedness;

g) The identification of District resources which may be available for use during an emergency;

h) A description of procedures to coordinate the use of District resources and manpower during emergencies, including identification of the officials authorized to make decisions and of the staff members assigned to provide assistance during emergencies;

i) Policies and procedures for contacting parents, guardians, or persons in parental relation to District students in the event of a violent incident or an early dismissal;

j) Policies and procedures for contacting parents, guardians, or persons in parental relation to an individual District student in the event of an implied or direct threat of violence by the student against themselves, which includes suicide;

k) Policies and procedures relating to school building security, including, where appropriate: the use of school safety officers, school security officers, and/or school resource officers; and security devices or procedures;

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

l) Policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including, but not limited to, the identification of family, community, and environmental factors to teachers, administrators, parents, and other persons in parental relation to students of the District or Board, students, and other persons deemed appropriate to receive the information;

m) Policies and procedures for annual multi-hazard school safety training for staff and students, provided that the District must certify to the Commissioner that all staff have undergone annual training by September 15 on the building-level emergency response plan which must include components on violence prevention and mental health, provided further that new employees hired after the start of the school year will receive training within 30 days of hire or as part of the District's existing new hire training program, whichever is sooner;

n) Procedures for the review and conduct of drills and other exercises to test components of the emergency response plan, including the use of tabletop exercises, in coordination with local and county emergency responders and preparedness officials;

o) The identification of appropriate responses to emergencies, including protocols for responding to bomb threats, hostage-takings, intrusions, and kidnappings;

p) Strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence, and establishing anonymous reporting mechanisms for school violence;

q) A description of the duties of hall monitors and any other school safety personnel, the training required of all personnel acting in a school security capacity, and the hiring and screening process for all personnel acting in a school security capacity;

r) A system for informing all educational agencies within the District of a disaster; and

s) The designation of the Superintendent or designee, as the District Chief Emergency Officer whose duties will include, but not be limited to:

1. Coordinating the communication between school staff, law enforcement, and other first responders;

2. Leading the efforts of the District-wide school safety team in the completion and yearly update of the District-wide school safety plan and the coordination of the District-wide school safety plan with the building-level emergency response plan(s);

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

3. Ensuring staff understanding of the District-wide school safety plan;

4. Ensuring the completion and yearly update of building-level emergency response plans for each school building;

5. Assisting in the selection of security related technology and development of procedures for the use of the technology;

6. Coordinating appropriate safety, security, and emergency training for District and school staff, including required training in the emergency response plan;

7. Ensuring the conduct of required evacuation and lock-down drills in all District buildings as required by law; and

8. Ensuring the completion and yearly update of building-level emergency response plan(s) by the dates designated by the Commissioner.

**Building-Level Emergency Response Plan**

Building-level emergency response plan means a building-specific school emergency response plan that addresses crisis intervention, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

Building-level emergency response plan(s) will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board. The building-level emergency response team will include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel, community members, local law enforcement officials, local ambulance, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

Classroom door vision panels will not be covered except as outlined in the building-level emergency response plan.

Education Law § 2801-a
8 NYCRR § 155.17

Adoption Date 12192019

Non-Instructional/Business Operations

**SUBJECT: SCHOOL SAFETY PLANS**

The District considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-wide school safety plan and the building-level emergency response plan(s) will be designed to prevent or minimize the effects of violent incidents and emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies. These plans will be reviewed and updated by the appropriate team on at least an annual basis and adopted by the Board by September 1 of each school year.

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

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

**District-Wide School Safety Plan**

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the District, addresses crisis intervention, emergency response and management at the District level, and has the contents as prescribed in Education Law and Commissioner's regulations.

The District-wide school safety plan will be developed by the District-wide school safety team appointed by the Board. The District-wide school safety team will include, but not be limited to, representatives of the Board, teacher, administrator, and parent organizations, school safety personnel, and other school personnel. *At the discretion of the Board, a student may be allowed to participate on the District-wide school safety team.

The District-wide school safety plan will include, but not be limited to:

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

** Allowing a student member to participate on the safety team is now optional, not required. Please customize accordingly. A student may participate provided that no confidential information is shared with that student.*

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

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

c) Appropriate prevention and intervention strategies, such as:

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

2. Nonviolent conflict resolution training programs;

3. Peer mediation programs and youth courts; and

4. Extended day and other school safety programs;

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

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

f) Procedures for obtaining advice and assistance from local government officials, including the county or city officials responsible for implementation of Executive Law Article 2-B State and Local Natural and Man-Made Disaster Preparedness;

g) The identification of District resources which may be available for use during an emergency;

h) A description of procedures to coordinate the use of District resources and manpower during emergencies, including identification of the officials authorized to make decisions and of the staff members assigned to provide assistance during emergencies;

i) Policies and procedures for contacting parents, guardians, or persons in parental relation to District students in the event of a violent incident or an early dismissal;

j) Policies and procedures for contacting parents, guardians, or persons in parental relation to an individual District student in the event of an implied or direct threat of violence by the student against themselves, which includes suicide;

k) Policies and procedures relating to school building security, including, where appropriate: the use of school safety officers, school security officers, and/or school resource officers; and security devices or procedures;

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

l) Policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including, but not limited to, the identification of family, community, and environmental factors to teachers, administrators, parents, and other persons in parental relation to students of the District or Board, students, and other persons deemed appropriate to receive the information;

m) Policies and procedures for annual multi-hazard school safety training for staff and students, provided that the District must certify to the Commissioner that all staff have undergone annual training by September 15 on the building-level emergency response plan which must include components on violence prevention and mental health, provided further that new employees hired after the start of the school year will receive training within 30 days of hire or as part of the District's existing new hire training program, whichever is sooner;

n) Procedures for the review and conduct of drills and other exercises to test components of the emergency response plan, including the use of tabletop exercises, in coordination with local and county emergency responders and preparedness officials;

o) The identification of appropriate responses to emergencies, including protocols for responding to bomb threats, hostage-takings, intrusions, and kidnappings;

p) Strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence, and establishing anonymous reporting mechanisms for school violence;

q) A description of the duties of hall monitors and any other school safety personnel, the training required of all personnel acting in a school security capacity, and the hiring and screening process for all personnel acting in a school security capacity;

r) A system for informing all educational agencies within the District of a disaster; and

s) The designation of the Superintendent or designee, as the District Chief Emergency Officer whose duties will include, but not be limited to:

1. Coordinating the communication between school staff, law enforcement, and other first responders;

2. Leading the efforts of the District-wide school safety team in the completion and yearly update of the District-wide school safety plan and the coordination of the District-wide school safety plan with the building-level emergency response plan(s);

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

3. Ensuring staff understanding of the District-wide school safety plan;

4. Ensuring the completion and yearly update of building-level emergency response plans for each school building;

5. Assisting in the selection of security related technology and development of procedures for the use of the technology;

6. Coordinating appropriate safety, security, and emergency training for District and school staff, including required training in the emergency response plan;

7. Ensuring the conduct of required evacuation and lock-down drills in all District buildings as required by law; and

8. Ensuring the completion and yearly update of building-level emergency response plan(s) by the dates designated by the Commissioner.

**Building-Level Emergency Response Plan**

Building-level emergency response plan means a building-specific school emergency response plan that addresses crisis intervention, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

Building-level emergency response plan(s) will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board. The building-level emergency response team will include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel, community members, local law enforcement officials, local ambulance, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

Classroom door vision panels will not be covered except as outlined in the building-level emergency response plan.

Education Law § 2801-a
8 NYCRR § 155.17

Adoption Date

Non-Instructional/Business Operations

**SUBJECT: SCHOOL SAFETY PLANS**

The District considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-wide school safety plan and the building-level emergency response plan(s) will be designed to prevent or minimize the effects of violent incidents and emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies. These plans will be reviewed and updated by the appropriate team on at least an annual basis and adopted by the Board by September 1 of each school year.

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

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

**District-Wide School Safety Plan**

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the District, addresses crisis intervention, emergency response and management at the District level, and has the contents as prescribed in Education Law and Commissioner's regulations.

The District-wide school safety plan will be developed by the District-wide school safety team appointed by the Board. The District-wide school safety team will include, but not be limited to, representatives of the Board, teacher, administrator, and parent organizations, school safety personnel, and other school personnel. *At the discretion of the Board, a student may be allowed to participate on the District-wide school safety team.

The District-wide school safety plan will include, but not be limited to:

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

** Allowing a student member to participate on the safety team is now optional, not required. Please customize accordingly. A student may participate provided that no confidential information is shared with that student.*

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

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

c) Appropriate prevention and intervention strategies, such as:

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

2. Nonviolent conflict resolution training programs;

3. Peer mediation programs and youth courts; and

4. Extended day and other school safety programs;

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

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

f) Procedures for obtaining advice and assistance from local government officials, including the county or city officials responsible for implementation of Executive Law Article 2-B State and Local Natural and Man-Made Disaster Preparedness;

g) The identification of District resources which may be available for use during an emergency;

h) A description of procedures to coordinate the use of District resources and manpower during emergencies, including identification of the officials authorized to make decisions and of the staff members assigned to provide assistance during emergencies;

i) Policies and procedures for contacting parents, guardians, or persons in parental relation to District students in the event of a violent incident or an early dismissal;

j) Policies and procedures for contacting parents, guardians, or persons in parental relation to an individual District student in the event of an implied or direct threat of violence by the student against themselves, which includes suicide;

k) Policies and procedures relating to school building security, including, where appropriate: the use of school safety officers, school security officers, and/or school resource officers; and security devices or procedures;

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

l) Policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including, but not limited to, the identification of family, community, and environmental factors to teachers, administrators, parents, and other persons in parental relation to students of the District or Board, students, and other persons deemed appropriate to receive the information;

m) Policies and procedures for annual multi-hazard school safety training for staff and students, provided that the District must certify to the Commissioner that all staff have undergone annual training by September 15 on the building-level emergency response plan which must include components on violence prevention and mental health, provided further that new employees hired after the start of the school year will receive training within 30 days of hire or as part of the District's existing new hire training program, whichever is sooner;

n) Procedures for the review and conduct of drills and other exercises to test components of the emergency response plan, including the use of tabletop exercises, in coordination with local and county emergency responders and preparedness officials;

o) The identification of appropriate responses to emergencies, including protocols for responding to bomb threats, hostage-takings, intrusions, and kidnappings;

p) Strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence, and establishing anonymous reporting mechanisms for school violence;

q) A description of the duties of hall monitors and any other school safety personnel, the training required of all personnel acting in a school security capacity, and the hiring and screening process for all personnel acting in a school security capacity;

r) A system for informing all educational agencies within the District of a disaster; and

s) The designation of the Superintendent or designee, as the District Chief Emergency Officer whose duties will include, but not be limited to:

1. Coordinating the communication between school staff, law enforcement, and other first responders;

2. Leading the efforts of the District-wide school safety team in the completion and yearly update of the District-wide school safety plan and the coordination of the District-wide school safety plan with the building-level emergency response plan(s);

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

3. Ensuring staff understanding of the District-wide school safety plan;

4. Ensuring the completion and yearly update of building-level emergency response plans for each school building;

5. Assisting in the selection of security related technology and development of procedures for the use of the technology;

6. Coordinating appropriate safety, security, and emergency training for District and school staff, including required training in the emergency response plan;

7. Ensuring the conduct of required evacuation and lock-down drills in all District buildings as required by law; and

8. Ensuring the completion and yearly update of building-level emergency response plan(s) by the dates designated by the Commissioner.

**Building-Level Emergency Response Plan**

Building-level emergency response plan means a building-specific school emergency response plan that addresses crisis intervention, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

Building-level emergency response plan(s) will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board. The building-level emergency response team will include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel, community members, local law enforcement officials, local ambulance, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

Classroom door vision panels will not be covered except as outlined in the building-level emergency response plan.

Education Law § 2801-a
8 NYCRR § 155.17

Adoption Date

Niagara Falls City School District Policy #5681 → School Safety Plans

# Procedures for Reporting a Student Threat to Self

## DURING SCHOOL HOURS

### DIRECT- You have direct knowledge of the threat

- Keep the student with you. DO NOT leave them alone
- Express concern
- Let student know that you would like to understand
- Listen
- Express the need for more help
- Stay with student
- Contact the main office and an administrator will come to your location.
- Tell the administrator all relevant information and conduct a warm-handoff
- A Risk Assessment is conducted and parents are contacted

### INDIRECT- Another student reports, written documentation, social media, art work

- If another student reports – thank them for reporting the concern and reassure them that we will take the appropriate measures
- If written/social media/art – proceed with the next step
- Contact the main office and an administrator will come to your location.
- Tell the administrator all relevant information
- A Risk Assessment is conducted and parents are contacted (parent contact should be made for both the student that made the threat and the student that reported the threat)

## OUTSIDE OF SCHOOL HOURS

### School activity or event

- Immediately contact the site supervisor or an administrator and report all necessary information
- Supervisor/Admin will isolate student and make parent contact
- When the student returns to school, a Risk Assessment is conducted and parents are contacted

### Not during a school activity or event (Call from a concerned parent, social media post)

- Immediately contact an administrator and/or, in case of an immediate threat, call 9-1-1
- When the student returns to school, a Risk Assessment is conducted and parents are contacted



## WARNING SIGNS



**F**eelings

**A**ctions

**C**hanges

**T**hreats

**S**ituations

Non-Instructional/Business Operations

**SUBJECT: SCHOOL SAFETY PLANS**

The District considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-wide school safety plan and the building-level emergency response plan(s) will be designed to prevent or minimize the effects of violent incidents and emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies. These plans will be reviewed and updated by the appropriate team on at least an annual basis and adopted by the Board by September 1 of each school year.

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

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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. *At the discretion of the Board, a student may be allowed to participate on the District-wide school safety team.

The District-wide school safety plan will include, but not be limited to:

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

** Allowing a student member to participate on the safety team is now optional, not required. Please customize accordingly. A student may participate provided that no confidential information is shared with that student.*

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

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

c) Appropriate prevention and intervention strategies, such as:

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

2. Nonviolent conflict resolution training programs;

3. Peer mediation programs and youth courts; and

4. Extended day and other school safety programs;

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

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

f) Procedures for obtaining advice and assistance from local government officials, including the county or city officials responsible for implementation of Executive Law Article 2-B State and Local Natural and Man-Made Disaster Preparedness;

g) The identification of District resources which may be available for use during an emergency;

h) A description of procedures to coordinate the use of District resources and manpower during emergencies, including identification of the officials authorized to make decisions and of the staff members assigned to provide assistance during emergencies;

i) Policies and procedures for contacting parents, guardians, or persons in parental relation to District students in the event of a violent incident or an early dismissal;

j) Policies and procedures for contacting parents, guardians, or persons in parental relation to an individual District student in the event of an implied or direct threat of violence by the student against themselves, which includes suicide;

k) Policies and procedures relating to school building security, including, where appropriate: the use of school safety officers, school security officers, and/or school resource officers; and security devices or procedures;

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

l) Policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including, but not limited to, the identification of family, community, and environmental factors to teachers, administrators, parents, and other persons in parental relation to students of the District or Board, students, and other persons deemed appropriate to receive the information;

m) Policies and procedures for annual multi-hazard school safety training for staff and students, provided that the District must certify to the Commissioner that all staff have undergone annual training by September 15 on the building-level emergency response plan which must include components on violence prevention and mental health, provided further that new employees hired after the start of the school year will receive training within 30 days of hire or as part of the District's existing new hire training program, whichever is sooner;

n) Procedures for the review and conduct of drills and other exercises to test components of the emergency response plan, including the use of tabletop exercises, in coordination with local and county emergency responders and preparedness officials;

o) The identification of appropriate responses to emergencies, including protocols for responding to bomb threats, hostage-takings, intrusions, and kidnappings;

p) Strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence, and establishing anonymous reporting mechanisms for school violence;

q) A description of the duties of hall monitors and any other school safety personnel, the training required of all personnel acting in a school security capacity, and the hiring and screening process for all personnel acting in a school security capacity;

r) A system for informing all educational agencies within the District of a disaster; and

s) The designation of the Superintendent or designee, as the District Chief Emergency Officer whose duties will include, but not be limited to:

1. Coordinating the communication between school staff, law enforcement, and other first responders;

2. Leading the efforts of the District-wide school safety team in the completion and yearly update of the District-wide school safety plan and the coordination of the District-wide school safety plan with the building-level emergency response plan(s);

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

3. Ensuring staff understanding of the District-wide school safety plan;

4. Ensuring the completion and yearly update of building-level emergency response plans for each school building;

5. Assisting in the selection of security related technology and development of procedures for the use of the technology;

6. Coordinating appropriate safety, security, and emergency training for District and school staff, including required training in the emergency response plan;

7. Ensuring the conduct of required evacuation and lock-down drills in all District buildings as required by law; and

8. Ensuring the completion and yearly update of building-level emergency response plan(s) by the dates designated by the Commissioner.

**Building-Level Emergency Response Plan**

Building-level emergency response plan means a building-specific school emergency response plan that addresses crisis intervention, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

Building-level emergency response plan(s) will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board. The building-level emergency response team will include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel, community members, local law enforcement officials, local ambulance, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

Classroom door vision panels will not be covered except as outlined in the building-level emergency response plan.

Education Law § 2801-a
8 NYCRR § 155.17

Adoption Date

Niagara Falls City School District Policy #5681 → School Safety Plans

# Procedures for Reporting a Student Threat to Self

## DURING SCHOOL HOURS

### DIRECT- You have direct knowledge of the threat

- Keep the student with you. DO NOT leave them alone
- Express concern
- Let student know that you would like to understand
- Listen
- Express the need for more help
- Stay with student
- Contact the main office and an administrator will come to your location.
- Tell the administrator all relevant information and conduct a warm-handoff
- A Risk Assessment is conducted and parents are contacted

### INDIRECT- Another student reports, written documentation, social media, art work

- If another student reports – thank them for reporting the concern and reassure them that we will take the appropriate measures
- If written/social media/art – proceed with the next step
- Contact the main office and an administrator will come to your location.
- Tell the administrator all relevant information
- A Risk Assessment is conducted and parents are contacted (parent contact should be made for both the student that made the threat and the student that reported the threat)

## OUTSIDE OF SCHOOL HOURS

### School activity or event

- Immediately contact the site supervisor or an administrator and report all necessary information
- Supervisor/Admin will isolate student and make parent contact
- When the student returns to school, a Risk Assessment is conducted and parents are contacted

### Not during a school activity or event (Call from a concerned parent, social media post)

- Immediately contact an administrator and/or, in case of an immediate threat, call 9-1-1
- When the student returns to school, a Risk Assessment is conducted and parents are contacted



## WARNING SIGNS



**F**eelings

**A**ctions

**C**hanges

**T**hreats

**S**ituations

Non-Instructional/Business Operations

NF/EB

SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES

The School District shall provide and maintain on-site in each *instructional school facility* functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each such facility shall have sufficient automated external defibrillator equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors enumerated in Commissioner's Regulations. *An instructional school facility means a building or other facility maintained by the School District where instruction is provided to students pursuant to its curriculum.*

Whenever an *instructional School District facility* is used for a school-sponsored or school-approved curricular or extracurricular event or activity and whenever a *school-sponsored athletic contest* is held at any location, the public school officials and administrators responsible for such school facility or athletic contest shall ensure that AED equipment is provided on-site and that there is present during such event, activity or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED. *School-sponsored or school-approved curricular or extracurricular events or activities mean events or activities of the School District that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an 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 School District facility, School District officials shall assure that AED equipment is provided on-site by the sponsoring or host district and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during such athletic event. *A school-sponsored competitive athletic event means an extraclass interscholastic athletic activity of instruction, practice and competition for students in grades 7 through 12 consistent with Commissioner's Regulations Section 135.4.*

School District facilities and District staff responsible for carrying out the duties enumerated in Education Law Section 917 are deemed a "public access defibrillation provider" as defined pursuant to Public Health Law Section 3000-b and subject to the Public Health Law requirements and limitations.

Therefore, it is the policy of our School District to provide proper training requirements for District AED users, to ensure the immediate calling of 911 and/or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units as enumerated in the District's Public Access Defibrillation Collaborative Agreement.

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.

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.

Pursuant to Public Health Law Sections 3000-a and 3000-b, the School District (as a public access defibrillation provider), or any employee or other agent of the School District who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured, shall not be liable for damages for injury or death unless caused by gross negligence.

Education Law Section 917
Public Health Law Sections 3000-a and 3000-b
8 New York Code of Rules and Regulations (NYCRR) Sections 135.4 and 136.4

Adopted: 2/23/12

Non-Instructional/Business Operations

NF/EB

SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS

The administration of each school building shall provide instruction for and training of students, through fire drills, in procedures for leaving the building in the shortest possible time and without confusion or panic.

Fire drills shall be held at least twelve (12) times in each school year; eight (8) of these shall be held between September 1 and December 1. At least one-third (1/3) of all such required drills shall be through use of the fire escapes on buildings where fire escapes are provided. At least one (1) of the twelve (12) drills shall be held during each of the regular lunch periods, or shall include special instruction on the procedures to be followed if a fire occurs during a student's lunch period.

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one (1) of these drills shall be held during the first week of summer school.

After-School Programs

The Building Principal or his/her designee shall require those in charge of after-school programs, attended by any individuals unfamiliar with the school building, to announce at the beginning of such programs the procedures to be followed in the event of an emergency.

Bomb Threats

School Bomb Threats

A bomb threat, even if later determined to be a hoax, is a criminal action. No bomb threat should be treated as a hoax when it is first received. The school has an obligation and responsibility to ensure the safety and protection of the students and other occupants upon the receipt of any bomb threat. This obligation must take precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat - location, if any; time of detonation; etc. If the bomb threat is targeted at the school parking lot or the front of the school, building evacuation may not be an appropriate response. If the bomb threat indicates that a bomb is in the school, then building evacuation is necessary unless the building has been previously inspected and secured in accordance with State Education Department Guidelines. Specific procedures can be found in the building level school plan, as required by Project SAVE.

The decision to evacuate a building or to take shelter is dependent upon information about where the bomb is placed and how much time there is to reach a place of safety. Prudent action dictates that students and other occupants be moved from a place of danger to a place of safety. Routes of egress and evacuation or sheltering areas must be thoroughly searched for suspicious objects before ordering an evacuation. Failure to properly search evacuation routes before an evacuation takes place can expose students and staff to more danger than remaining in place until the search has taken place. Assistance is available from local police agencies and the New York State Police to train staff to check evacuation routes.

Police Notification and Investigation

A bomb threat to a school is a criminal act, which is within the domain and responsibility of law enforcement officials. Appropriate State, county, and/or local law enforcement agencies must be notified of any bomb threat as soon as possible after the receipt of the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Therefore, the building administrator or designee is to notify local law enforcement officials and follow established procedures to move all occupants out of harm's way.

Implementation

The Board of Education directs the Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Additionally, such regulations are to be incorporated in the District-wide School Safety Plan and the building level school safety plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building level school safety plans; and the annual updating of the District-wide and building level school safety plans, by July 1, as mandated pursuant to law and/or regulation.

Bus Emergency Drills

The Board of Education directs the administration to conduct a minimum of three (3) emergency drills to be held on each school bus during the school year. The first drill is to be conducted during the first seven (7) days of school, the second drill between November 1 and December 31, and the third drill between March 1 and April 30. No drills shall be conducted when buses are on routes.

Students who ordinarily walk to school shall also be included in the drills. Students attending public and nonpublic schools who do not participate in regularly scheduled drills shall also be provided drills on school buses, or as an alternative, shall be provided classroom instruction covering the content of such drills.

Each drill shall include instruction in all topics mandated by the Education Law and the Commissioner's Regulations and shall include, but will not be limited to, the following:

a) Safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking;
b) The location, use and operation of the emergency door, fire extinguishers, first aid equipment and windows as a means of escape in case of fire or accident;
c) Orderly conduct as bus passengers.

Instruction on Use of Seat Belts

When a school bus is equipped with seat safety belts, the District shall ensure that all students who are transported on such school bus owned, leased or contracted for by the District or BOCES shall receive instruction on the use of seat safety belts. Such instruction shall be provided at least three (3) times each year to both public and nonpublic school students who are so transported and shall include, but not be limited to:

a) Proper fastening and release of seat safety belts;
b) Acceptable 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 and 3623
Penal Law Sections 240.55, 240.60 and 240.62
8 New York Code of Rules and Regulations (NYCRR) Sections 155.17, 156.3(f), 156.3(g) and 156.3(h)(2)

Adopted: 2/23/12

Non-Instructional/Business Operations

**SUBJECT: MAXIMUM TEMPERATURE FOR SCHOOL BUILDINGS AND INDOOR FACILITIES**

The District is responsible for addressing the health, safety, and comfort of students and staff on extreme heat conditions days.

For purposes of this policy, the following definitions apply:

a) Extreme heat condition days means days when occupiable educational and support services spaces are 82 degrees Fahrenheit or higher.

b) Room temperature means the temperature measured at a shaded location, three feet above the floor near the center of the room.

c) Support services spaces do not include kitchen areas used in the preparation of food for consumption by students.

Implementation Plan When the Temperature Reaches Eighty-Two Degrees Fahrenheit

The District is required to take action to relieve heat-related discomfort when the occupiable educational and support services spaces temperatures reach 82 degrees Fahrenheit. These actions may include, but are not limited to:

a) Turning off the overhead lights;

b) Pulling down shades or blinds;

c) Turning on fans;

d) Opening classroom doors and windows to increase circulation, if permitted;

e) Turning off unused electronics that produce heat; and

f) Providing water breaks.

Air conditioners, where available, may also be used to keep room temperatures from reaching 82 degrees Fahrenheit. The District may take the actions above earlier in the day or before school starts in an effort to keep the room temperature below 82 degrees Fahrenheit. This does not prohibit using air conditioning in response to a student's Individualized Education Plan, Section 504 Plan, or in response to a documented student medical need.

(Continued)

**SUBJECT: MAXIMUM TEMPERATURE FOR SCHOOL BUILDINGS AND INDOOR FACILITIES (Cont'd.)**

Implementation Plan When the Temperature Reaches Eighty-Eight Degrees Fahrenheit

The District will remove students and staff from educational and support services spaces when the room temperature reaches 88 degrees Fahrenheit where practicable. The Superintendent or designee may direct building principals to evacuate the space by:

a) Moving students and staff to cooler spaces within the school building(s); or

b) Closing school early and sending students and staff home according to the District's emergency school closing policy and/or procedure which include communicating with parents and persons in parental relation.

The Board will consider the anticipated number of extreme heat condition days when adopting or adjusting the District's school calendar. The District will also be mindful of collective bargaining agreements.

Education Law Section 409-n

NOTE: Refer also to Policy #3510 -- Emergency School Closings

Adoption Date

**SUBJECT: EXPOSURE CONTROL PROGRAM**

The District shall establish an exposure control program designed to prevent and control exposure to bloodborne pathogens. According to the New York State Department of Labor's Division of Safety and Health and Occupational Safety and Health Administration (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 Human Immunodeficiency Virus (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.

29 Code of Federal Regulations (CFR) Section 1910.10:30

Adopted: 2/23/12

Non-Instructional/Business Operations

NF/EB

**SUBJECT: COMMUNICABLE DISEASES**

Whenever, upon investigation and evaluation by the Director of School Health Services or other health professionals acting upon direction or referral of the director, 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, he/she shall be excluded from the school and sent home immediately, in a safe and proper conveyance. The Director of School Health Services 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 Director of School Health Services 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 Director of School Health Services, or other health professionals acting upon direction or referral of the director, 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.

The Health Services Office will keep administrators of the District and the Medical Director of Health Services advised on the status of any communicable/contagious disease outbreak. The Health Services Office will maintain contact with the Niagara County Health Department during any disease outbreak and will report any suspected case of a mandated reportable disease to the Niagara County Health Department.

Regulations and procedures will be developed for dealing with communicable diseases (including, but not limited to, pandemic flu) 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) Sections 136.3(h) and 136.3(i)

Adoption Date

Non-Instructional/Business Operations

NF/EB

**SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES**

The Board of Education contends that a student shall not be denied the right to attend school or continue his/her education nor shall an employee be denied the right to continue his/her employment who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

Administrative regulations and procedures shall be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff in the District.

The Superintendent shall also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

Public Health Law Article 27-F

Adoption Date 2/23/12

Non-Instructional/Business Operations

**SUBJECT: TRANSPORTATION PROGRAM**

It is the intent of the Board of Education to comply with the letter and spirit of the New York State Education Law; with the regulations of the Department of Motor Vehicles and of the Department of Transportation and with the Commissioner of Education's regulations and decisions pertinent to student transportation, and these shall govern any questions not covered by specific declaration of policy herein.

The purposes of the transportation program are to transport students to and from school, to transport them for extracurricular activities, to transport them on field trips, and to transport those requiring special services.

The Board of Education recognizes and assumes the responsibility for all aspects of the transportation of children wherein the health and safety of students are involved, for the Board of Education has a legal obligation to safeguard the welfare of bus-riding children.

**Scheduling and Routing**

Bus routes are authorized by the Board of Education and any requests for a change must be submitted to the Superintendent or his/her designee.

Transportation services shall be provided to meet the needs of the students of the District within specified limits and areas established by the Board of Education.

**Posting of School Bus Schedules**

While posting of school bus schedules online is certainly convenient, the Transportation Security Administration (TSA) warns that doing so can pose risks of child abductions, terrorist attacks and other unwanted scenarios. Online school bus schedules are accessible to anyone. Therefore, should the District wish to post school bus schedules online, access to the schedules shall be password protected.

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 2/23/2012

Non-Instructional/Business Operations

NF/EB

**SUBJECT: TRANSPORTATION OF STUDENTS**

**Eligibility for Busing**

The Board of Education shall provide transportation to and from school for each secondary student residing within the District who lives more than one and one-half (1-1/2) miles from the school which he/she attends, and for each elementary student who lives more than one (1) mile from the school which he/she attends. According to law, the distance used to determine eligibility is measured by the nearest available public thoroughfare according to engineering maps prepared specifically for the Board for this purpose.

Transportation shall be provided only in respect to attendance at elementary, middle and secondary school during the regular school year and may be provided in respect to attendance at summer school or adult education classes at the discretion of the Superintendent of Schools.

**Requests for Transportation to and from Nonpublic Schools**

The parent or person in parental relation of a parochial or private school child residing in the School District who desires that the child be transported to a parochial or private school outside of the School District during the next school year should submit a written request to the Board of Education no later than April 1 of the preceding year, or within thirty (30) days of moving into the District. No late request of a parent or person in parental relation shall be denied where a reasonable explanation is provided for the delay.

**Transportation to Child Care Locations**

Students enrolled in a pre-Kindergarten through eighth grade program may be transported to child care locations within the attendance area of the school that they attend, or may be transported to a licensed or registered child day care center or school-age child care program (pursuant to Section 390 of District, after complying with administrative regulations covering such transportation arrangements).

**Transportation to Nonpublic Schools on Holidays**

When a holiday falls on a Saturday or Sunday, the Board of Education may choose to close on Friday or Monday in observance of the holiday. Schools that close may provide pupil transportation. However, if the District has not shared its calendar and informed nonpublic schools that it will not transport on the optional holiday, the District is required to provide pupil transportation services on that day to nonpublic schools that are open.

(Continued)

**SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)**

**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 proportionate share of IDEA Part B dollars could be used for such purpose.

The school district of residence remains responsible to provide transportation to parentally placed nonpublic school students from the student's home to the nonpublic school.

**Transportation of Students with Disabilities**

Students with disabilities in the District shall be transported up to fifty (50) miles (one way) from their home to the appropriate special service or program, unless the Commissioner certifies that no appropriate nonresidential special service or program is available within fifty (50) miles. The Commissioner may then establish transportation arrangements.

Student Information

Any mode of transportation used on a regular basis to transport students with a disability on a regularly scheduled route shall, upon written consent of the parent or person in parental relation, have maintained on such mode of transportation the following information about each student being transported:

a) Student's name;

b) Nature of the student's disability;

c) Name of the student's parent, guardian or person in a position of loco parentis (person in parental relation) and one or more telephone numbers where such person can be reached in an emergency; and/or

d) Name and telephone number of any other person designated by such parent, guardian or person in a position of loco parentis as a person who can be contacted in an emergency.

Such information shall be used solely for the purpose of contacting such student's parent, guardian, person in a position of loco parentis, or designee in the event of an emergency involving the student, shall be kept in a manner which retains the privacy of the student, and shall not be accessible to any person other than the driver or a teacher acting in a supervisory capacity. In the event that the driver or teacher is incapacitated, such information may be accessed by any emergency service provider for such purpose.

(Continued)

**SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)**

Such information shall be updated as needed, but at least once each school year and shall be destroyed if parental consent is revoked, the student no longer attends such school, or the disability no longer exists.

Herein the term "disability" shall mean a physical or mental impairment that substantially limits one or more of the major life activities of the student, whether of a temporary or permanent nature.

Fire Extinguishers

School buses manufactured on or after January 1, 1990 fueled with other than diesel fuel and used to transport three (3) or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight (8) passengers and used to transport such students shall be equipped with an automatic engine fire extinguishing system.

School buses manufactured on or after September 1, 2007 fueled with diesel fuel and used to transport three (3) or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight (8) passengers used to transport such students shall be equipped with an automatic engine fire extinguishing system.

The purchase of automatic engine fire extinguishing systems for school buses used to transport such students shall be deemed a proper school district expense.

**Transportation of Non-Resident Students**

Non-resident families must provide their own transportation.

**Transportation to School Sponsored Events**

Where the District has provided transportation to students enrolled in the District to a school sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the District unless the parent or legal guardian of a student participating in such event has provided the District with written notice, consistent with District policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical, a representative of the School District shall remain with the student until such student's parent or legal guardian has been contacted and informed of the intervening circumstances which make such transportation impractical; and the student has been delivered to his/her parent or legal guardian.

(Continued)

**SUBJECT: TRANSPORTATION OF STUDENTS Cont'd.)**

**Transportation in Personal Vehicles**

Personal cars of teachers and staff shall not be used to transport students except in the event of extenuating circumstances and authorized by the administration.

Education Law Sections 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 Section 375(20)(1) and 375(21-i)

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adoption Date 4/4/2011
Revised 7/6/2023

| | |
|---|---|
| Section/Classification ★**5000 Non-Instructional/Business Operations** | Policy Number ★**5731** |
| Status ★**ACTIVE** | Adopted ★ **02/23/2012** |
| Last review date ★ **02/23/2012** | Next review date ★ |

Title **IDLING SCHOOL BUSES ON SCHOOL GROUNDS**

Policy

The Board of Education 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 and vehicle exhaust. In accordance with Education Law and Commissioner's Regulations, the District will minimize, to the extent practicable, the idling of all school buses and other vehicles owned or leased by the District while such bus or vehicle is parked or standing on school grounds or in the front of any school. This policy also applies to contractor owned and operated school buses under contract with the District.

The District shall ensure that each driver of a school bus or other vehicle owned, leased or contracted for by the District turn off the engine of the bus or vehicle while waiting for passengers to load or off load on school grounds, or while such vehicle is parked or standing on school grounds or in front of or adjacent to any school.

**Exceptions**

Unless otherwise required by State or local law, the idling of a school bus or vehicle engine may be permitted to the extent necessary to achieve the following purposes:

a) For mechanical work; or
b) To maintain an appropriate temperature for passenger comfort; or
c) In emergency evacuations where necessary to operate wheelchair lifts.

**Private Vendor Transportation Contracts**

All contracts for pupil transportation services between the School District and a private vendor that are entered into on or after August 21, 2008, shall include a provision requiring such vendor's compliance with the provisions of reducing idling in accordance with Commissioner's Regulations Section 156.3(h).

Education Law Section 3637
Vehicle and Traffic Law Section 142
8 New York Code of Rules and Regulations (NYCRR) Section 156.3(h)

Adopted: 2/23/12

**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 at times the vehicle is in operation on the roadway poses a potential safety risk. All school bus drivers 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 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.

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 Drills, Bomb Threats and Bus Emergency Drills
#5741 -- Drug and Alcohol Testing for School Bus Drivers and Other
Safety-Sensitive Employees

Adopted: February 23, 2012
Revised: June 21, 2012

Non-Instructional/Business Operations

**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 his/her scheduled work duties; and

i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

**Special Requirements For New Bus Drivers**

Before a vendor/contract bus company employs a new bus driver, the Superintendent or his/her designee shall be entitled to:

a) Require such person to pass a physical examination within four (4) weeks prior to the beginning of service;

b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three (3) years;

c) Investigate the person's employment record during the preceding three (3) years;

d) Require such person to submit to the mandated fingerprinting procedures/criminal history background check;

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

Adopted: 2/23/12

Non-Instructional/Business Operations

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES**

In accordance with federal regulations, employees in safety-sensitive positions who are required to have and use a commercial driver's license (CDL), are subject to random testing for alcohol, marijuana, cocaine, amphetamines, opioids, and phencyclidine (PCP). The District will adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for those employees in safety-sensitive positions.

*The District will *(ensure that vendors/contract bus companies)* either establish and manage its *(their)* own program, by contract, or through a consortium for the provision of alcohol and drug testing of employees in safety-sensitive positions. Safety-sensitive employees (SSEs), including school bus drivers and other employees, who drive a vehicle which is designed to transport 16 or more passengers (including the driver), will be subject to this requirement.

Federal regulations require that school bus drivers and other SSEs be tested for alcohol and drugs at the following times:

a) Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. This pre-employment testing will also be required when employees transfer to a safety-sensitive position.

b) SSEs are also subject to a random drug and/or alcohol test on an unannounced basis just before, during, or just after performance of safety-sensitive functions.

c) In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol.

d) There will also be post-accident testing conducted after accidents on employees whose performance could have contributed to the accidents.

e) Finally, return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return-to-duty.

All employee drug and alcohol testing will be kept confidential and will only be revealed without the driver's consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer, and any other individual designated by law.

**Customize to District*

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

The following alcohol and controlled substance-related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles (CMV) and other SSEs:

a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive activities for 24 hours, but no punitive action will be taken by the employer.

b) Being on duty or operating a CMV while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.

c) Using alcohol while performing safety-sensitive functions.

d) New York State law prohibits using alcohol six hours or less before duty.

e) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.

f) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements.

g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.

h) Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the SSE tests positive for controlled substances.

Drivers and other SSEs who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties in accordance with **District policy (the vendors' or contract bus companies' policies)* and collective bargaining agreements, as well as the sanctions provided for in federal law. SSEs who have engaged in prohibited behavior will not be allowed to perform safety-sensitive functions until they are:

**Customize to District*

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

a) Evaluated by a substance abuse professional (SAP).

b) Complete any requirements for rehabilitation as set by the District and the SAP.

c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.

d) The SSE will also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of the follow-up testing will be as directed by the SAP, and consist of at least six tests in the first 12 months.

***If District owns buses (use following three paragraphs):**

The Superintendent will ensure that each SSE receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or designee will ensure that a copy of these materials is distributed to each SSE, who will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any SSEs. Representatives of applicable collective bargaining units will be notified of the availability of this information.

The Superintendent or designee will arrange for training of all supervisors who may be utilized to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use or abuse.

Any violation of this policy and/or District procedures, and applicable federal and state laws by a covered employee will be grounds for disciplinary action including, but not limited to, fines, suspension, and/or discharge in a manner consistent with District policy, collective bargaining agreements, and applicable law.

***If District contracts out for buses (use following three paragraphs):**

The Superintendent will ensure that each vendor or contract bus company receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or designee will ensure that a copy of these materials is distributed to each vendor or contract bus company, and the vendor or bus company will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any SSEs.

The Superintendent or designee can assist vendors/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 alcohol or controlled substance use/abuse.

Any significant violation of this policy or District procedures, and applicable federal and state laws by vendors/contract bus companies and other employees will result in revocation of their contract for the transportation of students.

Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143) 49 USC §§ 31136 and 31306
49 CFR Parts 40, 172, 382, 383, 391, 392 and 395
Vehicle and Traffic Law § 509-L

Adoption Date 12192019

Non-Instructional/Business Operations

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES**

In accordance with federal regulations, employees in safety-sensitive positions who are required to have and use a commercial driver's license (CDL), are subject to random testing for alcohol, marijuana, cocaine, amphetamines, opioids, and phencyclidine (PCP). The District will adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for those employees in safety-sensitive positions.

*The District will *(ensure that vendors/contract bus companies)* either establish and manage its *(their)* own program, by contract, or through a consortium for the provision of alcohol and drug testing of employees in safety-sensitive positions. Safety-sensitive employees (SSEs), including school bus drivers and other employees, who drive a vehicle which is designed to transport 16 or more passengers (including the driver), will be subject to this requirement.

Federal regulations require that school bus drivers and other SSEs be tested for alcohol and drugs at the following times:

a) Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. This pre-employment testing will also be required when employees transfer to a safety-sensitive position.

b) SSEs are also subject to a random drug and/or alcohol test on an unannounced basis just before, during, or just after performance of safety-sensitive functions.

c) In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol.

d) There will also be post-accident testing conducted after accidents on employees whose performance could have contributed to the accidents.

e) Finally, return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return-to-duty.

All employee drug and alcohol testing will be kept confidential and will only be revealed without the driver's consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer, and any other individual designated by law.

**Customize to District*

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

The following alcohol and controlled substance-related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles (CMV) and other SSEs:

a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive activities for 24 hours, but no punitive action will be taken by the employer.

b) Being on duty or operating a CMV while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.

c) Using alcohol while performing safety-sensitive functions.

d) New York State law prohibits using alcohol six hours or less before duty.

e) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.

f) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements.

g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.

h) Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the SSE tests positive for controlled substances.

Drivers and other SSEs who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties in accordance with **District policy (the vendors' or contract bus companies' policies)* and collective bargaining agreements, as well as the sanctions provided for in federal law. SSEs who have engaged in prohibited behavior will not be allowed to perform safety-sensitive functions until they are:

**Customize to District*

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

a) Evaluated by a substance abuse professional (SAP).

b) Complete any requirements for rehabilitation as set by the District and the SAP.

c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.

d) The SSE will also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of the follow-up testing will be as directed by the SAP, and consist of at least six tests in the first 12 months.

***If District owns buses (use following three paragraphs):**

The Superintendent will ensure that each SSE receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or designee will ensure that a copy of these materials is distributed to each SSE, who will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any SSEs. Representatives of applicable collective bargaining units will be notified of the availability of this information.

The Superintendent or designee will arrange for training of all supervisors who may be utilized to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use or abuse.

Any violation of this policy and/or District procedures, and applicable federal and state laws by a covered employee will be grounds for disciplinary action including, but not limited to, fines, suspension, and/or discharge in a manner consistent with District policy, collective bargaining agreements, and applicable law.

***If District contracts out for buses (use following three paragraphs):**

The Superintendent will ensure that each vendor or contract bus company receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or designee will ensure that a copy of these materials is distributed to each vendor or contract bus company, and the vendor or bus company will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of

**Customize to District*

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any SSEs.

The Superintendent or designee can assist vendors/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 alcohol or controlled substance use/abuse.

Any significant violation of this policy or District procedures, and applicable federal and state laws by vendors/contract bus companies and other employees will result in revocation of their contract for the transportation of students.

Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143) 49 USC §§ 31136 and 31306
49 CFR Parts 40, 172, 382, 383, 391, 392 and 395
Vehicle and Traffic Law § 509-L

Adoption Date

**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.

(Continued)

**SUBJECT: ARTIFICIAL INTELLIGENCE (AI) (Cont'd.)**

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.

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.

(Continued)

**SUBJECT: ARTIFICIAL INTELLIGENCE (AI) (Cont'd.) Student Use**

The district permits teachers to determine whether students in their class may use GenAI for assignments. However, the District recognizes that disparities in access to GenAI technologies may exist and will work with teachers to ensure that no student is disadvantaged by their inability to use or decision not to use GenAI.

If teachers allow their students to use GenAI, they are expected to communicate their expectations regarding the use of GenAI clearly to their students. Further, the teacher must discuss the appropriate and responsible use of GenAI with the students. This includes talking to students about the risks and limitations of GenAI, emphasizing how students are accountable for the accuracy of their work, and, when relevant, ensuring proper citation of sources.

Student use of GenAI that conflicts with teacher instruction, District policy, regulation, procedure, or other document, such as the District's Code of Conduct, may result in investigation and/or disciplinary action.

The precursor to any AI use in-district is accomplished, vetted training.

This training can be acquired from higher education institution course work or other accreditations.

The District and the Teacher Resource Center is developing and scheduling AI specific coursework to ensure that AI is employed in the most efficient, guarded manner.

AI use will be fully integrated into the Instructional and District Technology plans.

**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) (Cont'd.) 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 Personnel Identifying Information
#5674 -- Data Networks and Security Access
#5676 -- Privacy and Security for Student Data and Teacher and Principal Data
#6410 -- Staff Acceptable Use Policy
#7240 -- Student Records: Access and Challenge
#7315 -- Student Acceptable Use Policy (AUP)
#7316 -- Student Use of Personal Technology
#8271 -- Internet Safety/Internet Content Filtering
#8350 -- Use of Copyrighted Materials
District *Code of Conduct*

Adoption Date 02272025

Personnel

NF/EB

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL**

**General Provisions**

Pursuant to the provisions of General Municipal Law Section 806, the Board of Education of the Niagara Falls City School District recognizes that there are rules of ethical conduct for members of the Board and employees of the District that must be observed if a high degree of moral conduct is to be obtained in our unit of local government. It is the purpose of this policy to promulgate these rules of ethical conduct for the Board members and employees of the District. These rules shall serve as a guide for official conduct of the Board members and employees of the District. The rules of ethical conduct of this policy, as adopted, shall not conflict with, but shall be in addition to any prohibition of General Municipal Law Sections 800-809 or any other general or special law relating to ethical conduct and interest in contracts of Board members and employees.

**Standards of Conduct**

Every Board member or employee of the Niagara Falls City School District shall be subject to and abide by the following standards of conduct:

Gifts

Pursuant to General Municipal Law Section 805-a, he/she shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of seventy-five dollars ($75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence him/her in the performance of official duties or was intended as a reward for any official action on his/her part.

Confidential Information

He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.

Disclosure of Interest in Contracts

Any District officer or employee, as well as his/her spouse, who has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the District shall publicly disclose the nature and extent of such interest in writing to his/her immediate supervisor and to the Board of Education as soon as he/she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the Board minutes.

(Continued)

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)**

Representation before one's own agency

He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.

Representation before any agency for a contingent fee

He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.

Disclosure of interest in resolution

To the extent that he/she knows thereof, a member of the Board of Education or employee of the Niagara Falls City School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Education on any resolution before the Board of Education shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such resolution.

Investments in conflict with official duties

He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his/her official duties. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he/she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

Private employment

He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

Future employment

He/she shall not, after the termination of service or employment with the School District, appear before any board or agency of the Niagara Falls City School District in relation to any case, proceeding, or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

(Continued)

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)**

**Legal Remedies**

District Officers

In accordance with the Penal Law Section 60.27(5), if a District officer is convicted of a violation against the District under Penal Law Article 155 relating to larceny, the courts may require an amount of restitution up to the full amount of the offense or reparation up to the full amount of the actual out-of-pocket loss suffered by the District.

Board Members and Employees

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Board member or employee of any claim, account, demand or suit against the Niagara Falls City School District, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

**Distribution/Posting of Code of Ethics**

The Superintendent of the Niagara Falls City School District shall cause a copy of this code of ethics to be distributed to every Board member and employee of the School District within thirty (30) days after the effective date of this policy. Each Board member and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The Superintendent shall also cause a copy of General Municipal Law Sections 800-809 to be kept posted in each building in the District in a place conspicuous to its Board members and employees. Failure to distribute any such copy of this code of ethics or failure of any Board member or employee to receive such copy, as well as failure to post any such copy of General Municipal Law Sections 800-809, shall have no effect on the duty of compliance with such code of ethics or General Municipal Law Sections 800-809, nor with the enforcement of provisions thereof.

**Penalties**

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

**Effective Date**

This resolution shall take effect immediately.

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**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)**

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|---|---|
| _____ | _____ |
| Board President | Vice President |
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Education Law Section 410
General Municipal Law Article 18 and Sections 800-809
Labor Law Section 201-d
Penal Law Article 155 and Section 60.27(5)

NOTE: Refer also to Policy #2130 -- Duties of Board Members

Adoption Date: 2/27/2020

Personnel

**SUBJECT: TESTING MISCONDUCT AND MANDATORY REPORTING REQUIREMENTS**

School District employees are expressly prohibited from: engaging in testing misconduct, as that term is described in the Regulations of the Commissioner of Education; assisting in the engagement of, or soliciting another to engage in testing misconduct; and/or the knowing failure to report testing misconduct. When committed by an employee of the School District in a position for which a teaching or school leader certificate is required, such actions or inactions will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's Regulations. A School District employee in a position for which a teaching or school leader certificate is not required who commits an unlawful act in respect to examination and records will be subject to disciplinary action by the Board of Education in a manner consistent with New York State law and regulation.

School District employees will report to the State Education Department any known incident of testing misconduct by a certified educator or any known conduct by a non-certified individual involved in the handling, administration or scoring of state assessments in violation of New York State law. Such report will be made in accordance with directions and procedures established by the Commissioner for the purpose of maintaining the security and confidential integrity of State assessments.

The School District will not dismiss or take other disciplinary or adverse action against an employee because he/she submitted a report regarding testing misconduct to the State Education Department. Any such adverse action by an individual holding a teaching or school leader certificate will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's Regulations and may be referred to the Office of School Personnel Review and Accountability at the State Education Department.

8 NYCRR Section 102.4

Adoption Date 7/2/2015

Personnel

NF/EB

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of this District to provide, through a positive and effective program, equal opportunities for employment, retention and advancement of all people regardless of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, predisposing genetic characteristics, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.

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

The term "military status" means a person's participation in the military service of the United States or the military service of the state, including but not limited to, the armed forces of the United States, the army national guard, the air national guard, the New York naval militia, the New York guard, and such additional forces as may be created by the federal or state government as authorized by law.

Provisions will be provided for the publication and dissemination, internally and externally of this policy to ensure its availability to interested citizens and groups.

Additionally, administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination. Those intending to file a grievance due to alleged discrimination must follow the grievance procedure as established by the District.

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

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

**Posting Requirement of Correction Law Article 23-A**

The District shall post, in a place accessible to employees and in a visually conspicuous manner, a copy of Article 23-A of the Correction Law and any regulations promulgated under that statute. Article 23-A addresses the licensure and employment of persons previously convicted of one or more criminal offences.

**Civil Penalties in Employment Discrimination Matters**

The New York Human Rights Law provides for civil fines and penalties, payable to the State, of up to $50,000 for unlawful acts of employment discrimination, and up to $100,000 for willful, wanton, or malicious discrimination. With the enactment of the new law, these penalties may now be assessed

(Continued)

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)**

in all cases of employment discrimination. (e.g., whether such a claim is pursued in a more formal court action or an administrative proceeding before the New York State Division of Human Rights). Under the legislation, an employer with fewer than fifty (50) employees may be allowed to pay the civil fines and penalties in installments.

The new civil fines do not replace or limit other relief under New York Human Rights Law that may be awarded to a prevailing complainant in an administrative proceeding which includes, but is not limited to, affirmative relief from the employer (e.g., an order that the individual be hired, promoted or reinstated by the employer), backpay and other compensatory damages (e.g., emotional distress damages). The New York State *Division of Human Rights* cannot award punitive damages or attorney's fees to a prevailing complainant in an administrative proceeding. However, *a New York State Court* may award a prevailing plaintiff in a court action various relief, including, but not limited to, punitive damages and attorney's fees. (An administrative proceeding before the New York State *Division of Human Rights* and an action commenced in a *New York State Court* represent two different ways to seek redress for acts of alleged employment discrimination.).

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621
Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.
Genetic Information Nondiscrimination Act of 2008 (GINA) Public Law 110-233
Prohibits discrimination in the workplace based upon genetic information.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.
Prohibits discrimination on the basis of race, color or national origin.
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Prohibits discrimination on the basis of race, color, religion, sex or national origin.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
Prohibits discrimination on the basis of sex.
Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status or disability.
Civil Service Law Section 75-B
Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, predisposing genetic characteristics, marital status, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.
Labor Law Section 201-f
Military Law Sections 242 and 243

Adoption Date 4/23/2013

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE**

**Overview**

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

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

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

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

Harassers may also be individually subject to liability and supervisors who fail to report or act on harassment may be liable for aiding and abetting sexual harassment and discrimination. Employees at every level who engage in harassment or discrimination, including supervisory personnel who engage

in harassment or discrimination or who allow such behavior to continue, will be subject to remedial and/or disciplinary action by the District.

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

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

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

Maria Massaro
630 66th Street
Niagara Falls, NY 14304 (716)
286-4225
mmassaro@nfschools.net

Scope and Application

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

a) Employees;

b) Applicants for employment;

c) Paid or unpaid interns; and

d) Non-employees, which include anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace. These non-employees include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are

nonemployees providing equipment repair, cleaning services, or any other service through a contract with the District.

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

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

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

**What Constitutes Sexual Harassment**

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

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

Under NYSHRL, sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every

instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, NYSHRL specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which a covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of District policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts.

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

a) The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. The impacted individual does not need to be the intended target of the sexual harassment;

b) Employment depends implicitly or explicitly on accepting such unwelcome behavior; or

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

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

There are two main types of sexual harassment:

a) Hostile work environment which includes, but is not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.

b) Quid pro quo harassment which occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment.

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

Examples of Sexual Harassment

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

a) Physical acts of a sexual nature, such as:

1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another individual's body, or poking another individual's body; or

(Continued)

2. Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy.

b) Unwanted sexual comments, advances, or propositions, such as:

1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

2. Subtle or obvious pressure for unwelcome sexual activities; or

3. Repeated requests for dates or romantic gestures, including gift-giving.

c) Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.

d) Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:

1. Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or

2. Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.

e) Sexual or discriminatory displays or publications anywhere in the workplace, such as:

1. Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This

includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;

2. This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.

f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:

1. Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;

2. Sabotaging an individual's work;

3. Bullying, yelling, or name-calling;

4. Intentional misuse of an individual's preferred pronouns; or



5. Creating different expectations for individuals based on their perceived identities:

(a) Dress codes that place more emphasis on women's attire;

(b) Leaving parents/caregivers out of meetings.

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

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

(Continued)

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

a) Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;

b) An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or

c) Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

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

**Where Can Sexual Harassment Occur?**

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



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

(Continued)

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

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

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

a) Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;

b) Publicly releasing personnel files;

c) Refusing to provide a reference or providing an unwarranted negative reference;

d) Labeling an employee as "difficult" and excluding them from projects to avoid "drama";

e) Undermining an individual's immigration status; or

f) Reducing work responsibilities, passing over for a promotion, or moving an individual's desk to a less desirable office location.

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

a) Made a complaint of sexual harassment or discrimination, either internally or with any government agency;

b) Testified or assisted in a proceeding involving sexual harassment or discrimination under the NYSHRL or any other anti-discrimination law;

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

c) Opposed sexual harassment or discrimination by making a verbal or informal complaint, or by simply informing a supervisor, building principal, other administrator, or the CRCO of suspected harassment;

d) Reported that a covered individual has been sexually harassed or discriminated against; or

e) Encouraged a covered individual to report harassment.

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

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

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

**Reporting Allegations of Sexual Harassment**

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

(Continued)

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

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

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

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

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

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

**Supervisory Responsibilities**

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

(Continued)

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

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

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



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

**Bystander Intervention**

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

a) A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;

b) A bystander who feels unsafe interrupting on their own can ask a third-party to help intervene in the harassment;

c) A bystander can record or take notes on the harassment incident to benefit a future investigation;

d) A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and

(Continued)

e) If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

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

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

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

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

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

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

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

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

(Continued)

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

b) Will investigate all complaints of sexual harassment regardless of how those complaints are reported and treat all complaints with equal priority. For verbal complaints, the individual will be encouraged to complete, in writing, the complaint form. If the individual reporting prefers not to fill out the complaint form, a complaint form or equivalent documentation based on the verbal reporting will be prepared. The individual reporting the harassment will be provided a copy of the completed complaint form.

c) Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails, or phone records that may be relevant to the investigation. The CRCO will consider and implement appropriate document request, review, and preservation measures, including for electronic communications.

d) Will seek to interview all parties involved, including any relevant witnesses. If a student is involved, the District will follow all applicable District policies and procedures regarding questioning students.

e) Will create written documentation of the investigation (such as a letter, memo, or email), which contains the following:



1. A list of all documents reviewed, along with a detailed summary of relevant documents;

2. A list of names of those interviewed, along with a detailed summary of their statements;

3. A timeline of events;

4. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and

(Continued)

5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).

f) Will keep the written documentation and associated documents in a secure and confidential location.

g) Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document. Any corrective action taken will be in accordance with applicable law and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.

h) Will inform the individual(s) who reported the harassment of the right to file a complaint or charge externally as outlined in this policy.

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

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

**Annual Training**

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

a) An explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;

b) Examples of conduct that would constitute unlawful sexual harassment;



c) Information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;

(Continued)

d) Information concerning employees' rights of redress and all available forums for adjudicating complaints; and

e) Information addressing conduct by supervisors and any additional responsibilities for such supervisors.

**Notification**

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

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

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

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

**Legal Protections and External Remedies**

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

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

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

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

New York State Division of Human Rights (NYSDHR)

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

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

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

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

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

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

Go to dhr.ny.gov/complaint for more information about filing a complaint with NYSDHR. The website has a digital complaint process that can be completed on a computer or mobile device from start

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to finish. The website has a complaint form that can be downloaded, filled out, and mailed to NYSDHR. The website also contains contact information for NYSDHR's regional offices across New York State.

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

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

The United States Equal Employment Opportunity Commission

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 USC Section 2000e et seq. An individual can file a complaint with the EEOC anytime within 300 calendar days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred but does not file a lawsuit.

Individuals may obtain relief in mediation, settlement, or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An individual alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov, or via email at info@eeoc.gov. To file a complaint with the United States Equal Employment Opportunity Commission, please visit https://www.eeoc.gov/filing-charge-discrimination.

(Continued)

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

Title IX

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

For more information about how to file a complaint, contact OCR at 800-421-3481 (TDD 800877-8339) or visit: https://www2.ed.gov/about/offices/list/ocr/docs/howto.html. The website contains information about filing the complaint online, by mail, or by email.

Local Protections

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

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

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

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#3421 -- Title IX and Sex Discrimination
#6122 -- Employee Grievances
#7551 -- Sexual Harassment of Students

Adoption Date January 22, 2015
September 28, 2023

Personnel

NF/EB

**SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES**

In accordance with the provisions of General Municipal Law and the collective bargaining agreements, all District personnel shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal. The District shall provide at least two (2) procedural stages and an appellate stage for the settlement of any grievance.

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

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

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

**Complaints and Grievances Coordinator**

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

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

The Title IX/Section 504/ADA Coordinator shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status, veteran status, marital status, predisposing genetic characteristics, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621
Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.
Genetic Information Nondiscrimination Act of 2008 (GINA) Public Law 110-233
Prohibits discrimination in the workplace based upon genetic information.

(Continued)

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

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.
Prohibits discrimination on the basis of race, color or national origin.
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Prohibits discrimination on the basis of race, color, religion, sex or national origin.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
Prohibits discrimination on the basis of sex.
Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.
Civil Service Law Section 75-B
Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, predisposing genetic characteristics, marital status, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.
Military Law Sections 242 and 243

NOTE: Refer also to Policy #3420 -- Anti-Harassment in the School District

Adoption Date 2/23/2012

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM ***

**Overview**

New York State requires public employers, including school districts, to develop and implement programs to prevent and minimize workplace violence and help ensure the safety of public employees.

This written document serves as the District's Workplace Violence Prevention Program (WVPP). The District's Workplace Violence Prevention Advisory Committee, which includes all authorized employee representatives and the Chief Emergency Officer, oversaw and participated in the development of the WVPP. During the development process, all authorized employee representatives provided input on those situations in the workplace that pose a threat of workplace violence.

Purpose of the WVPP

The WVPP is designed to prevent, minimize, and respond to any workplace violence. The goals of the WVPP are to:

1) Reduce the probability of threats or acts of violence in the workplace; and

2) Ensure that any incident, complaint, or report of violence is taken seriously and dealt with in a timely manner.

Scope

All District employees are required to comply with the WVPP.

**Reporting Workplace Violence**

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

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

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

*Any employee who witnesses or encounters any act of violence and believes that imminent danger is present should call 911. Once in a safe situation, the employee should immediately notify their supervisor, principal and the Human Resources Administrator,

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

**Investigating and Responding to Reports of Workplace Violence**

Upon receipt of written notice of an incident of workplace violence, the Workplace Violence Prevention Coordinator will work with the other individuals, such as those on the Workplace Violence Prevention Advisory Committee and/or the Superintendent, to:

1) Ensure that the District takes any actions that are required to address a situation in a prompt manner. When necessary, such as when there is criminal conduct or a serious injury, responding may involve working with the Niagara Falls Police Department, the Niagara County Sheriff's Department and/or the Niagara County District Attorney to ensure that violent crimes committed against employees in the workplace are promptly and appropriately investigated.

2) Confirm any injured employees receive prompt and appropriate medical care.

3) Complete a Workplace Violence Incident Report, which, at a minimum, will contain the following information:

   a. Workplace location where incident occurred;

   b. Time of day/shift when incident occurred;

   c. A detailed description of the incident, including events leading up to the incident and how the incident ended;

   d. Names and job titles of involved employees;

   e. Name or other identifier of other individual(s) involved;

   f. Nature and extent of injuries arising from the incident; and

   g. Names of witnesses.

   If the case is a privacy concern case (12 NYCRR Part 800), a Workplace Violence Incident Report will still be completed. However, before sharing a copy of the Workplace Violence Incident Report with any party other than the Commissioner of Labor, the District will remove the name of the employee who was the victim of the workplace violence and will instead enter "PRIVACY CONCERN CASE" in the space normally used for the employee's name.

   The District will treat incidents involving the following injuries or illnesses as privacy concern cases:

   a. An injury or illness to an intimate body part or the reproductive system

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

b. An injury or illness resulting from a sexual assault;

c. Mental illness;

d. HIV infection;

e. Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or other potentially infectious material; and

f. Other injuries or illnesses, if the employee independently and voluntarily requests that their name not be entered on the Workplace Incident Report.

The District will maintain all Workplace Violence Incident Reports for use in the District's annual program review and updates.

4) Identify and implement actions to prevent similar occurrences from happening in the future.

**Risk Evaluation and Determination**

The District's workplace will be annually evaluated by a committee comprised of stakeholders and authorized union representatives to determine the presence of factors or situations in the workplace that might place employees at risk of workplace violence. During the workplace evaluation process, the following will be examined:

1) Records

The District will examine any records from the past year that concern workplace violence incidents to identify patterns in the type and cause of injuries. The examination will look to identify patterns of injuries in particular areas of the workplace or incidents which involve specific operations or specific individuals. Examples of records that may be examined include, but are not limited to:

a. Workplace violence incident reports;

b. Injury and illness documentation;

c. Worker's compensation reports;

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

d. Disciplinary reports.

2) Administrative Risk Factors

The District will examine relevant policies, work practices, and work procedures that may impact the risk of workplace violence. Examples include, but are not limited to:

a. District-wide school safety plan;

b. Building-level emergency response plan(s);

c. Policies related to non-discrimination and anti-harassment, visitors to the school, school safety plans, threats of violence in school, prohibition of weapons on school grounds, use of timeout and physical restraint, and weapons in school;

d. Use of ID badges;

e. Procedures related to controlling or diffusing a potentially violent situation.

3) The Physical Environment

The District, with the participation of authorized employee representative(s), will evaluate the workplace to determine the presence of factors or situations which may place employees at risk of workplace violence. Factors which might place an employee at risk include, but are not limited to:

a. Working in public settings;

b. Working late night or early morning hours;

c. Exchanging money with the public;

d. Working alone or in small numbers;

e. Uncontrolled access to the workplace;

f. Areas of previous security problems.

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

This evaluation may also include:

a. Considering security features such as whether there is a reception area, there is adequate lighting in and around the workplace, there are multiple exits, door controls, panic buttons, and video monitors.

b. Reviewing whether there are security guards present and, if so, where they are posted, if they patrol the building, and if they are provided with communication.

c. Describing the building.

**Program Controls**

In situations where a hazard cannot be completely eliminated, the District will adhere to the following hierarchy of controls to reduce the risk to employees:

1) Engineering Controls

Engineering controls reduce the hazard through substitution or design. An example of an engineering control would be the installation of a physical barrier to protect employees from a member of the public (windows, deep counters). Engineering controls are not always feasible. If engineering controls are not feasible, the District will then consider work practice controls.

2) Work Practice Controls

Work practice controls reduce the hazard by changing organizational policies and procedures. An example of a work practice control would be requiring check-in procedures and/or itineraries to account for employees who work alone and are not under the direct supervision of management.

3) Personal Protective Equipment (PPE)

Generally, this type of intervention is not relevant to workplace violence prevention. An example of personal protective equipment would be ballistic body armor for law enforcement personnel.

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

**Workplace Risks and Methods of Addressing**

*General to the District - located at https://www.nfschools.net/Page/15909

The following chart lists general risks in the District which are not limited to a specific workplace, and the method for addressing each risk.

| Risk | Program Control Type | Method to Address |
|---|---|---|
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*Workplace Specific – located at https://www.nfschools.net/Page/15909

The following chart lists risks in the District which are for specific workplace(s), and the method for addressing each risk.

| Workplace Location | Risk | Program Control Type | Method to Address |
|---|---|---|---|
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| | | | |

**Preventing Workplace Violence Incidents**

Examples include but are not limited to: enforcing existing workplace rules, training to increase employee awareness of the signs/effects of workplace violence, and the importance of reporting workplace violence.

**Confidentiality**

The WVPP does not require the disclosure of information otherwise kept confidential for security reasons. This information may include information which, if disclosed, would:

1) Interfere with law enforcement investigations or judicial proceedings;

2) Deprive a person of a right to a fair trial or impartial adjudication;

3) Identify a confidential source or disclose confidential information relating to a criminal investigation;

4) Reveal criminal investigative techniques or procedures, except routine techniques and procedures; or

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

5) Endanger the life or safety of any person.

**Training -** located at https://www.nfschools.net/Page/15909

At the time of hire and annually thereafter, all employees will participate in the District's WVPP training. At a minimum, this training will include information on:

1) The requirements in law related to workplace violence prevention;

2) The risks in the workplace that were identified in the District's risk evaluation and determination of their workplace and do not need to be kept confidential for security reasons;

3) The measures that employees can take to protect themselves from the identified risks including specific procedures that the District has implemented to protect employees such as incident alert and notification procedures, appropriate work practices, emergency procedures, and use of security alarms and other devices;

4) The details of the District's written workplace violence prevention program; and

5) The location of the written workplace violence prevention program and how to obtain a copy.

**Retaliation Prohibition**

The District is prohibited by law from taking any retaliatory action against any employee who has made the District aware of what the employee believes to be imminent danger;2 has requested that the Commissioner of Labor conduct an inspection or 3 accompanies the Commissioner during an inspection f the District

**Annual Review**

On an annual basis, the District will use the Workplace Incidence Reports from the previous year to review and, if necessary, update its WVPP. As part of this process, the District will:

1) Conduct a risk evaluation and determination;

2) With the participation of the authorized employee representative, review past Workplace Incident Reports to identity trends in the types of incidents in the workplace and review the effectiveness of the mitigating actions taken.

# NIAGARA FALLS CITY SCHOOL DISTRICT

## WORKPLACE VIOLENCE PREVENTION TRAINING

**MARK R. LAURRIE**
**SUPERINTENDENT**

# WORKPLACE VIOLENCE PREVENTION TRAINING OBJECTIVES

Review the Workplace Violence Prevention Act and Department of Labor regulations

Define workplace violence and understand the different types

Learn the key elements of NFCSD workplace violence prevention policy and program.

Learn where our policy statement is posted and to how to obtain a copy of our workplace violence program

Learn workplace violence risk factors and prevention efforts

Learn how to report incidents of workplace violence

# REQUIREMENTS OF TRAINING

All staff must review this PowerPoint presentation and the full Workplace Violence Prevention Program located by clicking this link:

https://www.nfschools.net/Page/15909

All staff must watch and pass the Workplace Violence Prevention Program Training presentation course available through Vector/Safeschools by clicking this link:

NFCSD Vector Training

# REQUIREMENTS OF WORKPLACE VIOLENCE PREVENTION LAW

Create Policy Statement (See Policy 6123/6190 Workplace Violence Prevention Policy Statement) (click to view) 

Perform Workplace Risk Assessment Evaluations (See Regulation 6190R Workplace Violence Prevention Program sent to all staff and included in the training program.)

Create Workplace Violence Prevention Program (See Regulation 6190R Workplace Violence Prevention Program sent to all staff and included in the training program.)

# REQUIREMENTS OF WORKPLACE VIOLENCE PREVENTION LAW - CONTINUED

Create Reporting Process (See Regulation 6190R Workplace Violence Prevention Program sent to all staff and included in the custom training program.)

Create review process (See Regulation 6190R Workplace Violence Prevention Program sent to all staff and included in the custom safeschools training program.)

Create training program for all staff

# REPORTING PROCESS

Employees who experience workplace violence should submit a form reporting such activity. These can be submitted electronically by completing the electronic form here:



Or

Via hard copy by using the form found here: The form should be emailed or hand delivered to Maria Massaro, Coordinator of the Workplace Violence Prevention Program

All forms should be emailed or otherwise submitted to Maria Massaro, Coordinator of the Workplace Violence Prevention Program

# REPORTING PROCESS

Reports can be submitted by any person, even if it is not the alleged victim

Reports may be coordinated with one of the authorized employee representatives, as noted in Regulation 6190R

# REPORTING PROCESS

Please provide as much detail as possible as that will assist in investigating incidents.

Reports should be submitted as soon as possible following an incident so they may be investigated as timely as possible.

Upon completion of the investigation, forms will be returned as allowed by law

**SUBJECT: EVALUATION OF PERSONNEL: PURPOSES**

The administration shall undertake a continuous program of supervision and evaluation of all personnel in the School District in order to promote improved performance and to make decisions about the occupancy of positions. Evaluation of teachers providing instructional services or pupil personnel services as defined pursuant to Commissioner's Regulations will be conducted in accordance with the District's Annual Professional Performance Review (APPR).

The primary purposes of this evaluation are:

a) To encourage and promote self-evaluation by personnel;

b) To provide a basis for evaluative judgments by school administrators.

District Plan

The Superintendent, in collaboration with teachers, pupil personnel professionals, administrators, and parents, shall develop a professional performance review plan for the District. The plan can be annual or multi-year. The Board will approve the plan and make it available for review by September 10 of each school year. Parent organizations and representatives from teacher's bargaining units will be given an opportunity to comment on the plan before adoption.

8 New York Code of Rules and Regulations (NYCRR) Sections 80-1.1 and 100.2(o)(2)

Adoption Date 4/23/2013

Personnel

NF/EB

**SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS**

**Preemployment Medical Examinations**

In accordance with the Americans with Disabilities Act, as amended, the School District shall not require applicants for positions to undergo a medical examination prior to an offer of employment. Further, the District shall not make inquiries of a job applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability.

However, the District may make preemployment inquiries into the ability of an applicant to perform job-related functions.

**Employment Entrance Examinations**

Each pre-employment candidate of the Niagara Falls Public Schools shall be required to submit to a health examination upon notification of employment and reporting for work. Employees shall also be required to have a health examination prior to their being recommended for tenure.

Health examinations, including tuberculin test, may be obtained free of charge from the District Nurse Practitioners' in conjunction with a clinical laboratory to be designated by the Board of Education.

If a private health care provider is desired, payment for such examination is at the expense of the individual. If additional medical care or laboratory work is required as a result of the examination, it must be paid for by the individual.

All pre-employment candidates must successfully complete a substance abuse screening. The District Nurse Practitioners will complete the initial screening procedure free of charge in conjunction with a clinical laboratory designated by the Board of Education. If subsequent testing is requested as a result of the initial screening, it must be paid for by the pre-employment candidate.

The Superintendent is authorized to require any person employed by the Board of Education to submit to a medical examination, if such is needed to determine the physical or mental capacity of the employee to perform his/her duties. Additionally, the Superintendent may require an employee to present a health care provider's certificate to verify the need for leave.

Written reports of the findings made upon all such examinations shall be immediately submitted to the Superintendent of Schools on a form provided by the School District.

The Board reserves the right to request a medical examination at any time during employment, at School District expense, in order to determine whether any employee can perform the essential functions of the position with or without reasonable accommodation.

(Continued)

**SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS (Cont'd.)**

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician/nurse practitioner and the Superintendent, such procedure is deemed necessary.

Each vendor/contract bus company shall ensure that its bus drivers and substitute bus drivers shall have yearly physical examinations. Each bus driver initially employed by the vendor/contract bus company shall have a physical examination within the four (4) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a thirteen-month period.

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician shall take precedence over all other medical advice.

All medical and health related information will be kept in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

**Examinations and Inquiries**

Acceptable

The District may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that work site. The District may make inquiries into the ability of an employee to perform job-related functions.

Prohibited

The District shall not require a medical examination and shall not make inquiries as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless the examination or inquiry is shown to be job related and consistent with business necessity.

Americans with Disabilities Act Amendments Act (ADAAA) of 2008, Public Law 110-325)
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
45 Code of Federal Regulations (CFR) Parts 160 and 164
Education Law Sections 913 and 3624
8 New York Code of Rules and Regulations (NYCRR) Section 156.3(2)
10 New York Code of Rules and Regulations (NYCRR) Part 14
15 New York Code of Rules and Regulations (NYCRR) Part 6

Adoption Date 2/23/2012

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STAFF)**

**Prohibited Conduct**

The Board, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, will set a positive example for students.

The Board, therefore, prohibits staff from consuming, sharing, selling, using, and/or possessing illegal drugs, counterfeit and designer drugs, drug paraphernalia, or alcohol in the workplace or when the effects of these actions may impair job performance. Additionally, the Board prohibits the misuse and/or unprescribed use of prescription and over-the-counter drugs in the workplace or when the effects of these actions may impair job performance.

In accordance with law, regulation, and District policy, smoking and vaping are prohibited on school grounds; within 100 feet of the entrances, exits, or outdoor areas of any of the District's schools; and/or at any school-sponsored event or activity that occurs off school grounds.

**Disciplinary Measures**

Staff will be informed of the range of penalties or consequences, up to and including, termination of employment that may be imposed for engaging in prohibited conduct in accordance with any applicable law, District policy, collective bargaining agreement, and/or other similar document.

**Information on Substance Use Related Services**

The Superintendent has designated one or more individuals to provide information regarding where and how to find available substance use related services to students, parents, and staff.

*The designated individual(s) for the District is/are: _____.

Any information provided by a student, parent, or staff member to the designated individual(s) will not be used in any school disciplinary proceeding and will, in addition to any other applicable privilege, be considered confidential in accordance with law.

20 USC §§ 6083(a), 7118, and 7973(a)
41 USC § 8101 et seq.
Civil Service Law § 75
Education Law §§ 409, 2801, 3020-a, and 3038
Public Health Law § 1399-o

**Customize to District -- Indicate a job title rather than a name to minimize revisions due to changes in staff.*

(Continued)

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STAFF) (Cont'd.)**

NOTE: Refer also to Policies #3410 -- Code of Conduct
#5640 -- Smoking/Tobacco Use
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
District *Code of Conduct*

Adoption Date

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Civil Service Law § 75
Education Law §§ 409, 2801, 3020-a, and 3038
Public Health Law § 1399-o

(Continued)

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STAFF) (Cont'd.)**

NOTE: Refer also to Policies #3410 -- Code of Conduct
#5640 -- Smoking/Tobacco Use
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
District *Code of Conduct*

Adoption Date 12/19/2019

**SUBJECT: DRUG-FREE WORKPLACE**

It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) Sections 1308.11-1308.15. An acknowledgment form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

"Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the School District.

The Board of Education directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

Drug-Free Workplace Act, 20 United States Code (USC) Section 7101 et seq.
21 United States Code (USC) Section 812
21 Code of Federal Regulations (CFR) Sections 1308.11-1308.15
34 Code of Federal Regulations (CFR) Part 85

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#6150 -- Alcohol, Drugs and Other Substances (School Personnel)
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)
*District Code of Conduct on School Property*

Adoption Date 4/23/2013

Personnel

NF/EB

**SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT**

The Board of Education encourages the participation of its staff at appropriate workshops, school-related conferences, and meetings as a means for continuing staff development and training. Attendance at such may require the need for travel arrangements which could include airline, hotel, and car rental reservations.

It is recommended that administration develop meaningful in-service and/or staff development programs which will achieve the following:

a) Contribute to the instructional program of the schools;

b) Contribute to improved education for students;

c) Achieve state mandates; and

d) Enhance the professional competencies and/or instructional abilities of staff members.

The Board of Education, therefore, encourages all employees to improve their competencies beyond that which they may obtain through the regular performance of their assigned duties. Opportunities should be provided for:

a) Planned in-service programs, courses, seminars, and workshops offered both within the School System and outside the District.

b) Visits to other classrooms and schools, as well as attendance at professional meetings, for the purpose of improving instruction and/or educational services.

c) Orientation/re-orientation of staff members to program and/or organizational changes as well as District expectations.

Attendance at such professional development programs must be directly linked to the duties and responsibilities comprising the job description of the employee. Consequently, employees are encouraged to participate in the planning of staff development programs designed to meet their specific needs.

Members of the staff are also encouraged to continue their formal education as well as to attend their respective work-related workshops, conferences and meetings.

Funds for participating at such conferences, conventions, and other similar professional development programs will be budgeted for by the Board of Education on an annual basis. Reimbursement to District staff for all actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established regulations for conference attendance and expense reimbursement.

(Continued)

**SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT (Cont'd.)**

The Superintendent of Schools or his/her designee has authority to approve release time and expenses for staff members' attendance at professional training conferences, study councils, in-service courses, workshops, summer study grants, school visitations, professional organizations and the like within budgetary constraints.

In an effort to meet these needs with promptness, efficiency, and cost effectiveness, the services of a local travel agent via a bidding process may be required. The travel agent selected will work through the District Clerk's Office.

Also, all District Board members and employees and, where applicable, associates will be required to make approved travel arrangements through the District Clerk's Office.

Prior to making final travel arrangements, the District Clerk's Office is to receive from District employees, Board members and the Superintendent, a copy of the approved "Request for Attendance at Conference and Meetings" form.

**Mentoring Programs for First Year Teachers**

First year teachers must participate in a mentoring program as a component of the School District's Professional Development Plan. The purpose of the mentoring program is to increase the retention of new teachers and improve their ability to assist students in attaining State learning standards. The mentor's role is to provide guidance and support to a new teacher. However, additional mentor responsibilities may be negotiated and reflected in a collective bargaining agreement.

Education Law Sections 1604(27), 3004 and 3006
General Municipal Law Sections 77-b and 77-c
8 New York Code of Rules and Regulations (NYCRR) Sections 52.21(b)(3)(xvi), 52.21(b)(3)(xvii), 80-3.4(b)(2), 80-5.13, 80-5.14 and 100.2(dd)

NOTE: Refer also to Policy #6213 -- Professional Certification: 175 Hours of Professional Development Requirement

Adopted: **June 24, 2010**

NIAGARA FALLS CITY SCHOOL DISTRICT
Niagara Falls, New York

***2010*** 6161

Personnel

**SUBJECT: CONFERENCE/TRAVEL EXPENSE REIMBURSEMENT**

Conference travel shall be for official business and shall be made utilizing a cost-effective and reasonable method of travel.

School District employees, officials, members of the Board of Education, and where applicable, Board approved associates will be reimbursed for reasonable out-of-pocket expenses (lodging, transportation, and mileage) incurred while traveling for and attending approved school-related activities (conferences, workshops, seminars, etc.).

To obtain reimbursement, the claimant must complete and sign an expense voucher in accordance with the District's expense accounts/reimbursement regulations on the reverse side of the voucher. Also, attach all receipts or other expense documentation together with a copy of the approved conference request form to the expense voucher and submit the same to the appropriate administrator.

The claimant's reimbursement allowance shall not exceed the total approved by the District. Any excess reimbursement requires the authorization of the School Business Administrator.

Expenses for overnight-approved travel will be reimbursed when accompanied by original receipts for lodging and other reimbursable expenses. Meal expenses for overnight travel will be paid in advance on the Board approved per diem rates which are modeled after the United States General Services Administration per diem rates which can be found at website: http://www.gsa.gov/Portal/gsa/ep/home.do?tabId=0. Should the trip be cancelled, the per diem rate must be reimbursed within forty-eight (48) hours of cancellation.

New York State sales taxes for lodging and meals cannot be reimbursed. A Sales Tax-Exempt Form can be obtained prior to travel for hotel accommodations.

Original receipts are required when submitting for parking and tolls, however "EZ Pass" statements may be substituted with the appropriate charges highlighted.

General Municipal Law Section 77-b(2)

NOTE: Refer also to Policy #5323 -- Reimbursement For Meals/Refreshments

Adopted: **March 25, 2010**

**SUBJECT: SAFETY OF STUDENTS (FINGERPRINTING CLEARANCE OF NEW HIRES)**

**"Sunset" Provision for Conditional Appointments/Emergency Conditional Appointments**

*Effective July 1, 2010*, the provisions in law which permitted the conditional appointment and/or emergency conditional appointment of employees pending full clearance from SED *terminated*; and shall be rescinded as Board policy and procedure as of that date unless subsequent revisions to applicable law provide otherwise.

The District shall not employ or utilize a prospective school employee, as defined below, unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The School District shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. For purposes of this provision of law, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI).The District shall, however, obtain the applicant's consent to the criminal history records search.

The District shall utilize SED's Web-based application known as *TEACH for instantaneous access to important information about certification and fingerprinting. Through TEACH, SED provides an individual with the ability to apply for fingerprint clearance for certification and/or employment and view the status of his/her fingerprint clearance request. Through TEACH, the School District is able, among other applications, to submit an online request for fingerprint clearance for a prospective employee, view the status of a fingerprint clearance request, and determine whether a subsequent arrest letter has been issued.

**Access to TEACH**

Information regarding fingerprinting of new hires, including relevant laws and regulations, frequently asked questions (FAQs), an up-to-date chart for "Who Must be Fingerprinted", and instructions on the fingerprinting process are found on www.highered.nysed.gov/tcert/ospra. To request access to TEACH, e-mail TEACHHELP@mail.nysed.gov.

Correction Law Article 23-A
Education Law Sections 305(30), 305(33), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c and 3035
Executive Law Section 296(16)
Social Services Law Article 5, Title 9-B
8 New York Code of Rules and Regulations (NYCRR) Sections 80-1.11 and Part 87

Adoption Date 4/23/2013

**SUBJECT: SAFE MENTORING ACT**

In accordance with the Safe Mentoring Act, to ensure the safety of students involved in the District's mentoring program, the District will obtain a criminal history record check from the Division of Criminal Justice Services (DCJS) for each prospective employee as well as prospective volunteer mentors who are involved in any District mentoring program and who may engage in unsupervised activities with youth or in activities with youth in a setting without constant District or parental/guardian oversight.

**Definitions**

a) "Prospective employee" shall mean a person being considered for employment by a mentoring program.

b) "Prospective mentor" shall mean an individual who is currently applying to volunteer to help a child or a group of children in a mentoring program for a period of time. Such help shall include, but not be limited to, being a positive role model for youth, building relationships with youth, and providing youth with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of children to become responsible adults.

c) A "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the DCJS and the Federal Bureau of Investigation (FBI).

d) "Mentoring program" shall mean a formalized program operated by an educational institution or school district that matches youth with adult volunteers with the purpose of providing such youth with positive role models to enhance their development.

**Prospective School Employees**

All prospective school employees (as enumerated pursuant to Commissioner's Regulations, 8 New York Code of Rules and Regulations Section 80-1.11 and Part 87) must already receive clearance from the State Education Department (SED) in accordance with existing procedures. However, all other requirements of the Safe Mentoring Act apply to prospective school employees who are being considered for employment by a mentoring program.

The District shall require that a criminal history record check be conducted for any "prospective employee" not otherwise defined as a "prospective school employee" per Commissioner's Regulations in accordance with Social Services Law Section 390-e and District procedures.

(Continued)

**SUBJECT: SAFE MENTORING ACT (Cont'd.)**

**Prospective Volunteer Mentors**

Volunteers, however, are not "covered" by such regulations, and "prospective mentors" (i.e., defined as applicants for volunteer work in a mentoring role/program) will be subject to the requirements of Social Services Law Section 390-e and District procedures.

**Fees for Fingerprinting**

Both the DCJS and the FBI impose a processing fee. The fees for the criminal history record search shall be an amount equal to the fees established by DCJS and the FBI for processing the criminal history information request. In addition, the entity that actually takes the fingerprints may impose a fee. The fees shall be payable to Office of Children and Family Services (OCFS) and paid by money order, check or certified check by the District.

Unless otherwise authorized by the Board of Education, the prospective employee and/or prospective volunteer mentor shall pay such fees.

**Waiver by Custodial Parent/Guardian**

A custodial parent/guardian may sign a waiver authorizing a mentor to work with his/her child regardless of a criminal charge or crime related to a mentor, unless the crime is a sex offense or a crime against a child. No waiver is permitted in the case of a sex offense or a crime against a child. This waiver process may only be initiated upon the consent of the prospective mentor, and be on a form developed by the OCFS. Where applicable, the District may notify a custodial parent/guardian of his/her waiver right, but a waiver shall only be authorized by a custodial parent or guardian.

**Confidentiality**

The criminal history record shall be confidential pursuant to applicable federal and state laws, rules and regulations, and shall not be published or in any way disclosed to persons other than authorized personnel, unless otherwise authorized by law.

**Parental Disclosure**

The District will provide each custodial parent/guardian of every child participating in its mentoring program a description of the kind of criminal background checks conducted on prospective employees and prospective volunteer mentors in accordance with law.

Correction Law Sections 752 and 755
Executive Law Section 837(8-a)
Social Services Law Section 390-e
8 New York Code of Rules and Regulations (NYCRR) Section 80-1.11 and Part 87

Adoption Date 4/23/2013

**SUBJECT: POLICE RECORD CHECK**

Every person recommended by the Superintendent of Schools for appointment in the School District to a classified staff position, or employment therein, is required to obtain clearance from the police of any criminal convictions as a prerequisite to appointment or employment by the Board of Education, unless police clearance was provided through the establishment of eligible lists by the Civil Service Commission.

All persons so recommended for appointment to classified positions found in the course of obtaining such clearance to have criminal records, shall be required to have them released to the Administrator for Human Resources so that an employment decision can be reached on the basis of all reasonable and lawful grounds.

Any such nominee who refuses to authorize his/her police record to be so released will be disqualified from further consideration for employment in the position sought.

Adoption Date 4/23/13

Personnel

**SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)**

The Board of Education requires that all School District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District up to and including termination of employment.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. ("Frequent personal communication with a student unrelated to course work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, e-mail, instant messaging, text messaging or through social networking Web sites.)

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against District policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

Any student who believes that he/she has been subjected to inappropriate staff behavior as enumerated in this policy, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to any staff member or either the employee's supervisor, the student's Principal or the District's designated Complaint Officer. In all events such reports shall be forwarded to the designated Complaint Officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students shall also be investigated by the District. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)

**SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)**

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, child abuse in an educational setting) must *also* follow the District's reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to his/her Building Principal or Supervisor.

The District shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

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

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

**District Responsibility/Training**

The Principal of each school and/or program supervisor shall be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students shall be provided such training in an age appropriate manner.

The District's policy (or a summary thereof) shall be disseminated as appropriate to staff, students and parents. Further, this topic shall be addressed in the District Code of Conduct.

**Disciplinary Sanctions**

Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

(Continued)

**SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)**

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
Education Law Article 23-B
Social Services Law Sections 411-428
8 New York Code of Rules and Regulations (NYCRR) Part 83

Adoption Date 4/23/2013

**SUBJECT: RESIDENCY POLICY**

The Niagara Falls Board of Education requires that employees hired or promoted after the effective date of the policy (March 1, 1994), be residents of the City of Niagara Falls and maintain their residency during their term of employment.

Adoption Date

**SUBJECT: CERTIFIED PERSONNEL**

The Board of Education shall create, abolish, maintain and/or consolidate positions involving certified personnel as necessary for the proper and efficient achievement of its goals. While the Board may consider and/or seek the guidance or recommendation of the Superintendent, the Board cannot delegate its responsibility for such decisions to the Superintendent.

All assignments and transfers of certified personnel shall be made in accordance with provisions of law, School District policy and the applicable employment contract or agreement.

Education Law Sections 2510 and 3013
8 New York Code of Rules and Regulations (NYCRR) Part 30

Adoption Date 7/3/2014

**SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS**

The appointment of a teacher who is related by bloodline or legal process (including marriage) to any member of the Board of Education shall be subject to the consent of two-thirds (2/3) of the members of the Board of Education to be determined at a Board meeting and to be entered upon the proceedings of the Board.

The Board shall take the same stance in the hiring of professional (non-classified) staff other than teachers.

Education Law Section 3016
General Municipal Law Sections 800-809

Adoption Date 2/23/12

**SUBJECT: CERTIFICATION AND QUALIFICATIONS**

The following provisions will govern certification and qualifications of District personnel:

a) Each employee whose employment requires certification or other licensure must inform the Superintendent immediately of any change in his or her certification or licensure status. The changes may include the granting, revocation, upgrading, expiration, conversion, and/or extension of documents as to their periods of validity or their titles.

b) Online verification of an employment applicant's certification status will be used in lieu of printed certificates for current and potential employees. The District will also check the TEACH database to ensure that any permanent or professional certificates for new hires remain valid.

c) It is the responsibility of the employee to ensure that he or she maintains the appropriate certification and/or licensure required for his or her assignment.

**Parent Notification**

At the beginning of each school year, the District will notify parents that they may request information about the professional qualifications of their student's classroom teachers. The District will provide in a timely manner upon request the following information to parents:

a) Whether the student's teacher has met New York State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;

b) Whether the student's teacher is teaching under emergency or other provisional status through which the New York State qualification or licensing criteria have been waived;

c) Whether the student's teacher is teaching in the field of discipline of certification of the teacher; and

d) Whether the student is provided services by any instructional aides or similar paraprofessionals and, if so, their qualifications.

In addition, the District will provide to parents timely notice that their student has been assigned or has been taught for four or more consecutive weeks by a teacher who does not meet applicable New York State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

20 USC § 6312
34 CFR § 200.61
8 NYCRR § 80-6.7

Adoption Date 12192019

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20 USC § 6312
34 CFR § 200.61
8 NYCRR § 80-6.7

Adoption Date

**SUBJECT: REGISTRATION AND PROFESSIONAL DEVELOPMENT**

**Registration**

All employees who are certificate holders must register with the State Education Department (SED) every five years through the TEACH system. An employee is a certificate holder if he or she holds a permanent or professional certificate in the classroom teaching service, a permanent or professional certificate in the educational leadership service (i.e., school building leader, school district leader, or school district business leader), or a Level III Teaching Assistant certificate. Only registered employees may teach or supervise in the District.

Employees who were certificate holders prior to July 1, 2016 had to apply for initial registration during the 2016-2017 school year and each subsequent five-year period thereafter.

Any individual who is issued a new certificate is automatically registered with SED. These certificate holders must renew their registration every five years during their birth month.

Any certificate holder who fails to register by the beginning of the appropriate registration period may be subject to late filing penalties.

Certificate holders must notify SED of any change of name or mailing address within 30 days of such change through the TEACH system. Any certificate holder who willfully fails to inform SED of changes to his or her name and/or address within 180 days of such change may be subject to moral character review.

**Continuing Teacher and Leader Education (CTLE) Credit Hours**

All continuing teacher and leader education certificate holders (CTLE certificate holders) must successfully complete a minimum of 100 hours of acceptable CTLE hours during each five-year registration period to maintain a valid certificate. An employee is a CLTE certificate holder if he or she holds a professional certificate in the classroom teaching service, a professional certificate in educational leadership service, or a Level III Teaching Assistant certificate. This requirement may be completed at any time over the course of a five-year period. Credit hours cannot carry over to subsequent registration periods.

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

(Continued)

**SUBJECT: REGISTRATION AND PROFESSIONAL DEVELOPMENT (Cont'd.)**

The District will describe opportunities for teachers and administrators to engage in CTLE in its Professional Development Plan. The District will annually certify, in a form and on a time table prescribed by the Commissioner of Education, that the requirements to have a professional development plan for the succeeding school year have been met and that it has complied with the professional development plan for the current school year. The District will provide CTLE opportunities that are designed to improve the teacher or leader's pedagogical and/or leadership skills and are targeted at improving student performance, among other things. A peer-review teacher or principal acting as an independent trained evaluator who conducts a classroom observation as part of a teacher evaluation under relevant sections of the Education Law may apply the observation time to fulfilling CTLE requirements. Time spent mentoring may also be counted toward required CTLE credit hours.

**Language Acquisition CTLE and Exemption**

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

Employees holding school district business leader certificates are exempt from the language acquisition CTLE requirements for each year that they are employed in the District. Instead, they must complete a minimum of 15 percent of the required CTLE hours dedicated to the needs of ELLs and federal, state, and local mandates for ELLs.

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

**CTLE Adjustments**

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

(Continued)

**SUBJECT: REGISTRATION AND PROFESSIONAL DEVELOPMENT (Cont'd.)**

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

**Recordkeeping and Reporting Requirements**

Employees must maintain a record of completed CTLE hours for at least three years from the end of the applicable registration period. The record must include the title of the program, the total number of hours completed, the number of hours completed in language acquisition addressing the need of ELLs, the sponsor's name, any identifying number, attendance verification, and the date and location of the program.

The District will maintain a record of any professional development it conducts or provides for at least seven years from the date of completion. The District will submit to SED, in a form and timetable prescribed by SED, information concerning the completion of professional development for regularly employed certificate holders.

Education Law §§ 3006, 3006-a, 3012-d
8 NYCRR Subpart 80-6
8 NYCRR §§ 100.2(dd) and 154-2.3(k)

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

Adoption Date 12192019

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Any individual who is issued a new certificate is automatically registered with SED. These certificate holders must renew their registration every five years during their birth month.

Any certificate holder who fails to register by the beginning of the appropriate registration period may be subject to late filing penalties.

Certificate holders must notify SED of any change of name or mailing address within 30 days of such change through the TEACH system. Any certificate holder who willfully fails to inform SED of changes to his or her name and/or address within 180 days of such change may be subject to moral character review.

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

(Continued)

**SUBJECT: REGISTRATION AND PROFESSIONAL DEVELOPMENT (Cont'd.)**

The District will describe opportunities for teachers and administrators to engage in CTLE in its Professional Development Plan. The District will annually certify, in a form and on a time table prescribed by the Commissioner of Education, that the requirements to have a professional development plan for the succeeding school year have been met and that it has complied with the professional development plan for the current school year. The District will provide CTLE opportunities that are designed to improve the teacher or leader's pedagogical and/or leadership skills and are targeted at improving student performance, among other things. A peer-review teacher or principal acting as an independent trained evaluator who conducts a classroom observation as part of a teacher evaluation under relevant sections of the Education Law may apply the observation time to fulfilling CTLE requirements. Time spent mentoring may also be counted toward required CTLE credit hours.

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Employees holding school district business leader certificates are exempt from the language acquisition CTLE requirements for each year that they are employed in the District. Instead, they must complete a minimum of 15 percent of the required CTLE hours dedicated to the needs of ELLs and federal, state, and local mandates for ELLs.

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

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(Continued)

**SUBJECT: REGISTRATION AND PROFESSIONAL DEVELOPMENT (Cont'd.)**

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The District will maintain a record of any professional development it conducts or provides for at least seven years from the date of completion. The District will submit to SED, in a form and timetable prescribed by SED, information concerning the completion of professional development for regularly employed certificate holders.

Education Law §§ 3006, 3006-a, 3012-d
8 NYCRR Subpart 80-6
8 NYCRR §§ 100.2(dd) and 154-2.3(k)

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

Adoption Date

**SUBJECT: INCIDENTAL TEACHING**

The Superintendent may assign a teacher to teach a subject not covered by such teacher's certificate or license for a period not to exceed five (5) classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment efforts, and provided that approval of the Commissioner of Education is obtained in accordance with the requirements as enumerated in Commissioner's Regulations.

Not later than twenty (20) business days after such an assignment, the Superintendent shall submit for approval an application, in a form satisfactory to the Commissioner, containing the following information:

a) Evidence of extensive recruitment of a teacher certified in the appropriate area;

b) The name and certification status of the teacher given such assignment;

c) The subject which the teacher is being assigned to teach on an incidental basis and the total number of classes in the subject being taught on an incidental basis;

d) The qualifications of the teacher to teach such subject on an incidental basis;

e) The specific reasons why an incidental assignment is necessary;

f) The anticipated duration of the incidental teaching assignment; and

g) The number of applications, approved or pending, for authorization to make incidental teaching assignments in the same certification area for which the current authorization is being sought.

To be approved, the application shall demonstrate to the satisfaction of the Commissioner that an incidental teaching assignment is necessary, that the teacher assigned is the best qualified to teach the subject on an incidental basis, and that the requirements of Commissioner's Regulations have been met.

The Commissioner will issue a determination within twenty (20) business days of receipt of the District's application.

In the event that the application is disapproved, the Superintendent, within seven (7) business days of receipt of the notice of disapproval, shall terminate the incidental assignment. In the event that the application is approved, such approval shall be deemed to have commenced on the date of the incidental teaching assignment and shall terminate on the last day of the school year for which it is granted.

(Continued)

**SUBJECT: INCIDENTAL TEACHING (Cont'd.)**

The Superintendent may renew an incidental teaching assignment, in accordance with the requirements of Commissioner's Regulations, for any subsequent school year. In addition to submitting to the Commissioner the information noted above for initial approval of an incidental teaching assignment, a renewal application must provide a number of assurances, including that the teacher assigned a course on an incidental basis has completed, or has agreed to complete, within the prescribed time period, at least three (3) semester hours of credit or the equivalent leading to certification in the subject area of the incidental assignment.

8 New York Code of Rules and Regulations (NYCRR) Section 80-5.3

**SUBJECT: PROBATION AND TENURE**

**Probation**

Certified staff members shall be appointed to a probationary period by a majority vote of the Board of Education upon recommendation of the Superintendent of Schools.

Full-time certified staff members shall be appointed to a probationary period of three (3) years. However, the probationary period shall not exceed two (2) years for teachers previously appointed to tenure in this or another school district or BOCES within the state, provided the teacher was not dismissed from the former district. Additionally, up to two (2) years of service as a regular substitute teacher may be applied towards probationary service. This is sometimes referred to as Jarema Credit.

During the probationary period, a staff member shall be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance shall be assumed because of the possession by the staff member of the required certification or license.

**Tenure**

At the expiration of the probationary period or within six months prior thereto, the Superintendent shall make a written report to the Board recommending for appointment to tenure those certified staff members successfully completing a probationary period in the Niagara Falls City School District. The Board may then by a majority vote appoint on tenure any or all of the persons recommended by the Superintendent.

The Board will follow all applicable statutes regarding tenure.

**Resolutions Making Appointments**

Each resolution making a probationary appointment or an appointment on tenure will specify:

a) The name of the appointee;

b) The tenure area or areas in which the professional educator will devote a substantial portion of his/her time;

c) The date of commencement of probationary service or service on tenure in each such area;

d) The expiration date of the appointment, if made on a probationary basis; and

e) The certification status of the appointee in reference to the position to which the individual is appointed.

Education Law Sections 2509, 3012 and 3031
8 New York Code of Rules and Regulations (NYCRR) Part 30

Adoption Date 7/3/14

**SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL**

Tenured teachers and certain certified personnel may be subject to disciplinary charges that are set forth in Education Law Section 3012.

Procedures for a hearing regarding these disciplinary measures will be in accordance with Education Law Section 3020-a and/or in accordance with applicable contractual provisions.

**Automatic Revocation of Teacher and Administrative Certificates by the Commissioner of Education**

The Commissioner of Education shall revoke and annul the certificate of a teacher, teaching assistant, pupil personnel services professional, school administrator or supervisor, or superintendent of schools convicted of a sex offense for which registration as a sex offender is required under the Sex Offender Registration Act. These offenses include, but are not limited to, sexual misconduct, sexual abuse, rape, statutory rape, various other criminal sexual acts, and certain kidnapping offenses. Annulment and revocation shall be in accordance with Education Law Section 305(7-a).

In addition, the Commissioner of Education shall revoke and annul the certificate of a school district administrator, school administrator or supervisor, or school business administrator convicted of fraud under Penal Law Section 195.20 which makes it a felony to obtain governmental property in excess of one thousand dollars ($1,000) through a systemic ongoing course of conduct with the intent to defraud or obtain property by false or fraudulent pretenses, representations or promises. Annulment and revocation shall be in accordance with Education Law Section 305(7-b).

Criminal Procedure Law Section 380.95
Education Law Sections 305(7-a), 305(7-b), 3012 and 3020-a
Penal Law Section 195.20
8 New York Code of Rules and Regulations (NYCRR) Subpart 82-1

Adoption Date 7/3/14

**SUBJECT: PROFESSIONAL STAFF: SEPARATION**

A probationary professional staff member may be discontinued at any time during his/her probationary period on the recommendation of the Superintendent and by a majority vote of the Board of Education.

If the Superintendent will be submitting to the Board a negative recommendation for tenure or a recommendation to discontinue the services of a probationary professional staff member, the Superintendent must give the probationary employee written notice thirty (30) days prior to the Board meeting at which such recommendation will be considered. If a majority of the Board accepts the recommendation and votes to dismiss, the professional staff member must then be given a written notice at least thirty (30) days prior to the effective date of termination of services. The District will adhere to all other statutory timeframes.

The Board shall expect any professional staff member desiring to terminate his/her services to provide the Board with a minimum of thirty (30) days notice before the effective termination date.

When possible, a professional staff member shall make every effort to terminate employment at the end of the school year. Resignations must be in writing and include the effective date.

**Certificated Personnel Lay-Off (Abolition of Positions and Reductions of Teaching Force)**

In the event the Board of Education finds it necessary to abolish a teaching position, or reduce the teaching force, the services of the tenure teacher having least seniority in the School System within the tenure area of the position abolished or reduced shall be discontinued.

The services of non-tenure teachers shall be discontinued before those of any teacher with tenure. Teachers not on tenure shall be separated on the basis of years of service rendered.

Education Law Sections 2509, 3012, 3019-a and 3031

Adoption Date 7/3/14

**SUBJECT: TEMPORARY PERSONNEL**

District's needs may sometimes require temporary appointments. The terms of these appointments shall be defined by the Board of Education on a case-by-case basis.

**Student Teachers**

The Niagara Falls City School District shall cooperate with teacher training institutions in the placement of student teachers in order to provide beginning teachers with the best possible student teaching experience.

Student teachers shall be protected from liability for negligence or other acts resulting in accidental injury to any person by the School District, as provided by law.

**Substitute Teachers**

A substitute teacher qualified to teach in the Niagara Falls City School District shall be employed, whenever possible, by the Superintendent of Schools in the absence of a regular teacher. It is recognized that fully certified persons will not always be available for employment as substitute teachers.

**Eligibility for Service**

Per Commissioner's Regulations Section 80-5.4, there shall be three (3) categories of substitutes as follows:

a) Substitutes with valid teaching certificates or certificates of qualification. Service may be rendered in any capacity, for any number of days. If employed on more than an "itinerant" basis, such persons will be employed in an area for which they are certified.

b) Substitutes without a valid certificate, but who are completing collegiate study towards certification at the rate of not less than six (6) semester hours per year. Service may be rendered in any capacity, for any number of days, in any number of school districts. If employed on more than an "itinerant" basis, such persons will be employed in the area for which they are seeking certification.

c) Substitutes without a valid certificate and who are not working towards certification. Service may be rendered for no more than forty (40) days per school year.

The Board of Education shall annually establish the ordinary rate for per diem substitute teachers.

Education Law Section 3023
8 New York Code of Rules and Regulations (NYCRR) Section 80-5.4

Adoption Date 7/3/14

**SUBJECT: APPOINTMENT - SUPPORT STAFF**

The probationary period for all new civil service employees shall be for the maximum period established by the local Civil Service Commission.

The time, place, conditions of employment, and transfer of support staff shall be vested in the Superintendent of Schools who shall conduct such actions in compliance with all applicable contract provisions. The duties for each Civil Service employee shall be clearly defined.

Civil Service Law Section 63

Adoption Date 7/3/14

**SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL**

**Classroom Associates**

In accordance with the Regulations of the Commissioner, the Board of Education may employ classroom associates to assist in the daily operation of the school through **non-teaching duties**.

The duties and responsibilities to be assumed by classroom associates shall be outlined by the Superintendent in accordance with Civil Service guidelines. Classroom associates shall be responsible to the School Principal/designee.

A classroom associate may be assigned to assist teachers in such non-teaching duties as:

a) Managing records, materials and equipment;

b) Attending to the physical needs of children; and

c) Supervising students and performing such other services as support teaching duties when such services are determined and supervised by a teacher.

**Teaching Assistants**

In accordance with the Regulations of the Commissioner, the Board of Education may employ teaching assistants to provide, under the general supervision of a licensed or certified teacher, **direct instructional service** to students.

Teaching assistants assist teachers by performing duties such as:

a) Working with individual students or groups of students on special instructional projects;

b) Providing the teacher with information about students that will assist the teacher in the development of appropriate learning aspects;

c) Assisting students in the use of available instructional resources and assisting in the development of instructional materials;

d) Utilizing their own special skills and abilities by assisting in instructional programs in such areas as foreign language, arts, crafts, music, and similar subjects; and

e) Assisting in related instructional work as required.

Licensure and certification requirements shall be as mandated pursuant to Commissioner's Regulations.

8 New York Code of Rules and Regulations (NYCRR) Section 80-5.6, 80-5.9

Adopted: July 3, 2014

Teaching assistants who hold a pre-professional teaching assistant certificate shall have the same scope of duties as enumerated above for other teaching assistants. Within that scope of duties, teaching assistants holding a pre-professional teaching assistant certificate may, at the discretion of the District, and while under the general supervision of a teacher, perform such duties as:

a) Working with small groups of students so that the teacher can work with a large group or individual students;

b) Helping a teacher to construct a lesson plan;

c) Presenting segments of lesson plans, as directed by the teacher;

d) Communicating with parents of students at a school site or as otherwise directed by a teacher; and

e) Helping a teacher to train other teaching assistants.

Licensure and certification requirements shall be as mandated pursuant to Commissioner's Regulations.

8 New York Code of Rules and Regulations (NYCRR) Section 80-5.6, 80-5.9

Adoption Date 7/3/14

Personnel

NF/EB

**SUBJECT: STAFF/STUDENTS ACCEPTABLE USE POLICY (AUP) FOR DISTRICT COMPUTER SYSTEMS**

The District's Acceptable Use Policy ("AUP") is to prevent unauthorized access and other unlawful activities by users online, prevent unauthorized disclosure of or access to sensitive information, and to comply with the Children's Internet Protection Act ("CIPA"). As used in this policy, "user" includes anyone using the computers, Internet, email, chat rooms, and other forms of direct electronic communications or equipment provided by the District (the "network.") regardless of the physical location of the user. The District will provide staff with access to various computerized information resources through the District's Computer System (DCS) consisting of software, hardware, computer networks, electronic communication systems, electronic mail, and Internet. The AUP applies even when District provided equipment is used off of District property.

The same standards of acceptable staff conduct, which apply to any aspect of job performance, shall apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Discretion should be used when using electronic mail and telecommunication protocols to share confidential information about students or other employees.

The District will use technology protection measures to block or filter, to the extent practicable, access of visual depictions that are obscene, pornographic, and harmful to minors over the network. The District reserves the right to monitor users' online activities and to access, review, copy, and store or delete any electronic communication or files and disclose them to others as it deems necessary. Users should have no expectation of privacy regarding their use of District property, network and/or Internet access or files, including email.

The District will take all necessary measures to fortify the network against potential cyber security threats. This may include blocking access to District applications including but not limited to, email, data management and reporting tools, and other web applications—outside the United States and Canada.

**Acceptable Uses of the NFCSD Computer Network, Internet, and District Owned Hardware**

Employees and other users are required to follow this policy. Employees are required to confirm their consent to this policy when they activate their account and renew annually. Even without this confirmation, all users must follow this policy and report any misuse of the network or Internet to a supervisor or other appropriate District personnel. Access is provided primarily for education and District business. Staff may use the Internet, for incidental personal use during

**SUBJECT: STAFF/STUDENTS ACCEPTABLE USE POLICY (AUP) FOR DISTRICT COMPUTER SYSTEMS**

duty-free time**.** By using the network, users have agreed to this policy. If a user is uncertain about whether a particular use is acceptable or appropriate, he or she should consult a supervisor or other appropriate District personnel. All technology hardware is the property of the Niagara Falls City School District and Erie 1 Boces. Employees issued district technology hardware are required to sign applicable loan documents.

Employees assigned District hardware must take care of the equipment, ensuring its security when not in use. Employees will be charged for damaged District hardware if it is determined care was not exercised. This includes laptops, printers, cell phones, PDAs, iPods or any other electronic hardware issued to the employee.

Only approved District software may be loaded on the District equipment.

Only District owned, leased, or approved equipment (covered under the Bring Your Own Device Policy) will be permitted to run on the DCS. All unauthorized equipment will be confiscated.

**Unacceptable Uses of the Computer Network, Internet, and District Owned Hardware**

Listed below are examples of inappropriate activity on the District web site, but the District reserves the right to take immediate action regarding activities (1) that create security and/or safety issues for the District, students, employees, schools, network or computer resources, or (2) that expend District resources on content the District, in its sole discretion, determines lacks legitimate educational content/purpose, or (3) other activities as determined by District as inappropriate.

1. Violating any state or federal law or municipal ordinance, such as: accessing or transmitting pornography of any kind, obscene depictions, harmful materials, materials that encourage others to violate the law, confidential information or copyrighted materials;

2. Criminal activities that can be punished under law;

3. Selling or purchasing illegal items or substances;

4. The unauthorized collection of email addresses ("harvesting") of e-mail addresses from the Regional and District directories;

**SUBJECT: STAFF/STUDENTS ACCEPTABLE USE POLICY (AUP) FOR DISTRICT COMPUTER SYSTEMS**

5. Obtaining and/or using anonymous email sites; spamming spreading viruses;

6. The unauthorized collection of email addresses ("harvesting") of e-mail addresses from the Regional and District directories;

7. Obtaining and/or using anonymous email sites; spamming; spreading viruses;

8. Causing harm to others or damage to their property, such as:

    a. Using profane, abusive, or impolite language; threatening, harassing, or making damaging or false statements about others or accessing, transmitting, or downloading offensive, harassing, or disparaging materials;

    b. Deleting, copying, modifying, or forging other users' names, emails, files, or data; disguising one's identity, impersonating other users, or sending anonymous email;

    c. Damaging computer equipment, files, data or the network in any way, including intentionally accessing, transmitting or downloading computer viruses or other harmful files or programs, or disrupting any computer system performance;

    d. Using any District computer to pursue "hacking" internal or external to the District, or attempting to access information protected by privacy laws; or accessing, transmitting or downloading large files, including chain letters or any type of pyramid schemes.

9. Engaging in uses that jeopardize access or lead to unauthorized access into others' accounts or other computer networks, such as:

    a. Using another's account password(s) or identifier(s);

    b. Interfering with other users' ability to access their account(s); or

    c. Disclosing your or anyone's password to others or allowing them to use your or another's account(s).

    d. Using the network or Internet for commercial purposes:

    e. Using the Internet for personal financial gain;

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f. Using the network or Internet for commercial purposes:

g. Using the Internet for personal financial gain;

h. Using the Internet for personal advertising, promotion, or financial gain; or

i. Conducting for-profit business activities and/or engaging in non-government related fundraising or public relations activities such as solicitation for religious purposes, and lobbying for personal political purposes.

**Student Internet Safety**

1. All student computer use must be supervised. A student's parent or guardian is responsible for monitoring the minor's use outside of school;

2. Students shall not reveal personal information on the internet about themselves or other persons. For example, students should not reveal their name, home address, telephone number, or display photographs of themselves or others;

3. Students shall not meet in person anyone they have met only on the Internet; and

4. Students must abide by all laws, this Acceptable Use Policy and all District security policies.

**Penalties for Improper Use**

The use of a District account is a privilege, not a right, and misuse will result in the restriction or cancellation of the account. Misuse may also lead to disciplinary and/or legal action for both students and employees, including suspension, expulsion, dismissal from District employment, or criminal prosecution by government authorities. The District will attempt to tailor any disciplinary action to the specific issues related to each violation.

Disclaimer

The District makes no guarantees about the quality of the services provided and is not responsible for any claims, losses, damages, costs, or other obligations arising from use of the network or accounts. Any additional charges a user accrues due to the use of the District's network are to be borne by the user. The District also denies any responsibility for the accuracy or quality of the information obtained through user access. Any statement, accessible on the computer network or the Internet, is understood to be the author's individual point of view and not that of the District, its affiliates, or employees.

**SUBJECT: STAFF/STUDENTS ACCEPTABLE USE POLICY (AUP) FOR DISTRICT COMPUTER SYSTEMS**

## Niagara Falls City School District Consent and Waiver

Please read the Acceptable Use Policy and policy before signing this document.

I understand and will abide by the provisions and conditions of this contract. I understand that any violation of the Acceptable Use Policy may result in disciplinary action, the revoking of my user account, and appropriate legal action. I also agree to report any misuse of the on-line services as described above to the Information Services Department.

By signing the Consent and Waiver form, teachers and staff agree to abide by the Acceptable Use Policy for Niagara Falls City School District.

In consideration for the privilege of using the Niagara Falls City School District on-line services and the Internet, and in consideration for having access to information contained on them or accessible through them, I hereby release the Niagara Falls City School District's Board of Education, administration, staff, and the WNYRIC (internet service provider) from any and all claims of any nature arising from the use, misuse, or inability to use the Niagara Falls City School District on-line services or Internet.

I further understand that failure to comply with this acceptable use policy may result in loss of computing and Internet privileges, and may result in criminal charges being filed.

I have read and understood the above information.

Signature of Teacher/Staff _____ Date _____

Last Name First Name (Please Print) _____ School/Location _____

Employee ID Number _____ TEACH ID Number (If applicable) _____

**SUBJECT: STAFF/STUDENTS ACCEPTABLE USE POLICY (AUP) FOR DISTRICT COMPUTER SYSTEMS**

**Laptop Return and Sign-out Protocol**

**Long Term Subs**

Teachers who will be out of the classroom for more than a month must return their laptop to the Tech Support person assigned to their school. They will be issued a receipt. Substitutes that are taking over a classroom for more than a month will receive the laptop of the teacher that has temporarily left the classroom. The sub will complete a new sign-out form. When the regular teacher returns, the substitute turns in the laptop to the school Tech Support person and receives a receipt. The regular classroom teacher will be issued the laptop and completes a sign-out form.

**Retiring Teachers**

Retiring teachers will be required to return their laptops to the Information Services Department in the Central Office. Laptop returns will not be accepted any other way. They will be issued a receipt acknowledging the return of the laptop, which will then be used to release the teacher's final check.

**New Hires**

New hires to the District will receive their laptops based on Board reports or from status reports issued by the Office of Human Resources. Laptops will not be issued to individuals who have not yet appear on the Board report. After receiving documentation of a teacher's current status, the first available laptop will be issued to the teacher.

Personnel

NF/EB

**SUBJECT: STAFF/STUDENTS ACCEPTABLE USE POLICY (AUP) FOR DISTRICT COMPUTER SYSTEMS**

# STAFF LAPTOP COMPUTER LOAN FORM

**NFCSD**

| | | | |
|---|---|---|---|
| **Laptop Make:** | | **Model:** | |
| **Serial Number:** | | **School:** | |

In consideration of the Niagara Falls City School District permitting my use of the above-described equipment or software at school or off, district grounds, and intending to be legally bound, I agree to the following:

1. I acknowledge **receipt** of the above-mentioned **hardware / software**.

2. I agree to take the necessary precautions to ensure the continued working condition and security of the above-mentioned hardware / software. In the event of **damage / malfunction**, I will report this to the District Computer Help Desk.

3. If the above-mentioned hardware / software is **lost, stolen, or vandalized on school grounds**:
   I will notify my school principal, I will file a police report, I will copy the police report to my principal and to the Administrator for Information Services.

4. If the above-mentioned hardware / software is **lost, stolen, damaged or vandalized off of school grounds**:
   I will follow the same procedures as outlined above, and I will reimburse the Niagara Falls School District an amount up to $500 based on replacement cost or insurance deductible.

5. I agree to **return the above-mention hardware / software**, complete and in working order upon request of the Administrator for Information Services, upon termination of employment with the Niagara Falls City School District, upon transfer within the school district in a job area not assigned a laptop computer.

   **Long Term Subs**
   Teacher s who will be out of the classroom for more than a month must return their laptop to Information Services Dept. They will be issued a receipt. Substitutes that are taking over a classroom for more than a month will receive the laptop of the teacher that has temporarily left the classroom. The substitute will complete a new sign-out form. When the regular teacher returns, the substitute turns in the laptop to the Information Services Department and receives a receipt. The regular classroom teacher will be issued the laptop and completes a sign-out form.

   **Retiring Teachers**
   Retiring teachers will be required to return their laptops to the Information Services Department in the Central Office. Laptop returns will not be accepted any other way. They will be issued a receipt acknowledging the return of the laptop, which will then be used to release the teacher's final check.

6. I agree to abide by all **software copyright laws** and / or the District **Acceptable Use Policy** adopted by the Board of Education. I understand that I may not load any software onto my laptop not legally licensed by the Niagara Falls School District without the specific permission of the Administrator for Information Services.

**SUBJECT: STAFF/STUDENTS ACCEPTABLE USE POLICY (AUP) FOR DISTRICT COMPUTER SYSTEMS**

***Name (please print)*** _____

*Signature:* _____ *Date:* _____

***Return Equipment to Information Services Department Central Office***

*Received by:* _____ *Date:* _____
*(Initial each item returned and in working order)*

*Please see reverse side*

*Below is a list of components included with your laptop computer and the charge for each if lost, stolen, or not returned with the system as per the contract on the reverse side of this document.*

*Initial each item included with your computer system.*

- ☐ *Laptop carrying case ($50.00)*
- ☐ *AC adapter ($75.00)*
- ☐ *Lock if supplied ($20.00)*
- ☐ *Ethernet / s-video cables (2) ($15.00 ea.)*
- ☐ *Other (please note)* _____

**SUBJECT: STAFF/STUDENTS ACCEPTABLE USE POLICY (AUP) FOR DISTRICT COMPUTER SYSTEMS**

## Niagara Falls City School District: Students Using Technology in School - Grades K - 2

### WHAT IS THE AUP? (Teacher reads aloud Grades K-1, choral read Grade 2)

**AUP** are three letters that mean **Acceptable Use Policy**. This is a grown-up phrase. It means a list of rules that we follow when we use computers at school. You and your parents will read these rules together. Then you will know the rules.

The AUP is a **contract**. That means that you must **sign** it or write your name on it. When you sign your name to the contract it means that you agree to follow the rules.

### WHY DOES MY SCHOOL HAVE AN AUP?

Many children and grown-ups use the school computers. We need to make sure that everyone is happy and safe working on the computers. We need to take care of our computers too, so we need rules to follow.

### WHY DO I HAVE TO BE VERY CAREFUL TO FOLLOW THE RULES?

Using computers and going on the Internet in school is a **privilege.** This means that my school needs to trust me to follow the rules. I show that I can be trusted by how I behave when I am using a computer.

### WHAT HAPPENS IF A STUDENT DOES NOT FOLLOW THE RULES IN THE AUP?

Our school has **consequences** or punishments for students who do not follow the computer rules. You can lose your computer **privileges** in school. You need to tell a grown-up if you see someone who breaks the rules in the AUP.

### Acceptable Use Policy (AUP) RULES

1. I will use kind words when I am using a computer.
2. I will take care of the computers in school.
3. I will ask my teacher before I go on the Internet.

**SUBJECT: STAFF/STUDENTS ACCEPTABLE USE POLICY (AUP) FOR DISTRICT COMPUTER SYSTEMS**



## Niagara Falls City School District: Students Using Technology in School

## Grades 3-6

### WHAT IS THE AUP?

AUP stands for **Acceptable Use Policy.** It means that you agree to only do **acceptable** things when you are using Niagara Falls City School District (NFCSD) computers. The NFCSD has rules that all students have to follow when they use the Internet. The Acceptable Use Policy tells you and your parents what is acceptable. It's a **contract** you must sign for you to be allowed to use NFCSD computer equipment.

### WHY DOES THE NFCSD HAVE AN AUP?

A lot of people use the Niagara Falls City School's **network** and school computers. We need to make sure that everyone feels comfortable and safe using the network. We all also need to make sure that our computers and printers are in working order for everyone to use.

### WHY DO I HAVE TO BE RESPONSIBLE FOR WHAT I DO ON THE NFCSD NETWORK?

Using the Internet in school is a **privilege not a right.** The **Niagara Falls City School District network, web pages, and email accounts** are **NOT** private. NFCSD staff and the Niagara Falls City Police are able to "**monitor**" everything you do on the school computers. This means someone can read what you write and see the web pages that you visit. **THINK** -- before you do anything online that you would not do in front of your teachers or parents.

### WHAT HAPPENS IF A STUDENT DOES NOT FOLLOW THE RULES IN THE AUP?

The NFCSD has **consequences** or punishment for students who use the Internet in unacceptable ways. Just like when someone breaks classroom rules there are "consequences if you don't follow the rules in the AUP rules. You need to report to a teacher or other adult anything you see online that does not follow the rules listed in the AUP. If you do not follow this policy, you can lose your computer privileges in school. You can also be punished under the **Code of Conduct**. The Niagara Falls City Police will get involved if a student breaks a law.

**SUBJECT: STAFF/STUDENTS ACCEPTABLE USE POLICY (AUP) FOR DISTRICT COMPUTER SYSTEMS**

## Niagara Falls City School District AUP: Student Responsible Use

1. **I AM RESPONSIBLE FOR MY COMPUTER and E-MAIL ACCOUNTS.** I will not give my password to anyone. I will log off from my account when I am finished. If I see another person's inappropriate work on a computer screen, I will tell an adult. I will wait to use the computer until an adult has removed the material.

2. **I AM RESPONSIBLE FOR MY LANGUAGE**. I will only use language on the Internet and in my school email that I would use in the classroom with my teacher. I will not use bad words when I use a computer.

3**. I AM RESPONSIBLE FOR HOW I TREAT OTHER PEOPLE**. I will not write anything mean or hurtful to another person. I will not be a bully or make fun of anyone. I will not stalk any person online or by text message. I will tell a teacher if I see anything hurtful to another student online. I will use email and other means of communications (e.g. blogs, wikis, chat, instant-messaging, discussion groups, etc.) responsibly. I will not send or post hateful or harassing media, make discriminatory or derogatory remarks about others, or engage in bullying, harassment, or other antisocial behaviors while in school or out of school.

4. **I AM RESPONSIBLE FOR MY USE OF THE NIAGARA FALLS CITY SCHOOL DISTRICT NETWORK**. I will not look for web pages with pictures, words, or sounds that are not appropriate in school. I will not look for inappropriate web pages or documents including but not limited to violence, drugs, or weapons. I will not download any files, including music and video files, unless a teacher gives me permission.

**SUBJECT: STAFF/STUDENTS ACCEPTABLE USE POLICY (AUP) FOR DISTRICT COMPUTER SYSTEMS**

5. **I AM A RESPONSIBLE MEMBER OF MY SCHOOL WHEN I AM ONLINE**. I will not write anything or post pictures or video that is **hurtful or embarrassing** to anyone while I am online.

6. **I AM RESPONSIBLE TO BE HONEST ABOUT WHO I AM ONLINE**. I will not pretend to be anyone else online. I will not send email, create an account, or post any words, pictures, or sounds using someone else's name. I will not use another person's login name or password.

7. **I AM RESPONSIBLE FOR PROTECTING THE SECURITY OF THE NFCSD NETWORK**. I will not try to change **security settings** or install any software, including proxy servers on school computers without permission. I will not connect school district devices to not school district networks or hotspots. I will not use a phone, personal laptop, or any electronic device in school without a teacher's permission.

8. **I AM RESPONSIBLE FOR PROTECTING NIAGARA FALLS CITY SCHOOL DISTRICT PROPERTY**. I will not break or destroy any computer equipment on purpose. I will not move any equipment, including keyboards and mice, without permission.

**9. I AM RESPONSIBLE FOR PROTECTING OTHER PEOPLE'S PROPERTY ONLINE**. I will not **plagiarize**. When I use information from a website, I need to let people know where I got the information. I will obey **copyright laws** and will not download words, pictures, video, or music that belongs to someone else.

**SUBJECT: STAFF/STUDENTS ACCEPTABLE USE POLICY (AUP) FOR DISTRICT COMPUTER SYSTEMS**

10. **I AM RESPONSIBLE FOR FOLLOWING SCHOOL RULES IF I PUBLISH ANYTHING ONLINE**. I will not publish any material on a school **website, wiki, blog, podcast, or discussion group** without permission. I will not publish a picture, including my picture, with the person's first or last name in the caption.

## Acceptable Use Policy for Networks Including the Internet

**Students & Parents/Guardians: Please review the NFCSD Acceptable Use Policy found on the District Website at www.nfschools.net.**

**Student:**

I understand and will obey the rules of the NFCSD Acceptable Use Policy. I will use NFSCD technology resources productively and responsibly for school-related purposes. I will not use any technology resource in such a way that would be disruptive or cause harm to other users. I understand that consequences of my actions could include possible loss of computer privileges and/or school disciplinary action as stated in the Code of Conduct and/or prosecution under state and federal law.

**Student Signature (above age 5)**: _____ **Date** _____

**SUBJECT: STAFF/STUDENTS ACCEPTABLE USE POLICY (AUP) FOR DISTRICT COMPUTER SYSTEMS**



## Guide to the Niagara Falls City School District: Students Using Technology in School

## Grades 7-8

Niagara Falls City Schools (NFCSD) provides a wide range of technology resources for student use. These technology resources are to be used only for educational purposes. This agreement outlines appropriate use and prohibited activities when using all technology resources and electronic devices as defined by school administrators. Every student is expected to follow all of the rules and conditions listed, as well as those given verbally by NFCSD teachers and administrators, and to demonstrate good citizenship and ethical behavior at all times.

The NFCSD uses a filtering system to track and monitor all computer and Internet use on the NFCSD network. The system is designed to prevent access to educationally inappropriate sites. NFCSD educators can request that a specific site be blocked or unblocked by contacting the NFCSD Service Desk.

It is important to understand that no filtering system is perfect. Due to the nature of the Internet and evolving technology, even with supervision, we cannot guarantee that students will not reach an inappropriate site. It is the student's responsibility to report any inappropriate site to the teacher.

Below are examples, but not an exhaustive list, of online conduct that may constitute a violation of federal and/or state criminal laws relating to cyber crimes:

**Criminal Acts**: These include, but are not limited to, "hacking" or attempting to access computer systems without authorization, threatening/harassing, email, cyber-stalking, child pornography, vandalism, unauthorized tampering with computer systems, using misleading domain names, using another person's identity and/or identity fraud.

**Libel Laws**: Publicly defaming people through publishing material on the Internet, email, etc…

**Copyright Violations**: Copying, selling or distributing copyrighted material without the express written permission of the author or publisher (users should assume that all materials available on the Internet are protected by copyright) and engaging in plagiarism (using other's words or ideas as your own).

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## Acceptable Use Policy for Networks Including the Internet

This Acceptable Use Policy was developed with input from NFCSD administrators, teachers, students, parents, Police Department, and the NFCSD Legal Advisor. Additional information designed to promote student and parental/guardian understanding of this policy can be found on the NFCSD Cyber Safety website: (see Acceptable Use Policy section on website).

By signing the Acceptable Use Policy, students acknowledge the following rules and conditions: As a Niagara Falls City School student, I understand that the use of the school network and email is a privilege, not a right. I understand that my school network and email accounts are owned by the NFCSD and are not private. The NFCSD has the right to access my information at any time. I understand that NFCSD administrators will deem what conduct is inappropriate use if such conduct is not specified in this agreement. I will use technology in a manner that complies with laws of the United States and the State of New York. I understand that I am to notify an adult immediately if I encounter material that violates appropriate use.

**STUDENT RESPONSIBLE USE**:

1. **I AM RESPONSIBLE FOR MY COMPUTER ACCOUNT AND EMAIL ACCOUNT**. I understand that passwords are private and that I should not share my password with anyone. I understand that I am responsible for all activities done through my account. I will not allow others to use my account name and password, or try to use that of others. I understand that I will be in violation of the law if I attempt to electronically capture another person's password. I understand that it is important to log off the computer at the end of every session so another user cannot use my password.

2. **I AM RESPONSIBLE FOR MY LANGUAGE**. I will use appropriate language in my email messages, online postings, and other digital communications with others. I will not use profanity, vulgarities or any other inappropriate language as determined by school administrators

3. **I AM RESPONSIBLE FOR HOW I TREAT OTHER PEOPLE**. I will use email and other means of communications (e.g. blogs, wikis, chat, instant-messaging, discussion groups, etc.) responsibly. I will not send or post hateful or harassing media, make discriminatory or derogatory remarks about others, or engage in bullying, harassment, or other antisocial behaviors while in school or out of school.

**SUBJECT: STAFF/STUDENTS ACCEPTABLE USE POLICY (AUP) FOR DISTRICT COMPUTER SYSTEMS**

4. **I AM RESPONSIBLE FOR MY USE OF THE NIAGARA FALLS CITY SCHOOL DISTRICT NETWORK**. I will use NFCSD computer resources responsibly. I will not search, retrieve, save, circulate or display hate-based, offensive or sexually explicit material. I will not search, retrieve, save or circulate images or information about weapons using any NFCSD computer resources unless authorized by school administrator/teacher as part of a school assignment. I understand the use of the NFCSD network for illegal or commercial activities is prohibited.

5. **I AM RESPONSIBLE FOR MY CONDUCT ON ALL ONLINE SITES**. I understand that what I do on social networking websites should not negatively impact the school learning environment and/or my fellow students, teachers, and administrators.

6. **I AM RESPONSIBLE TO BE HONEST WHILE I AM ONLINE**. I understand that impersonating, spoofing, or pretending to be someone else is forbidden. This includes, but is not limited to, sending out email, creating accounts, or posting messages or other online content (e.g. text, images, audio or video) in someone else's name.

7. **I AM RESPONSIBLE FOR PROTECTING THE SECURITY OF THE NIAGARA FALLS CITY SCHOOLS' NETWORK**. I will not attempt to bypass security settings or Internet filters, or interfere with the operation of the network by installing illegal software including proxy servers, file sharing, shareware, or freeware on school computers.

8. **I AM RESPONSIBLE FOR PROTECTING SCHOOL PROPERTY**. I understand that vandalism is prohibited. This includes, but is not limited to, accessing, modifying, or destroying equipment, programs, files, or settings on any computer or technology resources. I understand that I need authorization from a school administrator/teacher to use personal electronic devices that I bring to school, including, but not limited to, memory storage devices (i.e. USB drives).

9. **I AM RESPONSIBLE FOR RESPECTING OTHER PEOPLE'S PROPERTY ONLINE**. I will obey copyright laws. I will not plagiarize or use other's work without proper citation and permission. I will not illegally download materials protected by copyright including, but not limited to, music and movies.

10. **I AM RESPONSIBLE FOR FOLLOWING SCHOOL RULES WHENEVER I PUBLISH ANYTHING ONLINE.** I will follow all guidelines set forth by the NFCSD and/or my teachers when publishing schoolwork online (e.g. to a website, blog, wiki,

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discussion group, podcasting or video server). I understand that it is unsafe to post any personal information about myself, including, but not limited to, my name, address, phone number or school. I will not post photos of students with their first and last names on any online site, including, but not limited to: blogs, wikis, and discussions groups.

Acceptable Use Policy for Networks, Including the Internet

**Students & Parents/Guardians: Please review the NFCSD Acceptable Use Policy found on the District Website at www.nfschools.net.**

**Student:**

I understand and will obey the rules of the NFCSD Acceptable Use Policy. I will use the NFSCD technology resources productively and responsibly for school-related purposes. I will not use any technology resource in such a way that would be disruptive or cause harm to other users. I understand that consequences of my actions could include possible loss of computer privileges and/or school disciplinary action as stated in the Code of Conduct and/or prosecution under state and federal law.

**Student Signature (above age 5)**: _____ **Date** _____

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## Guide to the Niagara Falls City School District: Students Using Technology in School

## Grades 9 - 12

The Niagara Falls City School District (NFCSD) provides a wide range of technology resources for student use. These technology resources are to be used only for educational purposes. This agreement outlines appropriate use and prohibited activities when using all technology resources and electronic devices as defined by school administrators. Every student is expected to follow all of the rules and conditions listed, as well as those given verbally by NFCSD teachers and administrators, and to demonstrate good citizenship and ethical behavior at all times.

The NFCSD uses a filtering system to track and monitor all computer and Internet use on the NFCSD network. The system is designed to prevent access to educationally inappropriate sites. NFCSD educators can request that a specific site be blocked or unblocked by contacting the NFCSD Help Desk.

It is important to understand that no filtering system is perfect. Due to the nature of the Internet and evolving technology, even with supervision, we cannot guarantee that students will not reach an inappropriate site. It is the student's responsibility to report any inappropriate site to the teacher.

Below are examples, but not an exhaustive list, of online conduct that may constitute a violation of federal and/or state criminal laws relating to cyber-crimes:

**Criminal Acts**: These include, but are not limited to, "hacking" or attempting to access computer systems without authorization, threatening/harassing email, cyber-stalking, child pornography, vandalism, unauthorized tampering with computer systems, using misleading domain names, using another person's identity and/or identity fraud.

**Libel Laws**: Publicly defaming people through publishing material on the Internet, email, etc…

**Copyright Violations**: Copying, selling or distributing copyrighted material without the express written permission of the author or publisher (users should assume that all materials available on

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the Internet are protected by copyright), and engaging in plagiarism (using other's words or ideas as your own).

### Acceptable Use Policy for Networks Including the Internet

This Acceptable Use Policy was developed with input from NFCSD administrators, teachers, students, parents, police department and the NFCSD Legal Advisor. Additional information designed to promote student and parental/guardian understanding of this policy can be found on the NFCSD Cyber Safety website: (see Acceptable Use Policy section on website).

By signing the Acceptable Use Policy, students acknowledge the following rules and conditions: As a Niagara Falls City School student, I understand that the use of the school network and email is a privilege, not a right. I understand that my school network and email accounts are owned by the NFCSD and are not private. The NFCSD has the right to access my information at any time. I understand that NFCSD administrators will deem what conduct is inappropriate use if such conduct is not specified in this agreement. I will use technology in a manner that complies with laws of the United States and the State of New York. I understand that I am to notify an adult immediately if I encounter material that violates appropriate use.

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**STUDENT RESPONSIBLE USE:**

1. **I AM RESPONSIBLE FOR MY COMPUTER ACCOUNT AND EMAIL ACCOUNT**. I understand that passwords are private and that I should not share my password with anyone. I understand that I am responsible for all activities done through my account. I will not allow others to use my account name and password, or try to use that of others. I understand that I will be in violation of the law if I attempt to electronically capture another person's password. I understand that it is important to log off the computer at the end of every session so another user cannot use my password.

2. **I AM RESPONSIBLE FOR MY LANGUAGE**. I will use appropriate language in my email messages, online postings, and other digital communications with others. I will not use profanity, vulgarities or any other inappropriate language as determined by school administrators

3. **I AM RESPONSIBLE FOR HOW I TREAT OTHER PEOPLE**. I will use email and other means of communications (e.g. blogs, wikis, chat, instant-messaging, discussion boards, etc.) responsibly. I will not send or post hateful or harassing media, make discriminatory or derogatory remarks about others, or engage in bullying, harassment, or other antisocial behaviors while in school or out of school.

4. **I AM RESPONSIBLE FOR MY USE OF THE NIAGARA FALLS CITY SCHOOL DISTRICT NETWORK**. I will use NFCSD computer resources responsibly. I will not search, retrieve, save, circulate or display hate-based, offensive or sexually explicit material. I will not search, retrieve, save or circulate images or information about weapons using any NFCSD computer resources unless authorized by school administrator/teacher as part of a school assignment. I understand the use of the NFCSD network for illegal or commercial activities is prohibited.

5. **I AM RESPONSIBLE FOR MY CONDUCT ON ALL ONLINE SITES**. I understand that what I do on social networking websites should not negatively impact the school learning environment and/or my fellow students, teachers, and administrators.

6. **I AM RESPONSIBLE TO BE HONEST WHILE I AM ONLINE**. I understand that impersonating, spoofing, or pretending to be someone else is forbidden. This includes, but is not limited to, sending out email, creating accounts, or posting messages or other online content (e.g. text, images, audio or video) in someone else's name.

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7. **I AM RESPONSIBLE FOR PROTECTING THE SECURITY OF THE NIAGARA FALLS CITY SCHOOL DISTRICT NETWORK**. I will not attempt to bypass security settings or Internet filters, or interfere with the operation of the network by installing illegal software including proxy servers, file sharing, shareware, or freeware on school computers. I will not connect to non-district hotspots without permission.

8. **I AM RESPONSIBLE FOR PROTECTING SCHOOL PROPERTY**. I understand that vandalism is prohibited. This includes but is not limited, to accessing, modifying, or destroying equipment, programs, files, or settings, on any computer or technology resources. I understand that I need authorization from a school administrator/teacher to use personal electronic devices that I bring to school, including, but not limited to, memory storage devices (i.e. USB drives).

9. **I AM RESPONSIBLE FOR RESPECTING OTHER PEOPLE'S PROPERTY ONLINE**. I will obey copyright laws. I will not plagiarize or use other's work without proper citation and permission. I will not illegally download materials protected by copyright including, but not limited to, music and movies.

10. **I AM RESPONSIBLE FOR FOLLOWING SCHOOL RULES WHENEVER I PUBLISH ANYTHING ONLINE.** I will follow all guidelines set forth by the NFCSD and/or my teachers when publishing schoolwork online (e.g. to a website, blog, wiki, discussion group, podcasting or video server). I understand that it is unsafe to post any personal information about myself, including but not limited to, my name, address, phone number or school. I will not post photos of students with their first and last names on any online site, including, but not limited to: blogs, wikis, and discussions groups.

AcceptableUsePolicyforNetworks,IncludingtheInternet

**Students & Parents/Guardians: Please review the NFCSD Acceptable Use Policy found on the District Website at www.nfschools.net.**

**SUBJECT: STAFF/STUDENTS ACCEPTABLE USE POLICY (AUP) FOR DISTRICT COMPUTER SYSTEMS**

**Student:**

I understand and will obey the rules of the NFCSD Acceptable Use Policy. I will use the NFSCD technology resources productively and responsibly for school-related purposes. I will not use any technology resource in such a way that would be disruptive or cause harm to other users. I understand that consequences of my actions could include possible loss of computer privileges and/or school disciplinary action as stated in the Code of Conduct and/or prosecution under state and federal law.

**Student Signature (above age 5)**: _____ **Date** _____

**Adoption: June 26, 2014**

**SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT**

Electronic mail or email is a valuable business communication tool, and users shall use this tool in a responsible, effective and lawful manner. Every employee/ authorized user has a responsibility to maintain the District's image and reputation, to be knowledgeable about the inherent risks associated with email usage and to avoid placing the School District at risk. Although email seems to be less formal than other written communication, the same laws and business records requirements apply. School District employees/authorized users shall use the District's designated email system, ~~such as~~ Lotus Notes ~~or Microsoft Exchange~~, for all business email, including emails in which students or student issues are involved.

**Employee Acknowledgement**

All employees and authorized users shall acknowledge annually and follow the District's policies and regulations on acceptable use of computerized information resources, including email usage.

**Classified and Confidential**

District employees and authorized users may not:

a) Provide lists or information about District employees or students to others and/or classified information without approval. Questions regarding usage should be directed to a Principal/supervisor.

b) Forward emails with confidential, sensitive, or secure information without Principal/supervisor authorization. Additional precautions should be taken when sending documents of a confidential nature.

c) Use file names that may disclose confidential information. Confidential files should be password protected and encrypted, if possible. File protection passwords shall not be communicated via email correspondence in any event.

d) Send or forward email with comments or statements about the District that may negatively impact it.

**Personal Use**

Employees and authorized users may use the District's email system for limited personal use. However, there is no expectation of privacy in email use. Personal use should not include chain letters, junk mail, and jokes. Employees and authorized users shall not use the District's email programs to conduct job searches, post personal information to bulletin boards, blogs. chat groups and list services, etc. without specific permission from the Principal/ supervisor. The District's email system shall not be used for personal gain or profit.

(Continued)

**SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT (Cont'd.)**

**Email Accounts**

All email accounts on the District's system are the property of the School District. Employees and authorized users shall not access any other email account or system (Yahoo, Hotmail, AOL, etc.) via the District's network. Personal accounts and instant messaging shall not be used to conduct official business.

**Receiving Unacceptable Mail**

Employees and authorized users who receive offensive, unpleasant, harassing or intimidating messages via email or instant messaging shall inform their Principal/supervisor immediately.

**Records Management and Retention**

Retention of email messages are covered by the same retention schedules as records in other formats, but are of a similar program function or activity. Email shall be maintained in accordance with the NYS Records Retention and Disposition Schedule ED-1 and as outlined in the Records Management Policy. Email records may consequently be deleted, purged or destroyed after they have been retained for the requisite time period established in the ED-1 schedule.

**Archival of Email**

All email sent and received to an employee's email account should be archived by the District for a period of no less than six (6) years. This time period was determined based on the possibility of emails that are the official copy of a record according to schedule ED-1. Depending on the District's archival system, employees may have access to view their personal archive, including deleted email.

**Training**

Employees/authorized users should receive regular training on the following topics:

a) The appropriate use of email with students, parents and other staff to avoid issues of harassment and/or charges of fraternization.

b) Confidentiality of emails.

c) Permanence of email: email is never truly deleted, as the data can reside in many different places and in many different forms.

d) No expectation of privacy: email use on District property is NOT to be construed as private.

(Continued)

**SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT (Cont'd.)**

**Sanctions**

The Administrator for Information Services may report inappropriate use of email by an employee/authorized user to the employee/authorized user's Principal/supervisor who will take appropriate disciplinary action. Violations may result in a loss of email use, access to the technology network and/or other disciplinary action. When applicable, law enforcement agencies may be involved.

**Notification**

All employees/authorized users will be required to access a copy of the District's policies on staff and student use of computerized information resources and the regulations established in connection with those policies. Each user will acknowledge this employee/designated user agreement before establishing an account or continuing in his/her use of email.

**Confidentiality Notice**

A standard Confidentiality Notice will automatically be added to each email as determined by the District.

NOTE: Refer also to Policies #3320 -- Confidentiality of Computerized Information
#3420 -- Anti-Harassment in the School District
#5670 -- Records Management
#6410 -- Staff Use of Computerized Information Resources
#8271 -- Children's Internet Protection Act: Internet Content Filtering/Safety Policy

Adoption Date 7/2/15

**SUBJECT: SOCIAL MEDIA GUIDELINES FOR EMPLOYEES**

Social media and social networking sites (SNS) have great potential to connect people around the globe and enhance communication; however, they are also more informal, less structured and constantly changing. These guidelines are designed to establish some basic parameters on the creation and use of SNS and other social media for the District and its personnel.

For purposes of this regulation, the definition of **public social media networks or Social Networking sites (SNS)** are defined to include: Web sites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, and any other social media generally available to the public or consumers and which do not fall within the District's electronic technology network. The definition of **District approved password-protected social media tools** are those that fall within the District's electronic technology network or which the District has approved for educational use. Within these internal forums, the District has greater authority and ability to protect minors from inappropriate content and can limit public access within these internal forums.

**Official District Use**

Official District use is defined as the use of social media by an employee, on behalf of his or her department, program or school that has been authorized for the express purpose of communicating the District's broad interests or specific programmatic and policy interests. The authorization may be granted by the Superintendent or his/her designee. There are also many official uses of social media that are not public, such as the use of internal blogs or wikis for collaboration among grade-level or project teams. Employees are prohibited from setting up public social networking sites for any official District use related to their division, building or service unless they have obtained prior approval in accordance with the procedures set forth below.

Establishing a Social Networking Site for Official District Use

1. Following approval from the appropriate Building Principal and/or public relations designee or Technology Coordinator, the public relations or technology staff will work with the department, building or service to properly set up an appropriate social networking site. All account names and log in passwords must be on file in the Technology Department.

2. The Superintendent/designee shall have the exclusive and final authority to determine whether individual buildings/facilities may initiate and maintain separate page(s) on the SNS.

Quality Control/Content Integrity

1. The District shall provide general training for all applicable personnel, including training on ethical and legal considerations, and compliance with all applicable policies and regulations.

2. The official District Web site will remain the primary source for all content. Any and all material on the District SNS will only supplement information that exists on the District's official Web site.

(Continued)

**SUBJECT: SOCIAL MEDIA GUIDELINES FOR EMPLOYEES (Cont'd.)**

3. All the material/content that is entered or posted to the District SNS (e.g., Facebook) account/page must include a link back to the official District Web site or relevant partner. An occasional reminder or announcement without a link is permissible (for example, a "Save the Date" announcement).

4. Photos should only be posted on the District-owned Web site that the SNS can link to. For control purposes, do NOT upload images of students directly on to a SNS.

5. Do not post confidential or proprietary information about the District, its students, alumni or employees. Use good judgment and follow District policies (i.e., FERPA).

6. Thoroughly spell check and grammar check your content before posting. Citizens expect that education employees will set a good example when they write and speak in public.

7. Remember you are writing for publication, even on social networks. Refrain from making unsubstantiated statements. Always provide full citations for laws or research.

Disclaimers

As a public entity, the District should include disclaimers on their site regarding grounds for removal of comments and the frequency to which the site is monitored. "Niagara Falls City School District is an agency that is not liable for the content or comments posted to this site. Any inappropriate content may be removed. This site is monitored during normal business hours."

**Professional or Classroom Use**

Professional use is defined as an employee's use of social media for the purpose of furthering his or her specific job responsibilities or professional duties through an externally focused site or a district sponsored site. For example, many teachers across the country have signed up for discussion forums on EdWeek.org to engage with other teachers in a community of practice. While use for professional interests is beneficial to the work of the District because it enables employees to stay informed on important issues or to collaborate with their peers, the social media tool or site the employee is using is not maintained or monitored by the district itself. The employee is accessing sites and setting up accounts owned by private entities to consume and exchange information. Again, internally, professionals often collaborate through various technologies, but professional use of social media implies going outside of the internal network of the district. Employees' participation in external social media for professional use, using district technology, equipment and email addresses or during the school day requires prior approval and is subject to the procedures set forth below.

Classroom use is defined as use of SNS in a classroom for instructional purposes. An example of classroom use may be the creation of a forum for class discussion taking place in a password protected online environment. Students can interact with their peers and their teacher to discuss a current class topic, sharing what they have discovered on the internet and voicing their opinions. Teachers can upload homework, post school notices, moderate discussions and share materials. This online portal

(Continued)

**SUBJECT: SOCIAL MEDIA GUIDELINES FOR EMPLOYEES (Cont'd.)**

develops writing skills, encourages research skills and promotes intellectual discussion. Staff must also obtain prior approval for classroom use of these internal forums.

Establishing Access

1. If you are participating in a social network site and/or blog for District-related professional use, it must be done with the approval of your supervisor or principal.

2. Use of outside social networking sites (such as Facebook) for classroom or instructional purposes is discouraged**.*** The District does not permit any communication or contact between staff and students on non-district based SNS (i.e., Facebook, Twitter, etc.). Teachers are encouraged to use existing District or RIC established web tools such as teacher web pages within the District Web site, a My Big Campus to communicate with students, to assign and collect student work, or to provide online feedback to students.

3. The District may establish an Alumni page within its District SNS. Teachers and staff may interact with former students within this forum on the district site. Staff interaction with former students outside of the district controlled environment is prohibited. Use caution when "friending" former students. Realize that many former students have online connections with current students. Information shared between school staff and former students is likely to be seen by current students as well.

4. The District understands that 21st century learning is constantly changing and that many sites that are currently "blocked" by the District internet filter may have educational significance for teacher and student use. If you would like to request that an online site be accessible to use for teaching and learning, submit a request to the District Content Filter Administrator for review. Requests will be reviewed and the District list of blocked sites will be updated throughout the school year. A description should be provided of the intended use of the site and what tools on the site match your needed criteria. A link to the privacy policy for such sites should also be included.

Quality Control/Content Integrity

1. When using social media for professional purposes, always identify yourself and your position with the District. Use your actual name - never create an alias or post as anonymous. Misidentifying yourself or providing false information may result in disciplinary action. The District email address attached to your name implies that you are acting on behalf of the District.

2. While engaged in professional use of social media, do not post confidential or proprietary information about the District, its students, alumni or employees. Use good judgment and follow District policies.

3. Thoroughly spell check and grammar check your content before posting. Citizens expect that education employees set a good example when they write and speak in public.

(Continued)

**SUBJECT: SOCIAL MEDIA GUIDELINES FOR EMPLOYEES (Cont'd.)**

4. Remember you are writing for publication, even on social networks. Refrain from making unsubstantiated statements. Always provide full citations for laws or research.

5. District personnel acknowledge and agree that when they create or post material on the District SNS they are in effect "content publishers" and as such are subject to a host of ethical and legal obligations including, but not limited to, compliance with the federal Digital Millennium Copyright Act.

**Personal Use and Responsibility**

Personal use is defined as use that is not related to an employee's job duties for the District or his or her professional interests. For example, outside of work hours, an employee might create or maintain a blog related to a hobby, or a personal Facebook page containing news about his or her family and friends. An employee checking his or her personal Facebook page, sending out a personal Tweet, or watching the latest viral YouTube video are examples of personal use of social media during the work day.

1. The District does not allow personal use of social media during work hours and on District owned hardware.

2. District employees are personally responsible for all comments/information they publish online. Be mindful that what is published will be public for a long time. Be sure to protect privacy.

3. Online behavior should reflect the same standards of honesty, respect, and consideration that are used in face-to-face contact, and be in accordance with the highest professional standards. District employees are expected to behave honorably in online spaces. Online activities or communications which are improper, unethical, illegal, or which cause undue discomfort for students, employees, parents, or other members of the school community should be avoided.

4. Posting comments and having online conversations on social media sites makes those comments public and available to anyone who has any online access. Please be aware that even with the strictest privacy settings what is said online should be within the bounds of professional discretion. Comments expressed via social media under the impression of a 'private conversation' could end up being shared in a larger, more public domain.

5. Comments related to the District should always meet the highest standards of professional discretion. When posting, employees should act on the assumption that all postings are in the public domain. Remember that posted information could be interpreted as an extension of your office or classroom. What is inappropriate in your office or classroom is also inappropriate online. If posting comments or viewpoints on topics related to the District using any online medium be sure you state that the information is representative of your views and opinions and not necessarily the views and opinions of the District.

(Continued)

**SUBJECT: SOCIAL MEDIA GUIDELINES FOR EMPLOYEES (Cont'd.)**

6. Before posting personal photographs or avatars that represent you, consider how the images reflect on your reputation and professionalism. Also, remember not to use copyrighted images.

7. Due to the evolving nature of social web sites, District personnel should not use personal SNS to create or maintain personal relationships with students. For purposes of these guidelines, "personal relationships with students" shall mean any behavior or conduct that is unrelated to course work or official school matters. Such behavior may erode the professional authority and traditional roles of teacher and student within the District and may violate District policies and/or regulations.

   Teachers should not "friend" current students or any student currently enrolled in any school within the District Pre-K through 12, or their parents. It is too easy for genuinely-intentioned and innocent comments and situations to be misinterpreted, resulting in potentially damaging consequences for everyone involved. If your position within the District calls for communication with students or parents and is educationally justifiable, the use of the District network, email, teacher web pages within the District website, and school-provided/owned equipment are suggested for use when communicating on-line.

8. While mindful of employees' First Amendment free speech rights, District personnel who participate in social networking web sites, including the District SNS, shall not post any material which may result in the disruption of classroom or District activities. The District is entitled to make such a determination based on the facts surrounding the material as the District reasonably believes them to be.

   Employees are encouraged to seek permission from the subject before posting photographs and videos of fellow employees taken on school property or at school-sponsored events. Due to the sensitive nature and potentially damaging consequences, posting photographs or information about currently enrolled students in any capacity is prohibited. Realize that many former students have online connections with current students. Information shared between school staff and former students is likely to be seen by current students as well.

**School Logos**

Within your personal social mediums, do not use any District or school logo without written permission from District officials. For official pages, the District will provide you with a profile image to use.

**Reporting Requirements**

District personnel shall be required to report known or suspected violations of the District SNS Guidelines to their Building Principal or immediate supervisor.

(Continued)

**SUBJECT: SOCIAL MEDIA GUIDELINES FOR EMPLOYEES (Cont'd.)**

**Disciplinary Sanctions**

District personnel who violate any provision of the SNS guidelines shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulations, and the applicable collective bargaining agreement.

**Compliance with Other Applicable Policies and Regulations**

District personnel who participate in social networking web sites, including the District SNS, shall be subject to all applicable policies and regulations including, but not limited to, the following:

1. Confidentiality of Computerized Information;
2. School District Standards and Guidelines for Web Page Publishing;
3. Teacher Web Pages Including Web 2.0 Tools for Collaboration;
4. Code of Ethics for Board Members and All District Personnel;
5. Sexual Harassment of District Personnel;
6. Staff-Student Relations: Fraternization;
7. Sexual Harassment of Students;
8. Student Records and Student Directory Information (FERPA);
9. Staff Use of Computerized Information Resources; (AUP)
10. Use of E-mail in the School District;
11. Students Use of Computerized Information Resources (AUP);
12. Children's Internet Protection Act: Internet Content Filtering/Safety Policy; and
13. Use of Copyrighted Materials.

**SUBJECT: EMPLOYEE ACTIVITIES**

## Political Activities

The Board of Education recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally-protected rights to address matters of public concern.

However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds and/or during school times. When such speech or action occurs on school grounds and/or during school time, the Board of Education can impose reasonable restrictions on the time, place and manner of the speech or action, and can further regulate the content of such speech when it materially imperils the efficient operation of the school.

Any employee who intends to campaign for an elective public office shall notify the superintendent in writing at the earliest possible moment of the office which he/she intends to seek, together with his/her decision as to whether he/she wishes to continue his/her employment and under what terms and conditions.

In connection with campaigning for himself/herself or others, no employee shall use school system facilities, equipment or supplies; nor shall the employee discuss the campaign with school personnel during the working day; nor shall he/she use any time during the working day for campaigning purposes, including soliciting campaign funds. The use of the name of the Board, implying endorsement in partisan political activities, shall also be prohibited.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, and to motivate students to participate in the political process.

**Political Campaign Materials**

No individual or organization shall, in or upon any property under the jurisdiction of the Niagara Falls Board of Education circulate petitions for any candidate seeking elective or appointive office, post political circulars or distribute any materials advocating the support of any candidate or candidates seeking such office.

**Solicitations by Staff**

Staff members shall not be engaged in advertising or commercial solicitations on school time, except as authorized by the Superintendent and/or designee.

NOTE: Refer also to Policy #5560 -- Use of Federal Funds for Political Expenditures

ADDITIONAL NOTE: Above policy incorporates current District policies entitled “Staff Political Activities” and “Political Campaign Materials.

Adoption Date 2/23/2012

**SUBJECT: TUTORING FOR PAY**

The Board believes that by maintaining a high-quality certificated staff and providing for a rich, varied curriculum, the need for individual tutoring will be minimized.

However, should individual tutoring be recommended in certain cases, no tutoring of students shall be done by teachers who have the same student under regular class instruction and no private tutoring for which the instructor receives a fee shall be done in District school buildings.

It is expected that every effort will be made by teachers and Principals to help a student with his/her difficulties in school before recommending that parents engage a tutor.

Adoption Date 7/3/2014

**SUBJECT: NEGOTIATIONS**

**Legal Status**

The legal status for negotiations is the Public Employees' Fair Employment Law (Taylor Law), Civil Service Law Article 14.

Organizations recognized for the purposes of collective bargaining include:

a) Administrative and Supervisory Council (ASC);

b) Niagara Falls Teachers Union (NFT);

c) Civil Service Employee Association (CSEA);

d) Civil Service Employee Association (CSEA) -- Associate Union;

e) Substitute Teachers Union;

f) Non-Instructional Administrators and Supervisors (NIAS).

**SUBJECT: THEFT OF SERVICES OR PROPERTY**

The theft of services or property from the District by an employee will result in immediate disciplinary action that can lead to dismissal or other penalty, and shall not preclude the filing of criminal or civil charges by the District.

Adoption Date 7/3/2014

**SUBJECT: JURY DUTY**

A District employee called for jury duty shall receive his/her full day's pay from the School District plus mileage from the State. No employee shall be entitled to receive the per diem allowance from the Unified Court System for any regularly scheduled workday on which jury duty is rendered if on such a day his/her wages are not withheld on account of such service.

Judiciary Law Section 521(b)

Adoption Date 7/3/2014

**SUBJECT: HEALTH INSURANCE**

Health insurance for certified and support staffs shall be in accordance with their respective negotiated agreements.

**Continuation of Medical Insurance Coverage at Termination of Employment**

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage for up to thirty-six (36) months when termination of their insurance is due to a reduction in their hours worked, or upon termination of their employment.

Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one (1) of the following events:

a) Death of the covered employee; or

b) Divorce or legal separation from the covered employee; or

c) An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan; or

d) The dependents of a covered employee reach the maximum age for dependent coverage.

Those who are eligible to continue coverage have up to sixty (60) days to complete the Continuation of Coverage Election Form. Premiums and administrative costs will be paid in accordance with law.

American Recovery and Reinvestment Act of 2009, Public Law 111-5
Consolidated Omnibus Budget Reconciliation Act of 1985
Insurance Law Section 3221(m)(4)(5) and (6)

Adoption Date 7/3/2014

**SUBJECT: WORKERS' COMPENSATION**

Employees injured in the performance of their duties are covered by Workers' Compensation Insurance. Employees shall report work-related injuries immediately to their immediate supervisor. Delay in reporting, if necessary, must be justified to the satisfaction of the Board of Education and/or the insurance agency.

Reimbursement for Workers' Compensation Insurance benefits shall be in accordance with their respective negotiated agreements.

Education Law Sections 1604(31), 1709(34) and 2503(10)

Adoption Date 7/3/14

**SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES**

**Liability Protection Pursuant to Education Law**

The Board of Education recognizes its statutory obligation to indemnify School District employees (and in certain circumstances, Board of Education members and volunteers) pursuant to the provisions of Education Law Sections 3023, 3028 and 3811. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).

The District shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board of Education.

a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board of Education; however, submission of relevant legal documents by the employee to the Board is also encouraged.

b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

The District will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, the District will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board of Education.

**Public Officers Law Section 18**

The Board of Education hereby also confers the benefits of New York State Public Officers Law Section 18 upon the "employees" of the District, as defined in Public Officers Law Section 18; and the District assumes the liability for the costs incurred in accordance with the provisions of Public Officers Law Section 18. The benefits accorded to District employees under Public Officers Law Section 18 shall supplement and be available in addition to defense or indemnification protection conferred by other enactment or provisions of law.

The term "employees" shall include members of the Board of Education; the Superintendent; District officers; District employees; volunteers expressly authorized to participate in a District sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of the District, whether or not compensated. The term "employee" shall also include a former employee, his/her estate or judicially appointed representative.

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**SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES (Cont'd.)**

Pursuant to the provisions of Public Officers Law Section 18, and upon compliance by the employee with the requirements of this statute, the District shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties. Furthermore, the District shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Education.

The duty to defend and/or indemnify and save harmless, in accordance with Public Officers Law Section 18, shall be conditioned upon the delivery by the employee to the School Attorney or to the Superintendent a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to Public Officers Law Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the District based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the District's duty to defend and/or indemnify and save harmless to exist.

**Exceptions to Liability Coverage**

Indemnification coverage and/or provision of legal defense by the District will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the School District.

Paul D. Coverell Teacher Protection Act of 2001, as authorized by the No Child Left Behind Act of 2001, 20 United States Code (USC) Section 6731 et seq.
Education Law Sections 1604(25), 1604(31-b), 1709(26), 1709(34-b), 2560, 3023, 3028 and 3811
General Municipal Law Sections 6-n and 52
Public Officers Law Section 18

Adoption Date 2/23/12

Section/Classification ★**6000 Personnel** Policy Number ★**6550**

Status ★**ACTIVE** Adopted ★ **07/02/2015**

Last review date ★ **07/02/2015** Next review date ★ **09/14/2015**

Title **LEAVES OF ABSENCE**

a) In general, leaves of absence:

1. Shall be administered by the Administrator for Human Resources.

2. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement.

3. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used.

4. Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.

b) Leaves of absence, contractual, et al:

1. Employees who are members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted pursuant to provisions of contracts in effect between the District and each bargaining unit.

2. Employees who are under contract to the District:

Authorization is granted to implement provisions for leaves of absence contained in each such contract.

c) Leaves of absence, unpaid, not covered in b) 1. above:

1. Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence.

(a) For a period of time not to exceed one (1) school year for approved graduate study,
(b) At the expiration of a paid sick leave of absence, to extend such a leave of absence for a period of time not to exceed the end of the school year next succeeding the school year in which the paid leave of absence commenced.

2. Unpaid leaves of absence shall not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent shall have discretion, where circumstances warrant, to approve leaves of absence for such purposes.

3. Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the

discretion of the Superintendent, can be secured.

4. Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.

d) Other leaves of absence:

1. Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers shall be granted leave from work with pay for up to twenty (20) days in any calendar year to participate in specialized disaster relief operations. This leave shall be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.

2. Screenings for Breast Cancer and Prostate Cancer

Employees shall be granted up to four (4) hours of paid leave on an annual basis to undertake a screening for breast cancer; employees shall be granted up to four (4) hours of paid leave on an annual basis to undertake a screening for prostate cancer (i.e., male employees are entitled to a total of eight (8) hours for both screenings). This leave shall be excused leave and shall not be charged against any other leave to which the employee is entitled.

3. Blood donation

The School District must either, at its option:

(a) Grant three (3) hours of leave of absence in any twelve (12) month period to an employee who seeks to donate blood. According to Commissioner's Guidelines, leave granted to employees for off-premises blood donation is not required to be paid leave.

The leave may not exceed three (3) hours unless agreed to by the Superintendent/ designee; or

(b) Allow its employees without use of accumulated leave time to donate blood during work hours at least two (2) times per year at a convenient time and place set by the Superintendent/designee, including allowing an employee to participate in a blood drive at the District.

Leave taken by employees at a District-designated donation alternative (such as a District-sponsored blood drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated vacation, personal, sick, or other leave time.

The District shall not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of blood donation under any other provision of law shall not be prevented.

4. Nursing Mothers

The District shall provide reasonable unpaid break time or permit the use of paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three (3) years following child birth. The District shall make reasonable efforts to provide a room or other location in close proximity to the work area where the nursing mother can express milk in privacy. The District shall not discriminate against an employee who chooses to express breast milk in the workplace.

Reasonable unpaid break time is generally no less than twenty (20) minutes and no more than thirty (30) minutes dependent upon on the proximity of the designated location for expressing breast milk. In most situations, the District is required to provide unpaid break time at least once every (3) hours if requested by the

employee. At the employee's option, the District shall allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid break time(s) so long as such additional time requested falls within the District's normal work hours.

The District shall provide written notice to employees who are returning to work following the birth of a child of their right to take unpaid leave for the purpose of expressing breast milk. Such notice may either be provided individually to affected employees or to all employees generally through publication of such notice in the employee handbook or posting of the notice in a central location.

Any employee wishing to avail herself of this benefit is required to give the District advance notice, preferably prior to her return to work, to allow the District an opportunity to establish a location and schedule leave time to accommodate employees as needed.

5. Victims of Domestic Abuse

Employers are required to provide employees with an unpaid leave to appear as a witness, consult with the district attorney, or exercise the employee's statutory rights as the victim of, or witness to a crime of domestic violence. In addition, a victim of domestic violence may need one or more of these types of leave.

To use this leave, the employee shall provide notice of the need for leave at any time prior to the actual day of leave. Employers are permitted to ask the employee who sought the attendance or testimony of the employee to provide verification of the employee's service. Penalizing or discharging an employee for absences by reason of a required appearance as a witness in a criminal proceeding, or consultation with the district attorney, or exercising his/her rights as provided under the law constitutes a Class B misdemeanor by the employer.

6. Military Leave

The District will comply with state and federal laws regarding military leave and re-employment.

Leaves of absence for military spouses are granted in accordance with law and regulation.

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 United States Code (USC) Sections 4301-4333
Civil Service Law Sections 71-73, 159-b and 159-c
Education Law Sections 1709(16), 3005, 3005-a and 3005-b
General Municipal Law Section 92-c
Labor Law Sections 202-a, 202-c, 202-i, 202-j and 206-c
Military Law Sections 242 and 243
Penal Law Section 215.14

**Adoption Date July 2, 2015**

Personnel

********REVISED POLICY********`

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT**

Niagara Falls City School District will comply with the Family and Medical Leave Act implementing Regulations as revised effective February 2013. The District posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act in New York State.

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

**A. General Provisions**

Under this policy, Niagara Falls City School District will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

**B. Eligibility**

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

1) The employee must have worked for the District for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

3) The employee must work in a worksite where 50 or more employees are employed by the District within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

**C. Type of Leave Covered**

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1) The birth of a child and in order to care for that child.

2) The placement of a child for adoption or foster care and to care for the newly placed child.

3) To care for a spouse, child or parent with a serious health condition (described below).

4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the District's sick leave policy are encouraged to consult with the Human Resource Office.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the District may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5) Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member’s call-up or service. The qualifying exigency must be one of the following:

a. short-notice deployment.

b. military events and activities, child care and school activities,

c. financial and legal arrangements, counseling, rest and recuperation, post-deployment activities and additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on

active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

In order to care for a covered service member, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered service member.

a) A "son or daughter of a covered service member" means the covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.

b) A "parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."

c) Under the FMLA, a "spouse" means a husband or wife as defined under the law in the state where the employee resides. On June 26, 2013, the U.S. Supreme Court, in United States v. Windsor, found unconstitutional Section 3 of the federal Defense of Marriage Act (DOMA), which had prohibited the federal government from acknowledging marriages between same-sex couples. Same-sex marriages were recognized as legal by 12 states and the District of Columbia at the time of the ruling. Now that same-sex spouses are 'spouses' under federal law if they are 'spouses' under state law, all federal laws and regulations that include spouses include the broader same-sex definition in those states where same-sex marriage is legal. FMLA refers to state law for the definition of 'spouse.' Thus, for FMLA, an employee can take leave for a serious medical condition," including military-family leave, of the same-sex spouse if the employee lives in a state that allows same-sex marriage. However, since the court did not consider Section 2 of DOMA, states still have the right not to recognize same-sex marriages originating in other states or territories, Therefore, in the 13 states that recognize gay marriage—California, Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New York, Rhode Island, Vermont and Washington, plus the District of Columbia—applicability of the FMLA would depend on the state definition of marriage. Additionally, children of same-sex meaning an employee is entitled to take FMLA leave for their care, as well.]

d) The "next of kin of a covered service member" is the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin. For example, if a covered service member has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered service member's next of kin. Alternatively, where a covered service member has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered service member's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered service member pursuant to § 825.122(j).

"Covered active duty" means:

(a) "Covered active duty" for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.

(b) “Covered active duty” for members of the **reserve** components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of title 10, United States Code. (a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee’s 12-week maximum of FMLA leave in a 12-month period.

6) Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

The term “covered service member” means:

(a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

(b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term “serious injury or illness means:

(a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and

(b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.

(c) Outpatient status, with respect to a covered service member, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

**D. Amount of Leave**

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The District will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the District will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the District will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the District and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the District and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

**E. Employee Status and Benefits During Leave**

While an employee is on leave, the District will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the District will require the employee to reimburse the District the amount it paid for the employee's health insurance premium during the leave period.

Under current District policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

**F. Employee Status After Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer’s response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The District may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

**G. Use of Paid and Unpaid Leave**

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employer provides six weeks of pregnancy disability leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal or family leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation, personal leave or sick leave (as long as the reason for the absence is covered by the District's sick leave policy) prior to being eligible for unpaid leave.

**H. Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The District may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the District and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the District before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

Special rules for school employees, limitations on intermittent leave.

**(a)** Leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively rather than intermittently. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. An instructional employee who is on FMLA leave at the end of the school year must be provided with any benefits over the summer vacation that employees would normally receive if they had been working at the end of the school year.

**(1)** If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, to care for a covered service member, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20 percent of the total number of working days over the period

the leave would extend, the employer may require the employee to choose either to:

**(i)** Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

**(ii)** Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

**(2)** These rules apply only to a leave involving more than 20 percent of the working days during the period over which the leave extends. For example, if an instructional employee who normally works five days each week needs to take two days of FMLA leave per week over a period of several weeks, the special rules would apply. Employees taking leave which constitutes 20 percent or less of the working days during the leave period would not be subject to transfer to an alternative position. *Periods of a particular duration* means a block, or blocks, of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave.

**(a)** If an instructional employee does not give required notice of foreseeable FMLA leave to be taken intermittently or on a reduced leave schedule, the employer may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the employer may require the employee to delay the taking of leave until the notice provision is met.

**I. Certification for the Employee's Serious Health Condition**

The District will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition (http://www.dol.gov/esa/whd/forms/WH-380-E.pdf ).

The District may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The District will not use the employee's direct supervisor for this contact. Before the District makes this direct contact with the health care provider, the employee will be a given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the District will obtain the employee's permission for clarification of individually identifiable health information.

The District has the right to ask for a second opinion if it has reason to doubt the certification. The District will pay for the employee to get a certification from a second doctor, which the District will select. The District may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the District will require the opinion of a third doctor. The District and the employee will mutually select the third doctor, and the District will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

**J. Certification for the Family Member's Serious Health Condition**

The District will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition (http://www.dol.gov/esa/whd/forms/WH-380-F.pdf ).

The District may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The District will not use the employee's direct supervisor for this contact. Before the District makes this direct contact with the health care provider, the employee will be a given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the District will obtain the employee's family member's permission for clarification of individually identifiable health information.

The District has the right to ask for a second opinion if it has reason to doubt the certification. The District will pay for the employee's family member to get a certification from a second doctor, which the District will select. The District may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the District will require the opinion of a third doctor. The District and the employee will mutually select the third doctor, and the District will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

The District will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave (http://www.dol.gov/esa/whd/forms/WH-384.pdf ).

**L. Certification for Serious Injury or Illness of Covered Service member for Military Family Leave**

The District will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member (http://www.dol.gov/esa/whd/forms/WH-385.pdf ).

**M. Recertification**

The District may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the District may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The District may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

**N. Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the HR manager. Within five business days after the employee has provided this notice, the HR manager will complete and provide the employee with the DOL Notice of Eligibility and Rights (http://www.dol.gov/esa/whd/fmla/finalrule/WH381.pdf ).

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the

need for FMLA leave is not foreseeable, the employee must comply with the District's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

**O. Designation of FMLA Leave**

Within five business days after the employee has submitted the appropriate certification form, the HR manager will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice (http://www.dol.gov/esa/whd/forms/WH-382.pdf ).

**P. Intent to Return to Work From FMLA Leave**

On a basis that does not discriminate against employees on FMLA leave, the District may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

Family and Medical Leave Act of 1993 (as amended), Public Law 103-3
National Defense Authorization Act of 2008, Public Law 110-181
10 United States Code (USC) 101(a) (13)
29 Code of Federal Regulations (CFR) Part 825
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
45 Code of Federal Regulations (CFR) Parts 160 and 164

**Adoption Date July 2, 2015**

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE**

In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and State Law, the School District, upon advance notice by the employee, shall grant leaves of absence for service in the uniformed services and/or military duty (hereinafter referred to as "military service" or "military duty") to its employees who are ordered to duty or volunteer for qualifying military service. The employee's notice may be either verbal or written. No advance notice is required if military necessity prevents the giving of notice, or the giving of notice is otherwise impossible or unreasonable under all the circumstances.

**Employment Rights**

Time during which an employee is absent pursuant to military leave shall not constitute an interruption of continuous employment in the School District and no such employee shall be subjected, directly or indirectly, to any loss or diminution of time service, increment, vacation or holiday privileges, or any other right or privilege, by reason of such absence; nor shall any employee be prejudiced by reason of such absence with reference to continuance in employment, reemployment, reinstatement, transfer or promotion.

**Salary/Compensation**

Every employee shall be paid his/her salary or other compensation for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty. This payment of salary/compensation shall not exceed a total of thirty (30) days or twenty two (22) working days, whichever is greater, in any one calendar year; and shall not exceed thirty (30) days or twenty two (22) working days, whichever is greater, in any one continuous period of such absence.

The employee must be permitted, upon request, to use any accrued vacation, annual, or similar leave with pay during the period of military service in order to continue his/her civilian pay. The School District may not require the employee to use accrued leave.

The employee is not entitled to use accrued sick leave during the period of military service, unless the District allows employees to use sick leave for any reason or allows other similarly situated employees on comparable furlough or leave of absence to use accrued paid sick leave.

**Employee Benefits**

<u>Health Plan Coverage</u>

If the employee has coverage under a health plan in connection with his/her employment with the

District, the employee must be permitted to elect to continue the coverage for a certain period of time as designated in law.

When the employee is performing military service, he/she is entitled to continuing coverage for himself/herself (and dependents if the plan offers dependent coverage) under a health plan in connection with the employment. The plan must allow the employee an opportunity to continue coverage for a period of time that is the lesser of:

a) The 24-month period beginning on the date on which the employee's absence for the purpose of performing military service begins; or

b) The period beginning on the date on which the employee's absence for the purpose of performing military service begins, and ending on the date on which the employee fails to return from service or apply for a position of reemployment.

Health plan administrators may develop reasonable requirements addressing how continuing coverage may be elected, consistent with the terms of the plan and USERRA's exceptions to the requirement that the employee give advance notice of military service. Further, health plan administrators may develop reasonable procedures for employee payment to continue coverage, consistent with USERRA and the terms of the plan.

Pension/Retirement Plans

While on military duty, any School District employee who is a member of any pension or retirement system may elect to contribute to such pension or retirement system the amount which he/she would have contributed had such employment been continuous. Upon making such contribution, the employee shall have the same rights in respect to membership in the retirement system as he/she would have had if the employee had been present and continuously engaged in the performance of his/her position. To the extent that such contributions are paid, absence while engaged in the performance of military duty shall be counted in determining the length of total service under such pension or retirement system.

Alternatively, employees will have an opportunity to make up contributions to the pension or retirement system upon return to employment in the District in accordance with law and the individual employee's pension/retirement system.

The payment of member contributions required under law to obtain military service credit is waived for members called to active military duty on or after September 11, 2001 and prior to January 1, 2006, as the result of Non-Contributory Military Service Credit legislation signed as Chapter 326 of the Laws of 2005.

Time during which an employee is absent on military duty shall not constitute an interruption of continuous employment, but such time shall not be counted or included in determining the length of total service in the pension or retirement system unless the employee contributes to the pension or retirement system the amount he/she would have been required to contribute if the employee had been continuously employed during the period of military duty.

Leaves of Absence for Military Spouses

The spouse of a member of the armed forces of the United States, national guard or reserves who has been deployed during a period of military conflict (defined as a period of war declared by the United States Congress, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to the United States Code), to a combat theater or combat zone of operations shall be allowed up to ten (10) days unpaid leave by their employer. Such leave shall only be used when such person's spouse is on leave from the armed forces of the United States, National Guard or reserve

while deployed during a period of military conflict to a combat theater or combat zone of operations.

In accordance with law, an employee means a person who performs services for hire for the District for an average of twenty (20) or more hours per week, and includes all individuals employed at any District site having twenty (20) or more District employees, but shall not include independent contractors.

An employer shall not retaliate against an employee for requesting or obtaining a leave of absence as provided above. The provisions of this section shall not affect or prevent an employer from providing leave for military spouses in addition to leave allowed under any other provision of law. The provisions of this section shall not affect an employee's rights with respect to any other employee benefit provided by law.

**Reemployment/Restoration Rights ("Escalator Principle")**

Per USERRA, as a general rule, the employee is entitled to reemployment in the job position that he/she would have attained with reasonable certainty if not for the absence due to military service. The position to which the returning service member should be restored has become known as the "escalator position." The escalator principle requires that the employee be reemployed in a position that reflects with reasonable certainty the pay, benefits, seniority, and other job benefits that he/she would have attained if not for the period of military service.

Depending on the circumstances/intervening events, the escalator principle may cause an employee to be reemployed in a higher or lower position, transferred, laid off, or even terminated.

The employee must be qualified for the reemployment position. The District shall make reasonable efforts to help the employee become qualified to perform the duties of this position. The District is not required to reemploy the employee on his/her return from military service if the employee cannot, after reasonable efforts by the District, qualify for the appropriate reemployment position.

Per State law, an employee restored to his/her position after the termination of military duty shall be entitled to the rate of compensation he/she would have received had the employee remained in his/her position continuously during the period of military duty; and the employee shall be deemed to have rendered satisfactory and efficient service in the job position during the period of military leave of absence. Further, the employee shall not be subjected directly or indirectly to any loss of time service, increment, or any other right or privilege; nor shall an employee be prejudiced in any way with reference to promotion, transfer, reinstatement or continuance in employment.

All other rights, benefits, and responsibilities of a District employee serving in the military shall be in accordance with law, regulations, and/or the applicable contract/collective bargaining agreement.

**Probationary Service**

Public Employees in General

If a public employee (with the exception of the probationary service of "teachers" as described below) enters military duty before the expiration of the probationary period in any position to which he/she may have been appointed, or to which he/she may thereafter be appointed or promoted, the time such employee is absent on military duty shall be credited as satisfactory service during this probationary period.

Teachers/Supervisory Staff

In any case where a "teacher" (*as defined in State Education Law Section 3101, the term "teacher" encompasses a broad category of full-time members of the teaching and supervisory staff of the District, and is not limited to "instructional" employees)* enters military duty before the expiration of

the probationary period to which he/she may have been appointed, the time the "teacher" is absent on military duty shall be credited as satisfactory service during this probationary period. If the end of such probationary service occurs while the "teacher" is on military duty or within one year following the termination of military duty, the period of the probationary service may be extended by the Board of Education for a period not to exceed one year from the date of termination of military duty. However, in no event shall the period of probationary service in the actual performance of teaching services extend beyond that required by the School District at the time of the "teacher's" entry into military service.

**Collective Bargaining Agreements/Contracts/Plans/Practices**

In accordance with USERRA, any State or local law, contract, agreement, policy, plan, or practice that establishes an employment right or benefit that is more beneficial than, or is in addition to, a right or benefit under USERRA, such greater employment right or benefit will supersede this Federal Law.

**Notice of Rights and Duties**

The District shall provide a notice of the rights, benefits and obligations of employees and the District under USERRA. The District may provide the notice by posting it where employee notices are customarily placed. The District may also provide such notice to its employees in other ways that will minimize costs while ensuring that the full text of the notice is provided (e.g., by handing or mailing out the notice, or distributing the notice via electronic mail).

The U.S. Department of Labor has developed and made available on its website (http://www.dol.gov/vets/programs/userra/poster.htm) a poster for use by private and State employers (including school districts) that can be posted in order to comply with the notification mandate.

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), Public Law 108-454
38 United States Code (USC) Sections 4301-4333
20 Code of Federal Regulations (CFR) Part 1002
Education Law Section 3101
Military Law Sections 242 and 243

NOTE:Refer also to Policy #6212 -- Certifications and Qualifications
#6213 -- Professional Certification: 175 Hours of Professional Development Requirement
#6551 -- Family and Medical Leave Act

**Adopted: July 3, 2014**

**SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR**

Regulations recently promulgated by the Office of the State Comptroller provide guidance to school districts to help them determine whether an individual is an employee, and therefore eligible for membership in the New York State and Local Retirement System (NYSLRS) and for service credit, or an independent contractor who is not eligible for membership.

A certification of the determination that an individual is an employee will now be required when the School District initially reports to the NYSLRS certain covered professionals -- those persons providing services as an attorney, physician, engineer, architect, accountant or auditor.

Employee shall mean an individual performing services for the School District for which the District has the right to control the means and methods of what work will be done and how the work will be done. Independent contractor shall mean a consultant or other individual engaged to achieve a certain result who is not subject to the direction of the employer as to the means and methods of accomplishing the result. (Guidance from the New York State Education Department emphasizes that School Districts and BOCES do not have the authority to enter into agreements with independent contractors for instructional services).

**Employees to be Reported to NYSLRS**

Only persons who are active members of NYSLRS and who have been assigned a registration number shall be included in the reporting requirements. In the case of employees who are in the process of being registered to membership, all service, salary and deductions data and mandatory contributions shall be accumulated by the District and such accumulation shall be included with the first monthly report which is due after the employee's registration number has been assigned.

An individual serving the District as an independent contractor or consultant is not an employee and should not be reported to the retirement system.

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making such a determination the District must consider the factors enumerated in State Regulations.

The District shall also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS2414) as promulgated by the Office of the New York State Comptroller. As noted on the Certification Form instructions, when making a determination as to an individual's status as an employee or independent contractor, no single factor should be considered to be conclusive of the issue. All factors should be considered in making an assessment of an individual's status when engaged to perform services.

(Continued)

**SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR (Cont'd.)**

**Written Explanation by District: Certain Professions**

In the case of an individual whose service has been engaged by the School District in the capacity of attorney, physician, engineer, architect, accountant or auditor and the District has determined that the individual is rendering service as an employee and, therefore, may be eligible for credit with a retirement system, the District shall submit to the retirement system, in a form prescribed by the Comptroller and certified by the Chief Fiscal Officer of the District, an explanation of the factors that led to the conclusion that the individual is an employee and not an independent contractor or consultant.

Retirement and Social Security Law Sections 11, 34, 311, and 334
2 New York Code of Rules and Regulations (NYCRR) Sections 315.2 and 315.3

Adoption Date 7/3/2014

**SUBJECT: PROFESSIONAL SERVICES PROVIDERS**

**Determination by Employer**

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making such a determination the District must consider the factors enumerated in Commissioner's Regulations Sections 315.2 and 315.3. An individual serving the District as an independent contractor or consultant is not an employee and should not be reported to the New York State and Local Retirement System (NYSLRS).

**Charging for Professional Services**

A lawyer shall not simultaneously be an independent contractor and an employee of the School District for the purpose of providing legal services to the District.

A lawyer who is not an employee of the School District shall not seek to be or be considered, treated or otherwise reported by the District as an employee thereof for purposes of compensation, remuneration, health insurance, pension and all employment-related benefits and emoluments associated therewith [Education Law Section 2051(2)].

Enforcement

Any person who shall knowingly:

a) Violate the provisions of Education Law Section 2051(2);

b) Make a false statement of material fact; or

c) Falsify or permit to be falsified any record or records of the retirement system in an attempt to defraud the retirement system as a result of such act for the purpose of obtaining a credit towards pension benefits, or a benefit or payment in excess of $1000 from such retirement system for a professional services provider to which such professional services provider would not be entitled, shall be guilty of a Class E felony.

**Reports Regarding Lawyers**

The District shall, on or before the 45th day after the commencement of its fiscal year, file with the State Education Department, the State Comptroller and the Attorney General a report specifying those requirements enumerated in Education Law Section 2053.

(Continued)

**SUBJECT: PROFESSIONAL SERVICES PROVIDERS (Cont'd.)**

**Protection Against Fraud**

Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of the retirement system in any attempt to defraud the system as a result of such act, shall be guilty of a misdemeanor, and shall be punishable under the laws of New York State.

Any violation of applicable law that results in a member or beneficiary of the retirement system receiving a benefit or payment in excess of $1000 more than he/she would have been entitled to shall be a class E felony. Any violation of applicable law that results in a member or beneficiary of the retirement system receiving a benefit or payment in excess of $3000 more than he/she would have been entitled to shall be a class D felony.

Education Law Sections 525, 2050-2054
Retirement and Social Security Law Sections 111 and 411
8 New York Code of Rules and Regulations (NYCRR) Sections 315.2 and 315.3

NOTE: Refer also to Policy #6560 -- Determination of Employment Status: Employee or Independent Contractor

Adoption Date **July 3, 2014**

Section/Classification ★**6000 Personnel**
Policy Number ★**6562**
Status ★**ACTIVE**
Adopted ★ **07/03/2014**
Last review date ★ **07/27/2020**
Next review date ★

Title

# EMPLOYMENT OF RETIRED PERSONS

Policy

A retired person may be employed and earn compensation in a position in the School District, without any effect on his/her status as retired and without suspension or diminution of his/her retirement allowance subject to the conditions enumerated in Retirement and Social Security Law Section 211(1). However, there shall be no earning limitations on or after the calendar year in which any retired person attains age sixty-five (65).

No retired person may be employed in the District except upon approval of the Civil Service Commission or the Commissioner of Education unless otherwise authorized in accordance with law, as discussed below.

Two sections of the Retirement and Social Security Law (RSSL Section 211 and 212) affect a retiree's return to public employment in New York State. If a retiree returns to public employment, he/she may still be able to collect his/her pension depending upon:

a) How much is earned after returning to work; and

b) The retiree's age.

If a retiree is under age 65, he/she can return to public employment without approval or reduction in retirement benefits as long as his/her calendar year earnings do not exceed $30,000 (the RSSL Section 212 limit). If a retiree's earnings will be more than the Section 212 limits, the employer must request and receive prior approval from the appropriate agency to hire the retiree under Section 211. This may help avoid a reduction or suspension of the retiree's pension. (Refer to subheading below for more information regarding RSSL Section 211 and the approval process.)

There is generally no restriction on a retiree's earnings beginning in the calendar year he/she turns 65, unless returning to public office.

**RSSL Section 211 Approval Process**

Approval for post-retirement employment of a person under the age of 65 who's calendar year earnings exceed $30,000 may be granted only on the written request of the District giving detailed reasons related to the standards forth in Section 211; and on a finding of satisfactory evidence by the Civil Service Commission or the Commissioner of Education that the retired person is duly qualified, competent and physically fit for the performance of the duties of the position in which he/she is to be employed and is properly certified where such certification is required.

The District will prepare a detailed recruitment plan to fill such vacancy on a permanent basis when the need arises and will undertake extensive recruitment efforts to fill the vacancy prior to making a determination that there are no available non-retired persons qualified to perform the duties of such position.

Approvals to hire retired individuals may be granted for periods not exceeding two (2) years each, provided that a person may not return to work in the same or similar position for a period of one (1) year following retirement. However, in accordance with RSSL Section 212, a retiree may return to work in the same or similar position within the same year following retirement if his/her earnings are under $30,000 or if he/she receives a Section 212 waiver, or other conditions exist as enumerated in law.

**Reporting Requirements and Disclosure**

a)The School District shall report all money earned by a retired person in its employ in excess of the earnings limitation outlined in Retirement and Social Security Law Section 212 to the retirement system administered by the State or any of its political subdivisions from which the retired person is collecting his/her retirement allowance.

b)The School District, when employing a retired person who is eligible to collect or is already collecting a

retirement allowance from a retirement system administered by the State or any of its political subdivisions, shall report on an annual basis to the retirement system paying such retirement allowance and to the State Comptroller. This report shall consist of the re-employed retiree's name, date of birth, place of employment, current position, and all earnings.

**Public Record**

Any request for approval of the employment of a retired person, including the reasons stated, and the findings and determination of such request shall be a public record open for inspection in the Office of the Civil Service Commission, the Commissioner of Education, or the Board of Education making such findings and determination as specified in Retirement and Social Security Law Section 211.

Education Law Section 525
Retirement and Social Security Law Sections 111, 211, 212, 217, and 411

**Adopted: July 3, 2014**

**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY**

A. Local Objectives

The overall objectives of the Niagara Falls City School District Attendance Policy are: to increase school completion for all students; to raise student achievement and close gaps in student performance; to know the whereabouts of every student for safety and other reasons; to improve student attendance; to verify that individual students are complying with education laws relating to compulsory attendance; to determine the District's average daily attendance for state aid purposes; to identify attendance patterns in order to assist those students who are identified as chronically absent and, to develop an attendance program that students, parents, and staff will accept and value.

B. Strategies to be Employed to Meet these Objectives

The strategies to be employed to accomplish the objectives of the attendance policy will include the following:

a) The Board of Education will create and maintain a positive school culture by fostering a positive physical and psychological environment where the presence of strong adult role models encourages respectful and nurturing interactions between adults and students.
b) The Board of Education will develop a comprehensive Student Attendance Policy based upon the recommendations of District Stakeholders and input from teachers, students, parents and the community. The District will hold at least one (1) public hearing prior to the adoption of this Policy.
c) The Board of Education will maintain accurate record keeping via “PowerSchool”, an electronic a register of attendance (daily and by class period). PowerSchool will be used to record attendance, absence, tardiness or early departure from school; both excused and unexcused of each student.
d) PowerSchool – Daily attendance shall be collected by way of PowerSchool, data tracking software. PowerSchool is an effective avenue for communication with administration, teachers, staff, parent/guardians and students to foster learning that extends beyond the classroom; electronic web-based attendance tracking can occur instantaneously by way of Parent Portal.
e) Parent Portal – A sub element of PowerSchool offers parents/guardians the opportunity to track student grades and attendance. Parent portal provides instantaneous feedback regarding student attendance (daily and class period). Parent portal is accessible on the Niagara Falls City School District webpage and a mobile app is available for download.
f) The Board of Education will utilize data analysis systems for tracking individual student attendance, and individual and group trends in student attendance problems.
g) The Board of Education will develop early intervention strategies to improve school attendance for all students.
h) School building administrators shall designate an employee to supervise the keeping of the register of attendance and overview of PowerSchool records at each school building.
i) School building administrators and building attendance personnel will review pupil attendance records for the purpose of initiating appropriate actions to address excessive unexcused pupil absence, tardiness and early departures.

C. Attendance Taking Procedures

Maintenance of Register of Attendance

Each student attending the Niagara Falls City School District shall have an individual register of attendance which shall include the following information:

a) Name
b) Date of birth
c) Full names of parent(s) or person(s) in parental relation
d) Address where the pupil resides
e) Phone number(s) where the parent(s) or person(s) in parental relation may be contacted
f) Date of the pupil's enrollment
g) A record of the pupil's attendance on each day of scheduled instruction
h) A record of each scheduled day of instruction the school is closed for all or part of the day because of extraordinary circumstances
i) A record of the date the pupil withdraws from enrollment or is dropped from enrollment

Recording Attendance Grades K- 6 (Elementary)

a) Each pupil's presence or absence shall be recorded after taking attendance once per school day.
b) Any absence for a school day or a part of a school day shall be recorded as excused or unexcused in accordance with sections D and E of this policy.
c) If a pupil arrives late or departs early from scheduled instruction, this shall be recorded as excused or unexcused in accordance with sections D and E of this policy.

Recording Attendance Grades 7 -12 (Secondary)

a) Each pupil's presence or absence shall be recorded after the taking of attendance in each period of scheduled instruction.
b) If pupils do not change classrooms for each period of scheduled instruction, each pupil's presence or absence shall be recorded after taking attendance once per school day.
c) Any absence for a school day or a part of a school day shall be recorded as excused or unexcused in accordance with sections D and E of this policy.
d) If a pupil arrives late or departs early from scheduled instruction, this shall be recorded as excused or unexcused in accordance with sections D and E of this policy.

Persons Responsible

a) Entries in register of attendance shall be made by a teacher or employee designated by the school building administrator.
b) Building administrators shall designate a teacher or other District employee to supervise the keeping of the register of attendance.
c) Entries on the register of attendance shall be verified by oath or affirmation of the person making the entries.
d) Beginning with the 2016 – 17 school year, building administrators shall review pupil attendance records for the purpose of initiating appropriate action to address unexcused pupil absence, tardiness and early departure as described in section K.

D. Excused Absences

The Board of Education acknowledges the following reasons for excused pupil absences, tardiness, and early departures from school:

a) Sickness
b) Serious illness or death in the family
c) Excused absence part of a day
d) Suspension

e) Medical or dental appointments
f) Impassable roads or extreme weather conditions
g) Approved educational trips
h) Approved college visits
i) Religious observances
j) Music lessons
k) Attendance in health clinics
l) Required court appearances
m) Military obligations
n) Approved cooperative work program
o) Emergency situations as approved by the building administrator

Excused Attendance Codes (PowerSchool)

E (Entered)
AP (Absent Parent Excused)
ALT (Alternative School)
I (In-school Suspension)
SUS (Regular Suspension)
S (School Excused)
TP (Tardy & Parent Excused)
ME (Medically Excused)
THT (Transitional Home Teaching)
AE (Absent Excused)
AS (Absent School Excused)
F (Field Trip)
SUP (Superintendent's Suspension)
P (Parent Excused)
TE (Tardy Excused)
TS (Tardy & School Excused)
AHT (Administrative Home Teaching)

E. Unexcused Absences

The following are examples of pupil absences, tardiness, and early departures that will be considered unexcused:

a) Vacation with or without parents
b) Haircut
c) Obtain Learner's Permit
d) Oversleeping
e) Babysitting
f) Hunting/Fishing
g) Unlawful detention
h) Truancy

Unexcused Attendance Codes (PowerSchool)

AU (Absent Unexcused)
ABT (Absent Unexcused – THT)
TU (Tardy Unexcused)
PNP (Present Not Prepared)
ABA (Absent Unexcused – ALT)
IPE (Inappropriate Parent Excuse)
TRU (Truant)
NS (Did Not Report)

F. PowerSchool Attendance Tracking System

All Student attendance information will be securely stored in alignment with the New York State Student Privacy Act. Teachers will only have access to attendance records for their enrolled students. Building administration and designated attendance coordinators will have access to all enrolled students within each building. PowerSchool provides a reporting system that clearly records the reasons for a pupil's absence, tardiness and early departure. Each school building will have reports available for review.

General Directions

a) Entries

The letter "E": After the name of each pupil in attendance on opening day of school, place the letter "E" in the space for the opening day. When pupils other than those required to attend the first day enter, place the letter "E" in the proper space for the day on which they actually enter. This applies to transfers from another school, from another register, student re-entering the school, or to pupils not compulsory age who enter for the first time. A note should be made to indicate where the pupil had previously attended.

b) Corrections

Student attendance may be subpoenaed in court as evidence of a pupil's presence or absence. For hard copy attendance, do not make erasures or use white out. Circle the error then note date and reason for correction under "Comments." In PowerSchool, depending upon grade level, daily and class period attendance is required. For liability reasons, accurate attendance is mandatory, therefore corrections that occur in PowerSchool can be adjusted as teachers or staff will electronically sign the affidavit at the completion of each marking period ensuring accurate attendance record keeping.

c) What to Record

All absences, tardiness, suspensions and time lost by a pupil excused for part of a school day should be recorded and explained with the proper symbol as delineated in D and E above.

d) Part Day Absences

Excused (Tardy)

For a student entering school late but legally excused, the code “TE” should be entered into PowerSchool by the designated attendance coordinator at each building. “TE” shall only be used for excused absences of a legal nature. Pupils may be excused only for legal reasons as set forth above and must present excuse prior or upon entering the school building.

Excused from school

A legal excuse shall be turned into the designated school attendance coordinator; the coordinator will call and confirm excuse. Once confirmed, the time of the student excuse will be posted on PowerSchool for teacher notification.

e) Pupils Leaving School

Upon receiving records request from outside district, the following process will take place:
1. Request for teachers to update grades
2. Hard copy of updated grades sent to receiving school
3. Student withdrawn from PowerSchool system using appropriate date, comment and exit code.

G. Description of Policy Regarding Attendance and Course Credit

The Niagara Falls City School District will not deny course credit based on attendance. The Niagara Falls City School District is committed to helping all students achieve a diploma, despite course credit not being denied. The expectation is that students will attend all scheduled classes. Consistent with the importance of classroom participation, unexcused student absences, tardiness, and early departures will affect a student's grade, including credit for classroom participation aligned with the appropriate marking period.

H. Description of Incentives to be Used to Encourage Pupil Attendance

To encourage student attendance, the District will develop and implement grade-appropriate/building-level strategies and programs including, but not limited to:

a) Attendance honor rolls to be posted in prominent places in District buildings and included in District newsletters and, with parent/person in parental consent, in community publications.
b) Special events (e.g., assemblies, guest speakers, field days) scheduled on days that historically have high absenteeism (e.g., Mondays, Fridays, day before vacation).
c) Grade-level rewards at each building for best attendance.
d) Classroom acknowledgement of the importance of good attendance (e.g., individual certificates, recognition chart, bulletin boards).
e) Annual poster/essay contest on importance of good attendance.
f) Assemblies collaboratively developed and promoted by students, administration, parent groups and other community groups to promote good attendance.

I. Description of Disciplinary Sanctions to be Used to Discourage Unexcused Absences, Tardiness and Early Departures

Unexcused absences, tardiness and early departures will result in disciplinary sanctions as described in the District's Code of Conduct. Consequences may include, but are not limited to, time out study hall (T.O.S.H), denial of participation in interscholastic and extracurricular activities, referring a compulsory age student to the Family Court Intake Division for Supervision by filing a PINS (Person in Need of Supervision) Petition, and referring a student over the compulsory age to the Superintendent for a transition hearing.

J. Descriptions of the Notice to be Provided to Parent(s) or Person(s) in Parental Relation to Pupils who are Absent, Tardy or Leave Early Without the Proper Excuse

Students who illegally miss school or classes will have their parent or guardian notified by telephone by building attendance personnel.

Attendance personnel will send home a printout of attendance information provided from PowerSchool to the parents or guardians of any student who illegally misses school days and/or classes. The letter may request a meeting with the student, parents or guardians and a guidance counselor when appropriate. At the meeting, various strategies will be developed or presented to assist the student in attending school and/or classes.

K. Description of Intervention Strategies to be Utilized by Teachers and Other School Employees to Address Pupil Absence, Tardiness or Early Departure

To effectively intervene where an identified pattern of unexcused absences, tardiness or early departures occur, designated District personnel will pursue the following:

a) Identify specific element(s) of the pattern of absenteeism (e.g., grade level, building, time frame, type of excused absences, tardiness or early departures).

b) Contact the District staff most closely associated with the element. In specific cases where the pattern involves an individual student, the student and parent/person in parental relation will be contacted.
c) Discuss strategies to directly intervene with specific element.
d) Recommend intervention to Superintendent or his/her designee if it relates to change in District policy or procedure.
e) Implement changes, as approved by appropriate administration.
f) Utilize appropriate District and/or community resources to address and help remediate student unexcused absences, tardiness or early departures.
g) Monitor and report short and long term effects of intervention.

L. Identification of the Person in Each School Building who will be Responsible for Reviewing Attendance and Initiating Appropriate Action Consistent with this Policy

Commencing with the 2016 – 16 school year, the building administrator will work in conjunction with the building attendance staff in reviewing attendance records at the end of each term. This review is conducted to identify individual and group attendance patterns and to initiate appropriate action to address the problem of unexcused absences and early departures.

M. Annual Review by the Board of Education

The Board of Education shall annually review the building level student attendance records and if such records show a decline in student attendance, the Board shall make any revision to the policy and plan deemed necessary to improve student attendance.

N. Community Awareness

The Board of Education shall promote necessary community awareness of the District's Comprehensive Student Attendance Policy by:

a) Incorporating a summary of the policy into the District's plain language version of its Code of Conduct which is disseminated to parents and persons in parental relation to students prior to each school year.

b) Provide teachers with a copy of the policy.

c) Keep a copy of the policy on record on the Niagara Falls City School District’s webpage (www.nfschools.net).

Education Law Sections 3024, 3025, 3202, 3205, 3206, 3210, 3211 and 3213
8 NYCRR Sections 104.1, 109.2 and 175.6

Adoption Date: March 23, 2017

**SUBJECT: AGE OF ENTRANCE**

**Kindergarten**

Students who are legal residents of the School District and who reside with parents or guardians within the School District at the time of the opening day of school must be five (5) years of age or more on December 1 in order to register for Kindergarten.

A child who transfers into the School District at any time during the school year may be considered for admission to Kindergarten by the Superintendent provided:

a) The parents were not legal residents of the School District on the opening day of school, and

b) The child has been registered and enrolled in kindergarten in the District in which his/her parents were legal residents.

**Other Grades**

Admission of children to other grades shall involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

**Proof of Age**

A student's birth certificate or other satisfactory evidence of age shall be presented at the time of initial registration. The child shall be entered under his/her legal name.

Education Law Sections 1712, 3202 and 3212

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

**Adopted: July 3, 2014**

Students

**SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY**

**Ages of Attendance/Compulsory Attendance Age**

According to Education Law, a student who becomes six (6) years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six (6) years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen (16) years of age.

However, in accordance with Education Law Section 3205(3), the Board of Education in **any** school district shall have the power to require minors from sixteen (16) to seventeen (17) years of age who are not employed to attend full-time instruction until the end of the school year in which the student turns seventeen (17) years of age.

All persons dwelling within the District who are between the ages of five (5) years and twenty-one (21) years and who have not received a high school diploma shall be entitled to enroll in the District.

Undocumented children, like U.S. citizen children, have the right to attend school full-time as long as they meet the age and residency requirements established by state law.

**Proof of Age**

The State Education Department does not require districts to collect students' social security numbers for any purpose. While school districts may need to collect certain data pursuant to State and/or federal laws, they should do so **after** a student has enrolled in school so as not to inadvertently give the impression that information related to immigration status will be used in making registration/enrollment determinations.

In accordance with Education Law, where a birth certificate or record of baptism is not available, a passport (including foreign passport) may be used to determine a child's age for purposes of enrollment/registration in school. Should none of these be available, the District may consider certain other documentary or recorded evidence to determine a child's age.

The following are examples of documentation that may be used to establish a student's age. This list is not intended to be exhaustive, nor is it a list of required documentation.

a) School photo ID with date of birth;

b) Hospital or health records;

c) State or other government-issued ID;

d) Military dependent ID card;

e) Native American Tribal document;

f) Record(s) from non-profit international aid agencies and voluntary agencies (VOLAGs);

g) Consulate identification card; and

h) Official driver's license.

**Determination of Student Residency**

The residence of children dwelling within the District boundaries shall be established in a manner consistent with State Law and the Regulations of the Commissioner. The Board of Education or its designee shall determine whether a child is entitled to attend a District school. Any adverse residency decision by a school official, other than the Board or its designee, shall include written notice to the parent/person in parental relation of the procedures for obtaining review of the decision within the District.

A child's residence is presumed to be that of his/her parents or legal guardians. However, the District may encounter students, particularly from other countries, who reside with persons other than their parents or legal guardians. In order to determine residency in these cases, the District may request information regarding such student's custody to establish residency and to ensure the health, safety and welfare of the child.

**Children Living With Noncustodial Parents**

A child's residence is usually determined by the residence of the custodial parent. However, a noncustodial parent who resides in the District may enroll his/her child in a District school if he/she shares the day-to-day responsibilities for the child and the custodial parent designates the child's residence with the noncustodial parent.

**Homeless Children**

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Executive Law Article 19-H, in consultation with the homeless child, where such homeless child is living in such

program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

**Children of Activated Reserve Military Personnel**

Students temporarily residing outside the boundaries of the District, due to relocation necessitated by the call to active military duty of the student's parent or person in parental relation, will be allowed to attend the public school that they attended prior to the relocation. However, the District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

**Emancipated Minors**

A determination of whether a student is to be designated as an emancipated minor in the Niagara Falls City School District will be based on evidence that the student is no longer under custody, control and support of his/her parents/persons in parental relation. To establish emancipation, a minor may submit documentation of his/her means of support, proof of residency and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with his/her parents/persons in parental relation.

These statements are renewable each school year. If at any time the above information is changed without prompt notification or proven to be false, the parent/person in parental relation and/or student may be subject to legal action.

**Children Living With Persons Not Their Parents -- Guardianship or Custody**

In accordance with the Family Court Act and Domestic Relations Law, a person possessing a lawful order of guardianship or custody of a minor child who is not the parent of such child may enroll the child in public school in the school district where he/she and the child reside.

Therefore, upon application for enrollment by the guardian or custodian, the District shall enroll such a child for such time as the child resides with the guardian or custodian in the District upon verification that the guardian or custodian possess a lawful order of guardianship or custody for the child and that the guardian or custodian and the child properly reside in the same household within the District.

McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the No Child Left
Behind Act of 2001
Domestic Relations Law Section 74
Education Law Sections 2045, 3202, 3205, 3209, 3212(4) 3218(1)(b), and, 3218(1)(d)
Family Court Act Section 657
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(x) and (y)

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

**Adopted: July 3, 2014**
**Amended January 25, 2024**

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING**

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

**Identification of Students in Temporary Housing**

All districts are obligated to affirmatively identify all students in temporary housing. Therefore, the District will determine whether there are students in temporary housing within the District by using a housing questionnaire to determine the nighttime residence of all newly enrolled students and all students whose address changes during the school year. Not all students in temporary housing can be identified through social service agencies or shelters, as children may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. For this reason, the District uses a housing questionnaire that asks for a description of the current living arrangements of the child or youth to determine whether the child or youth meets the definition of a homeless child.

In addition to using the housing questionnaire, the District will also contact the local department of social services (LDSS) (i.e., the social services district) to identify students in temporary housing, as well as the local runaway and homeless youth shelter, and any other shelters located within District boundaries to ensure all students in temporary housing are properly identified and served.

**Definitions**

a) "Feeder school" means:

1. A preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;

2. A school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or

3. A school that sends its students to a receiving school in a neighboring school district.

b) "Homeless child" means:

1. A child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

(a) Sharing the housing of other persons due to a loss of housing, economic hardship, or a similar reason (sometimes referred to as "doubled-up");

(b) Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

(c) Abandoned in hospitals;

(d) A migratory child who qualifies as homeless under (a), (b), or (c) of this subparagraph or item 2) below; or

(e) An unaccompanied youth; or

2. A child or youth who has a primary nighttime location that is:

(a) A supervised, publicly, or privately operated shelter designed to provide temporary living accommodations, including, but not limited to, shelters operated or approved by the state or LDSS, and residential programs for runaway and homeless youth established in accordance with applicable law; or

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting.

c) "Migratory child" means a child or youth who made a qualifying move in the preceding 36 months:

1. As a migratory agricultural worker or a migratory fisher; or

2. With, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

d) "Preschool" means a publicly funded prekindergarten program or a Head Start program administered by the District and/or services under the Individuals with Disabilities Act administered by the District.

e) "Receiving school" means:

1. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

2. A school that enrolls students from a feeder school in a neighboring local educational agency.

f) "Regional placement plan" means a comprehensive regional approach to the provision of educational placements for homeless children that has been approved by the Commissioner of Education.

g) "School district of current location" means the public school district within New York State in which the hotel, motel, shelter or other temporary housing arrangement of a homeless child, or the residential program for runaway and homeless youth, is located, which is different from the school district of origin.

h) "School district of origin" means the school district within New York State in which:

1. The homeless child was attending a public school or preschool on a tuition-free basis or was entitled to attend when circumstances arose that caused the child to become homeless, which is different from the school district of current location;

2. The child was residing when circumstances arose that caused the child to become homeless if the child was eligible to apply, register, or enroll in public preschool or kindergarten at the time the child became homeless; or

3. The homeless child has a sibling who attends a school in the school district in which the child was residing when circumstances arose that caused the child to become homeless.

i) "School of origin" means:

1. The public school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool or a charter school;

2. The designated receiving school at the next grade level for all feeder schools for a student in temporary housing who completes the final grade level served by the school of origin; and

3. The public school or preschool in which the child would have been entitled or eligible to attend based on the child's last residence before the circumstances arose which caused the child to become homeless if the child becomes homeless after the child is eligible to apply, register, or enroll in the public preschool or kindergarten or if the child is living with a school-age sibling who attends school in the school district of origin.

j) "Unaccompanied youth" means a homeless child or youth who is not in the physical custody of a parent or legal guardian.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

**The McKinney-Vento Liaison for Students in Temporary Housing**

The District will designate an appropriate staff person, who may also be a coordinator for other federal programs, as the District liaison for students in temporary housing (otherwise referred to as the McKinney-Vento liaison). The District's McKinney-Vento liaison serves as one of the primary contacts between families experiencing homelessness and school staff, District personnel, shelter workers, and other service providers. The McKinney-Vento liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed.

The District's McKinney-Vento liaison must ensure that:

a) Students in temporary housing are identified by school personnel and through coordination activities with other entities and agencies;

b) Students in temporary housing enroll in, and have full and equal opportunity to succeed in, the District's schools;

c) Students in temporary housing and their families receive educational services for which they are eligible, including Head Start programs administered by a local educational agency, Early Head Start, early intervention services under part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the District;

d) Students and parents in temporary housing receive referrals to health care services, dental services, mental health and substance abuse services, housing services and other appropriate services;

e) Parents or guardians of students in temporary housing are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

f) Parents and guardians of students in temporary housing, and unaccompanied youth, are fully informed of all transportation services, including transportation to and from the school district of origin and are assisted in accessing transportation services;

g) Disputes regarding eligibility, school selection, enrollment and/or transportation are mediated in accordance with applicable laws and regulations;

h) Assistance in commencing an appeal, in accordance with applicable law, of a final determination regarding eligibility, enrollment, school selection, and/or transportation is provided to the student in temporary housing's parent or guardian or the unaccompanied youth;

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

i) A record is maintained of all appeals of enrollment, school selection, and transportation;

j) Public notice of the educational rights of students in temporary housing is posted in locations where these students receive services, such as schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of students in temporary housing, and unaccompanied youth;

k) School personnel providing services to students in temporary housing receive professional learning and other support;

l) Unaccompanied youths:

1. Are enrolled in school;

2. Have opportunities to meet the same challenging state academic standards as the state establishes for other children and youth, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations; and

3. Are informed of their status as independent students under Section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the McKinney-Vento liaison to receive verification of this status for purposes of the Free Application for Federal Student Aid (FAFSA);

m) School personnel, service providers, advocates working with students in temporary housing, parents and guardians of students in temporary housing, and students in temporary housing are informed of the duties of the McKinney-Vento liaison; and

n) Assistance with obtaining any necessary immunizations or screenings, or immunization or other required health records is provided to the parents or guardians of the students in temporary housing.

**School District and School Designations**

A designator will make the initial decision about which school district and school a student in temporary housing will attend. A designator is:

a) The parent or person in parental relation (guardian) to a student in temporary housing;

b) The student in temporary housing, together with the McKinney-Vento liaison, in the case of an unaccompanied youth; or

c) The director of a residential program for runaway and homeless youth, in consultation with the student in temporary housing, where the student is living in that program.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

The District will ask the designator to designate one of the following as the school district of attendance for the student in temporary housing:

a) The school district of current location;

b) The school district of origin; or

c) A school district participating in a regional placement plan.

The District will also ask the designator to designate one of the following as the school where a student in temporary housing seeks to attend:

a) The school of origin; or

b) Any school that permanent housed children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool.

A student in temporary housing is entitled to attend the schools of the school district of origin without the payment of tuition for the duration of their homelessness and through the remainder of the school year in which the student becomes permanently housed and for one additional year if that year constitutes the student's terminal year in that school building, subject to a best interest determination.

**Designation/STAC 202 Form**

The District will identify all students in temporary housing, and a designation form will be completed by the designator for all these students and any other student who claims homelessness. Designations must be made on the STAC 202 form provided by the Commissioner.

The appropriate designator must complete the designation form. The District makes designation forms available to a student in temporary housing who seeks admission to school or to the parent or person in parental relation who seeks to enroll the child in school.

The District will provide completed designation forms to the McKinney-Vento liaison immediately, but no later than two business days from the earlier date on which the child or youth either:

a) Sought enrollment in school; or

b) Was placed in a temporary housing facility or residential facility for runaway and homeless youth.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

Where a parent or person in parental relation or a child who is neither placed in a temporary housing facility by the LDSS nor housed in a residential program for runaway homeless youth, designates the District as the school district of current location, the District will forward to the State Education Department a completed designation form and a statement of the basis for its determination that the child is a homeless child entitled to attend the District's schools.

**Immediate Enrollment and Best Interest Determinations**

Upon identification of a child who is in temporary housing and/or receipt of a completed designation/STAC 202 form, the District will:

a) Immediately review the designation form to ensure that it has been completed and admit the student in temporary housing even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation and even if the child or youth has missed application deadlines;

b) Determine whether the designation made by the designator is consistent with the best interests of the student in temporary housing. In making best interests decisions the District will:

   1. Presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the wishes of the parent or guardian (or youth in the case of an unaccompanied youth); and

   2. Consider student-centered factors such as the effect of mobility on student achievement, education, health, and safety of the child, giving priority to the wishes of the child's parent or guardian (or the youth, if a homeless unaccompanied youth). If the District determines that it is in the best interest of the student in temporary housing to attend a school other than the school of origin or the designated school, the District will provide the parent or guardian (or youth, if an unaccompanied youth) with a written explanation of its determination, including information about the right to appeal.

c) Provide the child with access to all of the District's programs, activities and services to the same extent as they are provided to resident students;

d) Immediately contact the school district where the child's records are located in order to obtain a copy of these records and coordinate the transmittal of records for students with disabilities pursuant to applicable laws and regulations;

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

e) Immediately refer the parent or guardian of the student in temporary housing to the McKinney-Vento liaison who must assist in obtaining necessary immunizations or immunization or medical records if the child or youth needs to obtain immunizations or immunization or medical records;

f) Forward the STAC 202 form to the Commissioner and the school district of origin, where applicable. In all cases, the District will give a copy of the completed STAC 202 form to the designator and keep a copy of the STAC 202 form for the District's records;

g) Arrange for transportation in accordance with applicable laws and regulations; and

h) Arrange for the child to receive free school meals.

**Request for Records**

Within five days of receipt of a request for school records from a new school, the District will forward, in a manner consistent with state and federal law, a complete copy of the student in temporary housing's records, including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable.

**Tuition Reimbursement**

The District is eligible to request reimbursement from the State Education Department for the direct costs of educational services to students in temporary housing that are not otherwise reimbursed under special federal programs, when:

a) The District is either the school district of current location or a school district participating in a regional placement plan;

b) The District is designated as the school district of attendance; and

c) The school district of origin for the student in temporary housing is within New York State.

All claims for reimbursement will be made on the STAC 202 form prescribed by the Commissioner of the State Education Department.

In addition, the District is eligible for reimbursement for the direct costs of educational services, including transportation costs for students who continue enrollment in the District schools after finding permanent housing midyear in a different school district within New York State. In these cases, the District will directly bill the new district where the student permanently resides for all direct costs of educational services, including transportation, that are not otherwise reimbursed under special federal programs.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

**Transportation Responsibilities**

The LDSS is responsible for providing transportation to students in temporary housing, including preschool students and students with disabilities who are eligible for benefits under Social Services Law Section 350-j and placed in temporary housing arrangements outside their designated districts. Where the LDSS requests that the District provide or arrange for transportation for a student in temporary housing in the circumstances above, the District will provide or arrange for the transportation and directly bill the LDSS so that the District will be fully and promptly reimbursed for the cost of the transportation.

If the District is the designated school district of attendance, the District will provide for the transportation of each student in temporary housing who is living in a residential program for runaway and homeless youth, including if the temporary housing is located outside the school district. The costs for transportation for each student in temporary housing who lives in a residential program for runaway youth and homeless youth located outside of the designated school district will be reimbursed by the State Education Department, to the extent funds are provided for the purpose, with the submission of a Runaway and Homeless Youth Act Transportation Program Form. Where the District provides transportation for a student living in a Runaway and Homeless Youth facility, the District will promptly request reimbursement using the Runaway and Homeless Youth Act Transportation Form.

The District will transport any student in temporary housing to their school of origin, including preschools and charter schools, where it is the designated district of attendance and the student in temporary housing is not entitled to receive transportation from the Department of Social Services.

When the District is designated as the school district of current location for a student in temporary housing and the student does not attend the school of origin, the District will provide transportation on the same basis as it is provided to resident students, unless the local transportation policy represents a barrier to the student's attendance in school.

If the student in temporary housing designates the District as the school district of attendance, transportation will not exceed 50 miles each way, unless the Commissioner determines that it is in the best interest of the child.

Where the District is designated as the school district of attendance and it has recommended the student in temporary housing attend a summer educational program, the district of attendance will provide transportation services to students in temporary housing for summer educational programs if the lack of transportation poses a barrier to the student's participation in the program.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

Where the District is designated as the school district of attendance, it will provide transportation services to students in temporary housing for extracurricular or academic activities when:

a) The student participates in or would like to participate in an extracurricular or academic activity, including an after-school activity, at the school;

b) The student meets the eligibility criteria for the activity; and

c) The lack of transportation poses a barrier to the student's participation in the activity.

Where the District is designated as the school district of attendance, it will provide transportation as described above for the duration of homelessness, unless the LDSS is responsible for providing transportation. After the student becomes permanently housed, the District will provide transportation to the school of origin until the end of the school year and for one additional year if that year constitutes the child's terminal year in the school building.

**Dispute Resolution Process**

The District has established the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

a) The District will provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian of a student in temporary housing, or to an unaccompanied youth, if the District determines that the District is not required to either enroll and/or transport the child or youth to the school of origin or a school requested by the parent or guardian or unaccompanied youth, or if there is a disagreement about a child's or youth's status as a homeless child or unaccompanied youth. The written explanation will be in a manner and form understandable to the parent, guardian, or unaccompanied youth and will include a statement regarding the McKinney-Vento liaison's availability to help the parent, guardian, or unaccompanied youth with any appeal and the contact information for the liaison.

b) The District will immediately enroll the student in the school in which enrollment is sought by the parent or guardian or unaccompanied youth, provide transportation to the school, and will delay for 30 days the implementation of a final determination to decline to either enroll in and/or transport the student in temporary housing to the school of origin or a school requested by the parent or guardian or unaccompanied youth.

c) If the parent or guardian of a student in temporary housing or unaccompanied youth commences an appeal to the Commissioner within 30 days of such final determination, the student will be permitted to continue to attend the school they are enrolled in at the time of the appeal and/or receive transportation to that school pending the resolution of all available appeals.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

**The McKinney-Vento Liaison's Dispute Resolution Responsibilities**

The District's McKinney-Vento liaison must assist the student in temporary housing's parent or guardian or unaccompanied youth in bringing an appeal to the Commissioner of a final school district decision regarding enrollment, school selection and/or transportation. In the event of a dispute regarding eligibility, enrollment, school selection, and/or transportation, the District's McKinney-Vento liaison will:

a) Provide the parent or guardian or unaccompanied youth with a copy of the form petition;

b) Assist the parent or guardian or unaccompanied youth in completing the form petition;

c) Arrange for the copying of the form petition and supporting documents for the parent or guardian or unaccompanied youth, without cost to the parent or guardian or unaccompanied youth;

d) Accept service of the form petition and supporting papers on behalf of any District employee or officer named as a party, or the District if it is named as a party, or arrange for service by mail by mailing the form petition and supporting documents to any District employee or officer named as a party, and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board to accept service on behalf of the District;

e) Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that they have received the form petition and supporting documents, and will either accept service of these documents on behalf of the District employee or officer or District, or effect service by mail by mailing the form petition and supporting documents to any District employee or officer named as a party, and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board to accept service on behalf of the District;

f) Transmit on behalf of the parent or guardian or unaccompanied youth, within five days after the service of, the form petition or any pleading or paper to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;

g) Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that they have received the form petition and supporting documents and will transmit these documents on behalf of the parent, guardian or unaccompanied youth to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

h) Accept service of any subsequent pleadings or papers, including any correspondence related to the appeal, if the parent or guardian or unaccompanied youth so elects. They will also make this correspondence available to the parent or guardian or unaccompanied youth; and

i) Maintain a record of all appeals of enrollment, school selection, and transportation determinations.

**Coordination**

The District will coordinate the provision of services described in this policy with local social services agencies, housing providers and other agencies or programs providing services to students in temporary housing and their families, including services and programs funded under the Runaway and Homeless Youth Act.

The District will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.

The District will coordinate implementation of the above provision of services with the requirements of the Individuals with Disabilities Education Act (IDEA) for students with disabilities.

**Coordination with Title I**

The District acknowledges that students in temporary housing are eligible for services under Title I, Part A whether or not they live in a Title I school attendance area or meet the academic requirements required of other children. The District will ensure that:

a) Title I, Part A funds are set aside as are necessary to provide students in temporary housing, who may have unique needs that differ from their permanently housed peers, with educationally related support services;

b) Its local plan includes a description of how the plan is coordinated with McKinney-Vento;

c) Its local plan describes the services provided to students in temporary housing;

d) Its local plan describes the efforts it made to identify students in temporary housing, including unaccompanied youth, if the District reports that there are no students in temporary housing enrolled in the District. These efforts will include contacting the LDSS or Office of Children and Family Services (OCFS) to verify that there are no students in temporary housing in the District; and

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

e) Its housing questionnaire asks about the living arrangements of the child or unaccompanied youth, including asking if they are living in a shelter; with relatives or others due to loss of housing or economic hardship; in an abandoned apartment/building; in a motel/hotel, camping ground, car, train/bus station or other similar situation due to the lack of alternative, adequate housing. Documentation of the District's efforts to identify students in temporary housing will be maintained on file and a copy of the housing questionnaire will also be kept on file.

**Reporting Requirements**

The District will collect and transmit to the Commissioner of Education, at the time and in the manner as the Commissioner may require, a report containing information as the Commissioner determines is necessary, including the numbers of homeless students, their grade, and their nighttime residence.

**Access to Free Meals**

The District will provide free meals to all children identified as homeless. They do not have to complete a free or reduced-price meal application. When the McKinney-Vento liaison or a shelter director provides a child's name to the District's school food service office, free school meals will commence immediately.

**Removal of Barriers**

The District will review and revise its policies that may act as barriers to the identification of students in temporary housing and their enrollment and retention in school, including barriers to enrollment and retention due to outstanding fees or fines, or absences.

**Comparable Services**

The District will provide services to students in temporary housing comparable to those offered to other students in the District, including: transportation services; educational services for which the child or youth meets the relevant criteria, such as services provided under Title I or similar state or local programs; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

**Student Privacy**

Information about a student in temporary housing's living situation will be treated as a student education record and will not be deemed to be directory information under the Family Educational Rights and Privacy Act (FERPA). A parent or guardian or unaccompanied youth may consent to the release of a student's address information in the same way they would for other student education records under FERPA.

**Training**

All school enrollment staff, secretaries, school counselors, school social workers, and principals will be trained on the requirements for enrollment of students in temporary housing. Other staff members including school nutrition staff, school registered professional nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act (ESSA) of 2015, 42 USC § 11431 et seq.
Education Law § 3209
Executive Law Article 19-H
8 NYCRR § 100.2(x)

Adoption Date October 20, 2022

**SUBJECT: NON-RESIDENT STUDENTS**

Non-resident families who wish to enroll children in the Niagara Falls City School District shall submit a request in writing to the Superintendent who shall determine whether or not admission will be granted.

The following general conditions for acceptance will be met when considering admittance:

a) There is sufficient space to accommodate the non-resident student;

b) No increase in the size of faculty or staff will be necessary;

c) Admittance will not result in the establishment of a new section;

d) Parents/guardians must work out transfer conditions with the home school district or provide their own transportation;

e) All rules and regulations in effect for District students will be applicable to non-District students;

f) Tuition may be charged to families of non-resident students in accordance with formulas approved by the State Education Department.

Final decisions regarding the acceptance of non-resident students rest with the Board of Education. Written requests must be submitted to the Superintendent of Schools and the Board of Education.

**Tuition-Paying Students**

Future Students

The children of families who have signed a contract to buy or build a residence in the School District may be enrolled for the semester in which they expect to become residents. Non-resident tuition shall be charged, payable in advance, with an adjustment to be made when the family becomes a resident in the District.

Foreign Students

Students from other nations who are living with District residents may be enrolled at the discretion of the District. In accordance with federal law, a foreign student who attends a public secondary school under an F-1 Visa must reimburse the school district for the full unsubsidized per capita cost of providing education at the school during the student's attendance. The administration is authorized to file with the U.S. Department of Homeland Security the forms necessary for the monitoring of non-immigrant foreign students during the course of their stay in the district in accordance with the Student and Exchange Visitor Information System (SEVIS).

(Continued)

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

Other Non-resident Students

Non-resident students other than those affected by the above provisions may be accepted as tuition-paying students at the discretion of the Board of Education on an annual basis provided the general conditions listed above are met. Requests should be submitted to the Superintendent.

**Non-Tuition Students**

Children of District Employees

Good Neighbor Policy for children of District employees with written permission of the Superintendent.

Foreign Exchange Students

Only foreign students participating in a recognized Student Exchange Program under a J-1 Visa may attend District schools without payment of tuition. The administration is authorized to file with the U.S. Department of Homeland Security the forms necessary for the monitoring of non-immigrant foreign students during the course of their stay in the District in accordance with the Student and Exchange Visitor Information System (SEVIS).

**Proof of Residency**

Such documentary or sworn proof as shall be required by the administration or Board of Education must be furnished prior to the admission of any child residing in the District with a person not his parent or who is the child of a non-resident. The admission of homeless children and youth will be in accordance with law.

**Reservation of Claims**

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

**Tuition Fees**

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

(Continued)

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

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

**Legal Residence**

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

8 United States Code (USC) Chapter 12
Education Law Sections 1709(13), 2045 and 3202
8 New York Code of Rules and Regulations (NYCRR) Section 174.2

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adoption Date July 3, 2014

**SUBJECT: SAFEGUARDING THE RIGHTS OF IMMIGRANT STUDENTS**

The District is committed to ensuring that all students have equal and uninterrupted access to a free public education and are able to learn in a safe, welcoming, and inclusive school environment regardless of their actual or perceived immigration status, citizenship, nationality, or country of origin, or that of their parents or guardians.

The District recognizes the rights afforded to all students under federal and state law, including New York Education Law Section 3201-b, and will maintain practices designed to protect students and families from unlawful discrimination, unauthorized disclosure of information, and unnecessary disruptions to a student's educational program based on immigration status. The District will work collaboratively with students, families, legal counsel, and governmental agencies, as appropriate, to ensure compliance with applicable law.

**Definitions**

For purposes of this policy, the following definitions apply:

a) "Civil immigration warrant" means any warrant for a violation of civil immigration law that is not issued by a judge or federal magistrate judge.

b) "Immigration authority" means an agency that primarily enforces immigration law including, but not limited to, United States Immigration and Customs Enforcement or United States Customs and Border Protection, and any successor agencies having similar duties; or a federal agency making a request or taking an enforcement action pursuant to the civil enforcement provisions of the Federal Immigration and Nationality Act.

c) "Immigration detainer" means any document, form, or other communication requesting or directing that a school or school personnel detain or maintain custody of an individual, for any period of time, for pickup by or transfer to immigration authorities.

d) "Immigration enforcement" means the enforcement of any civil provision of the Federal Immigration and Nationality Act for the purpose of determining a person's lawful presence or status in the United States, or for the purpose of apprehending, detaining, transferring, or removing a person solely for civil immigration purposes because of such person's immigration status.

e) "Personally identifiable information" means personally identifiable information as defined in 34 CFR Section 99.3 implementing the Family Educational Rights and Privacy Act, 20 USC Section 1232g.

f) "School personnel" means any employee, agent, officer, or school resource officer of a school or any volunteer or employee of any firm, corporation, institution, or governmental agency who works on school property.

(Continued)

**SUBJECT: SAFEGUARDING THE RIGHTS OF IMMIGRANT STUDENTS (Cont'd.)**

**Immigrant Student Rights Liaisons**

The District's Immigrant Student Rights Liaisons are responsible for reviewing immigration authorities' requests to enter school property or take custody of a student, as well as notifying parents or legal guardians of their legal rights and protections The District has designated the following persons to act as its Immigrant Student Rights Liaisons:

Cheryl Vilardo
Assistant Superintendent For Student Services and Special Programs
*630 - 66th Street*
*Niagara Falls, NY 14304*
*(716) 286-7031*
*CWVilardo@nfschools.net*

Maria Massaro
Administrator for Human Resources
*630 - 66th Street*
*Niagara Falls, NY 14304*
*(716) 286-1260*
*MMassaro@nfschools.net*

**Protection of Student Information and Educational Access**

Restricting the Use of School Resources and Sharing Information

School personnel are prohibited from:

a) Using school resources for immigration enforcement purposes;

b) Disclosing, or threatening to disclose, information or records about actual or perceived citizenship or immigration status of a student or student's family, subject to the exceptions listed below;

c) Inquiring, or collecting information, about a student or student's family's citizenship, immigration status, nationality, or country of origin, subject to the exceptions listed below;

d) Disclosing to employees of an immigration authority personally identifiable information, including name, social security number, physical description, associated addresses, phone number, financial/medical info, place of employment of a student or family, subject to the exceptions listed below;

(Continued)

**SUBJECT: SAFEGUARDING THE RIGHTS OF IMMIGRANT STUDENTS (Cont'd.)**

e) Designating immigration status, citizenship, nationality, or national origin as "directory information";

f) Using registration and enrollment requirements or procedures that have the intent or effect of delaying or denying the enrollment of non-citizen students, including delaying the enrollment and attendance in class of students if they cannot immediately provide all documents required for registration, including proofs of residency and age;

g) Implementing policies, procedures, practices, or actions that have the intent or effect of deterring a student from participating in or denying a student the benefits of programs or activities, or that exclude parents or guardians from participating in parental engagement activities, on account of perceived or actual citizenship or immigration status.

Exceptions to these prohibitions exist where disclosure is required by law, including, but not limited to:

a) Complying with a federal judicial warrant or court order signed by a Federal U.S. District Court or magistrate judge;

b) Administering a public program or benefit requested by the family;

c) Exchanging information regarding an individual's citizenship or immigration status with the United States Department of Homeland Security or any other federal, state, or local governmental entity, in compliance with law.

Restricting Access to School Property

School personnel must not grant or facilitate access to non-public areas of school property or facilities to any immigration authority unless presented with a valid federal judicial search or arrest warrant signed by a federal U.S. District Court or magistrate judge.

Civil immigration warrants, administrative detainers, notices to appear, and other non-judicial documents do not grant sufficient authority to access non-public areas of school property.

Restricting Access to Students

School personnel are prohibited from:

a) Granting permission for or facilitating the release, transfer, surrender, escort of or delivery of a student into the custody of an immigration authority solely because a parent or legal guardian has been arrested, detained, or taken into federal custody, subject to the exceptions listed below;

(Continued)

**SUBJECT: SAFEGUARDING THE RIGHTS OF IMMIGRANT STUDENTS (Cont'd.)**

b) Releasing, transferring, surrendering, escorting, or otherwise delivering a student into the custody of an immigration authority based on a civil immigration warrant, immigration detainer, notice to appear, or other nonjudicial document;

c) Assisting immigration authorities in locating, questioning, or detaining a student, subject to the exceptions listed below;

d) Using an immigration authority as interpreters or translators for any law enforcement matters involving individuals they interact with during the course of their employment duties.

The following exceptions to these prohibitions apply when complying with applicable legal requirements, including:

a) A judicial warrant or court order from a competent state or federal court explicitly authorizing the removal, detention, or assumption of custody of that student by an immigration authority; to exchange information regarding an individual's citizenship or immigration status with the United States Department of Homeland Security or any other federal, state, or local governmental entity, in compliance with law.

b) Valid court orders or judicial warrants issued by an Article III federal judge or a federal magistrate judge (e.g., to locate, question or detain a student);

c) A judicial warrant, court order, or lawful criminal investigation conducted in accordance with applicable New York State criminal law and procedure.

**Reviewing Immigration Authorities' Requests**

In the event the District receives a request from an immigration authority to enter school property or take custody of a student, the Immigration Student Rights Liaisons will:

a) Seek guidance from an attorney for the District before responding to any requests from immigration authorities;

b) Review the request to determine whether they are accompanied by a valid judicial warrant or court order issued by a federal U.S. District Court;

c) Notify the New York State Education Department when the request is made.

**District Response in the Event a Parent or Guardian is Detained**

In the event a parent or guardian of a district student is detained by immigration authorities or fails to pick up a student as scheduled, the District will:

a) Keep the student safely on school premises;

(Continued)

**SUBJECT: SAFEGUARDING THE RIGHTS OF IMMIGRANT STUDENTS (Cont'd.)**

b) Not contact the statewide central register for child abuse and maltreatment unless school personnel have made every reasonable effort to reach all other authorized emergency contacts.

Education Law Section 3201-b

Adoption Date September 10, 2026

**SUBJECT: SCHOOL CENSUS**

In small city school districts, the Board of Education shall constitute a permanent census board in each such city. The Board shall, under its regulations, cause a census of the children in its city to be taken and to be amended from day to day, as changes of residence shall occur among children within the prescribed census age ranges and as other children come within such prescribed age ranges. The census will also account for other children within the prescribed age ranges as they become residents of the city, so that there shall always be on file with the Board of Education a complete census giving the facts and information required pursuant to law. Census data shall be reported as required by law.

The census must indicate the names of all children between birth and eighteen (18) years of age, and of children with disabilities between birth and twenty-one (21) years of age; their respective residences by street and number; the day of the month and the year of their birth; the names of the parents/persons in parental relation to them; such information relating to physical or mental disabilities, to illiteracy, to employment and to the enforcement of the law relating to child labor and compulsory education as the State Education Department and the Board of Education shall require; and also such further information as the Board shall require.

On written request and in such form as prescribed by the Commissioner of Education, the Board shall provide to the Commissioner a report containing the names, ages and addresses of those children who are blind or deaf, and those children having serious physical or mental disabilities. Additionally, such report shall further indicate whether such children are being educated within the public schools of the District or, if they are not, where such education is being furnished to them.

Parents/persons in parental relation to those children within the prescribed census age ranges are to make such reports as the Board of Education shall require, including, but not limited to, providing two (2) weeks before the child reaches compulsory school age, the name of the child; the child's residence; the name of the person or persons in parental relation to the child; the name and location of the school to which the child shall have been or shall be sent as a student; and such other information as required by law or as the Board may require.

A parent, guardian or other person having under his/her control or charge a child between birth and eighteen (18) years of age who withholds or refuses to give information in his/her possession relating to such census data as required by law pertaining to the child; or, in the alternative, gives false information in relation to such census data, shall be liable to and punished by a fine or imprisonment as established by law.

**Count of Immigrant Children and Youth**

As a provision of the federal Title III Part A – English Language Acquisition, Language Enhancement, and Academic Achievement Act under the No Child Left Behind Act of 2001, the U.S. Secretary of Education requires that **all local educational agencies (LEAs)** count the number of "immigrant children and youth" enrolled in the public and nonpublic schools in the geographic area

(Continued)

**SUBJECT: SCHOOL CENSUS (Cont'd.)**

under the jurisdiction of, or served by, the LEA. The results of this count have important implications for the receipt of supplemental federal funds to eligible LEAs in New York State for services to recently arrived immigrant children and youth.

For purposes of this count, the term "immigrant children and youth" shall include those individuals who:

a) Are ages three (3) through twenty-one (21);

b) Were **NOT** born in any state or from the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands; and

c) Have **NOT** been attending schools in any one or more States for more than three (3) full academic years.

Each nonpublic school shall report its data to the public school district in which it is located. It is the responsibility of each public school district to report its immigrant count as well as the counts for all nonpublic schools within its jurisdiction.

In accordance with law, the District shall conduct its survey and submit the information electronically to the New York State Education Department by the specified deadline date. LEAs must also maintain on file a list of the immigrant students counted, their countries of origin, dates of arrival, and the public or nonpublic school in which they are registered as well as copies of the letter to each of the nonpublic schools in its jurisdiction regarding the count.

20 United States Code (USC) Section 6811
Education Law Sections 3240-3243 and 4402(1)(a)
8 New York Code of Rules and Regulations (NYCRR) Section 200.2(a)

NOTE: Refer also to Policy #7650 -- Identification and Register of Children With Disabilities

Adoption Date July 3, 2014

**SUBJECT: STUDENT EVALUATION**

## Placement

Placement within the system, with respect to school, teacher, and grade or special class, shall be at the discretion of the school administration and shall be subject to review and change at any time. In making such decisions, the administrator or School Principal will be guided by performance in class, past records, parent/guardian and teacher recommendations, standardized test scores, and any other appropriate sources of information, but the final decision shall rest with the school administration. Parents may request, in writing, teacher attributes that would best serve their child's learning needs; however, requests for specific teachers will not be honored.

## Promotion and Retention

The procedures to be followed by the staff regarding promotion and retention will be developed by the Superintendent and will be continually evaluated. School Principals may establish written standards for promotion or retention within the school units to which the students are assigned, subject to the guidelines of the Superintendent and the approval of the Board of Education.

## Testing Program

The Board of Education endorses and supports the use of ability, achievement, diagnostic, readiness, interest and guidance tests as part of the total educational process to the degree to which tests help the District to serve its students.

## Alternative Testing Procedures

The use of alternative testing procedures shall be limited to:

a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures shall be specified in a student's Individualized Education Program or Section 504 Accommodation Plan; and

b) Students whose native language is other than English (i.e., English language learners) in accordance with State Education Department Guidelines.

The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

**Reporting to Parents/Guardians**

Parents/guardians shall receive an appropriate report of student progress at regular intervals.

Report cards shall be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Report cards, however, are not intended to exclude other means of reporting progress, such as interim reports, conferences, phone conversations, etc.

When necessary, attempts will be made to provide interpreters for non-English speaking parents/guardians.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Education Law Section 1709(3)
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(g), 117 and 154

**Adopted: July 3, 2014**

**SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED**

The Board of Education assures parents or persons in parental relation who are hearing impaired the right to meaningful access to school initiated meetings or activities pertaining to the academic and/or disciplinary aspects of their children's education. School initiated meetings or activities are defined to include, but are not limited to, parent-teacher conferences, child study or building-level team meetings, planning meetings with school counselors regarding educational progress and career planning, suspension hearings or any conferences with school officials relating to disciplinary actions. The term "hearing impaired" shall include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in School District meetings or activities.

Parents or persons in parental relation shall be notified of the availability of interpreter services to be provided at no charge, provided that a written request is made to the School District within five (5) days of the scheduled event. Exceptions to the time frame request may be made for unanticipated circumstances as determined by the Principal/designee. The District shall also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the District shall appoint an interpreter for the hearing impaired to interpret during the meeting or activity. The District will arrange for interpreters through a District-created list or through an interpreter referral service. The District shall also develop interagency agreements, as appropriate, to ensure that sign language interpreters are provided for eligible parents or persons in parental relation when District students attend out-of-District schools or programs.

In the event that an interpreter is unavailable, the School District shall make other reasonable accommodations which are satisfactory to the parents or persons in parental relation. Examples of what constitutes reasonable accommodations in the event an interpreter cannot be located may include, but are not limited to, the use of:

a) Written communications, transcripts, note takers, etc; and

b) Technology, such as: a decoder or telecommunication device for the deaf, assistive listening devices, and closed or open captioning.

Education Law Section 3230
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(aa)

Adoption Date July 3, 2014

**SUBJECT: RESPONSE TO INTERVENTION (RTI) - A PROBLEM SOLVING APPROACH: ACADEMIC AND BEHAVIOR INTERVENTION**

The Niagara Falls City School District will provide high quality instruction/interventions, at increasing levels of intensity, for all students, especially those who are at risk of demonstrating appropriate progress. The Response to Intervention model will be implemented as a problem-solving team approach that makes data-based decisions about instruction and intervention, identifying specific areas of needs and developing a specific plan of intervention based upon scientific research within a timeline to review data collected. This approach has the basic principles that include: intervening early for all students, using a multi-tiered model of service delivery with a problem solving method, using research-based and scientifically validated intervention of instruction, monitoring progress to inform instructional direction, using data to make educational decisions and using assessment to screen, diagnose and monitor progress. This approach is consistent with the District's strategic goals to exceed and continuously improve learner outcomes. (A pamphlet of questions and answers for parents addressing RTI services is available in the Committee on Special Education Office.)

Using this approach will also result in the consideration of the Special Education classification of Learning Disability only for those students who demonstrate a resistance to intervention.

34 Code of Federal Regulations (CFR) Sections 300.309 and 300.311
Education Law Sections 3208, 4002, 4401, 4401-a, 4402, 4402, and 4410
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(ii), 200.2(b)(7), 200.4(a), 200.4(j)(3)(i),
and 200.4(j)(5)(i)(g)

Adopted: July 3, 2014

**SUBJECT: CLASS RANKING**

**Valedictory Honor Graduate**

a) Unweighted Grade Point Average (GPA) of 94% or higher.

b) Successful completion of at least three (3) Advanced Placement (AP) courses and the completion of the final exams for those courses.

c) A Regents diploma with advanced designation with honors. (This diploma requires students to complete twenty-two [22] units of credit and achieve a 90% average on eight [8] Regents exams.)

**Salutatory Honor Graduate**

a) Unweighted Grade Point Average (GPA) of 92%-93%.

b) Successful completion of at least two (2) Advanced Placement (AP) or college accelerate courses and the completion of the final exams for those courses.

c) A Regents diploma with advanced designation with honors. (This diploma requires students to complete twenty-two [22] units of credit and pass eight [8] Regents exams with a score of 65% or higher.)

**Honor Graduate**

a) Unweighted Grade Point Average (GPA) of 90%-91.9%.

b) A Regents diploma with advanced designation. (This criteria is the same for both Salutatory Honor and Honor Graduates…pass eight [8] Regents exams with a score of 65% or higher.)

**Selecting Graduation Speakers**

Two (2) students from the group of Valedictory Honor Graduates will be selected to speak at the graduation ceremony. All Valedictory Honor Graduates will be given the opportunity to submit an outline of key points for a graduation address to a committee consisting of:

a) The Chief Educational Administrator of Niagara Falls High School

b) The Senior Class Advisors

c) The Senior Class Officers

(Continued)

**SUBJECT: CLASS RANKING (Cont'd.)**

This same committee will interview each of students who submitted an outline and will choose two (2) students to speak at the graduation ceremony.

**Assisting Colleges and Universities with their Admissions Process**

Indicate for college applicants only, a student's class position by quartile (25%, 50%, etc.) or by quintile (20%, 40%, etc.) if requested by the college.

**SUBJECT: PARTICIPATION IN GRADUATION CEREMONIES AND ACTIVITIES**

Any student who has satisfactorily completed all graduation requirements will be permitted to participate in the graduation ceremony and all related graduation activities of his or her graduating class subject to certain exceptions. Students may be prohibited from participating in the graduation ceremony or related graduation activities as a consequence of violating the District's *Code of Conduct*.

The District permits any student to participate in the graduation ceremony and all related graduation activities of his or her high school graduating class, if the student has been awarded a Skills and Achievement Commencement Credential or a Career Development and Occupational Studies (CDOS) Commencement Credential, but has not otherwise qualified to receive a Regents or local diploma. While permitted to participate, these students are not required to participate in the graduation ceremony or related graduation activities of his or her high school graduating class. For purposes of this policy, a student's high school graduating class is the twelfth grade class with which he or she entered into ninth grade.

The District will provide annual written notice of this policy and any related procedures to all students and their parents or guardians.

Education Law § 3204(4-b)
8 NYCRR § 100.2(oo)

Adoption Date 12192019

**SUBJECT: DIPLOMA OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES**

The District will provide students with disabilities appropriate opportunities to earn a diploma or non-diploma high school exiting credential in accordance with Commissioner's regulations. Students with disabilities may be eligible for one or more of the following:

**Diploma Options**

a) Regents Diploma, including with honors, an advanced designation, a career and technical education endorsement, and/or any other designation or endorsement as may be available from time to time.

b) Local Diploma, including with any endorsement as may be available from time to time.

**Existing Credentials Options**

a) Career Development and Occupational Studies (CDOS) Commencement Credential, which may be earned as a supplement to a Regents or local diploma or as a student's only exiting credential.

b) Skills and Achievement Commencement Credential.

Specific requirements and detailed information for each diploma and non-diploma high school exiting credential are specified in the Commissioner's regulations and various guidance materials issued by the New York State Department of Education.

8 NYCRR §§ 100.1, 100.2, 100.5, and 100.6

NOTE: Refer also to Policies #7220 -- Graduation Options/Early Graduation/Accelerated Programs
#7221 -- Participation in Graduation Ceremonies
#7641 -- Transition Services

Adoption Date July 3, 2014 Amended November 15, 2018

**SUBJECT: DUAL CREDIT FOR COLLEGE COURSES**

Students who wish to enroll in college level coursework shall meet all academic, grade level and coursework requirements as set forth by administrative guidelines. Students who have demonstrated intellectual and social maturity may choose to matriculate at any one (1) of the colleges that have a cooperative agreement with our School District. Such opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. Review and approval by the administration are necessary before any college courses may be taken during the school day.

The Board shall not be required to pay tuition and other related costs for those high school students enrolled in college courses.

Adoption Date July 3, 2014

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE**

The School District shall comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, "parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, have a right to inspect and review any and all education records maintained by the School District.

**Education Records**

The term "education records" is defined as all records, files, documents and other materials containing information directly related to a student; and maintained by the education agency or institution, or by a person acting for such agency or institution (34 Code of Federal Regulations (CFR) Section 99.3). This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

In addition, for students who attend a public school district, all records pertaining to services provided under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA. As such, they are subject to the confidentiality provisions of both Acts.

Personal notes made by teachers or other staff, on the other hand, are not considered education records if they are:

a) Kept in the sole possession of the maker;

b) Not accessible or revealed to any other person except a temporary substitute; and

c) Used only as a memory aid.

Additionally FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation and not from the student's education records.

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded.

**Access to Student Records**

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians of students and

(Continued)

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older or who are attending an institution of post-secondary education, student records, and files on students, and to ensure the confidentiality of such records with respect to third parties.

Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information contained in student records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature:

a) Identifies and authenticates a particular person as the source of the electronic consent; and

b) Indicates such person's approval of the information contained in the electronic consent.

**Student Lists**

The distribution of student lists to be used by an individual or group for commercial purposes shall not be allowed. Distribution of these lists for other purposes shall be permitted only with the approval of the Superintendent who shall report same to the Board at its next regular meeting.

**Issuance of Transcripts**

The Board authorizes the issuance of student records in the form of transcripts.

All student records (transcripts and permanent record information) will be issued through the Niagara Falls City School District Resource Office (District Clerk's Office/Records Office) with the assistance of the high school.

A maximum of three (3) transcripts per student will be issued free of charge up to one (1) year after graduation, and any thereafter will be issued at the current rate per copy, payable to the Board of Education.

**Health and Safety Emergency Exception**

School districts must balance the need to protect students' personally identifiable information with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. School districts may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials and medical personnel. A school district's determination that

(Continued)

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

there is an articulable and significant threat to the health or safety of a student or other individuals shall be based upon a totality of the circumstances, including the information available, at the time the determination is made. The school district must record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student's education records are maintained.

**Challenge to Student Records**

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, shall have an opportunity for a hearing to challenge the content of the school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

**Disclosures to Parents of Eligible Students**

Even after a student has become an "eligible student" under FERPA (which is defined as a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education) an educational agency or institution may disclose education records to an eligible student's parents, without the student's consent:

a) If the student is claimed as a dependent for Federal income tax purposes by either parent;

b) In connection with a health or safety emergency;

c) If the student is under twenty-one (21) years of age and has violated an institutional rule or policy governing the use of alcohol or a controlled substance; or

d) If the disclosure falls within any other exception to the consent requirements under FERPA or its Regulations, such as the disclosure of directory information or in compliance with a court order or lawfully issued subpoena.

**Release of Information to the Noncustodial Parent**

The District may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

(Continued)

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

**Release of Information to Another Educational Institution**

The District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the school's annual FERPA notification indicates that such disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, schools must provide a copy of the information disclosed and an opportunity for a hearing.

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232g
34 Code of Federal Regulations (CFR) Part 99

NOTE: Refer also to Policy #7643 -- Transfer Students with Disabilities

Adoption Date 2/23/2012

**SUBJECT: STUDENT DIRECTORY INFORMATION**

The District shall publish an annual public notice informing parents or eligible students (i.e., a student eighteen (18) years of age or older or who is attending an institution of post-secondary education) of the District's definition of directory information, the parent/eligible student's right to refuse the release of student directory information and indication of the time period for their response. (Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.) Following such public notice and a reasonable response period, the District may release such information to an outside group without individual consent.

The Family Educational Rights and Privacy Act (FERPA) defines student directory information as any of the items as indicated in the following list. The Base District will release the following defined directory information as checked below:

- name
- address
- telephone listing
- date and place of birth
- major field of study
- grade level
- participation in sports and activities
- weight and height (for members of athletic teams)
- dates of attendance
- honors, degrees and awards
- email address
- photograph
- name of educational institution previously attended

Directory information **does not** include:

a) A student's social security number; or

b) A student's identification (ID) number, except as provided below.

Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic

systems, or that is displayed on a student ID card or badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user. Parents and eligible students may not, by opting out of disclosure of directory information, prevent a school from requiring a student to wear or present a student identification card or a badge that displays information that may be directory information.

**Customize to District*

Limited Directory Information Disclosure

Limited Directory Information Disclosure means that the District may limit disclosure of its designated directory information to specific parties, for specific purposes, or both. Allowing limited directory information disclosure may permit the District to use student directory information for such limited purposes as school yearbooks, honor roll lists, graduation programs, playbills and other similar uses, without obtaining individual consent. Limiting the disclosure of such information may be beneficial when the District perceives such disclosure as putting students at risk of becoming targets of marketing campaigns, news media or possible victims of criminal acts. The District shall limit its disclosure of its designated directory information as specified in its public notice to parents and eligible students.

Military Recruiter Access

The release of student directory information is not to be confused with the release of names, addresses and telephone listings of eligible students (i.e., a student seventeen (17) years of age or older or in the eleventh grade (or its equivalent) or higher) to Military Recruiters. In compliance with the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB), and the National Defense Authorization Act, the School District shall notify parents that by law it routinely releases this information to Military Recruiters upon request subject to a parents'/eligible students' request not to disclose such information with written parental verification of such request.

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232(g)
34 Code of Federal Regulations (CFR) Part 99

NOTE: Refer also to Policies #7240 – Students Records: Access and Challenge
#7242 -- Military Recruiters' Access To Secondary School Students and Information on Students

Adopted: July 3, 2014

**SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS**

In compliance with the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB); and the National Defense Authorization Act, and in accordance with the Family Educational Rights and Privacy Act (FERPA), the School District shall comply with a request by a Military Recruiter for names, addresses, and telephone listings of eligible students. Eligible student under ESEA and the National Defense Authorization Act is defined as a secondary student who is seventeen (17) years of age or older or in the eleventh grade (or its equivalent) or higher. Under ESEA and the National Defense Authorization Act, parents must be notified that the School District by law routinely discloses students' names, addresses, and telephone listings to Military Recruiters upon request, subject to a parent's/eligible student's request not to disclose such information with written parental verification of such request.

Under FERPA, the School District must provide notice to parents/eligible students of the types of student information that it releases publicly. This type of information, commonly referred to as "directory information," which is released by the District includes - but is not limited to - such items as students' names, addresses, and telephone listings. The notice must include an explanation of a parent's/eligible student's right to request that "directory information" not be disclosed without prior written consent of the parent/eligible student. Eligible student under FERPA is defined as a student eighteen (18) years of age or older or who is attending an institution of post-secondary education.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents/eligible students of the above information is sufficient to satisfy the notification requirements of both FERPA, ESEA and the National Defense Authorization Act. The notification shall advise the parent/eligible student of how to opt out of the public, nonconsensual disclosure of directory information and the disclosure of name, address and telephone listing to Military Recruiters; and shall state the method and timeline within which to do so.

Further, in compliance with the ESEA and the National Defense Authorization Act, the District shall give Military Recruiters the same access to secondary school students as they provide to postsecondary institutions or to prospective employers.

If a parent/eligible student opts out of providing directory information (or any subset of such information) to third parties, the opt-out relating to the student's name, address, or telephone listing applies to requests from Military Recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, the District may not disclose telephone numbers to Military Recruiters.

The Superintendent/designee shall ensure that appropriate notification is provided regarding the opt-out rights prohibiting release of directory information and/or release of name, address and telephone listing to Military Recruiters.

(Continued)

**SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS (Cont'd.)**

Elementary and Secondary Education Act of 1965, Section 9528, 20 United States Code (USC) Section 7908 as amended by the No Child Left Behind Act of 2001
Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232(g)
National Defense Authorization Act Section 544, 10 United States Code (USC) Section 503
34 Code of Federal Regulations (CFR) Section 300.571
Education Law Section 2-a
8 New York Code of Rules and Regulations (NYCRR) Section 3.33

Adoption Date July 3, 2014

Students

**SUBJECT: STUDENT DATA BREACHES**

A student data breach is defined as any instance in which there is an unauthorized release of or access to personally identifiable information (PII) or other protected information of students not suitable for public release.

School districts have a legal responsibility to protect the privacy of education data, including personally identifiable information (PII) of its students. The Family Education Rights and Privacy Act of 1974, commonly known as FERPA, protects the privacy of student education records. Although FERPA does not include specific data breach notification requirements, it does protect the confidentiality of education records and requires districts to record each incident of data disclosure in accordance with 34 CFR 99.32 (a)(1). In addition, under state law, direct notification of parents and/or affected students may be warranted depending on the type of data compromised, such as student social security numbers and/or other identifying information that could lead to identity theft.

The District has implemented privacy and security measures designed to protect student data stored in its student data management systems. These measures include reviewing information systems and data to indentify where personally identifiable information is stored and used; monitoring data systems to detect potential breaches; and conducting privacy and security awareness training for appropriate staff. In the event of an alleged breach, the District will promptly take steps to validate the breach, mitigate any loss or damage, and notify law enforcement if necessary.

The Superintendent will develop and implement regulations for prevention, response and notification regarding student data breaches.

34 CFR 99.32 (a)(1)
Technology Law Sections 202 and 208

NOTE: Refer also to Policies #5672 -- Information Security Breach and Notification
#7240 -- Student Records: Access and Challenge

Adoption Date 1/28/2016

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS**

The Protection of Pupil Rights Amendment (PPRA) governs the administration to students of a survey, analysis, or evaluation that concerns one or more of the following **eight protected areas:**

a) Political affiliations or beliefs of the student or the student's parent/guardian;
b) Mental or psychological problems of the student or the student's family;
c) Sex behavior or attitudes;
d) Illegal, anti-social, self-incriminating, or demeaning behavior;
e) Critical appraisals of other individuals with whom respondents have close family relationships;
f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

**General Provisions**

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of the Family Educational Rights and Privacy Act (FERPA).

The rights provided to parents/guardians under PPRA transfer from the parent/guardian to the student when the student turns eighteen (18) years old or is an emancipated minor under applicable State law.

The School District may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian involvement in areas affecting the in-school privacy of students.

**Annual Parental Notification of Policies/Prior Written Consent/"Opt Out" Provisions**

The School District shall provide for reasonable notice of the adoption or continued use of this policy directly to parents/guardians and eligible students enrolled in the District. At a minimum, the District shall provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the District shall offer an opportunity for parents/guardians to provide written consent or opt their child out of participation in the following activities in accordance with law and the surveys conducted:

a) The administration of **any survey** containing one or more of the **eight protected areas.**

1. **U.S. Department of Education-Funded Surveys: Prior written consent from parents must be obtained** before students are required to submit to the survey.

2. **Surveys funded by sources other than U.S. Department of Education:** Notification may indicate the specific or approximate dates during the school year when surveys will be administered and provide an opportunity for the parent to opt his/her child out of participating upon receipt of the notification.

b) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "*invasive physical examination*" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but *does not include a hearing, vision or scoliosis screening.*

**Specific Notification**

In the event that the District does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it shall "directly" notify, such as through U.S. Mail or e-mail, the parents of students who are scheduled to participate in the specific activities or surveys prior to participation and provide an opportunity for the parent to provide written consent or opt his/her child out of participation in accordance with law and the surveys conducted.

**U.S. Department of Education-Funded Surveys**

In compliance with the Protection of Pupil Rights Amendment (PPRA), the School District is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

The District shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the School District **shall obtain prior written parental/guardian consent** before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning any of the **eight (8) protected areas**.

**Surveys Funded by Sources Other than U.S. Department of Education**

The School District has developed and adopted this Board policy, in consultation with parents/guardians, regarding the following:

a) The right of the parent/person in parental relation to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or

distributed by the school to a student. Requests by parents/guardians to inspect such surveys are to be submitted, in writing, to the Building Principal at least ten (10) days prior to the administration or distribution of any survey. Further, the District shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District.

b) Arrangements shall be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the **eight (8) protected areas**, including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of the **eight protected areas**. Such requests must be submitted by the parent/guardian, in writing, to the Building Principal at least ten (10) days prior to the administration or distribution of any survey.

c) Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (defined by the School District, for the purposes of this policy, as thirty [30] days) after such request is received by the District. Requests shall be submitted by parents/guardians, in writing, to the Building Principal. The *term "instructional material" means* instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). *The term does not include academic tests or academic assessments.*

d) The administration of physical examinations or screenings that the School District may administer to a student.

*Further, this law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.*

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the School District incorporates by reference Board policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.

e) Unless mandated/authorized in accordance with Federal or State law and/or regulation, it is policy of the Board of Education, to **not permit** the collection, disclosure, or use of personal information (the term "*personal information*" is defined as individually identifiable information including a student's or parent/guardian's first and last name; home address; telephone number; or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), *unless otherwise exempted pursuant to law as noted below*. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the Superintendent/designee.

This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.

These requirements **do not apply** to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

a) College or other postsecondary education recruitment, or *military recruitment**;

**Military recruiter access to student information is governed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and the National Defense Authorization Act for Fiscal Year 2002.*

b) Book clubs, magazines, and programs providing access to low-cost literary products;

c) Curriculum and instructional materials used by elementary schools and secondary schools;

d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;

e) The sale by students of products or services to raise funds for school-related or education-related activities;

f) Student recognition programs.

Family Educational Rights and Privacy Act of 1974, as amended by the No Child Left Behind Act of 2001,
20 United States Code (USC) Sections 1232h(b) and 1232h(c)
34 Code of Federal Regulations (CFR) Part 98

NOTE: Refer also to Policies #7121 -- Diagnostic Screening of Students
#7242 -- Military Recruiters' Access to Secondary School Students and Information on Students
#7511 -- Immunization of Students
#7512 -- Student Physicals
#7513 -- Administration of Medication

Adopted: July 3, 2014

**SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION**

A parent of a minor or incapacitated person may designate another person as a person in parental relation to that minor or incapacitated person for certain health care and educational decisions for a period not exceeding 12 months. However, this parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from exercising the same or similar authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation in accordance with this law will not be valid unless both parents have given their consent.

The designation of a person in parental relation must be in writing in the form prescribed by law, and must include specified information as set forth in law for designations of 30 days or less, as well as additional information required for designations of more than 30 days. The designation of a person in parental relation may be presented to any school that requires the designation by either the parent or designee. The designation may specify a period of time less than 12 months for which the designation will be valid unless earlier revoked by the parent in accordance with law. However, a designation specifying a period of more than 30 days must be notarized.

If no time period is specified in the designation, it will be valid until the earlier of:

a) Revocation; or

b) The expiration of 30 days from the date of signature if the designation does not meet the requirements for designations of more than 30 days; or

c) Twelve months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than 30 days.

**Scope of Designation**

A designation made in accordance with this law may specify:

a) The treatment, diagnosis, or activities for which consent is authorized;
b) Any treatment, diagnosis, or activity for which consent is not authorized; or
c) Any other limitation on the duties and responsibilities conveyed by the designation.

**Form of Designation**

Designations in General

A designation of a person in parental relation in accordance with this law must be in writing and include:

a) The name of the parent;
b) The name of the designee;

(Continued)

**SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)**

c) The name of each minor or incapacitated person with respect to whom the designation is made;
d) The parent's signature; and
e) The date of the signature.

The designation may specify a period of time less than 12 months for which the designation will be valid unless earlier revoked by the parent in accordance with Section 5-1554 of General Obligations Law. However, any designation specifying a period of more than 30 days must also conform to the following provisions as set forth in law.

Designations for More Than 30 Days

A designation specifying a period of more than 30 days must also include:

a) An address and telephone number where the parent can be reached;

b) An address and telephone number where the designee can be reached;

c) The date of birth of each minor or incapacitated person with respect to whom the designation is made;

d) The date or contingent event on which the designation commences;

e) The written consent of the designee to the designation; and

f) A statement that there is no prior order of any court in any jurisdiction currently in effect prohibiting the parent from making the designation.

A designation specifying a period of more than 30 days must be notarized.

**Revocation of Designation**

A parent may revoke a designation by notifying, either orally or in writing, the designee or the school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation will also be revoked upon the execution by the parent of a subsequent designation. Revocation by one parent authorized to execute a designation will be deemed effective and complete revocation of a designation in accordance with law.

A designee who receives notification from a parent of any revocation must immediately notify any school to which a designation has been presented. A parent may directly notify the school of the revocation. The failure of the designee to notify the school of the revocation will not make the revocation ineffective.

(Continued)

**SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)**

**Effect of Designation**

a) A designee will possess all the powers and duties of a person in parental relation unless otherwise specified in the designation.

b) A designation will not impose upon a designee a duty to support the child.

c) A designation will not cause a change in the school district of residence of the child for purposes of the Education Law, and during the period of validity of the designation, the child will be presumed to be a resident of the school district in which the parent resided at the time the designation was made.

d) A designation will terminate and be revoked upon the death or incapacity of the parent who signed the designation.

e) The decision of a designee will be superseded by a contravening decision of a parent.

A person who acts based upon the consent of a designee reasonably, and in the good faith belief that the parent has authorized the designee to provide the consent, will not be deemed to have acted negligently, unreasonably, or improperly in accepting the designation and acting upon the consent. However, this person may be deemed to have acted negligently, unreasonably, or improperly if he or she has knowledge of facts indicating that the designation was never given, or did not extend to an act or acts in question, or was revoked.

No provision of General Obligations Law Title 15-A will be construed to require designation of a person in parental relation where the designation is not otherwise required by law, rule, or regulation.

Education Law §§ 2 and 3212
Family Court Act § 413
General Obligations Law Title 15-A
Public Health Law §§ 2164 and 2504

Adoption Date 12/19/2019

**SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION**

A parent of a minor or incapacitated person may designate another person as a person in parental relation to that minor or incapacitated person for certain health care and educational decisions for a period not exceeding 12 months. However, this parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from exercising the same or similar authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation in accordance with this law will not be valid unless both parents have given their consent.

The designation of a person in parental relation must be in writing in the form prescribed by law, and must include specified information as set forth in law for designations of 30 days or less, as well as additional information required for designations of more than 30 days. The designation of a person in parental relation may be presented to any school that requires the designation by either the parent or designee. The designation may specify a period of time less than 12 months for which the designation will be valid unless earlier revoked by the parent in accordance with law. However, a designation specifying a period of more than 30 days must be notarized.

If no time period is specified in the designation, it will be valid until the earlier of:

a) Revocation; or

b) The expiration of 30 days from the date of signature if the designation does not meet the requirements for designations of more than 30 days; or

c) Twelve months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than 30 days.

**Scope of Designation**

A designation made in accordance with this law may specify:

a) The treatment, diagnosis, or activities for which consent is authorized;
b) Any treatment, diagnosis, or activity for which consent is not authorized; or
c) Any other limitation on the duties and responsibilities conveyed by the designation.

**Form of Designation**

Designations in General

A designation of a person in parental relation in accordance with this law must be in writing and include:

a) The name of the parent;
b) The name of the designee;

(Continued)

**SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)**

c) The name of each minor or incapacitated person with respect to whom the designation is made;
d) The parent's signature; and
e) The date of the signature.

The designation may specify a period of time less than 12 months for which the designation will be valid unless earlier revoked by the parent in accordance with Section 5-1554 of General Obligations Law. However, any designation specifying a period of more than 30 days must also conform to the following provisions as set forth in law.

Designations for More Than 30 Days

A designation specifying a period of more than 30 days must also include:

a) An address and telephone number where the parent can be reached;

b) An address and telephone number where the designee can be reached;

c) The date of birth of each minor or incapacitated person with respect to whom the designation is made;

d) The date or contingent event on which the designation commences;

e) The written consent of the designee to the designation; and

f) A statement that there is no prior order of any court in any jurisdiction currently in effect prohibiting the parent from making the designation.

A designation specifying a period of more than 30 days must be notarized.

**Revocation of Designation**

A parent may revoke a designation by notifying, either orally or in writing, the designee or the school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation will also be revoked upon the execution by the parent of a subsequent designation. Revocation by one parent authorized to execute a designation will be deemed effective and complete revocation of a designation in accordance with law.

A designee who receives notification from a parent of any revocation must immediately notify any school to which a designation has been presented. A parent may directly notify the school of the revocation. The failure of the designee to notify the school of the revocation will not make the revocation ineffective.

(Continued)

**SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)**

**Effect of Designation**

a) A designee will possess all the powers and duties of a person in parental relation unless otherwise specified in the designation.

b) A designation will not impose upon a designee a duty to support the child.

c) A designation will not cause a change in the school district of residence of the child for purposes of the Education Law, and during the period of validity of the designation, the child will be presumed to be a resident of the school district in which the parent resided at the time the designation was made.

d) A designation will terminate and be revoked upon the death or incapacity of the parent who signed the designation.

e) The decision of a designee will be superseded by a contravening decision of a parent.

A person who acts based upon the consent of a designee reasonably, and in the good faith belief that the parent has authorized the designee to provide the consent, will not be deemed to have acted negligently, unreasonably, or improperly in accepting the designation and acting upon the consent. However, this person may be deemed to have acted negligently, unreasonably, or improperly if he or she has knowledge of facts indicating that the designation was never given, or did not extend to an act or acts in question, or was revoked.

No provision of General Obligations Law Title 15-A will be construed to require designation of a person in parental relation where the designation is not otherwise required by law, rule, or regulation.

Education Law §§ 2 and 3212
Family Court Act § 413
General Obligations Law Title 15-A
Public Health Law §§ 2164 and 2504

Adoption Date

**SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES**

The parent of a student who has violated any rule or code of conduct of the School District and who was not identified as a student with a disability at the time of such behavior may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and State regulations *if the School District is deemed to have had knowledge (as determined in accordance with law and/or regulations and referenced below) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred*.

**Basis of Knowledge**

The School District shall be deemed to have knowledge that the student had a disability if prior to the time the behavior occurred:

a) The parent of the student has expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services. However, expressions of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;

b) The parent of the student has requested an evaluation of the student in writing; or

c) A teacher of the student, or other District personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel.

**Exception**

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above (i.e., subheading "Basis of Knowledge"):

a) The parent of the student has not allowed an evaluation of the student pursuant to law and/or regulations;

b) The parent of the student has refused services under law and/or regulations; or

c) The student has been evaluated and it was determined that the student is not a student with a disability.

(Continued)

**SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES (Cont'd.)**

**Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability**

If it is claimed by the parent of the student or by School District personnel that the District had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the Superintendent of Schools, Building Principal or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

**Conditions That Apply if There is No Basis of Knowledge**

If it is determined that there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made during the time period in which such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the District shall provide special education and related services in accordance with law and/or regulations.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446, Section 615(k)(5)]
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
8 New York Code of Rules and Regulations (NYCRR) Section 201.5

NOTE: Refer also to Policy #7313 -- Suspension of Students

Adoption Date July 3, 2014

**SUBJECT: ZERO TOLERANCE**

The Board of Education is committed to providing every student in its schools the physical environment within which to study, learn and grow to the best of his/her ability and recognizes the right of every student and every member of the school staff to expect that he/she may go about his/her business any place on the school premises in an atmosphere that is orderly, safe and conducive to his/her putting forth best efforts.

The Board of Education has determined that the tolerance level for misconduct of any nature that threatens the safe and orderly environment of our schools is zero. The Board expects that appropriate disciplinary action will be taken should such misconduct arise, to the extent that any student, found to be acting in a violent or threatening manner, to staff or other students, on or near school property, will be immediately subject to disciplinary action.

This policy is intended to supplement the current Board policy concerning discipline of students and is to be distributed to all personnel and posted in appropriate places. This policy will also be placed in Niagara Falls City School District discipline handbook entitled "Regulations for Implementing Board Policies on School Discipline Codes in the Niagara Falls Public Schools."

Adoption Date July 3, 2014

**SUBJECT: USE OF INTERNET-ENABLED DEVICES DURING THE SCHOOL DAY**

The District consulted with local stakeholders including employee organizations representing each bargaining unit, parents, and students to develop this policy to prohibit the use of Internet-enabled devices by students during the school day on school grounds. This policy aims to ensure that students remain focused on their academic responsibilities throughout the school day, which includes all instructional and non-instructional periods such as homeroom, lunch, recess, study halls, and passing time.

For purposes of this policy, the following definitions apply:

a) "Internet-enabled devices" means and includes any smartphone, tablet, wearable technology, (ie smartwatch, wireless earbuds) or other device capable of connecting to the Internet and enabling the user to access content on the Internet, including social media applications;

"Internet-enabled devices" does not include:

1. Non-Internet-enabled devices such as cellular phones or other communication devices not capable of connecting to the Internet or enabling the user to access content on the Internet; or

2. Internet-enabled devices supplied by the District, charter school, or Board of Cooperative Educational Services (BOCES) that are used for an educational purpose.

b) "School day" means the entirety of every instructional day as required by subdivision 7 of the Education Law Section 3604 during all instructional time and non-instructional time, including but not limited to homeroom periods, lunch, recess, study halls, and passing time.

c) "School grounds" means in or on or within any building, structure, athletic playing field, playground, or land contained within the real property boundary line of a district elementary, intermediate, junior high, vocational, or high school, a charter school, or a BOCES facility.

Students are generally prohibited from using Internet-enabled devices during the school day anywhere on school grounds.

However, students may be authorized to use an Internet-enabled device during the school day on school grounds:

a) If authorized by a teacher, principal, or the District for a specific educational purpose;

b) Where necessary for the management of a student's health care;

(Continued)

**SUBJECT: USE OF INTERNET-ENABLED DEVICES DURING THE SCHOOL DAY (Cont'd.)**

c) In the event of an emergency;

d) For translation services;

e) On a case-by-case basis, upon review and determination by a school psychologist, school social worker, or school counselor for a student caregiver who is routinely responsible for the care and well-being of a family member; or

f) Where required by law.

Students must be permitted to use an Internet-enabled device where the use is included in the student's:

a) Individualized Education Program (IEP); or

b) Section 504 Plan.

**On-Site Storage of Internet-Enabled Devices Including Cell Phones**

Students must store their Internet-enabled devices in designated on-site storage areas during the school day.

In grades Pre-k through 6, on-site storage areas may include, but are not limited to, student lockers, cubbies, storage bins in classrooms, or any other designated secure storage areas in the school's main office.

In grades 7-12 students will be placing internet enabled devices into secure, sealable bags designed to store and restrict access to such internet enabled devices. These bags will be stored in on-site storage areas which may include, but are not limited to, student lockers, or any other designated secure storage areas in an administrative office, or the school's main office. Any internet enabled devices and/or wearable technology that is too large to fit into a secured sealable storage bag must be stored in student lockers, or other designated secure storage areas in the school.

Students in grades 7-12 may also be permitted to carry these bags with them throughout the day, provided they do not attempt to open the bag and utilize their devices without permission or exemption as stated in this policy.

Designated on-site storage areas as noted in this policy are easily accessible to students, and provide adequate security to ensure the safekeeping of the student's devices.

The District will communicate the procedures for storing and retrieving devices, ensuring that students understand their responsibilities in using the on-site storage facilities provided.

**SUBJECT: USE OF INTERNET-ENABLED DEVICES DURING THE SCHOOL DAY (Cont'd.)**

**Methods for Parents to Contact Students During the School Day**

To accommodate necessary communication, parents or persons in parental relation may use the following methods to contact their student during school hours while adhering to this policy:

a) School Office, School Clinic, School Classroom Phones: Parents or persons in parental relation may call the school's main office, clinic or classroom and the staff can relay messages to the student or call the student to the phone to speak with their parent or person in parental relation.

b) District Email: Parents and persons in parental relation may use the District email system to send messages. These emails may be monitored by school staff who can then pass the messages on to the students.

c) School Public Address System: In case of an emergency, the school's main office can use the classroom public address system to notify students directly or ask them to come to the office.

d) District Auto Dialer System: In case of an emergency, a school or the District can use the auto dialer system to contact parents and provide information or ask them to come to the school.

d) School Messaging Application: The District uses a secure messaging application which allows parents or persons in parental relation to send messages to their student. The messages can be monitored and delivered by school staff.

e) Written Notes: Parents or persons in parental relation can drop off written notes at the school's main office, which can then be delivered to the student by school staff.

Parents and persons in parental relation will be notified in writing of the methods that are available for contacting their student during school hours upon enrollment and at the beginning of each school year.

**Student Discipline for Accessing Internet-Enabled Devices During the School Day**

The District is prohibited from suspending a student solely for accessing Internet-enabled devices in violation of this policy.

The District will adhere to the following progressive discipline procedure for students who violate this policy:

First Infraction: Student will receive a warning, and will be provided with a copy of the policy for review.

Second Infraction: Immediate confiscation of the device. The device will be held for the day and will be returned to the identified owner by the main office and/or the dean's office at the conclusion of the school day. The Parent or person in parental relation will be notified, and informed regarding penalties for further infractions.

**SUBJECT: USE OF INTERNET-ENABLED DEVICES DURING THE SCHOOL DAY (Cont'd.)**

Third Infraction: Immediate confiscation of the device. The parent or person in parental relation will be notified and informed regarding the penalty for a further infraction. The device will be held by the school in a secure location and will be only be returned to the parent or person in parental relation by the main office and/or the dean's office upon their request and retrieval.

Fourth Infraction: The student will no longer be permitted to bring the device to school to store in the secured bag. Should the student bring the device to school, it will be confiscated and held by the school in a secure location for the remainder of the school year. Return to a parent or person in parental relation will be determined through review on a case by case basis by the Superintendent or designee.

**Posting and Translation of Policy**

The District will post this policy in a clearly visible and accessible location on its website. Translations of the policy into the 12 most common non-English languages spoken by limited-English proficient individuals in the state will be provided upon request by a student or other persons in parental relation to a student.

**Reporting and Mitigation Action Plan**

Beginning September 1, 2026 and annually thereafter, the District will publish an annual report on its website detailing enforcement of this policy within the District in the prior school year. This report will include non-identifiable demographic data of students who have faced disciplinary action for non-compliance and analysis of any demographic disparities in enforcement of this policy. If a statistically significant disparate enforcement impact is identified, the report will include a mitigation action plan.

Education Law Section 2803

Adoption Date 07312025

**SUBJECT: LAPTOP COMPUTER DISTRIBUTION, USE AND COLLECTION**

The Niagara Falls City School District believes the primary purpose of the public schools of Niagara Falls is to educate children. Basic to the educative process is the ability of all children to communicate easily and accurately to the best of their ability. The School District further believes that an important ingredient of the instructional program is for all students to receive and have equal access to technology hardware that is essential to the development of lifelong communication skills necessary for success in the global community.

In recognition of the potential of technology hardware to support District curriculum and student learning, students enrolling in Niagara Falls City School District may be issued a computer device to assist with educational studies and to promote proficiency in the use of technology tools.

The Board of Education recognizes the need to adopt procedures to be utilized to facilitate laptop computer distribution, use and collection.

Adopted: July 3, 2014

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)**

The Board of Education recognizes that the misuse of drugs, alcohol and/or tobacco is a serious problem with legal, physical, emotional and social implications for the entire community. Therefore, the consumption, sharing and/or selling, use and/or possession of alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any school-sponsored function, on school grounds and on school buses at all times. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed.

Persons shall be banned from entering school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances. A school-sponsored function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

In accordance with Penal Law Section 220.00 for purposes of controlled substances offenses:

a) "School grounds" means (a) in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of the District' s schools, or (b) any area accessible to the public located within one thousand (1,000) feet of the real property boundary line comprising any such school or any parked automobile or other parked vehicle located within one thousand (1,000) feet of the real property boundary line comprising any District school. An "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

b) "School bus" means every motor vehicle owned by the District and operated for the transportation of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

Through the collaborative efforts of staff, students, parents/guardians and the community as a whole, a comprehensive program shall be developed addressing alcohol, tobacco, drugs, and other substances to include the following elements:

**Primary Prevention**

Preventing or delaying alcohol, tobacco, drugs, and other substance use/abuse by students shall be the major focus of a comprehensive K through 12 program in which proactive measures of prevention and early intervention are emphasized. This program shall include:

a) A sequential K through 12 curriculum based on recognized principles of effectiveness that is developed and incorporated into the total educational process. This curriculum shall be concerned with education and prevention in all areas of alcohol, tobacco, drugs, and other substances use/abuse;

b) Training school personnel and parents/guardians to reinforce the components of the policy through in-service and community education programs with up-to-date factual information and materials;

c) An effort to provide positive alternatives to alcohol, tobacco, drugs, and other substances use/abuse through the promotion of drug/tobacco/alcohol-free special events, service projects and extracurricular activities that will develop and support a positive peer influence.

**Intervention**

School-based intervention services shall be made available to all students, grades K through 12, and provided by prevention professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol, tobacco, drugs, and other substances and to identify students considered to be at risk for use/abuse. Intervention programming shall include:

a) Counseling of students in groups and as individuals on alcohol, tobacco, drugs, and other substance use/abuse. Counselors shall be appropriately trained and skilled school staff assigned for this purpose;

b) Referring students to community or other outside agencies when their use/abuse of alcohol, tobacco, drugs, and other substances requires additional counseling or treatment. Referral is a key link in school and community efforts and the process is basic to the dissemination of information regarding available counseling and health services;

c) Providing a supportive school environment designed to continue the recovery process for students returning from treatment. A re-entry program may include continuing student and/or family counseling and emphasizing positive alternatives to alcohol, tobacco, drugs, and other substance use/abuse;

d) Developing a parent network to serve as a support group and provide a vehicle of communication for parent education;

e) Ensuring confidentiality as required by state and federal law.

**Disciplinary Measures**

Disciplinary measures for students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer

drugs, or paraphernalia for the use of such drugs shall be outlined in the *District's Code of Conduct on School Property*.

**Staff Development**

There shall be ongoing training of District staff about the components of an effective alcohol, tobacco and other substances program. Training shall include, but not be limited to, District policies and regulations and the staff's role in implementing such policies and regulations. Teachers shall be trained to implement the District's K through 12 alcohol, tobacco, drugs and other substance prevention curricula; intervention staff shall be suitably trained to carry out appropriate services.

**Implementation, Dissemination and Monitoring**

It shall be the responsibility of the Superintendent to implement the alcohol, tobacco, drugs, and other substances Board policy by collaboration with school personnel, students, parents/guardians and the community at large.

Additionally, copies of Board policy shall be disseminated to District staff, parents/guardians and community members. The Superintendent/designee shall periodically review the tobacco, drugs and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Safe and Drug-Free Schools and Communities Act, as reauthorized by the No Child Left Behind Act of 2001
20 United States Code (USC) Section 7101 et seq.
Education Law Section 2801(1)
Penal Law Sections 70.70(2)(a)(i) and 220.00(17)
Vehicle and Traffic Law Section 142

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials and Equipment
#3410 -- Code of Conduct on School Property
#5640 -- Smoking/Tobacco Use
#8211 -- Prevention Instruction
*District Code of Conduct on School Property*

ADOPTED February 23, 2012

**SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS**

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband/prohibited items seized on school grounds or in a school building by an authorized School District official (as designated below) only when the School District official has reasonable suspicion to believe the student has engaged in or is engaging in proscribed activity which is in violation of the law and/or the rules of the school (i.e., the District Code of Conduct).

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

a) The age of the student;
b) The student's school record and past history;
c) The predominance and seriousness of the problem in the school where the search is directed;
d) The probative value and reliability of the information used as a justification for the search;
e) The school official's prior knowledge of and experience with the student; and
f) The urgency to conduct the search without delay.

The Superintendent, Building Principals, Assistant Principals, and School Nurse are authorized to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will produce evidence that the student has violated or is violating the law and/or the Code of Conduct.

If reasonable suspicion exists to believe that a student has violated or is violating the law and/or school rules, it is permissible for an authorized school official to search that student's outer clothing, pockets, or property. The search may include, but is not limited to, the student's outer clothing such as a jacket or coat, pockets, backpack, and/or purse. Searches will be conducted by a staff member of the same sex as the student. Whenever possible, another staff member, also of the same sex, will be present as a witness.

**Strip Searches**

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. Strip searches are intrusive in nature and are not permissible. If school authorities believe there is an emergency situation that could threaten the safety of others, the student shall, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.

**Searches and Seizure of School Property**

Student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces loaned by the school to students remain the property of the school, and may be opened and inspected by school employees at any time. Students have no reasonable expectation of privacy with respect to school property; and school officials retain complete control over such property. This means that student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces may be subject to

search and/or seizure of contraband/prohibited items at any time by school officials, without prior notice to students and without their consent.

**Questioning of Students by School Officials**

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

**Law Enforcement Officials**

It shall be the policy of the School District that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions.

**Interrogation of Students by Law Enforcement Officials**

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations or general questions regarding crimes committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the student's parent/guardian.

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/guardian.

If possible, questioning of a student by police should take place in private and in the presence of the Building Principal/designee.

**Child Protective Services' Investigations**

From time to time, Child Protective Services may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The Board encourages cooperation with Child Protective Services in accordance with applicable Social Services Law.

Education Law Sections 1604(9), 1604(30), 1709(2), 1709(33) and 2801
Family Court Act Section 1024
Social Services Law Sections 411-428
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)

NOTE: Refer also to Policy #7331 -- Canine Narcotics Searches

Adopted: July 3, 2014

**SUBJECT: CANINE NARCOTICS SEARCHES**

The Board of Education of the Niagara Falls City School District recognizes that all individuals in our society, including students in public schools, have certain guaranteed rights and freedoms. The Board of Education is determined to safeguard these rights while providing every student in its schools the physical environment within which to study, learn and grow to the best of his/her ability. So as to provide a safe and orderly environment, the Board of Education has decided that freedom in each school may be reasonably restricted so as to protect the right of every student and every member of the school staff to expect that he/she may go about his/her business any place on the school premises in an atmosphere that is orderly, safe and conducive to his/her putting forth best efforts.

The Board of Education is aware of increasing drug use and abuse by our nation's youth. The Board is committed to the prevention of alcohol, tobacco and other substance use/abuse by students in its schools. This Board of Education expressly forbids all employees, students, non-employee volunteers or any other persons that work subject to the control of school authorities as well as all visitors to school buildings, from using, possessing, selling or distributing alcohol, drugs or drug paraphernalia in any form on school property, in school buildings, or at school sponsored events, except drugs as prescribed by a physician.

The Board of Education is aware that canine searches provide a useful tool in the battle to keep schools free from drugs. This canine narcotics detection policy is promulgated as a means of more efficiently preventing the use, possession, sale or distribution of drugs in schools by deterring individuals from bringing drugs and/or drug paraphernalia into schools.

The Board of Education will implement the procedures put forth in this policy when, in the opinion of the Superintendent of Schools or designee, the procedures are necessary for the maintenance of a safe and drug free environment in the schools.

This policy is intended to supplement not supplant the current Board policies concerning use/abuse of alcohol and other substances and searches and seizures of students and is to be distributed to all personnel and posted in appropriate places. This policy will also be placed in the Niagara Falls City School District discipline handbook entitled "Regulations for Implementing Board Policies on School Discipline Codes in the Niagara Falls Public Schools."

Adopted: July 3, 2014

**SUBJECT: BUS RULES AND REGULATIONS**

The Niagara Falls City School District furnishes transportation to those students whose disability or distance from the school make the service essential. Except as otherwise mandated in a student's Individualized Education Program (IEP), riding these buses is a privilege and may be withdrawn if the student does not comply with the rules and regulations set forth in this District.

Bus drivers shall be held responsible for reasonable and acceptable behavior of students while riding the school bus. Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely.

The Board of Education, the Superintendent and/or his/her designee has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. Generally, parent(s)/guardian(s) will be required to make alternative transportation arrangements for their children who have been suspended from riding the bus. However, the effect of a suspension from transportation on the student's ability to attend school will be considered. If a suspension from transportation effectively results in a suspension from attendance because of the distance between the home and the school and the absence of alternative public or private means of transportation, the District shall make appropriate arrangements to provide for the student's education.

If a student with a disability who receives transportation as a related service as part of his/her Individualized Education Program is being considered for suspension from transportation, and that suspension would effectively result in a change in placement, the student shall be referred to the Committee on Special Education.

The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from transportation privileges. These rules and regulations shall be promulgated to all concerned, including the nonpublic schools to which students are transported.

Individuals with Disabilities Act (IDEA), 20 United States Code (USC) Sections 1400-1485
8 New York Code of Rules and Regulations (NYCRR) Section 156

Adoption Date July 3, 2014

**SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS**

**Corporal Punishment**

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this School District.

Whenever a school employee uses physical force against a student, the school employee shall immediately report the situation to his/her Principal/Supervisor. The Principal/Supervisor shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Niagara Falls City School District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

**Emergency Interventions**

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

a) Self-protection;

b) Protection of others;

c) Protection of property; or

d) Restraining/removing a disruptive student.

Such emergency interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

Staff who may be called upon to implement emergency interventions will be provided appropriate training in safe and effective restraint procedures. The parent(s) of the student shall be notified whenever an emergency intervention is utilized.

The District will maintain documentation on the use of emergency interventions for each student including:

a) Name and date of birth of student;

(Continued)

**SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS (Cont'd.)**

b) Setting and location of the incident;

c) Name of staff or other persons involved;

d) Description of the incident and emergency intervention used, including duration;

e) A statement as to whether the student has a current behavioral intervention plan; and

f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by District supervisory personnel and, if necessary, by the school nurse or other medical personnel.

8 New York Code of Rules and Regulations (NYCRR) Sections 19.5, 100.2(l)(3), 200.15(f)(1) and 200.22(d)

NOTE: Refer also to Policies #7313 -- Suspension of Students

Adoption Date July 3, 2014

**SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT**

**Weapons in School**

The possession of a weapon on school property, in District vehicles, in school buildings, or at school sponsored activities or settings under the control and supervision of the District regardless of location, is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any school building must have written authorization of the Superintendent of Schools or his/her designee.

Any and all determinations of what constitutes a "weapon" for the purposes of this policy shall be made in accordance with relevant provisions of the Penal Law of the State of New York.

**Specific Penalties Imposed by the Gun-Free Schools Act**

No student shall bring or possess any "firearm" as defined in federal law on school premises (including school buildings and grounds, District vehicles, school settings and/or school sponsored activities under the control and supervision of the District regardless of location). For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices). The term does not include a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks.

In accordance with the Gun-Free Schools Act and Education Law Section 3214(3)(d), any student who brings or possesses a dangerous weapon or firearm, as defined in federal law, on school property, will be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Family Court Act Article 3 when the student is under the age of sixteen (16) except for a student fourteen (14) or fifteen (15) years of age who qualifies for juvenile offender status under the Criminal Procedure Law, and will be referred by the Superintendent to the appropriate law enforcement officials when the student is sixteen (16) years of age or older or when the student is fourteen (14) or fifteen (15) years of age and qualifies for juvenile offender status under the Criminal Procedure Law. For purposes of this policy, the term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches (2 1/2") in length.

In addition, any student attending a District school who has been found guilty of bringing a firearm to or possessing a firearm on school property, after a hearing has been provided pursuant to Education Law Section 3214, shall be suspended for a period of not less than one (1) calendar year

(Continued)

**SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont'd.)**

and any student attending a non-district school who participates in a program operated by the School District using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to or possessed a firearm at a District school or on other premises used by the School District to provide such programs shall be suspended for a period of not less than one (1) calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-district school. Further, after the imposition of the one (1) year penalty has been determined, the Superintendent of Schools has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one (1) year suspension penalty, the Superintendent may modify the penalty based on factors as set forth in Regulations of the Commissioner of Education Section 100.2 and in Commissioner's Decisions. The determination of the Superintendent shall be subject to review by the Board of Education in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 310.

Student with a Disability

Pursuant to Commissioner Regulations, a student with a disability who is determined to have brought a weapon (including a firearm) to school or possessed a weapon (including a firearm) at school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than forty-five (45) calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement. For more information regarding Interim Alternative Educational Settings (IAES), refer to Policy #7313 -- Suspension of Students.

However, a student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the Individuals with Disabilities Education Act (IDEA), determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the Superintendent must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

The District may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.

(Continued)

**SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont'd.)**

The District may also seek a court order to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

Students with disabilities continue to be entitled to all rights enumerated in the Individuals with Disabilities Act and Education Law Article 89; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

This policy does not prohibit the District from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of five days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school. Additionally, this policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

The District will continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001
18 United States Code (USC) Sections 921(a) and 930
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC)
Sections 1400-1485 and 7151
Criminal Procedure Law Section 1.20(42)
Education Law Sections 310, 809-a, 3214 and Article 89
Family Court Act Article 3
Penal Law Sections 265.01-265.06
8 New York Code of Rules and Regulations (NYCRR) Section 100.2 and Part 200

NOTE: Refer also to Policies #3411 -- Unlawful Possession of a Weapon Upon School Grounds

Adoption Date July 2, 2015

**SUBJECT: EXTRACURRICULAR ACTIVITIES**

Any organization within the District whose activities are conducted by students, and whose financial support is raised other than by taxation or though charges of the Board, is an extraclassroom activity (ECA). All ECAs must be approved by the Board. The Superintendent or designee will maintain an up-to-date register of all ECAs that are approved or discontinued. The District will develop detailed procedures for the establishment of ECAs.

The Board may adopt rules and regulations to abolish and/or prohibit any fraternity, sorority, or other secret society in any secondary school in the District provided that the Board has found that the fraternity, sorority, or secret society has, by virtue of its activities, caused or created a disruption of or interference with the academic process of any secondary school within the District or caused or created a disruption of the academic process of any individual student or students in any secondary school within the District.

**Eligibility for Attendance**

Student participation in extracurricular activities is a privilege. Students must abide by the academic standards and standards of conduct for participation in extracurricular activities as established by the Board and outlined in the District's *Code of Conduct* and/or any other applicable document.

**Censorship of School-Sponsored Student Publications and Activities**

The District may exercise editorial control over the style and content of student speech in school-sponsored publications and activities that are part of the educational curriculum.

**Limited Open Forum**

The District maintains a limited open forum where one or more noncurricular related secondary student groups meet on District premises during noninstructional time. The District will not deny equal access or a fair opportunity to, or discriminate against these groups on the basis of the religious, political, philosophical, or other content of the speech at those meetings.

To provide a fair opportunity to students who wish to conduct a meeting, the District will ensure that:

a) The meeting is voluntary and student-initiated;

b) There is no sponsorship of the meeting by the District, the government, or its agents or employees;

c) Employees or agents of the District or government are present at religious meetings only in a nonparticipatory capacity;

(Continued)

**SUBJECT: EXTRACURRICULAR ACTIVITIES (Cont'd.)**

d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the District; and

e) Non-District persons may not direct, conduct, control, or regularly attend activities of student groups.

However, the District, its agents, and its employees, retain the authority to:

a) Ban unlawful groups;

b) Maintain order and discipline on District premises;

c) Protect the well-being of students and employees;

d) Assure that attendance of students at meetings is voluntary; and

e) Restrict groups that materially and substantially interfere with the orderly conduct of educational activities.

20 USC §§ 4071-4074
Education Law §§ 1709-a, 2503-a, and 2554-a
8 NYCRR Part 172
NYSED Finance Pamphlet, The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds, Revised 2019

Adoption Date 2/27/2020

**SUBJECT: CENSORSHIP OF SCHOOL SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES**

The District may exercise editorial control over the style and content of student speech in school sponsored publications and activities that are part of the educational curriculum.

Adoption Date July 3, 2014

**SUBJECT: STANDARDS FOR ACADEMIC ELIGIBILITY TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES**

One of the basic goals of the Niagara Falls School District is that of academic achievement. The School District seeks to motivate all students to perform at the highest possible level. Toward that goal, it is important and very relevant that all students understand and be aware of the significance of maintaining high academic standards. Students will be required to maintain certain standards for academic eligibility to participate in extracurricular activities.

The following guidelines have been established for the School District of Niagara Falls:

a) All students are required to pass four (4) units, plus physical education, at the 10-, 20-, 30-, and 40-week marking periods in order to be eligible to participate in extracurricular activities.

b) All students must be present in school on the day of the scheduled activity.

There are no appeals to this eligibility process.

Extracurricular activities are those activities under the direction and organization of the Niagara Falls City School District that are conducted outside of the regular curricular program.

The advisors of the extracurricular activities program will have the responsibility to monitor the eligibility of the activity that he/she advises. At the end of each marking period, the academic records of each student (marks, attendance and work habits) will be reviewed by the advisor of each activity in each school to determine the eligibility of the student. The advisor will submit to the respective Building Principal the names of the eligible students in his/her program.

The advisor will also submit to the respective Building Principal a list of ineligible students.

Adoption Date: 7/3/2014

**SUBJECT: SPORTS AND THE ATHLETIC PROGRAM**

Athletics are an integral part of a well-balanced educational program. Therefore, the Board supports within its resources a broad sports program with equal access for both males and females, with an emphasis on maximum participation, through interscholastic and intramural activity. The District will comply with recommendations from the U.S. Department of Education's Office for Civil Rights (OCR) regarding Title IX equal opportunity for males and females in the District's total athletic program regarding any of the following factors which may be applicable:

a)The nature and extent of the sports program to be offered (including the levels of competition, such as varsity, junior varsity, modified or club, etc.);

b)The provision of equipment and supplies;

c)The scheduling of games and practice time;

d)The provision of travel and per diem allowances;

e)The nature and extent of the opportunity to receive coaching and academic tutoring;

f)The assignment and compensation of coaches and tutors;

g)The provision of locker rooms, practice and competitive facilities;

h)The provision of medical and training facilities and services;

i)The provision of housing and dining facilities and services; and

j)The nature and extent of support, publicity and promotion including cheerleading, bands, published programs distributed at games, and booster club activities.

The interscholastic athletic program shall conform to the Regulations of the Commissioner of Education as well as the established rules of the New York State Public High Schools Athletic Association and the State Education Department.

Eligibility for interscholastic athletic competition requires that the students:

a) Provide written parental/guardian consent;

b) Pass satisfactorily the medical examination administered by the school physician/nurse practitioner. The school physician/nurse practitioner retains final approval on all physicals; and

c) Meet the requirements for interscholastic competition as set forth by the Commissioner's Regulations and the New York State Public High School Athletic Association.

**Booster Clubs**

The School District has a responsibility under Title IX to ensure that boys' and girls' programs are provided with equivalent benefits, treatment, services and opportunities regardless of their source. When determining equivalency, benefits, services and opportunities attained through the use of private funds (e.g., "booster clubs"), such funds are considered in combination with all benefits, services and opportunities.

Private fundraising, including student-initiated fundraising, is permissible under Title IX. Further, compliance with Title IX does not mean that teams must "share" proceeds from fundraising activities. It does, however, place a responsibility on the District to ensure that benefits, services, treatment and opportunities overall, regardless of funding sources, are equivalent for male and female athletes.

In accordance with OCR, in order for the District to be in continuing compliance with Title IX requirements, the District must assure that services, benefits and opportunities in its athletic programs are provided on an equivalent basis to both boys and girls, including those services, benefits and opportunities that are provided through the use of outside financial assistance such as donations, fundraising by coaches, and booster clubs.

**Athletic Placement Process for Interscholastic Athletic Programs**

The Board approves the use of the **Athletic Placement Process for Interscholastic Athletic Programs** for all secondary school interscholastic team members. The Board directs the Superintendent to implement the procedures and maintain a file of those students deemed eligible as a result of those procedures.

**Student Athletic Injuries**

No student should be allowed to practice or play in an athletic contest if he/she is suffering from an injury. The diagnosis of and prescription of treatment for injuries is strictly a medical matter and should under no circumstances be considered within the province of the coach. A coach's responsibility is to see that injured players are given prompt and

competent medical attention, and that all details of a doctor's instructions concerning the student's functioning as a team member are carried out. No student will be allowed to practice or compete if there is a question whether he/she is in adequate physical condition.

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

**Athletic Program - Safety**

The District will take reasonable steps to see that physical risks to students participating in the interscholastic athletic program shall be kept at a minimum by:

a)Requiring medical examinations of participants;

b)Obtaining appropriately certified and/or licensed officials to coach all varsity, junior varsity, and modified games; and

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

**Student-Faculty Athletic Events**

Student-faculty athletic events will be permitted upon approval by the Superintendent.

Such events will be held in accordance with the policies of the New York State Public High School Athletic Association, the Niagara Falls School District, regulations pertaining to the community use of school facilities, and additional conditions and requirements as deemed necessary by the Superintendent.

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

Adopted: September 24, 2015

Students

NF/EB

**SUBJECT: SINGLE EYE RESOLUTION: GUIDELIINES FOR PHYSICAL EDUCATION AND SPORTS PARTICIPATION**

The loss of one of a paired organ, such as a single or functionally single eye, carries certain inherent risks associated with morbidity and mortality to the patient and liability to the School District and health care providers, in the event of damage to the remaining organ. Therefore, the School District of the City of Niagara Falls will adopt the following guidelines for students who have single eye resolution. These guidelines are medical standards developed for the safety of students. These standards and guidelines have been set by the following organizations and publications:

a) Committee on School Health and Sports Medicine of the Monroe County Medical Society and the American Academy of Pediatrics of Pediatrics NY Chapter 1.

b) New York State Education Department Guidelines for Health Related Aspects of the Physical Education Program.

c) *"Preparticipation Physical Evaluation"*, second Edition, *The Physician and Sports Medicine*.

d) American Academy of Ophthalmology, *"Joint Policy Statement"* with the American Academy of Pediatrics.

There must be a clear understanding and sharing of responsibility involving any District student with functionally one (1) eye who participates in physical education and all sports programs.

The student, athlete, parents, School District staff and health care providers must clearly understand and put in writing, using District designated forms, what the limits of responsibility will be.

The students and parents must be well informed of the potential long-term consequences of losing the better eye.

The school nurse is responsible for the following:

a) Performing the vision screening on all students and using the New York State Education Department Guidelines for referrals. Any failures will be

reported to the parents or guardians on the *Vision Screening Referral Form (J-6)*.

b) Reviewing the completed J-6, and if glasses are prescribed, rescreening the student with the new lenses and/or glasses. **All children whose vision in the poorer eye is worse than 20/40 with optical correction are functionally one-eyed**. Other children to be considered functionally one eyed include those children with a history of retinal detachment, previous serious ocular injury, or previous serious ocular surgery. The children's ophthalmologist would determine these conditions and which would warrant special considerations similar to that of a functionally one-eyed child.

c) Notifying, verbally and in writing, (using the school Confidential List), the student's teachers, and especially the physical education teachers.

d) Coordinating with the eye specialist, parents, physical education teacher, coaches, and student, the need for protective lenses (polycarbonate lenses) in sturdy frames and in some cases the use of protective lenses and ASTM-approved eye protector.

e) The only sports in which the one-eyed athlete absolutely should not participate are boxing, martial arts and wrestling. This is because of the absence of effective eye protection for these sports.

f) Any issues or concerns will be reported to the District Medical Office for review. Final decisions rest with the District Medical Director.

Procedures have been developed to implement the terms of this policy and to establish standards for the safety of students.

Adopted: July 3, 2014

**SUBJECT: CONTESTS FOR STUDENTS, STUDENT AWARDS AND SCHOLARSHIPS**

**Contests for Students**

Distribution of educational material, essay contests, and poster contests must be approved in advance by the School Principals if the sponsoring organization wishes to involve students in the project on school time. Samples of informational material should accompany the request. Upon the judgment of the Principal, the request may be forwarded to the Superintendent and the Board of Education for approval.

**Student Awards and Scholarships**

The School District may obtain and award to its students awards and scholarships. The Board of Education, having been entrusted by law, will hold in trust gifts, grants, bequests and legacies given or bequeathed to the Niagara Falls City School District and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

Education Law Sections 1604(30), 1709(12-a) and 2503(1)

Adopted: July 3, 2014

Adoption Date

Students

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

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

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

a) Encouraging voter registration and pre-registration at the annual Personal Registration Day, held at the high school each spring.

b) Encouraging voter registration and pre-registration in specific classes related to civics, government, or Social Studies.

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

Election Law § 5-507

Adoption Date 02/27/2020

**SUBJECT: FUND RAISING BY STUDENTS**

Fund raising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the express approval of the Building Principal. Any such plan shall have a clearly defined purpose and, in general, shall contribute to the educational experience of students and shall not conflict with instructional programs or state mandates. Fund raising activities away from school property shall be held to a minimum. All participation shall be voluntary.

Door to door sales projects undertaken by any organization using the Niagara Falls City School District name shall require previous approval of the Board of Education. Profits shall be used to enhance school programs by providing money for expenditures not normally funded by the District.

Employees are cautioned against giving the impression to students that the purpose of selling items (e.g., "scratch off" cards, holiday wrappings, etc.) or paying a fee is to defray a portion of the District's educational program. At no time should a student's participation in an educational activity include such sales or fees. In addition, it is imperative that employees not deposit the proceeds of any legitimate sales activity in their own personal accounts. These activities may jeopardize a student's right to participate in the educational program on a tuition and/or fee-free basis. Further, employees engaged in such activities may be held personally liable.

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

NOTE: Refer also to Policy #3271 -- Solicitation of Charitable Donations From School Children

Adoption Date 4/23/2013

**SUBJECT: CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS**

In accordance with the most recent Guidance Document issued by the U.S. Department of Education implementing the requirements of the No Child Left Behind Act of 2001, the Board of Education affirms the responsibilities of the School District, consistent with applicable statutory/case law pertaining to the First Amendment of the United States Constitution, to allow students and staff to engage in constitutionally protected prayer within the District schools.

Accordingly, no Board of Education policy shall prevent, or otherwise deny participation in, constitutionally protected prayer in District schools, consistent with the Guidance Document and applicable law as enumerated above.

The Board rescinds any other policy that may be inconsistent with the mandates of this policy, which shall supersede any and all Board policies to the contrary.

United States Constitution, First Amendment
Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, Section 9524
Equal Access Act, 20 United States Code (USC) Sections 4071-4074

NOTE: Refer also to Policy #8360 -- Religious Expression in the Instructional Program

Adoption Date 2/23/2012

**SUBJECT: EMPLOYMENT OF STUDENTS OF MINOR AGE**

A minor's work hours shall be in accordance with all applicable federal and state laws and regulations as well as requirements established by the School District.

Pursuant to Education Law, minors may be employed when attendance upon instruction is not required, provided they obtain a valid employment certificate or permit (if applicable); and provided such employment is not prohibited by and/or in violation of the Labor Law or other law.

Minors may not work during the hours they are required to attend school unless otherwise authorized pursuant to law and/or regulation.

However, students at least fourteen (14) years of age may be employed during the school lunch period in their school's cafeteria if the minor presents a valid employment certificate issued in accordance with Education Law.

Students sixteen (16) and seventeen (17) years of age may work when school is in session until 10 p.m. on any day preceding a school day. However, students sixteen (16) and seventeen (17) years of age may work between 10 p.m. and midnight on any day preceding a school day provided the employer receives and maintains both the written consent of the student's parent/guardian and a certificate from the student's school at the end of each marking period which asserts that the student is in satisfactory academic standing according to the standards established by the School District.

Students sixteen (16) and seventeen (17) years of age may work between 10 p.m. and midnight on any day preceding a non-school day provided the employer receives and maintains the written consent of the parent/guardian.

Before issuing a certificate of satisfactory academic standing, the District shall ensure that students and their parents/guardians are afforded all legal rights and protections, including the right of consent, in complying with requests for disclosure of student records and information from such records under the federal Family Educational Rights and Privacy Act.

Fair Labor Standards Act of 1938 (FLSA), as amended
29 United States Code (USC) Section 201 et seq.
29 Code of Federal Regulations (CFR) Parts 570-580
Family Educational Rights and Privacy Act of 1974 (FERPA)
20 United States Code (USC) Section 1232(g)
34 Code of Federal Regulations (CFR) Part 99
Education Law Article 65
Labor Law Articles 4 and 4-A
Arts and Cultural Affairs Law Article 35
8 New York Code of Rules and Regulations (NYCRR) Sections 141.8 and 141.9 and Part 190

Adoption Date 7/3/2014

**SUBJECT: SCHOOL HEALTH SERVICES**

All districts must provide and maintain a continuous program of health services which includes, but is not limited to:

a) Providing medical examinations, dental inspection and/or screening, scoliosis screening, vision screening and audiometer tests, designed to determine the health status of the student;

b) Informing parents or other persons in parental relation to the student, pupils and teachers of the individual student's health condition subject to federal and state confidentiality laws. The District will provide this notice in writing if the District becomes aware that the student has defective sight or hearing or a physical disability, including sickle cell anemia, or other condition which may require professional attention with regard to health;

c) Where the exigencies warrant (where the parents/persons in parental relation are unable or unwilling to provide the necessary relief and treatment), providing relief in situations where the student would otherwise be deprived of the full benefit of education through inability to follow the instruction offered;

d) Guiding parents, students and teachers in procedures for preventing and correcting defects and diseases and for the general improvement of the health of students;

e) Instructing school personnel in procedures to take in case of accident or illness;

f) Maintaining a program of education to inform school personnel, parents, non-school health agencies, welfare agencies and the general public regarding school health conditions, services and factors relating to the health of students;

g) Providing inspections and supervision of the health and safety aspects of the school plant;

h) Providing health examinations before participation in strenuous physical activity and periodically throughout the season as necessary;

i) Providing health examinations necessary for the issuance of employment certificates, vacation work permits, newspaper carrier certificates and street trades badges; and

j) Surveying and making necessary recommendations concerning the health and safety aspects of school facilities and the provision of health information.

Education Law Article 19
8 New York Code of Rules and Regulations (NYCRR) Part 136

Adoption Date 2/23/2012

**SUBJECT: IMMUNIZATION OF STUDENTS**

Every child entering or attending a District school must present proof of immunization or proof of immunity by serology (blood test) if applicable unless a New York State licensed physician certifies that the immunization is detrimental to the child's health. The requirement for that immunization is waived until the immunization is no longer detrimental to the child's health.

Except for this exemption, the District may not permit a child lacking evidence of immunization to remain in school for more than 14 days, or more than 30 days for an out-of-state or out-of-country transferee who can show a good faith effort to get the necessary certification or other evidence of immunization.

The administration will notify the local health authority of the name and address of excluded children and provide the parent or person in parental relation a statement of his or her duty regarding immunization as well as a consent form prescribed by the Commissioner of Health. The school will cooperate with the local health authorities to provide a time and place for the immunization of these children.

For homeless children, the enrolling school must immediately refer the parent or guardian of the child to the District's homeless liaison, who must assist them in obtaining the necessary immunizations, or immunization or medical records.

The District will provide an annual summary of compliance with immunization requirements to the Commissioner of Health.

All schools will also post educational information on influenza and the benefits of influenza immunization which will be in plain view and available to parents.

Education Law §§ 310 and 914
Public Health Law §§ 613 and 2164
8 NYCRR §§ 100.2 and 136.3
10 NYCRR Subpart 66-1

NOTE: Refer also to Policy #7131 -- Education of Students in Temporary Housing

Adoption Date 02272020

**SUBJECT: IMMUNIZATION OF STUDENTS**

Every child entering or attending a District school must present proof of immunization or proof of immunity by serology (blood test) if applicable unless a New York State licensed physician certifies that the immunization is detrimental to the child's health. The requirement for that immunization is waived until the immunization is no longer detrimental to the child's health.

Except for this exemption, the District may not permit a child lacking evidence of immunization to remain in school for more than 14 days, or more than 30 days for an out-of-state or out-of-country transferee who can show a good faith effort to get the necessary certification or other evidence of immunization.

The administration will notify the local health authority of the name and address of excluded children and provide the parent or person in parental relation a statement of his or her duty regarding immunization as well as a consent form prescribed by the Commissioner of Health. The school will cooperate with the local health authorities to provide a time and place for the immunization of these children.

For homeless children, the enrolling school must immediately refer the parent or guardian of the child to the District's homeless liaison, who must assist them in obtaining the necessary immunizations, or immunization or medical records.

The District will provide an annual summary of compliance with immunization requirements to the Commissioner of Health.

All schools will also post educational information on influenza and the benefits of influenza immunization which will be in plain view and available to parents.

Education Law §§ 310 and 914
Public Health Law §§ 613 and 2164
8 NYCRR §§ 100.2 and 136.3
10 NYCRR Subpart 66-1

NOTE: Refer also to Policy #7131 -- Education of Students in Temporary Housing

Adoption Date

**SUBJECT: STUDENT PHYSICALS**

**Health Examination and Certificate**

Health Examination

Each student enrolled in a District school must have a satisfactory health examination conducted by a duly licensed physician, physician assistant, or nurse practitioner within 12 months prior to the commencement of the school year of the student's entrance into:

a) A District school at any grade level;

b) Pre-kindergarten or kindergarten; and

c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

The District may also require an examination and health history of a student when it is determined by the District that it would promote the educational interests of the student.

The District will also provide health examinations before participation in strenuous physical activity and periodically throughout the season as necessary, as well as for the issuance of employment certificates, vacation work permits, newspaper carrier certificates, and street trades badges.

Health Certificate

Each student must submit a health certificate attesting to the health examination within 30 calendar days after his or her entrance into:

a) A District school at any grade level;

b) Pre-Kindergarten or kindergarten; and

c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

The building principal or designee will send a notice to the parent of, or person in parental relation to, any student who does not present a health certificate, that if the required health certificate is not furnished within 30 calendar days from the date of the notice, an examination by health appraisal will be made of the student by the Director of School Health Services.

The health certificate will be filed in the student's cumulative record. The health certificate must:

a) Be on a form prescribed by the Commissioner;

(Continued)

**SUBJECT: STUDENT PHYSICALS (Cont'd.)**

b) Describe the condition of the student when the examination was given, provided that such examination was not given more than 12 months prior to the commencement of the school year in which the examination is required;

c) State the results of any test conducted on the student for sickle cell anemia;

d) State whether the student is in a fit condition of health to permit his or her attendance at a District school and, where applicable, whether the student has impaired sight or hearing, has received a scoliosis screening, or has any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student;

e) State the student's body mass index (BMI) and weight status category; and

f) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is:

1. Authorized by law to practice in New York State consistent with any applicable written practice agreement; or

2. Authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to those of New York State.

A licensed health professional with appropriate training may conduct a scoliosis screening.

Dental Health Certificate

The District will request a dental health certificate from each student at the same time that health certificates are required.

The District may also request an assessment and dental health history of a student when it is determined by the District that it would promote the educational interests of the student.

A notice of request for a dental health certificate will be distributed at the same time that the parent or person in parental relation is notified of health examination requirements. The notice of request for a dental health certificate will list dental practices, dentists, and registered dental hygienists to which students may be referred for dental services on a free or reduced cost basis upon request of the student's school.

(Continued)

**SUBJECT: STUDENT PHYSICALS (Cont'd.)**

The dental health certificate will be filed in the student's cumulative record. The dental health certificate must:

a) Describe the dental health condition of the student when the assessment was given, provided that the assessment was not given more than 12 months prior to the commencement of the school year in which the assessment is requested; and

b) State whether the student is in fit condition of dental health to permit his or her attendance at a District school; and

c) Be signed by a duly licensed dentist, or a registered dental hygienist, who is:

1. Authorized by law to practice in New York State, and consistent with any applicable written practice agreement; or

2. Authorized to practice in the jurisdiction in which the assessment was performed, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to New York State.

Examination by Health Appraisal

The Director of School Health Services will cause students who are required to, but have not submitted, the required health certificate and students with disabilities to be separately and carefully examined and tested to ascertain whether any student has impaired sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of work to prevent injury to the student.

Each examination will include a calculation of the student's BMI and weight status category. Further, the physician, physician assistant, or nurse practitioner administering the examination will determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, will conduct the test and include the results in the health certificate.

Unless otherwise prohibited by law, if it is ascertained that a student has impaired sight or hearing, or a physical disability or other condition, including sickle cell anemia, the building principal or designee will notify, in writing, the student's parent or person in parental relation as to the existence of the disability. If the parent or person in parental relation is unable or unwilling to provide the necessary relief and treatment for the student, it will be reported by the building principal or designee to the Director of School Health Services, who then has the duty to provide relief for the student.

(Continued)

**SUBJECT: STUDENT PHYSICALS (Cont'd.)**

District Reporting of BMI and Weight Status Category

Each school year, the New York State Department of Health randomly selects a certain number of districts across New York State to report, in the aggregate, students' BMI and weight status categories. Selected districts must report BMI results on-line using the Department of Health's Health Provider Network secure website. A student's parent or person in parental relation may refuse to have the student's BMI and weight status category included in such survey.

**Health Screenings**

The District will provide a:

a) Scoliosis screening, if not documented on the student's health certificate, at least once each school year for male students in grade 9, and for female students in grades 5 and 7. The positive results of any scoliosis screening examination will be provided in writing to the student's parent or person in parental relation within 90 calendar days after the finding;

b) Vision screening, if not documented on the student's health certificate, to all students within six months of admission to a District school. The vision screening will test the student's color perception, distance acuity, and near vision. In addition, all students will be screened for distance acuity and near vision in grades pre-kindergarten or kindergarten, 1, 3, 5, 7, and 11, as well as at any other time deemed necessary. The results of all vision screening examinations will be provided in writing to the student's parent or person in parental relation and to any teacher of the student while the student is enrolled in the District school; and

c) Hearing screening, if not documented on the student's health certificate, to all students within six months of admission to a District school. In addition, all students will receive a hearing screening in grades pre-kindergarten or kindergarten, 1, 3, 5, 7, and 11, as well as at any other time deemed necessary. Each hearing screening will include, but not be limited to, pure tone screening. The results of any hearing tests requiring a follow-up examination will be provided in writing to the student's parent or person in parental relation and to any teacher of the student while the student is enrolled in the District school.

The results of all health screenings will be recorded in the student's cumulative health record which will be maintained by the school for at least as long as the minimum retention period for such records.

**Student Health Records**

The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and state laws.

(Continued)

**SUBJECT: STUDENT PHYSICALS (Cont'd.)**

**Accommodation for Religious Beliefs**

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings will be required where a student or the parent or person in parental relation to that student objects on the grounds that the examinations, health history, and/or screenings conflict with their genuine and sincere religious beliefs. A written and signed statement from the student or the student's parent or person in parental relation that the person holds these beliefs must be submitted to the building principal or designee, in which case he or she may require supporting documents.

**Students in Temporary Housing**

For students in temporary housing (i.e., homeless children and youth), the enrolling school must immediately refer the parent or guardian of the student to the District's McKinney-Vento liaison, who will assist them in obtaining the necessary medical records.

20 USC § 1232g
Education Law §§ 903-905, and 3220
8 NYCRR §§ 136.1, 136.3

NOTE: Refer also to Policies #5690 -- Exposure Control Program
#5691 -- Communicable Diseases
#5692 -- Human Immunodeficiency Virus (HIV) Related Illnesses
#7121 -- Diagnostic Screening of Students
#7131 -- Education of Students in Temporary Housing
#7250 -- Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors
#7420 -- Sports and the Athletic Program
#7510 -- School Health Services
#7511 -- Immunization of Students
#7522 -- Concussion Management

Adoption Date 02272020

**SUBJECT: STUDENT PHYSICALS**

**Health Examination and Certificate**

Health Examination

Each student enrolled in a District school must have a satisfactory health examination conducted by a duly licensed physician, physician assistant, or nurse practitioner within 12 months prior to the commencement of the school year of the student's entrance into:

a) A District school at any grade level;

b) Pre-kindergarten or kindergarten; and

c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

The District may also require an examination and health history of a student when it is determined by the District that it would promote the educational interests of the student.

The District will also provide health examinations before participation in strenuous physical activity and periodically throughout the season as necessary, as well as for the issuance of employment certificates, vacation work permits, newspaper carrier certificates, and street trades badges.

Health Certificate

Each student must submit a health certificate attesting to the health examination within 30 calendar days after his or her entrance into:

a) A District school at any grade level;

b) Pre-Kindergarten or kindergarten; and

c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

The building principal or designee will send a notice to the parent of, or person in parental relation to, any student who does not present a health certificate, that if the required health certificate is not furnished within 30 calendar days from the date of the notice, an examination by health appraisal will be made of the student by the Director of School Health Services.

The health certificate will be filed in the student's cumulative record. The health certificate must:

a) Be on a form prescribed by the Commissioner;

(Continued)

**SUBJECT: STUDENT PHYSICALS (Cont'd.)**

b) Describe the condition of the student when the examination was given, provided that such examination was not given more than 12 months prior to the commencement of the school year in which the examination is required;

c) State the results of any test conducted on the student for sickle cell anemia;

d) State whether the student is in a fit condition of health to permit his or her attendance at a District school and, where applicable, whether the student has impaired sight or hearing, has received a scoliosis screening, or has any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student;

e) State the student's body mass index (BMI) and weight status category; and

f) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is:

1. Authorized by law to practice in New York State consistent with any applicable written practice agreement; or

2. Authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to those of New York State.

A licensed health professional with appropriate training may conduct a scoliosis screening.

Dental Health Certificate

The District will request a dental health certificate from each student at the same time that health certificates are required.

The District may also request an assessment and dental health history of a student when it is determined by the District that it would promote the educational interests of the student.

A notice of request for a dental health certificate will be distributed at the same time that the parent or person in parental relation is notified of health examination requirements. The notice of request for a dental health certificate will list dental practices, dentists, and registered dental hygienists to which students may be referred for dental services on a free or reduced cost basis upon request of the student's school.

(Continued)

**SUBJECT: STUDENT PHYSICALS (Cont'd.)**

The dental health certificate will be filed in the student's cumulative record. The dental health certificate must:

a) Describe the dental health condition of the student when the assessment was given, provided that the assessment was not given more than 12 months prior to the commencement of the school year in which the assessment is requested; and

b) State whether the student is in fit condition of dental health to permit his or her attendance at a District school; and

c) Be signed by a duly licensed dentist, or a registered dental hygienist, who is:

1. Authorized by law to practice in New York State, and consistent with any applicable written practice agreement; or

2. Authorized to practice in the jurisdiction in which the assessment was performed, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to New York State.

Examination by Health Appraisal

The Director of School Health Services will cause students who are required to, but have not submitted, the required health certificate and students with disabilities to be separately and carefully examined and tested to ascertain whether any student has impaired sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of work to prevent injury to the student.

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The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and state laws.

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#7510 -- School Health Services
#7511 -- Immunization of Students
#7522 -- Concussion Management

Adoption Date

**SUBJECT: ADMINISTRATION OF MEDICATION**

Under certain circumstances, when it is necessary for a student to take medication (prescription

Under certain circumstances, when it is necessary for a student to take medication (prescription and non-prescription) during school hours, the school's registered professional nurse may administer the medication if the parent or person in parental relation submits a written request accompanied by a written request from a physician indicating the frequency and dosage of prescribed medication. The parent or person in parental relation must assume responsibility to have the medication delivered directly to the Health Office in a properly labeled original container.

All medication orders (prescription and non-prescription) must be reviewed annually or when there is a change in dosage.

Procedures for receipt, storage and disposal of medications as well as procedures for taking medications off school grounds or after school hours while participating in a school-sponsored activity will be in accordance with State Education Department Guidelines.

## Emergency Medication

The administration of emergency medication (injectable, including "epi-pens," and/or oral) to a student for extreme hypersensitivity may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a registered professional nurse/nurse practitioner/physician/physician's assistant ***must*** have trained the staff member to administer the emergency medication for that particular emergency situation (e.g., "epi-pen") and given him/her approval to assist the student in the event of an emergency anaphylactic reaction. Such a response would fall under the Good Samaritan exemption for rendering emergency care during a life threatening situation.

## Use of Inhalers in Schools

In accordance with law, the School District must permit students who have been diagnosed by a physician or other duly authorized health care provider as having a severe asthmatic condition to carry and use a prescribed inhaler during the school day. Prior to permitting such use, the School Health Office must receive the written permission of the prescribing physician or other duly authorized health care provider, and parental consent, based on

such physician's or provider's determination that the student is subject to sudden asthmatic attacks severe enough to debilitate that student. In addition, upon the written request of a parent or person in parental relation, the Board shall allow such pupils to maintain an extra inhaler in the care and custody of the school's registered professional nurse employed by the District. However, the law does not require the District to retain a school nurse solely for the purpose of taking custody of a spare inhaler, or require that a school nurse be available at all times in a school building for such purpose.

A record of such physician or health care provider/parental permission shall be maintained in the School Health Office.

Health Office personnel will maintain regular parental contact in order to monitor the effectiveness of such self-medication procedures and to clarify parental responsibility as to the daily monitoring of their child to ensure that the medication is being utilized in accordance with the physician's or provider's instructions. Additionally, the student will be required to report to the Health Office on a periodic basis as determined by Health Office personnel so as to maintain an ongoing evaluation of the student's management of such self-medication techniques, and to work cooperatively with the parents and the student regarding such self-care management.

Students who self-administer medication without proper authorization, under any circumstances, will be referred for counseling by school nursing personnel. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and school administration may also be involved in determining the proper resolution of such student behavior.

**Blood Glucose Monitoring**

Children with diabetes have the right to care for their diabetes at school in accordance with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 which provide protection against discrimination for children with disabilities, including diabetes.

Accordingly, blood glucose monitoring must be allowed in the school setting at any time, within any place, and by anyone necessitating such testing. Children must receive assistance if needed with the procedure.

The school nurse shall oversee any arrangements that need to be made for testing and a system to report the results to the nurse as needed. Proper arrangements should be made for the disposal of sharps.

**Alcohol-Based Hand Sanitizers**

Alcohol-based hand sanitizers are considered over-the-counter (OTC) drugs by the United

States Food and Drug Administration. However, due to the fact that careful hand-washing and sanitation is the most effective way to control the recent spread of Methicillin-Resistant Staphylococcus Aureus (MRSA) in schools, the New York State Education Department (NYSED) has allowed a medical exemption to the requirements for OTC preparations in the school setting to permit the use of alcohol-based hand sanitizers.

The School Medical Director may approve and permit the use of alcohol-based hand sanitizers in the District's schools without a physician's order. Parents may provide written notification to the school in the event that they do not wish to have their child use this product.

It should be noted that hand sanitizers which contain alcohol are flammable and shall not be placed in hallways or near an open flame or source of sparks.

**Disposal of Unused Medication**

Any unused medication (including, but not limited to expired prescription and nonprescription drugs) must be returned to the parent/person in parental relation by the end of each school year. If the parent/person in parental relation does not retrieve the unused medication by the end of the school year, then the School Nurse or designated School Health Office personnel must document that the medication was abandoned and dispose of the unused medication.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Education Law Sections 902(b), 916, 6527(4)(a) and 6908(1)(a)(iv)
Public Health Law Section 3000-a

Adopted: 2/23/12

**SUBJECT: STUDENT HEALTH RECORDS**

The School shall keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they shall be kept confidential.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of students' "education records." For Pre-K through grade 12 students, health records maintained by the School District, including immunization records and school nurse records, generally are considered "education records" subject to FERPA. In addition, records that the District or School maintains on special education students, including records on services provided to students under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA because they are:

a) Directly related to a student;
b) Maintained by the School or a party acting for the School; and
c) Not excluded from the definition of "education records."

Since student health and medical information in education records is protected by FERPA, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule excludes such information from its coverage.

Generally, these records may not be shared with third parties without written parental consent unless the disclosure meets one of the exceptions to FERPA's general consent requirement. One exception permits the disclosure of education records, without parental consent, to appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Parents have a right under FERPA to inspect and review those health and medical records that are considered "education records" under FERPA. Individual records may be interpreted by the school's registered professional nurse to administrators, teachers and other school officials, consistent with law.

Family Educational Rights and Privacy Act of 1974 (FERPA), 20 United States Code (USC) Section 1232g
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191 34 Code of
Federal Regulations (CFR) Part 99
45 Code of Federal Regulations (CFR) Parts 160, 162 and 164 Education Law Sections 902(b) and 905

8 New York Code of Rules and Regulations (NYCRR) Part 136

Adopted: 2/23/12

**Concussion Policy: Niagara Falls City School District Concussion Management policy for athletic training contracts with NFMMC**

The following policy is for schools, organizations, and tournaments that are under contract for athletic training services with Niagara Falls Memorial Medical Center (NFMMC) and in partnership with UBMD Orthopaedics & Sports Medicine in Niagara. NFMMC employs certified athletic trainer(s) for contracted services at the school for sports medicine. This policy is based on the Summary and Agreement statement of the 6th International Conference on Concussion in Sport held in Amsterdam in 2022. As a result of this conference, it recommended the use of the SCAT6 concussion evaluation tool as well as the NFCSD implementing the use of the **Buffalo Concussion Treadmill Test (BCTT)** as a tool to determine initiation of the return to play protocol. The overall policy is under the Guidelines for Concussion Management in Schools, 2023 NYSED.

This concussion policy is for students and student athletes from the Niagara Falls City School District (NFCSD) in grades 7-12.

**Definition of concussion:**

Concussion is a type of traumatic brain injury (TBI) and is sometimes referred to as a mild TBI. Concussions are injuries to the brain that occur as a result of a fall, motor vehicle accident, or any other activity that results in an impact to the head or body.

A concussion is a reaction by the brain to a force transmitted to the head from an impact or blow occurring anywhere on the body. A concussion results from the brain moving back and forth or twisting rapidly inside the skull.

The symptoms of a concussion result from a temporary change in the brain's function causing a short-term impairment of brain function. The signs of a concussion may occur immediately or evolve over minutes or days. There is a range of symptoms from a concussion, and students with concussions may display vastly different signs and symptoms.

**Defining the nature of a concussive head injury include:**

1. A concussion may be caused either by a direct blow to the head, face, neck, or elsewhere on the body with an "impulsive" force transmitted to the head.
2. Concussions typically result in the rapid onset of short-lived impairment of neurologic function that resolves spontaneously.
3. A concussion may result in neuropathological changes, but the acute clinical symptoms largely reflect a functional disturbance rather than structural injury.
4. Concussions result in a graded set of clinical syndromes that may or may not involve loss of consciousness. Resolution of the clinical and cognitive symptoms typically follows a sequential course.
5. Concussions are typically associated with grossly normal structural neuro-imaging studies.

**Pediatric Concussive injury:**

Children, ages (5-18) years old should not return to play (RTP) or training until clinically completely symptom free. Because of the physiological response during childhood head trauma, a conservative return to play approach is recommended. ***It may be appropriate to extend the amount of time of asymptomatic rest and/or the length of the graded exertion in children and adolescents.*** It is not appropriate for a child or adolescent athlete with a concussion to RTP on the same day as the injury, regardless of the level of athletic performance. Concussion modifiers apply even more to this population than to adults and may mandate a more cautious RTP advice. In addition, the concept of "cognitive rest" was highlighted, with special reference to a child's need to limit exertion with activities of daily living and to limit scholastic and other cognitive stressors (eg, text messaging, video games, etc.) while symptomatic. School attendance and activities may also need to be modified to avoid provocation of symptoms.

**Concussion Evaluation:**

The diagnosis of an acute concussion usually involves the assessment of a range of domains, including clinical symptoms, physical signs, behavior, balance, sleep, and cognition. Also, a detailed concussion history is an important part of the evaluation, both in the injured athlete and when conducting a pre-participation examination.

The suspected diagnosis of concussion can include one or more of the following clinical domains:

a) Symptoms: somatic (eg, headache), cognitive (eg, feeling "like in a fog") and/or emotional symptoms (eg, lability)

b) Physical signs (eg, loss of consciousness, amnesia)

c) Behavioral changes (eg, irritability)

d) Cognitive impairment (eg, slowed reaction time)

e) Sleep disturbance (eg, drowsiness)

f) If any one or more of these components is present, a concussion should be suspected, and the appropriate management strategy instituted.

**Grading concussions:**

With a concussion, an athlete suffers an injury that progressively resolves without complication over 10-14 days. Concussions represent the most common form of this injury and can be appropriately managed by primary care physicians or by certified athletic trainers working under medical supervision. Concussion management ideally is rest until all symptoms resolve and then a graded program of exertion before return to sport. All concussions mandate evaluation by a medical doctor who is comfortable in managing concussion injuries.

## CONCUSSION MANAGEMENT:

**Post-injury testing:**

NFCSD will implement a functional physiological test. We will do post-injury evaluations with the SCAT6 form and the BCTT as objective tools in the concussion management process to determine a safe RTP. The student athlete must receive clearance from their primary care physician and/or concussion specialist. **Once the student athlete is cleared by the district Nurse**, the student will complete the BCTT and then continue to complete the concussion RTP.

Functional physiological testing allows us to:

- Quantify the amount of aerobic exercise that is safe to perform
- Protect the athlete
- Help determine safe return to play
- Help prevent cumulative effects of multiple concussions
- Prevent lingering effects of concussion and potential catastrophic injury

**Return to play protocol:**
During the period of recovery, in the first few days (24-48 hours) following the injury, it is important to emphasize to the student athlete that physical AND cognitive rest is required. Activities that require concentration and attention may exacerbate the symptoms and as a result, delay recovery.

**Pharmacological therapy:**
An important consideration in RTP is that concussed athletes should not only be symptom free, but also should not be taking any pharmacologic agents or medications that may mask or modify the symptoms of concussion. If antidepressant therapy may be commenced during the management of a concussion, the decision to RTP while still on such medication must be considered carefully by the treating clinician.

A player should never return to play while symptomatic.
**“WHEN IN DOUBT, SIT THEM OUT!”**

## Niagara Falls City School District (NFCSD) Concussion Protocol In-Season:

- In the event that an athlete suffers a mechanism of injury and/or signs and symptoms of concussion, a sideline evaluation is performed (SCAT6) to screen the student athlete.
- If it is determined that any athlete is positive for signs and symptoms of concussion, they are immediately removed from that day’s contest and/or practice.

o Student athletes are ineligible to return on the same day of injury.

**Reports:**

o Parent/guardian is given a head injury warning sheet of instructions to follow until seen by primary care physician/concussion specialist and/or emergency room based on severity of symptoms and parent choice.

o Injury report is completed and injury notification is sent to the school nurse, athletic office, and guidance counselor/principal. **The student is disqualified from sports and physical education participation when a concussion is suspected.**

Upon return to school/sports, a post injury BCTT is performed once the student athlete is asymptomatic and receives clearance from their PCP and/or Concussion Specialist.

- Once the Concussion Injury report is completed, the NFCSD school medical director and guidance counselor/principal is informed of the injured student athlete.

- Student athletes MUST be evaluated by their primary care physician/concussion specialist, but the NFCSD school Nurse is the one to release students for them to complete the BCTT/RTP protocol.

- Once the RTP progression is completed, the completed form is sent to the supervising physician of the district athletic trainers and then to the district medical director for approval and for the student to return to sport after ALL approvals have been obtained.

o Parents/guardian is immediately contacted regarding injury.

**Return to Play:**

● NFCSD follows the 2022 Amsterdam consensus statement policy for RTP. (see RTP progression protocol form and the 2023 Guidelines for Concussion Management in Schools). **The NFCSD medical director has the final say on RTP**.

The RTP following a concussion incorporates a step wise process:

1. No activity, complete rest. Once asymptomatic for 24 hours, proceed to levels using the following:
2. Light aerobic exercise such as walking or stationary cycling or BCTT, no resistance training.
3. Sport specific exercise (skating in hockey, running in soccer, etc.) progressive addition of
   resistance training at steps 3 or 4.
4. Non-contact training drills.
5. Full contact training and/or exertional testing after medical clearance.

6. Return to FULL game play.
7. **This progression should be over 5 days for RTP without return of symptoms.**

● If a student suffers any return of symptoms during the RTP protocol, they immediately stop the RTP protocol until they are once again symptom free.

● Once the athlete is symptom free for 24 hours, they can continue with the RTP process where they previously ended.

● When a student completes the RTP, they are eligible for full release to game activity.

**Return to Learn:**

**This is determined by the Primary care physician/Concussion specialist if warranted based on evaluation and symptoms reported by the patient.**

**Stage 1**-no activity: complete cognitive rest, no school attendance, no homework, reading, texting, video/computer games, or computer work for recovery of the injury.

**Stage 2**-gradual re-introduction of cognitive activity: short 5-15 minutes at a time then relax to the restrictions of stage one. This gradual control increases the sub-symptom threshold of cognitive activities.

**Stage 3**- catch up: the student can start to catch up on some school work by completing it at home in longer increments of 20-30 minutes at a time, the increase of cognitive endurance by repetition of short periods of self-paced cognitive activity.

**Stage 4**-limited re-entry to school: finally, re-entry to school for part of the day. This stage is initiated once 1-2 cumulative hours of homework has been achieved. The re-entry into school with accommodations to allow rest or a shortened day will assist in the controlled sub-symptom threshold and increased cognitive load.

**Stage 5**- full day: starts a gradual reintegration into school increasing to a full day of school and classes, accommodations decrease as cognitive endurance improves.

**Stage 6**- return to regular school activity: attendance of a full cognitive workload such as taking tests and exams that were missed or currently expected, catch up with missed essential work. This is full recovery into the academic day and at this point a RTP protocol may be initiated.

The above policy will be followed by the healthcare professionals (school medical director, AT supervising physician, school nurses, athletic trainer, coaches, and Athletic Director) that manage the RTP of student athletes at local high schools and colleges that are under contract for athletic training services with NFMMC. **This concussion management/RTP protocol will be followed despite the athlete presenting a**

**prescription note to return to play sooner from their primary care physician and/or emergency room**. If an athlete presents a prescription from their primary care physician to their school nurse for the appropriate time frame in regards to RTP. The exertional progressive steps will be followed by the athletic trainer when given approval to start from the NFCSD school Nurse using the RTP protocol from the SCAT6 form protocol as well as successful completion of the BCTT. The NFCSD school Nurse MUST approve initiation of RTP protocol completed by the school district's athletic trainer. The completed RTP protocol form (See attached form) MUST be approved upon completion by the NFCSD school medical director.

## Concussion Management Team (CMT):

This section summarizes the responsibilities of each profession of the CMT along with the student and student-athlete as well as the parent/guardian of that student. These responsibilities are explained in detail in the NYS Concussion Management and Awareness Act that was enacted on July 1, 2012. These components are to be installed by each profession within the CMT and reviewed on an annual basis.

**Student** – Review Concussion Information Sheet. Athletes must sign a signature sheet within the code of conduct handbook provided by the Athletic Department.

**Parent/Guardian** - Review district's Concussion Information Sheet. If the child is an athlete, the concussion signature sheet must be signed. – parent & athlete must receive and sign concussion information in order for athlete to participate

**Medical Director** – Review and complete CDC's *Heads Up, Facts for Physicians About Mild Traumatic Brain Injury (MTBI*, students with these conditions are at a higher risk for prolonged recovery from a concussion:

http://www.cdc.gov/concussion/headsup/pdf/Facts_for_Physicians_booklet-a.pdf

If the school chooses to use the BCTT – the school medical director must be able to understand and interpret the test.

**Athletic Trainer Supervising Physician-** Review and complete CDC's *Heads Up, Facts for Physicians About Mild Traumatic Brain Injury (MTBI*, students with these conditions are at a higher risk for prolonged recovery from a concussion:

http://www.cdc.gov/concussion/headsup/pdf/Facts_for_Physicians_booklet-a.pdf

The role of the AT supervising physician is to medical supervision of the acting athletic trainers for the NFCSD and to consult and approve as needed in regards to concussion management as well as approval for completed Return to Play protocols for the district.

**Private Medical Provider/Specialists (Primary Care Physician)** – If possible, review and complete CDC's *Heads Up, Facts for Physicians About Mild Traumatic Brain Injury (MTBI*, students with these conditions are at a higher risk for prolonged recovery from a concussion:

http://www.cdc.gov/concussion/headsup/pdf/Facts_for_Physicians_booklet-a.pdf

● We ask that notes from private medical providers that clear athletes from concussions include:

o Clearance for RTP & an exercise progression.

**School Nurse** – Must be knowledgeable on how to evaluate concussions – ie. SCAT6, must complete the department-approved course for school nurses and athletic trainers every two (2) years. NYSED has approved the course *Heads Up to Clinicians* for these professions, which is a free web-based course developed by the CDC. It is available at http://preventingconcussions.org/.

**Director of Physical Education &/Or Athletic Director** – Must implement/enforce concussion management program/team. (Make sure everyone on this sports med list has done these).

**Athletic Trainer -**

- Must complete the department-approved course for school nurses and athletic trainers every two (2) years. NYSED has approved the course *Heads Up to Clinicians* for these professions, which is a free web-based course developed by the CDC. It is available at

https://www.cdc.gov/heads-up/training/athletic-trainers.html

**Physical Education/Coach -**

Responsible:

Remove any student who has taken a significant blow to the head or body, or presents with signs and symptoms of a head injury immediately from play because the Concussion Awareness Management Act requires immediate removal of any student believed to have sustained a concussion.

Contact the school nurse or certified athletic trainer (if available) for assistance with any student concussion injury.

Send any student exhibiting signs and symptoms of a more significant concussion to the nearest hospital emergency room via emergency medical services (EMS) or as per district policy.

Symptoms of a concussion include, but are not necessarily limited to:

- Amnesia (e.g. decreased or absent memory of events prior to or immediately after the injury, or difficulty retaining new information)

- Confusion or appearing dazed
- Headache or head pressure
- Loss of consciousness
- Balance difficulty or dizziness, or clumsy movements
- Double or blurry vision
- Sensitivity to light and/or sound
- Nausea, vomiting, and/or loss of appetite
- Irritability, sadness, or other changes in personality
- Feeling sluggish, foggy, groggy, or lightheaded
- Concentration or focusing problems
- Slowed reaction times, drowsiness
- Fatigue and/or sleep issues (e.g. sleeping more or less than usual)

*Students who develop any of the following signs, or if the above listed symptoms worsen, must be seen and evaluated immediately at the nearest hospital emergency room:

- Headaches that worsen
- Seizures
- Looks drowsy and/or cannot be awakened
- Repeated vomiting
- Slurred speech
- Unable to recognize people or places
- Weakness or numbness in arms or legs, facial drooping
- Unsteady gait
- Dilated or pinpoint pupils, or change in pupil size of one eye
- Significant irritability
- Any loss of consciousness

Suspicion of skull fracture: blood draining from ear, or clear fluid from nose
Inform the parent/guardian of the need for evaluation by their medical provider. The coach should provide the parent/guardian with written educational materials on concussions along with the district's concussion management policy.

Inform the PE director, certified athletic trainer, the school nurse, and/or medical director of the student's potential concussion. This is necessary to ensure that the student does not engage in activities at school that may complicate the student's condition prior to having written clearance by a medical provider.

Ensure that students diagnosed with a concussion do not participate in any athletic activities until, in conjunction with the student's physician, the PE teacher/coach has received written authorization from the medical director or their designee that the student has been cleared to participate.

Ensure that students diagnosed with a concussion do not substitute mental activities for

physical activities unless medical provider clears the student to do so (e.g. due to the need for cognitive rest, a student should not be required to write a report if they are not permitted to participate in PE class by their medical provider).

Complete the Department-approved course for coaches and PE teachers every two years. NYSED has approved the course *Heads Up, Concussion in Youth Sports* for these professions, which is a free web-based course that has been developed by the CDC. It is available at http://www.cdc.gov/concussion/HeadsUp/online_training.html.

**Teacher** – Must review information listed below in this section.
Students who have been diagnosed with a concussion require both physical and cognitive rest. Cognitive rest requires that the student avoid participation in, or exposure to, activities that require concentration or mental stimulation including, but not limited to:

- Computers and video games
- Television viewing
- Texting
- Reading or writing
- Studying or homework
- Taking a test or completing significant projects
- Loud music
- Bright lights

Students transitioning into school after a concussion might need academic accommodations to allow for sufficient cognitive rest. These include, but are not necessarily limited to:

- Shorter school day
- Rest periods
- Extended time for tests and assignments
- Copies of notes
- Alternative assignments
- Minimizing distractions
- Permitting student to audiotape classes
- Peer note takers
- Provide assignments in writing
- Refocus student with verbal and nonverbal cues

More information on classroom accommodations can be found at:

http://www.upstate.edu/pmr/healthcare/programs/concussion/classroom.php

http://www.nationwidechildrens.org/concussions-in-the-classroom

http://www.cdc.gov/concussion/pdf/TBI_Returning_to_School-a.pdf

**Guidance Counselor/School Psychologist – Same as Teacher section (above)**

Policy written by Tony Surace, M.Ed., ATC: Date: 5/29/08

Revised: 1/7/2010

Revised: 4/17/2012

Revised: 7/29/2012

Revised: 6/17/2013

Revised: 9/19/2017

Revised: 6/11/2020

Revised: 6/1/2022

Revised: 1/22/24 (Reviewed by Sara Minton, MS, ATC, Anthony V. Surace (Intern), Tony Surace, M.Ed., ATC)

Revised 8/20/26

Director of Sports Medicine at NFMMC in partnership with UBMD Orthopaedics & Sports Medicine in Niagara.

Niagara Falls City School District: Section VI Concussion Management Team 2026

School District of the City of Niagara Falls
Athletics & Health Services

# __INTERSCHOLASTIC SPORTS CONCUSSION GRADUAL RETURN TO PLAY FORM__

**NAME: _____ DOB: _____ AGE: _____ PHONE: _____**

**COACH: _____ SCHOOL: _____ GRADE: ____ SPORT: _____ PCP: _____**

_____

**Date of Concussion Injury: _____ Date Athlete became asymptomatic: _____**
**Date each phase when the phase is completed and if no return of symptoms**

**No Activity (Complete physical and cognitive rest/recover) # of Days: _____ Date: _____**

**Phase 1-** low impact, non-strenuous, light aerobic activity such as walking or riding a stationary bike. Keeping intensity to <70% of maximum predicted heart rate; no resistance training. Example: Walking for 20 minutes. If tolerated without return of symptoms over a 24-hour period proceed to;

**Activity done: _____ Date _____**

**Phase 2-** Sport specific non-contact activity. Low resistance weight training with a spotter. Example: participating in the first 30 minutes OR weight room activities OR combination of walking/jogging for 30 minutes. If tolerated without return of symptoms over a 24-hour period proceed to;

**Activity done: _____ Date _____**

**Phase 3-** Sport specific activity, non-contact drills. Higher resistance weight training with a spotter; Example: participating in the first 40 minutes OR weight room activities OR combination of walking/jogging for 40 minutes. If tolerated without return of symptoms over a 24-hour period proceed to;

**Activity done: _____ Date _____**

**Phase 4**- Full contact training drills and intense aerobic activity. Example: Following medical clearance, participating in full length of practice/normal training activities. If tolerated without return of symptoms over a 24-hour period proceed to;

**Activity done: _____ Date _____**

**Phase 5 -** Return to full activities without restrictions (Normal game play)

**Activity done: _____ Date _____**

**Comments:**

_____

_____

_____

_____ _____

**Athletic Trainers Signature Date**

**_____ _____**

**NFCSD Medical Director/Nurse Practitioner Date**

**August 27, 2026**

**SUBJECT: CONFIDENTIAL HEALTH INFORMATION: POLICY AND PROCEDURE**

The School District of the City of Niagara Falls has both an ethical and a legal responsibility to protect and keep confidential student and staff health information. Implementation of the Federal Family Education Rights and Privacy Act (FERPA), and the federal law for Health Insurance Portability and Accountability Act (HIPAA), restricts access to medical information, and disclosure of such information will be limited to those staff and personnel who will need to have this for safety or education reasons. The School District of the City of Niagara Falls acknowledges that student medical records maintained in the School Health Office are a part of the student's educational record according to FERPA. The District has determined that medical information necessary to assure safety of a student will be shared with District staff, as well as contracted staff, who provide direct services to students, including but not limited to, administrators, teachers, and support staff.

a) All District employees will be made aware that confidential health information will need to be shared with a limited number of staff when it affects the student's educational plan. This information is confidential and protected under laws. Inappropriate disclosure of any confidential health information is a clear violation of a person's privacy and laws governing the District.

b) The Department of Athletics and Health Services shall be responsible for the management of all confidential health information. This Department shall be managed by the Medical Director and the Director of Athletics and Health Services.

c) The District will assist in the education of parents providing them with the knowledge that all staff is committed to protecting each individual right to privacy, and safety for each and every school related activity.

d) All non-District programs whether or not operating on School District property are responsible for all children enrolled in their programs, obtaining their confidential health information, and for the medical issues related to that enrollee.

**The School Administrators are responsible for:**

a) Implementing administrative procedures to ensure that school procedures are in place for communication and dissemination of confidential health information.

b) Collaborating with Health Services, Administration and Human Resources with any issues, problems, or violations of District policies or procedures.

**The School Nurses are responsible for:**

a) Reviewing all the students cumulative health records;

b) Obtaining and reviewing all current health history forms;

(Continued)

**SUBJECT: CONFIDENTIAL HEALTH INFORMATION: POLICY AND PROCEDURE (Cont'd.)**

c) Obtaining from parents/guardians written authorization for disclosure of medical information in order to notify appropriate school personnel, and bus drivers;

d) When appropriate, contacting health care providers for additional information when it affects the student's safety or educational plan;

e) Meeting with the school administrators to set up a mechanism for computation and dissemination of confidential student health information;

f) Computation and dissemination of a confidential student health information list by the second full week of school in September. This list will remain in the Substitute School Nurse's Notebook in the School Health Office. The appropriate staff members will be notified to pick up these lists in the School Health Office, and sign off when the lists have been received;

g) Dissemination of confidential information to appropriate personnel;

h) Work with the school administrator to set up a procedure that will ensure all appropriate substitutes have access to this information;

i) Setting up Individual Health Care Plans; this would include an emergency plan and any medical accommodations needed for their education plan and when the students are participating in other school-sponsored events, either on or off school property;

j) Updating all confidential health information throughout the school year.

**The Teachers are responsible for:**

a) Immediately notifying the school nurse when parents disclose any medical information to them;

b) Picking up student confidential health information from the school nurse;

c) Signing off that the confidential health information has been received;

d) Setting up a method for dissemination of information to substitutes, (suggest this confidential health information be placed in plan books);

e) Conferencing with school nurse for concerns and all issues that may affect education needs and making appropriate classroom accommodations;

(Continued)

**SUBJECT: CONFIDENTIAL HEALTH INFORMATION: POLICY AND PROCEDURE (Cont'd.)**

f) Notifying the school nurse as soon as arrangements have been made for all field trips. The school nurse must have a forty-eight (48) to seventy-two (72) hour notice for all field trips in order that students' medications and treatments are properly prepared and accommodations be made for students who are not self-directed in self administration of treatments or medications.

**The Athletic Coaches are responsible for:**

a) The confidential health information given to them from the Department of Health, Physical Education, Athletics and Health Services on the Coaches Note (D-31) from the District Nurse Practitioners or the Students Physical Examination List,

b) Contacting the Nurse Practitioner Office with any questions regarding necessary or special accommodations and the Catastrophic Emergency Care Plan for NFHS Athletics, and

c) Setting up a method for keeping confidential health information (suggest it be kept with the team roster).

While the parents have full rights not to disclose medical information to a school district, the School District of the City of Niagara Falls encourages and requests that parents/guardians share with the Health Services Staff confidential health information pertinent to their child's well-being. It is the District's intent that each student participates to his/her fullest potential in every school program, thus achieving all educational goals in the healthiest and safest manner. Failure to disclose medical information will be carefully reviewed by administration and the Medical Director of Health Services. Decisions for program participation will rest with the administration and the Medical Director of Health Services. Parents may make an appointment with the Medical Director of Health Services to discuss individual adjustments to this policy.

Parents/Guardians have a right to inspect and review their student's cumulative health record. Requests must be in writing on a District Release of Information form, and presented to the school nurse. The cumulative health record will be sent to the Nurse Practitioner Office for review. Review must take place within forty-five (45) days. The Nurse Practitioner will set up the appointment.

Family Education Rights and Privacy Act of 1974 (FERPA)
20 United States Code (USC) Section 1232g
34 Code of Federal Regulations (CFR) Part 99
Guidelines for Protecting Confidential Student Health Information, National Task Force on Confidential Student Health Information
Health Insurance Portability and Accountability Act of 1996 (HIPAA)
45 Code of Federal Regulations (CFR) Parts 160 and 164

(Continued)

**SUBJECT: CONFIDENTIAL HEALTH INFORMATION: POLICY AND PROCEDURE (Cont'd.)**

Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
New York State Education Department Guidelines

NOTE: Refer also to Policies #6140 -- Employee Medical Examinations
#7240 -- Student Records: Access and Challenge

Adoption Date 2/23/2012

POLICY 7517
Adopted 1/27/2020

# Niagara Falls City School District Head Start Program

## COVID-19 Vaccination Policy

On November 29, the U.S. Department of Health and Human Services issued new Head Start Program Performance Standards that require universal masking for all individuals aged 2 and older and require that all Head Start staff, some contractors, and volunteers be fully vaccinated by January 31, 2022. The Office of Head Start's Early Childhood Learning and Knowledge Center (ECLKC) website has information and resources about implementing masking and staff vaccination requirements.

One of the core tenants of Head Start is health — making sure our children receive health and developmental screenings, nutritious meals, oral health, and mental health support. Community action agencies are well positioned to connect families with medical, dental, and mental health services and ensure that children are receiving the services they need. As we continue to fight the COVID-19 pandemic, one of the best tools we have to keep ourselves, our children, and their families as safe and healthy as possible is the COVID-19 vaccine.

To help ensure the health and safety of children, families, and their communities, beginning January 2022, all Head Start teachers and program staff will be required to be vaccinated.

As new variants are much more contagious than the original COVID-19 virus, this action will help more programs and Head Start programs safely remain open and help provide comfort to our Head Start parents and guardians that rely on them every day to keep their children safe. If you have questions about the COVID-19 vaccines or how to get vaccinated, please visit https://www.niagaracounty.com/health/Services/Public-Health-Preparedness/2019-Novel-Coronavirus-COVID-19/COVID-19-Vaccination

The science continues to show us how essential and effective vaccines are, and we must do everything we can to protect our Head Start children, families, and each other from the COVID-19 virus. The vaccines are not only safe and recommended by the U.S. Food and Drug Administration (FDA) and the Centers for Diseases Control and Prevention (CDC), they are also very effective at preventing severe disease, hospitalization, and death from the COVID-19 virus and the current variants of the virus, including the Delta variant.

The vaccines are free and are currently approved for children age 12 and older. However, because COVID-19 vaccines have not yet been approved for young children, it is critically important that our Head Start teachers and staff be fully vaccinated.

### Summary of Vaccine and Mask Requirements to Mitigate the Spread of COVID-19 in Head Start Programs

This briefing describes the requirements announced in the Interim Final Rule with Comment Period (IFC) and how they will help mitigate the spread of COVID-19. Check out the FAQs to learn more about mask and vaccine requirements for Head Start programs and read the Preamble to understand more about the data and reasoning behind the requirements.

## Background

Vaccination and masking are essential components necessary to returning to full comprehensive Head Start services.

On Sept. 9, 2021, Path Out of the Pandemic: President Biden's COVID-19 Action Plan was released. Under the Action Plan, the Biden-Harris administration required the nearly 300,000 staff at Head Start programs across the country to be vaccinated. President Biden also called on state governors to require vaccinations for all teachers and school staff, as now required in federally-funded schools.

Through this IFC, the Office of Head Start (OHS) is exercising its legal authority to add a mask and vaccine requirement for grant recipient staff to the Head Start Program Performance Standards (HSPPS).

## Mask Requirement

Universal masking is required for all individuals 2 years of age and older when:

- Indoors in a setting when Head Start services are provided.
- Two or more individuals are in a vehicle owned, leased, or arranged by the Head Start program.
- For those who are not fully vaccinated, outdoors in crowded settings or during activities that involve sustained close contact with other people. OHS notes that being outdoors with children inherently includes sustained close contact for the purposes of caring for and supervising children.

## Exceptions

- Children and adults when they are either eating or drinking.
- Children when they are napping.
- The narrow subset of individuals who cannot safely wear a mask because of a disability as defined by the Americans with Disabilities Act (ADA), consistent with U.S. Centers for Disease Control and Prevention (CDC) guidance on disability exemptions.
- When a child's health care provider advises an alternative face covering to accommodate the child's special health care needs.

## Vaccine Requirement

Completion of COVID-19 Primary Series plus one booster when eligible is required for:

- All staff (as defined in Terms, 45 CFR §1305.2 [Staff])
- Those contractors whose activities involve contact with or providing direct services to children and families
- Volunteers who are in classrooms or working directly with children other than their own

Consistent with CDC's current definition, people are considered fully vaccinated:

- 14 days after their second dose in a two-dose series and a booster 6 months after the last dose, such as the Pfizer or Moderna vaccines
- 14 days after a single-dose vaccine and a booster 2 months after a single dose series, such as Johnson & Johnson's Janssen vaccine

## Timeline

- Individuals are required to be vaccinated by Jan. 31, 2022. This means staff, certain contractors, and volunteers must have their second dose in a two-dose series or first in a single-dose by Jan. 31, 2022.
- It takes time to get vaccinated. To be vaccinated by Jan. 31, 2022, individuals must begin receiving COVID-19 vaccination no later than:
    - Jan. 3: First-dose (Moderna)
    - Jan. 10: First-dose (Pfizer-BioNTech)
    - Jan. 31: Second-dose (Moderna and Pfizer-BioNTech)
        - And an expected booster date within 6 months of the second dose series
    - Jan. 31: Single-dose (Johnson & Johnson)
        - And an expected booster dose within 2 months of the single-dose series

Those who are granted an exemption must undergo weekly testing.

Please be advised: There is no testing option as an alternative to the vaccine requirement.

## Required Federal Mandate

Head Start is 100 percent federally funded, so teachers and staff who are employed to work in the district's Head Start program are required to comply with the federal mandate.

All Niagara Falls City School District Head Start employees MUST submit proof of COVID-19 vaccination status to Dr. Jo Silvaroli, Medical Director by January 31, 2022.

Dr. Jo A. Silvaroli DNP, FNP
Medical Director/Nurse Practitioner
Niagara Falls City School District
630-66th Street
Niagara Falls, NY 14304
Email: JASilvaroli@nfschools.net
Office Phone #: 716-286-0787
Fax #: 716-286-0758

Exemptions to the vaccination requirement for those who cannot be vaccinated due to medical conditions or religious beliefs, practices, or observances must submit exemption request to Dr. Jo Silvaroli by the January 31, 2022 deadline. For those granted a vaccine exemption, there will be a weekly testing requirement. Without an approved vaccine exemption, there is no option for testing in lieu of receiving the vaccine.

Continued employment for unvaccinated Head Start employees who do not have an exemption as of January 31, 2022 will be jeopardized.

### Weekly Testing

Weekly testing is required for those unvaccinated HS employees who have an exemption. The district offers free COVID-19 testing weekly on Mondays and Tuesdays 1:30 PM – 5:30 PM at the district's Central Office located at 630-66th Street. The testing dates and times are subject to change and the districts will send out testing information regularly to all employees. It is the responsibility of the unvaccinated exempt employee to ensure they are tested weekly.

The Niagara County Department of Health in partnership with Niagara County school districts offer FREE COVID-19 testing for students, faculty and staff for all schools in Niagara County. To make an appointment for weekly testing at a time and location convenient to the employee they may do so using the registration links found on page two of the Niagara County School COVID-19 Testing schedule.

### Reporting Absences Due to COVID-19

Head Start employees that test positive for COVID-19 or have to quarantine due to exposure to someone who has tested positive they are to call in sick as they normally would do and then contact Dr. Jo Silvaroli directly at 716-286-0787.

### New York State Office of Children and Family Services

The district's Head Start/Early Head Start centers are licensed by the New York State Office of Children and Family Services and subject to all Child Day Care Center Regulations. COVID-19 is listed as one of the communicable diseases covered in the Division of Child Care Services Policy Statement Topic: *Clarification of the Terms Serious Incident, Serious Injury, Serious Condition, Communicable Disease and When to Obtain Emergency Medical Care.*

This regulation requires licensed programs to notify the parent and Office upon learning of a serious incident, serious injury, serious condition, or communicable disease. For communicable diseases the district is also required to contact the Department of Health. Therefore, whenever a COVID-19 positive test of a Head Start employee occurs, Dr. Jo Silvaroli will notify the Office by contacting the licensor, Tracey Banks 716-847-3376 and the Niagara County Health Department. In the event that parents must be notified. Dr. Jo Silvaroli will inform Dr. Lynnette Haley O'Stewart, Head Start Director.

**SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES**

**Student Emergency Treatment**

Procedures shall be established and maintained by the Superintendent for the handling of student injuries and medical emergencies that occur on school property and during school activities.

## Student Emergency Treatment

All staff members of the School District are responsible to obtain first aid care for students who are injured or become ill while under school supervision.

In most instances first aid should be rendered, and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board of Education encourages all staff members to become qualified to give emergency treatment through instruction in first aid, Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillators (AEDs).

## Transporting an Ill or Injured Student

In the event of an illness or injury to a student, an ambulance may be called if warranted. This solution will be used after other alternatives, including parent/person in parental relation contact, have been made.

## Insurance

The School District’s insurance portfolio includes group liability coverage in the event of accidental student injury . Such coverage is considered secondary to the student’s family coverage.

Education Law Sections 1604(7-a), 1604(7-b), 1709(8-a) and 1709(8-b)

Adoption Date 2/23/2012

**SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS**

Students come to school with diverse medical conditions which may impact their learning as well as their health. Some of these conditions are serious and may be life-threatening.

Students, parents, school personnel and health care providers must all work together to provide the necessary information and training to allow children with chronic health problems to participate as fully and safely as possible in the school experience.

All students within the District with known life-threatening conditions should have a comprehensive plan of care in place: an Emergency Care Plan (ECP) and/or Individualized Healthcare Plan (IHP), and if appropriate an Individualized Education Plan (IEP) or Section 504 Plan.

**School Health Team**

The District has identified the following as important members of the School Health Team to ensure that health information is complete, appropriate accommodations are prepared, and any necessary medication and environmental protocols are in place for students with life-threatening health conditions:

a) Parents/Guardians and Students;
b) School District Administration;
c) School Medical Director;
d) School Nurse;
e) Teachers;
f) Guidance Counselor/Social Worker;
g) Teaching Assistants and Teacher Aides;
h) Food Service Personnel;
i) Custodial Staff;
j) Transportation Personnel;
k) Athletic Director, Coaches and After School Volunteers.

**Anaphylaxis**

Although anaphylaxis can affect almost any part of the body and cause various symptoms, the most dangerous symptoms include breathing difficulties and a drop in blood pressure or shock which are potentially fatal. Treatment for anaphylaxis includes immediate removal of the allergen, and treating the rapidly progressing effects of histamine release in the body with epinephrine and antihistamines.

Particularly for those students with chronic life-threatening conditions such as diabetes, seizure disorders, asthma and allergies (food, insect sting, latex, medications, etc.) which may result in severe, life-threatening reactions to various environmental triggers, it is necessary that the District work cooperatively with the parent(s) and the healthcare provider to:

a) Immediately develop an Emergency Care Plan (ECP) for each at risk student to ensure that all appropriate personnel are aware of the student's potential for a life-threatening reaction;

b) If appropriate, develop an Individualized Healthcare Plan that includes all necessary treatments, medications, training and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding evaluation and identification;
c) Provide training by licensed medical personnel (e.g., registered professional nurse) for all adults in a supervisory role in the recognition and emergency management of a specific medical condition for specific students;
d) Obtain specific legal documents duly executed in accordance with New York State law; appropriate health care provider authorization in writing for specific students that includes the frequency and conditions for any testing and/or treatment, symptoms, and treatment of any conditions associated with the health problem; and directions for emergencies;
e) Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, providing any necessary equipment, and participation in the education and co-management of the child as he/she works toward self-management;
f) Allow self-directed students, as assessed by the school nurse, to carry life saving medication with prior approval by the medical provider, and according to health practice and procedures, as long as duplicate life saving medication is also maintained in the health office in the event the self-carrying student misplaces their medication;
g) Assure appropriate and reasonable building accommodations are in place within a reasonable degree of medical certainty.

In addition, the District will:

a) Provide training for all staff in the recognition of an anaphylactic reaction;

b) Have standing emergency medical protocols for nursing staff;

c) Request the School Medical Director to write a non-patient specific order for anaphylaxis treatment agents for the school's registered professional nurse to administer in the event of an unanticipated anaphylactic episode;

d) As permitted by New York State law, maintain stock supplies of life saving emergency medications such as epinephrine and antihistamine in all health offices for use in first time emergencies;

e) Ensure that Building-level and District-wide school safety plans include appropriate accommodations for students with life-threatening health conditions;

f) Encourage families to obtain medic-alert bracelets for at risk students;

g) Educate students regarding the importance of immediately reporting symptoms of an allergic reaction.

Creating an Allergen-Safe School Environment

Avoidance of exposure to allergens is the key to preventing a life-threatening anaphylactic reaction. Educating the entire school community about life-threatening allergies is crucial in keeping students with such allergies safe. The risk of accidental exposure or cross-contamination is always present, particularly for students with food allergies. The school setting is a high-risk environment for accidental ingestion of a food allergen due to the presence of a large number of students, increased exposure to food allergens, and cross-contamination of tables, desks and other surfaces.
To guard against accidental exposure to allergens, monitoring of the following high-risk areas and activities is crucial:

a) Cafeteria;

b) Food sharing;

c) Hidden ingredients in art, science and other projects;

d) Transportation;

e) Fund raisers and bake sales;

f) Parties and holiday celebrations;

g) Field trips;

h) Before and after school programs.

**Use of Epinephrine Auto-Injector Devices (Epi-Pens) in the School Setting**

The administration of epinephrine by epi-pen to a student with a known severe allergy needing an anaphylactic treatment agent may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a registered professional nurse/nurse practitioner/physician/physician's assistant ***must*** have trained the staff member to administer the epi-pen for that emergency situation and given him/her approval to assist the student in the event of an anaphylactic reaction.

Documentation of training must be maintained in the Anaphylaxis Protocol for Non-Licensed School Staff Members for each affected student. The emergency response by non-licensed school staff members is permitted under the Medical Practice Act (Education Law Section 6527(4)(a)) and the Nurse Practice Act (Education Law Section 6908 (1)(a)(iv)) and is covered by the "Good Samaritan Law" (Public Health Law Section 3000-a).

**Medication Self-Management**

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

a) Adequately training all staff involved in the care of the child;
b) Assuring the availability of the necessary equipment and/or medications;
c) Providing appropriately trained licensed persons as required by law;
d) Providing additional appropriately trained adults to complete delegated tasks as allowed by law;
e) Developing an emergency plan for the student; and
f) Providing ongoing staff and student education.

Americans with Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400-1485
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 6527 and 6908
Public Health Law Sections 2500-h and 3000-a

Adopted: 2/23/12

**SUBJECT: CHILD ABUSE AND MALTREATMENT**

The District takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations will be developed, maintained, and disseminated by administration regarding the:

a) Mandatory reporting of suspected child abuse or maltreatment;

b) Reporting procedures and obligations of persons required to report;

c) Provisions for taking a child into protective custody;

d) Mandatory reporting of deaths;

e) Immunity from liability and penalties for failure to report;

f) Obligations for provision of services and procedures necessary to safeguard the life or health of a child; and

g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all current and new school officials will be established and implemented to enable the staff to carry out their reporting responsibilities.

Reporting Information

The District will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of school buildings. The District will also make this information available from its administrative offices; provide it to parents and persons in parental relation at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. The District may post and provide this information in other, common languages used by the school community.

Persons Required to Report

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) in accordance with Social Services Law Section 413(1) include, but are not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate, and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

(Continued)

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

All mandated reporters must make the report themselves and then immediately notify the building principal or designee. The building principal or designee will be responsible for all subsequent administration necessitated by the report. Any report must include the name, title, and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

Prohibition of Retaliatory Personnel Action

The District will not take any retaliatory personnel action against an employee because the employee believes that he or she has reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR. Further, no school official will impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

"Retaliatory personnel action" means the discharge, suspension, or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

Report Form

The "Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at the OCFS website.

**Child Abuse in an Educational Setting**

The District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers.

**Child abuse** means any of the following acts committed in an educational setting by an employee or volunteer against a child (defined as a person under the age of 21 years enrolled in a school):

a) Intentionally or recklessly inflicting physical injury, serious physical injury, or death; or

b) Intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury, serious physical injury, or death; or

c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or

d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors in accordance with Penal Law Article 235.

**Administrator** or **school administrator** means a principal, or the equivalent title, in a school, or other chief school officer.

(Continued)

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

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

In any case where an oral or written allegation is made to a teacher, school nurse, school counselor, school psychologist, school social worker, school administrator, Board member, or other school personnel required to hold a teaching or administrative license or certificate, as well as a licensed and registered physical therapist, licensed and registered occupational therapist, licensed and registered speech-language pathologist, teacher aide or school resource officer that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that person will upon receipt of the allegation:

a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report will be completed on a form prescribed by the Commissioner of Education.

b) Except where the school administrator is the person receiving the oral or written allegation, the employee completing the written report must promptly personally deliver a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred.

In any case where an oral or written allegation is made to a school bus driver employed by a person or entity that contracts with the District to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that school bus driver will upon receipt of the allegation, promptly report or cause a report to be made to his or her supervisor employed by the contracting person or entity.

In any case where an oral or written report or allegation is made to a supervisor who is employed by a person or entity that contracts with the District to provide transportation services to children from a person employed by the contracted person or entity that a child has been subjected to child abuse by an employee or volunteer in an educational setting, the supervisor must, upon receipt of an allegation:

a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent or guardian; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific

(Continued)

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

allegations of child abuse in an educational setting. This report must be completed on a form prescribed by the Commissioner.

b) Ensure that the written report is personally delivered to the Superintendent employed by the school district where the child abuse occurred or, for a school other than a school district or public school, the school administrator employed by the school where the child abuse occurred.

In any case where it is alleged a child was abused by an employee or volunteer of a school other than a school within the District, the report of these allegations will be promptly forwarded to the Superintendent of the District and the Superintendent of the school district where the abuse of the child allegedly occurred. If a case involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate Superintendent, must be notified of the allegations of abuse.

If it is alleged the child was abused by the Superintendent or administrator, the report of the allegations will be made to another designated administrator.

Any employee, volunteer, or supervisor who is employed by a person or entity that contracts with the District to provide transportation services to children who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law will have immunity from civil liability which might otherwise result by reason of those actions.

Upon receipt of a written report alleging child abuse in an educational setting, a school administrator or the Superintendent must then determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. Where there has been a determination as to the existence of reasonable suspicion, the school administrator or Superintendent must follow the procedures mandated in law and further described in administrative regulations including parental notification. When the school administrator receives a written report, he or she must promptly provide a copy of the report to the Superintendent and promptly forward the report to appropriate law enforcement. In no event will reporting to law enforcement be delayed by an inability to contact the Superintendent.

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

Any school administrator or Superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits a report to

(Continued)

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

a person or agency as required by law, will have immunity from civil liability which might otherwise result by reason of those actions.

Reports and other written material submitted in accordance with law with regard to allegations of child abuse in an educational setting, and photographs taken concerning those reports that are in the possession of any person legally authorized to receive that information, will be confidential and will not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or in accordance with a court-ordered subpoena. School administrators and the Superintendent will exercise reasonable care in preventing unauthorized disclosure.

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

All persons employed by the District, in titles equivalent to teacher or administrator, and any school bus drivers employed by a person or entity that contracts with the District to provide transportation services to children, are required to complete coursework or training regarding the identification and reporting of child abuse and maltreatment in accordance with law and Commissioner's regulations.

**Prohibition of "Silent" (Unreported) Resignations**

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent, or the Commissioner, as appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his or her position.

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

**Prohibition on Aiding and Abetting Sexual Abuse**

Unless exempted by law, no District employee, contractor, or agent of the District will assist another District employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law.

(Continued)

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

Education Law Article 23-B and §§ 409-1, 902(b), 3028-b and 3209-a
Family Court Act § 1012
Labor Law § 740(1)(e)
Penal Law Articles 130, 235 and 263
Social Services Law §§ 411-428
8 NYCRR Part 83, § 100.2(nn)
20 USC § 7926

Adoption Date 2/23/2012

**SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS**

While students have the responsibility to abide by the policies and regulations of the District, they shall also be afforded opportunity to present complaints and grievances free from interference, coercion, restraint, discrimination or reprisal. Administration shall be responsible for:

a) Establishing rules and regulations for the redress of complaints or grievances through proper administration channels;

b) Developing an appeals process;

c) Ensuring that students have full understanding and access to these regulations and procedure; and

d) Providing prompt consideration and determination of student complaints and grievances.

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

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

**Complaints and Grievances Coordinator**

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

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

The Title IX/Section 504/ADA Coordinator shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status, marital status, or use of a recognized guide dog, hearing dog or service dog.

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

Age Discrimination in Employment Act, 29 United States Code Section 621
Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.
Prohibits discrimination on the basis of race, color or national origin.
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Prohibits discrimination on the basis of race, color, religion, sex or national origin.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
Prohibits discrimination on the basis of sex.
Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.
Civil Service Law Section 75-B
Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, or use of a recognized guide dog, hearing dog or service dog.

NOTE: Refer also to Policy #3420 -- Anti-Harassment in the School District

Adoption Date 2/23/2012

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS**

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises or those that take place in another state. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature when:

a) Submission to or rejection of such sexually harassing conduct and/or communication by a student affects decisions regarding any aspect of the student's education, including participation in school-sponsored activities;

b) Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature; and

c) Such conduct and/or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creating an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances, expectations, and relationships should be evaluated including, but not limited to, the ages of the harasser and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff. The District will designate, at a minimum, two (2) Complaint Officers, one (1) of each gender.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment; such report shall be directed to or forwarded

to the District's designated Complaint Officers through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the Complaint Officer is the alleged offender, the report will be directed to the next level of supervisory authority.

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

Based upon the results of the investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with District policy and regulation, the Code of Conduct, and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, the Code of Conduct and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

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

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

**Finding That Harassment Did Not Occur**

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

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

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

**Knowingly Makes False Accusations**

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

## Privacy Rights

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

## Development and Dissemination of Administrative Regulations

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Complaint Officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

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

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

Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
34 Code of Federal Regulations (CFR) Section 100 et seq.
29 Code of Federal Regulations (CFR) Section 1604.11(a)
Civil Service Law Section 75-B
Education Law Section 2801(1)
Executive Law Sections 296 and 297

Adoption Date 2/23/2012 Reviewed 7/22/2015

**SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS**

The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus. The Board of Education shall require the prohibition of bullying - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take three forms:

a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

**Engages in Cyberbullying Behavior**

As with other forms of bullying, cyberbullying is an attempt to display power and control over someone perceived as weaker. Cyberbullying involving District students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of personal digital devices while at school, such as cell phones, digital cameras, and personal computers to engage in bullying.

Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings (including blogs).

Cyberbullying has the effect of:

a) Physically, emotionally or mentally harming a student;

b) Placing a student in reasonable fear of physical, emotional or mental harm;
c) Placing a student in reasonable fear of damage to or loss of personal property; and

d) Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

Also, cyberbullying that occurs off-campus, that causes or threatens to cause a material or substantial disruption in the school, could allow school officials to apply the "***Tinker*** standard" where a student's off-campus "speech" may be subject to formal discipline by school officials when it is determined that the off-campus speech did cause a substantial disruption or threat thereof within the school setting [Tinker v. Des Moines Indep. Sch. Dist. 393 U.S. 503 (1969)]. Such conduct could also be subject to appropriate disciplinary action in accordance with the *District Code of Conduct* and possible referral to local law enforcement authorities.

**Reports of Allegations of Bullying/Cyberbullying Behavior**

Any student who believes that he/she is being subjected to bullying/cyberbullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, shall report the bullying to any staff member or the Building Principal. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses bullying behavior) shall investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of bullying. Investigation of allegations of bullying shall follow the procedures utilized for complaints of harassment within the School District. Allegations of bullying shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

**Prevention and Intervention**

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior among students.

Prevention and intervention techniques within the District to prevent against bullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims and their parents to help ensure that the bullying stops.

Rules against bullying shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents.

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

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of bullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying behavior has not resumed and that all those involved in the investigation of allegations of bullying have not suffered retaliation.

Civil Service Law Section 75-B

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#3420 -- Anti-Harassment in the School District
#7551 -- Sexual Harassment of Students
#7553 -- Hazing of Students
*District Code of Conduct*

Adopted: 2/23/12

**SUBJECT: STUDENT GENDER IDENTITY**

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

**Key Terms**

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

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

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

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

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

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

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

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

**Records**

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

(Continued)

**SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)**

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

**Names and Pronouns**

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

**Restrooms and Locker Rooms**

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

**Physical Education and Sports**

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

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

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**SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)**

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

**Other Activities**

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

**Dress Code and Team Uniforms**

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

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

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

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#3420 -- Non-Discrimination and Anti-Harassment in the School District
#7550 – Dignity for all Students
#7551 -- Sexual Harassment of Students
#7553 -- Hazing of Students
#8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adoption Date 3/25/2021

# Notice of Non-discrimination

The Niagara Falls City School District does not discriminate on the basis of an individual's disability, actual or perceived race, color, creed, religion, religious practice, national origin, ethnic group, sex (including sexual harassment and sexual violence), gender identity, sexual orientation (the term "sexual orientation" means heterosexuality, homosexuality, bisexuality, or asexuality), political affiliation, age, marital status, military status, veteran status, weight, domestic violence victim status, arrest or conviction record, genetic information or any other basis prohibited by New York state and/or federal non-discrimination laws in admission or access to, or treatment or employment in its programs and activities, and provides equal access to the Boy Scouts and other designated youth groups.

The following person has been designated to handle inquiries concerning the application of regulations prohibiting discrimination on the basis of disability and/or all other non-discrimination policies:

Ms. Maria Massaro
Administrator of Human Resources/504 Coordinator
630-66th Street
Niagara Falls, NY 14304
716-286-4225
mmassaro@nfschools.net

You also have the right to inquire of/file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR).

The regional office is located at:

U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
Telephone: (646) 428 – 3800
Facsimile: (646) 428 – 3843
Email: OCR.NewYork@ed.gov
Website: www.ed.gov.ocr

Headquarters
U.S. Department of Education
Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202 -1100
Customer Service: (800) 421 – 3481
Facsimile: (202) 453 – 6012
TTY: (800) 877 – 8339
Email: OCR@ed.gov

**SUBJECT: HAZING OF STUDENTS**

The Board of Education is committed to providing a safe, productive and positive learning environment within its schools. Hazing activities are demeaning, abusive and/or illegal behaviors that harm victims, and are inconsistent with the educational goals of the District by negatively impacting the school environment. Hazing of a student by another student or group of students is strictly prohibited on school property; in school buildings; on school buses; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Hazing of a student refers to soliciting, encouraging, aiding, or engaging in "hazing" behavior as defined pursuant to District policy, regulation and/or law. The Board of Education shall require the prohibition of hazing - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term *"hazing" among students is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate*. Hazing behaviors include, but are not limited to, the following general categories:

a) Humiliation: socially offensive, isolating or uncooperative behaviors.

b) Substance abuse: abuse of tobacco, alcohol or illegal drugs.

c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

Incorporated within this definition are various forms of physical, emotional and/or sexual abuse which may range in severity from teasing/embarrassing activities to life threatening actions.

Even if the hazing victim participated "willingly" in the activity, or there was no "intent" by the hazer to harm or injure another individual, hazing is still hazing and against District policy, the *District Code of Conduct* and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or a group, shall be presumed a forced activity and in violation of Board policy, regardless of the "willingness" of the student to participate.

Any student who believes that he/she is being subjected to hazing behavior, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of hazing, shall report the incident to any staff member or the Building Principal. Anonymous student complaints of hazing behavior will also be investigated by the District. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses hazing behavior) shall investigate the complaint/incident and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of hazing. Investigations of allegations of hazing shall follow the procedures

(Continued)

**SUBJECT: HAZING OF STUDENTS (Cont'd.)**

utilized for complaints of harassment within the School District. Allegations of hazing shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

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

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of hazing. Follow-up inquiries and/or appropriate monitoring of the alleged hazer(s) and victim(s) shall be made to ensure that hazing behavior has not resumed and that all those involved in the investigation of allegations of hazing have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

**Knowingly Makes False Accusations**

Students who *knowingly* make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

**District Responsibility/Training**

Personnel at all levels are responsible for taking corrective action to prevent hazing behavior of which they have been made aware at School District sites; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Further, as may be applicable, personnel are to report such hazing behavior to their immediate supervisor. Staff training shall be provided to raise awareness of the problem of hazing within the schools and to facilitate staff identification of, and response to, such hazing behavior among students.

Prevention and intervention techniques within the District to help prevent hazing behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to hazers, victims and their parents to help ensure that the hazing stops.

Rules against hazing shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the *District Code of Conduct* and may also be incorporated in staff and student handbooks. In addition, allegations of hazing behavior may result in referral to law enforcement officials as necessary.

Civil Service Law Section 75-B
Education Law Sections 1709-a, 2503-a, 2554-a and 2801
Penal Law Sections 120.16 and 120.17
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)(2)

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**SUBJECT: HAZING OF STUDENTS (Cont'd.)**

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#3420 -- Anti-Harassment in the School District
#7551 -- Sexual Harassment of Students
#7552 -- Bullying: Peer Abuse in the Schools
*District Code of Conduct*

Adoption Date 2/23/2012

**SUBJECT: DIGNITY FOR ALL STUDENTS**

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of bullying, discrimination and/or harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission. Since cyberbullying is a form of bullying, the term “bullying” as used in this policy will implicitly include cyberbullying even if it is not explicitly stated.

The District condemns and prohibits all forms of bullying, discrimination and/or harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of bullying, discrimination and/or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

## Dignity Act Coordinator

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint the Dignity Act Coordinator(s) and share the name(s) and contact information with all school personnel, students, and parents/persons in parental relation, which shall include, but is not limited to, providing the name, designated school and contact information by:

a) Listing such information in the Code of Conduct and updates posted on the Internet website, if available;

b) Including such information in the plain language summary of the Code of

Conduct provided to all persons in parental relation to students before the beginning of each school year;

c) Providing such information to parents and persons of parental relation in at least one district or school mailing or other method of distribution including, but not limited to, sending such information home with each student and, if such information changes, in at least one subsequent district or school mailing or other such method of distribution as soon as practicable thereafter;

a) Posting such information in highly visible areas of school buildings;

b) Making such information available at the District and school-level administrative offices.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position.

**Training and Awareness**

Each District and Charter School shall establish guidelines for training which shall be approved by the Board of Education. Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of bullying, discrimination and/or harassment directed at students that are committed by students or school employees on school property or at a school function. Training will include ways to promote a supportive school environment that is free from bullying, discrimination and/or harassment, emphasize positive relationships, and demonstrate prevention and intervention techniques to assist employees in recognizing and responding to bullying, discrimination and/or harassment, as well as ensuring the safety of the victims.

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to bullying, discrimination and/or harassment and civility

in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes.

Rules against bullying, discrimination and/or harassment will be included in the Code of Conduct, publicized District-wide and disseminated to all staff and parents. An age-appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

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

The District will investigate all complaints of bullying, discrimination and/or harassment, either formal or informal, and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. If, after an appropriate investigation, the District finds that this policy has been violated, corrective action will be taken in accordance with District policies and regulations, the Code of Conduct, and all appropriate federal or state laws.

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

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

Any person who has reasonable cause to suspect that a student has been subjected to bullying, discrimination and/or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of bullying, discrimination and/or harassment.

Education Law Sections 10-18 and 801-a
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(jj), 100.2(kk), and 100.2(l)(2)

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board of Education
#3410 -- Code of Conduct on School Property
#3420 -- Non-Discrimination and Anti-Harassment in the School District
#7551 -- Sexual Harassment of Students
#7552 -- Bullying in the Schools
#7553 -- Hazing of Students
#8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adopted: August 23, 2012

NF/EB

**SUBJECT: NOTIFICATION OF SEX OFFENDERS**

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

It is the policy of the Board of Education to disseminate all information which the District receives from local police authorities in conjunction with Megan's Law to designated staff members who might have possible contact with the offender during the course of their school duties including, but not limited to, Building Principals, supervisors, teachers, office personnel, coaches, custodians, bus drivers, playground monitors, staff who issue visitors' passes, and security personnel. The Superintendent reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, parents/guardians of District students, and other community residents who, in the opinion of the Superintendent, have an immediate need to be notified of such data in order to protect the safety of our students.

It is the policy of the Board of Education to facilitate the dissemination of all information that the police authorities have provided the District in conjunction with Megan's Law by posting links to that information on the District web site. Further, each school site shall establish and maintain a dedicated computer, available to parents and guardians, which will permit access to the District web site, and therefore to the relevant law enforcement web sites as well.

Parents and guardians will be informed of procedure to access information on the District's web site.

All staff members shall be notified of the availability of information on the District web site by the Superintendent, and community residents may be notified of the availability of

this information on the District's web site by newsletter as appropriate.

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

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

**Special Circumstances Whereby Sex Offenders May Enter Upon School Grounds**

As a mandatory condition of the sentence for sex offenders placed on probation or conditional discharge whose victim was under the age of eighteen (18) or who has been designated a Level 3 sex offender, the court requires that such sentenced offender refrain from knowingly entering into or upon school grounds or any other facility or institution primarily used for the care or treatment of persons under the age of eighteen (18) while one or more of such persons are present.

However, by exception, entrance upon the premises shall be provided to the sentenced sex offender under the following conditions subject to the written authorization of his/her parole officer and the superintendent or chief administrator of the facility for the limited purposes authorized by that person:

a) The offender is a registered student, participant or employee of the facility;
b) The offender is an employee of an entity contracted by the facility; or
c) The offender has a family member enrolled in the facility.

**Implementation**

Administrative regulations shall be developed to implement this policy.

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

Adopted: 2/23/12

**SUBJECT: SUPERVISION OF STUDENTS**

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

a) District personnel will be fully responsible for the supervision of all students in either their class or their after school activities.

b) Coaches will maintain supervision over the dressing rooms by personally being present during the dressing periods. Coaches are responsible for the supervision of their athletes at the end of practice. This may entail bus duty, or making sure students have transportation home.

c) Teachers and/or assigned school personnel in the elementary grades will be responsible for the playground supervision of all the children under their jurisdiction during the recess periods and before the regular afternoon sessions. The Principal will distribute the responsibility so that the playground situation will be properly controlled.

d) Students are not to be sent on any type of errand away from the building.

NOTE: Refer also to Policy #5720 -- Transportation of Students

Adoption Date 2/23/2012

**SUBJECT: SAFE PUBLIC SCHOOL CHOICE***

Any District student who is a victim of a violent criminal offense, as defined pursuant to Education Law and Commissioner's Regulations, that occurred on the grounds of the District elementary or secondary school that the student attends, shall be allowed to attend a safe public school within the School District to the extent required by the federal No Child Left Behind Act (NCLB) and state law and regulations.

In accordance with Commissioner's Regulations, a "safe public school shall mean a public school that has not been designated by the Commissioner of Education as a persistently dangerous public elementary or secondary school."

## Violent Criminal Offense

The Superintendent shall determine if the student has been the victim of a "violent criminal offense." "Violent criminal offense" means a crime that:

a) Involves infliction of a serious physical injury upon another as defined in New York State Penal Law Section 10.00(10); or
b) A sex offense that involves forcible compulsion; or
c) Any other offense defined in New York State Penal Law Section 10.00(12) that involves the use or threatened use of a deadly weapon.

## Determination Whether Student is a Victim

Procedures shall be established for determination by the Superintendent of whether a student is a victim of a violent criminal offense that occurred on school grounds of the school the student attends. The Superintendent shall, prior to making any such determination, consult with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by such agency. However, a criminal conviction is not required prior to the Superintendent's determination that a student has been a victim of a violent criminal offense. The Superintendent may also consult with the school attorney prior to making such determination.

The Superintendent's determination may be appealed to the Board of Education. However, this determination will not preclude any student disciplinary proceeding brought against

the alleged victim or perpetrator of such violent criminal offense.

**Notice to Parents/Persons in Parental Relation**

A school district that is required to provide school choice in accordance with applicable provisions of the federal No Child Left Behind Act of 2001, Education Law and Commissioner's Regulations, shall establish procedures for notification of parents of, or persons in parental relation to, students who are victims of violent criminal offenses of their right to transfer to a safe public school within the District and procedures for such transfer. Such notice shall be, to the extent practicable, provided in the dominant language or mode of communication used by the parents or persons in parental relation to such student. The School District shall so notify the parents of, or persons in parental relation to, such student within twenty-four (24) hours of the determination that the student has been the victim of a violent criminal offense on school grounds at the school he/she attends.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of such determination at the last known address or addresses of the parents/persons in parental relation to the student. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

However, **such notification shall not be required** where there are no other public schools within the District at the same grade level or a transfer to a safe public school within the School District is otherwise impossible. Similarly, procedures for such notification of parents/persons in parental relation to students who are victims of violent criminal offenses shall not be required where the School District has only one public school within the District or only one public school at each grade level.

**Designation of Safe Public School**

It shall be the responsibility of the School District, based on objective criteria, to designate a safe public school or schools within the District to which students may transfer. However, the District is not required to designate a safe public school where there are no other public schools within the District at the same grade level or transfer to a safe public school within the District is otherwise impossible. Similarly, if the District has only one public school within the School System or only one public school at each grade level, the School District shall not be required to designate a safe public school.

Any student who transfers to a safe public school, in accordance with the provisions of this

policy and applicable law and regulation, shall be enrolled in the classes and other activities of the public school to which such student transfers in the same manner as all other students at the public school. The receiving school shall be identified by the District and must be at the same grade level as the school from which the student is transferring. To the extent possible the School District shall allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as requiring school improvement, corrective action, or restructuring. The District shall provide transportation for any student permitted to transfer to the safe public school within the District designated by the School System within the transportation limits established pursuant to Education Law Sections 3635 and 4401(4). Any student who transfers to a safe public school shall be permitted to remain in such safe public school until the student has completed the highest grade level in the school transferred to, or for such other period prescribed by the U.S. Department of Education, whichever is less.

While the parents/persons in parental relation to the student must be offered the opportunity to transfer their child, they may elect to have the child remain at the school he/she currently attends.

Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001,
Section 9532
Education Law Section 2802(7)
8 New York Code of Rules and Regulations (NYCRR) Section 120.5

Adopted: 2/23/12 Reviewed 1/23/2020

**SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN**

A District plan shall be developed and updated every two (2) years describing the Special Education program in the Niagara Falls City School District. The District plan shall include the following:

a) A description of the nature and scope of special education programs and services currently available to students (including preschool students) residing in the District, including but not limited to descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition.

b) Identification of the number and age span of students (school age and preschool) to be served by type of disability and recommended setting.

c) The method to be used to evaluate the extent to which the objectives of the program have been achieved.

d) A description of the policies and practices of the Board of Education to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities.

e) A description of the policies and practices of the Board of Education to ensure that appropriate space will be continually available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by Boards of Cooperative Educational Services.

f) A description of how the District intends to ensure that all instructional materials to be used in the schools of the District will be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students. The alternative format must meet the National Instructional Materials Accessibility Standard defined in federal law.

g) The estimated budget to support such plan.

h) The date on which such plan was adopted by the Board of Education.

i) A description of how the District plan is consistent with the special education space requirements plan for the region as developed by the Board of Cooperative Educational Services.

The District plan, with personally identifiable student information deleted, shall be filed and available for public inspection and review by the Commissioner.

20 United States Code (USC) Section 1474(e)(3)(B)
8 New York Code of Rules and Regulations (NYCRR) Part 155 and Section 200.2(c)

Adoption Date 7/3/2014

**SUBJECT: CHILDREN WITH DISABILITIES**

A child with a disability means a student under the age of twenty-one who is entitled to attend public schools and who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. A child is not considered as having a disability if his/her educational needs are due primarily to unfamiliarity with the English language; environmental, cultural or economic factors; or lack of appropriate instruction in reading or mathematics.

If the State Education Department finds that the District has inappropriate policies, procedures or practices resulting in a significant disproportionality by race/ethnicity in the suspension, identification, classification and/or placement of students with disabilities, the District will ensure that it publicly reports on the subsequent revisions to those policies, procedures or practices.

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional and physical development of children attending school in the District. In recognizing these differences the Board supports a system of services offered in the least restrictive environment for children with disabilities which includes:

a) Not requiring any student to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services.

b) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting.

c) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.

*d) Taking the following measurable steps to recruit, hire, train and retain highly qualified personnel to provide special education programs and services:

1. Human Resource Office conducts frequent recruitment measures. Postings may be found on District web site and local newspaper;

2. Check credentials and requirements listed on applications;

3. Training is offered at least ten (10) times a school year;

4. Special Education teachers are required to have subject matter knowledge appropriate to the level of instruction being provided; when teaching two (2) or more core academic subjects exclusively to children with disabilities, the teacher will meet the requirements of "highly qualified" per the No Child Left Behind Act (NCLB) and the

(Continued)

**SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)**

Individuals with Disabilities Education Improvement Act of 2004 (IDEA) or demonstrate competence in all the core academic subjects taught per state regulations;

5. Special education teachers and administrators are required to complete enhanced training in the needs of autistic children.

*e) Establishing the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide assessments:

1. Ensure that necessary accommodations are specified on individualized education program (IEP) and implemented in accordance with the IEP;

2. Review the need for accommodations at Committee on Special Education (CSE) evaluations/re-evaluations;

3. Local testing every ten (10) weeks, annual review and year end testing.

*f) To the extent feasible, using universal design principles (defined as a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of functional capabilities, which include products and services that are directly usable without requiring assistive technologies and products and services that are made usable with assistive technologies) in developing and administering District-wide assessment programs by:

1. Addressing appropriate universal design principles in IEP;

2. Having the Library Media Specialist and/or Curriculum Coordinator keep Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) apprised of available products and services utilizing universal design principles;

3. Ensuring that instructional materials and activities allow learning goals to be achievable by individuals with wide differences in abilities;

4. Ensuring that flexible curricular materials and activities are built into the instructional design and operating systems;

5. Ensuring that instruction is diversified to deliver the general education curriculum to every student and diversify ways students may respond to that curriculum;

6. Chief Information Officer leads curriculum/assessment review. This is a biweekly meeting with administrators. All assessments are aligned with the New York State Assessments.

(Continued)

**SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)**

g) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.

h) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.

i) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.

j) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

**Provision of Special Education Services to Nonpublic School Students with Disabilities who are Parentally Placed**

The **district of location** is responsible for child find, including individual evaluations, Committee on Special Education (CSE) meetings, provision of special education services, and due process to parentally placed nonpublic school students attending nonpublic schools located in the geographic region of the public school district.

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, State-supported or State-operated schools or to Charter schools.

The actual cost for Committee on Special Education (CSE) administration, evaluations and special education services provided to a student with a disability who is a resident of New York State, but a nonresident to the district of location, may be recovered from the student's school district of residence. Because federal regulations require parental consent before any personally identifiable information about the student relating to special education is shared between officials in the public school district of location and officials in the public school district of residence, parent consent to share special education information between the two public school districts is required before billing a district of residence for the cost of special education services provided to the student by the district of location.

Parental consent must be obtained by the school district of location before any personally identifiable information about the student is shared between officials in the public school district of residence and officials in the public school district of location.

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**SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)**

The school district of location must consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the school district. The school district must engage in consultation regarding the child find process and services generally; consultation is not specific to individual students. Individual services are determined by the CSE.

The consultation process must be timely and meaningful and include discussion of:

a) Child Find;
b) Provision of Special Education Services; and
c) Use of Federal Funds.

The school district of location must provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out-of state students must be documented on a services plan that is developed by the CSE of the district of location. The services plan is the written plan that describes the specific special education and related service that the district of location will provide to the student consistent with the services that the school district of location has determined through the consultation process and in relation to the proportionate shares of federal IDEA Part B dollars, to be provided to the student.

**Tuition Reimbursement Claims for Disabled Nonpublic School Students**

The parent must comply with the IDEA's pre-hearing notice requirement for tuition reimbursement claims. Specifically, the IDEA directs that at least ten (10) business days before submitting a request for an impartial due process hearing for tuition reimbursement, the parent must give the district written notice of intent to enroll the child in private school at public expense. The purpose of this requirement is to give the public school district's CSE the opportunity to meet and develop a new IEP for the student that addresses the parent's concerns. *A parent who does not provide such written notice within ten (10) days may have his request for reimbursement reduced or denied. In most cases, a parent's failure to satisfy these notice requirements is a complete bar to recovery.*

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Sections 612 and 614
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
20 United States Code (USC) Section 9101(23)
21 United States Code (USC) Section 812(c)
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 3004(4), 3004(5), 3208, 3242, 3602-c, 4401-4407 and 4410-6
8 New York Code of Rules and Regulations (NYCRR) Sections 52.21, 57-3, 100.5, 100.9, 177.2, 200.2(b), 200.2(c)(2)(v), 200.4(e)(9) and 200.6(a)(1)

NOTE: Refer also to Policy #7615 -- Least Restrictive Environment

Adoption Date 7/2/2015

**SUBJECT: GROUPING BY SIMILARITY OF NEEDS**

The Board of Education will provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines shall apply:

a) That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE).

b) The CSE shall determine written goals, including academic and functional goals, for each student with a disability by considering the special and individual needs of each student with a disability. Short-term instructional objectives and/or benchmarks will be created for each preschool student with a disability and for students who take New York State alternate assessments.

c) The CSE shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.

d) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.

e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.

f) Students with disabilities may be grouped according to:

1. Academic achievement, functional performance and learning characteristics;
2. Social development;
3. Physical development; and
4. Management needs.

g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.

h) The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(ww), 200.2(b)(3), 200.4(d) and 200.6(a)(3)

Adoption Date 7/2/2015

**SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM**

The Board of Education shall establish at least one Committee on Special Education (CSE) and one Committee on Preschool Special Education (CPSE). The Board shall also establish, as necessary, Subcommittees on Special Education to ensure timely evaluation and placement of students with disabilities.

## Committee on Special Education

The Board of Education shall, upon completion of its review of the recommendations of the CSE, arrange for the appropriate special education programs and services to be provided to a student with a disability. The Board shall notify the parent/guardian of its action in accordance with federal and state law and regulations.

For a student not previously identified as having a disability, the CSE shall provide a recommendation to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the date of receipt of consent to evaluate. For a student with a disability referred for review, a recommendation shall be provided to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the referral for review. However, if such recommendation of the CSE is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such special education programs and services for students with disabilities within thirty (30) school days of the Board's receipt of the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board of Education disagrees with such recommendation, the Board shall follow one of the following procedures:

a) The Board may remand the recommendation to the CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The CSE shall consider the Board's objections or concerns, revise the individualized education program (IEP) where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE

to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,

b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections orconcerns. The second CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parents/guardians with written notice and a copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

**Committee on Preschool Special Education**

Upon receipt of the recommendation of the Committee on Preschool Special Education (CPSE), the Board of Education shall arrange for the preschool student with a disability to receive such appropriate programs and services in accordance with the student's IEP, commencing with the July, September or January starting date for the approved program. The CPSE shall provide a recommendation to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the date of receipt of consent to evaluate.

If the Board disagrees with the recommendation of the CPSE, the Board shall send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board of Education shall provide such notice as required by federal and state law and regulations.

**Subcommittee on Special Education**

The number of Subcommittees on Special Education will be determined by the CSE and the CSE will be responsible for the oversight and monitoring of the activities of each subcommittee to assure compliance with the requirements of applicable state and federal laws and regulations.

Each Subcommittee may perform the functions for which the CSE is responsible, except:

a) When a student is considered for initial placement in a special class; or

b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or

c) When a student is considered for placements in a school primarily serving students with disabilities or a school outside the District.

Subcommittees shall report annually to the CSE regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relation to a student, the Subcommittee shall refer to the CSE any matter in which the parent disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate education to the student.

Education Law Sections 4402 and 4410
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(d)(1), 200.4(c), 200.4(d), 200.5 and 200.16(e)
NOTE: Refer also to Policies #7631 -- Appointment and Training of Committee on Special Education (CSE)/Subcommittee on Special Education Members
#7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Adoption Date July 2, 2015

**SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM**

The Board recognizes the need for educational programs for three (3) and four (4) year old children with disabilities and directs that administrative practices and procedures be developed to:

a) Ensure the timely evaluation and placement of each preschool child with a disability residing in the District so the child has the opportunity to participate in preschool programs.

b) Establish a Committee on Preschool Special Education (CPSE) which shall be comprised in accordance with applicable federal and state law and regulation.

c) Ensure that parents have received and understand the request for consent for evaluation and re-evaluation of a preschool aged child.

**Evaluations for Preschool Children with Disabilities**

The District is required to collect entry assessment data in the three (3) outcome areas on all preschool children who receive an initial evaluation. As currently required by Commissioner's Regulation Section 200.5, a parent must be fully informed about the proposed initial evaluation and must provide consent for an initial evaluation. This would include a description of the proposed evaluation.

The CPSE will receive entry-level assessment results in the three (3) outcome areas from approved preschool evaluators conducting initial evaluations on all preschool children suspected of having disabilities. The CPSE will then meet to determine the child's eligibility for preschool education programs and/or services and complete the Child Outcomes Summary Form to determine the child's entry level of functioning in the three (3) outcome areas for all preschool children evaluated and found to be eligible. The form is be kept in the student's record until the exit assessment information is due as a way to summarize complex assessment information in a format so that the data can be aggregated and reported to the State Education Department (SED).

Individuals with Disabilities Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
Education Law Section 4410
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(2), 200.2(b)(5) and 200.5

NOTE: Refer also to Policy #7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Adoption Date 9/24/2015

**SUBJECT: LEAST RESTRICTIVE ENVIRONMENT**

*Least restrictive environment* means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with use of supplementary aids and services, education in regular classes cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment shall:

a) Provide the special education and related services, as well as supplementary aids and services, needed by the student. The term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of such device;

b) Provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and

c) Be as close as possible to the student's home.

The District has an obligation, pursuant to law and regulation, to educate students with disabilities in the least restrictive environment. The School District shall ensure that:

a) Placement is based on the student's individualized education program and determined at least annually;

b) Placement is as close as possible to the student's home, and unless the student's individualized education program requires some other arrangement, the student shall be educated in the school he/she would have attended if not disabled;

c) In selecting the least restrictive environment, consideration will be given to any potential harmful effect on the student or on the quality of services that he/she needs; and

d) A student with a disability will not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

The District shall ensure that a continuum of alternative placements, in accordance with law and/or regulation, will be available to meet the needs of students with disabilities. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the regular class, including, as appropriate, related services, consultant teacher services, paraprofessional support, resource room services, integrated co-teaching, and special class programs within the general education classroom.

Individuals with Disabilities Education Act (IDEA) 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4401-4410-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.5, 100.9, 200.1(cc), 200.1(qq), 200.2(b), 200.4 and 200.6

Adoption Date 7/3/2014

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION (PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)**

The School District shall establish a plan for implementing schoolwide approaches and prereferral interventions in order to remediate a student's performance *prior to referral* for special education. This plan may include a Response to Intervention (RTI) process.

The provision of programs and/or services for students starts with consideration/implementation of instruction in the general education curriculum, with appropriate supports and/or modifications as may be necessary. In implementing prereferral intervention strategies, the District may utilize resources/strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973, and Educationally Related Support Services and Academic Intervention Services as defined in Education Law and/or Commissioner's Regulations. All of these programs may be considered as possible components of Prereferral/Intervention Instructional Support Plans. The District will ensure that they have a system in place, with appropriate personnel, for developing, implementing and evaluating prereferral intervention strategies.

The District will provide general education support services, instructional modifications, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education (CSE). Formal Student Teacher Academic Response Team (START) will be formed in accordance with law and/or regulations as may be applicable as well as District guidelines. The START will include representatives from general and special education as well as other disciplines and include individuals with classroom experience. Parents/persons in parental relation to students will be involved in developing prereferral strategies to address the educational needs of their child. Additionally, the District will seek collaboration between outside agencies and the school prior to a referral of the student to the CSE in order to address necessary student support services.

Administration shall ensure that appropriate opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents/persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

The determination of prevention and prereferral intervention strategies/services shall consider the student's strengths, environment, social history, language and cultural diversity in addition to the teacher's concerns. The building administrator will further ensure that all staff are familiar with intervention procedures and procedures for operating an START.

Prereferral/Intervention Instructional Support Plans shall be proactive in their strategies to meet the broad range of student needs and to improve student performance. Prereferral/Intervention strategies and/or Instructional Support Plans are to be reviewed and evaluated to determine their effectiveness, and modified as may be appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented shall be maintained.

However, should a referral be made to the CSE during the course of implementing prereferral/intervention instructional support services, the CSE is obligated in accordance with law to continue its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program, if applicable.

**Educational Related Support Services**

*Educational related support services* (ERSS) means curriculum and instructional modification services; direct student support team services; assessment and non-career counseling services; special instruction to eligible students with disabilities as defined in Education Law Section 4401, which does not generate excess cost aid including related services but excluding transportation and transition services; and to eligible, qualified students pursuant to Section 504 of the Rehabilitation Act of 1973. These services are provided to eligible students, individually or in groups, and may include those related consultation services provided to their families and related school personnel in order to enhance the academic achievement and attendance of such students. Educational related support services shall also mean speech and language improvement services as defined in Commissioner's Regulations.

ERSS may be utilized as a component of any Prereferral/Intervention Instructional Support Plan.

**Section 504 of the Rehabilitation Act of 1973**

For students who are qualified for services pursuant to Section 504 of the Rehabilitation Act, but are not classified as students with disabilities as defined in Education Law Section 4401, Section 504 Accommodation Plans may address instructional support services that can be utilized as components of any prereferral/intervention strategies as deemed necessary and/or appropriate.

**Academic Intervention Services**

*Academic intervention services* means additional instruction which supplements the instruction provided in the general education curriculum and assists students in meeting the State learning standards as defined in Commissioner's Regulations and/or student support services which may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance.

However, such services shall not include services provided to students with limited English proficiency pursuant to Commissioner's Regulations or special education services and programs as defined in Education Law Section 4401. Academic intervention services are intended to assist students who are at risk of not achieving the State learning standards in English language arts, mathematics, social studies and/or science, or who are at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels on State assessments.

The District has developed a description of the academic intervention services offered to grades K through 12 students in need of such services. The District will review and revise this description every two (2) years based on student performance results.

Parental notification of students who have been determined to need academic intervention services will be provided as per Commissioner's Regulations.

In implementing prevention and/or prereferral intervention support strategies in order to remediate a student's performance prior to referral for special education, the utilization of academic intervention services, as enumerated in Commissioner's Regulations, may be included as a component of any such Prereferral/Intervention Instructional Support Plan.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Education Law Sections 3602(32), 4401 and 4401-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.1(g), 100.1(p), 100.1(r), 100.1(s), 100.1(t), 100.2(v), 100.2(dd)(4), 100.2(ee), 200.2(b)(7), 200.4(a)(2), 200.4(a)(9); 200.4(c) and Part 154

NOTE: Refer also to Policy #7212 -- Response to Intervention (RTI) Process

Adoption Date July 2, 2015

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES**

The School District shall establish and implement a plan for the appropriate declassification of students with disabilities which must include:

a) The regular consideration for declassifying students when appropriate;

b) A reevaluation of the student prior to declassification; and

c) The provision of educational and support services to the student upon declassification.

## Eligibility Determinations

The School District must evaluate a student with a disability prior to determining that a student is no longer a student with a disability as defined in accordance with Commissioner's Regulations, and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent at no cost to the parent. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's individualized education program (IEP).

Prior to the reevaluation, the School District shall obtain informed written parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District must have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation and/or due process procedures.

The District shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

## Graduation/Aging Out

The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the District must provide the student with a summary (Student Exit Summary) of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his/her post secondary goals. Although not required to do so, the District will also provide this Student Exit Summary (see website: http://www.vesid.nysed.gov/specialed/idea/studentexit.htm) to students exiting with a High School Equivalency Diploma.

In addition, the parent must receive prior written notice, in accordance with

Commissioner's Regulations, before the student's graduation from high school with a local or Regents diploma. ~~or~~ If the student will be graduating with a Skills and Achievement Commencement Credential, this prior written notice must indicate that the student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns twenty-one (21) or until receipt of a regular high school diploma. However, New York State Law does not grant a child who has reached the age of majority all rights previously granted to parents under IDEA.

**Recommendation for Declassification**

If the student has been receiving special education services, but it is determined by CSE that the student no longer needs special education services and can be placed in a regular educational program on a full-time basis, the recommendation shall:

a) Identify the declassification support services, if any, to be provided to the student; and/or the student's teachers; and

b) Indicate the projected date of initiation of such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one (1) year after the student enters the full-time regular education program.

**Declassification Support Services**

*Declassification support services* means those services provided to the student or the student's teacher(s) to aid in the student's transition from special education to full-time regular education. These services are provided by persons certified or licensed in the appropriate area of service pursuant to Commissioner's Regulations Part 80. Such services include:

a) For the student: psychological services, ~~social work services~~, speech and language improvement services, noncareer counseling, and other appropriate support services; and

b) For the student's teacher(s): the assistance of supplementary school personnel and consultations with appropriate personnel.

When appropriate, the District shall provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

**Procedural Safeguards Notice**

The District shall use the procedural safeguards notice prescribed by the Commissioner of Education. The District will further ensure that the procedural safeguards notice is provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the District shall take steps to ensure that the notice is translated orally or by other means to the parent in his/her native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that all due process procedures, pursuant to law and/or regulation, have been met.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.

34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4401-4410-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(u), 200.1(ooo), 200.2(b)(8), 200.4(b)(4),
200.4(b)(5), 200.4(c)(3), 200.4(c)(4), 200.4(d)(1) and 200.5(a)
NOTE: Refer also to Policy #7641 -- Transition Services

Adoption Date July 2, 2015

Students

NF/EB

**SUBJECT: USE OF TIME OUT ROOMS**

Except as provided pursuant to 8 New York Code of Rules and Regulations (NYCRR) Section 200.22(c) as referenced below, the School District shall not employ the use of time out rooms as a means of regulating student behavior.

Pursuant to Commissioner's Regulations, a time out room is defined "as an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her education program." If a time out room is to be used, it must be used in conjunction with a behavioral intervention plan (that is designed to teach and reinforce alternative appropriate behaviors) in which a student is removed to a supervised area in order to facilitate self-control or when it is necessary to remove a student from a potentially dangerous situation and for unanticipated situations that pose an immediate concern for the physical safety of a student or others.

The District has adopted and implemented the following policy and procedures governing school use of time out rooms as part its behavior management approach consistent with Commissioner's Regulations, including the physical and monitoring requirements, parental rights and individualized education program (IEP) requirements for students with disabilities.

**At a minimum, the use of time out rooms shall be governed by the following rules and standards:**

a) The District prohibits placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised. The time out room shall be unlocked and the door must be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out or emergency interventions is prohibited.
Staff shall continuously monitor the student in a time out room. The staff must be able to see and hear the student at all times.

Under no circumstances shall a time out room in a school program be used for seclusion of the student, where the term "seclusion" is interpreted to mean placing a student in a locked room or space or in a room where the student is not continuously observed and supervised.

b) Factors which may precipitate the use of the time out room:

***[District to list examples of precipitating factors.]**

c) Time limitations for the use of the time out room:

****[District to establish time limitation(s) for the use of the time out room.]**

**and** District must customize*
Further, a student's IEP shall specify when a behavioral intervention plan includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence as determined on an individual basis in consideration of the student's age and

individual needs.

School administration or other personnel shall be notified in the event a student is placed in a time out room for excessive amounts of time; and such information shall be considered when determining the effectiveness of the student's behavioral intervention plan and the use of the time out room for the student. Whether the student requires a debriefing following the use of a time out room shall be left to the staff knowledgeable about the individual student.

d) Staff training on the policies and procedures related to the use of time out rooms shall include, but not be limited to, the following measures:

1. The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Commissioner's Regulations relating to the use of time out rooms, including members of the Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE).

*2. **[District to list specific training programs or activities.]**

e) Data collection to monitor the effectiveness of the use of time out rooms:

District schools shall establish and implement procedures to document the use of time out rooms, including information to monitor the effectiveness of the use of the time out room to decrease specified behaviors. Such data would be subject to review by the State Education Department (SED) upon request.

Such data collection should appropriately include, but is not limited to, the following information:

1. A record for each student showing the date and time of each use of the time out room;

2. A detailed account of the antecedent conditions/specific behavior that led to the use of the time out room;

3. The amount of time that the student was in the time out room; and

4. Information to monitor the effectiveness of the use of the time out room to decrease specified behaviors which resulted in the student being placed in the room.
**District must customize*
f) Information to be provided to parents.

The School District shall inform the student's parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room for a student, and shall give the parent the opportunity to see the physical space that will be used as a time out room and provide the parent with a copy of the school's policy on the use of time out rooms.

Additionally, parents should be notified if their child was placed in a time out room. Minimally, *whenever a time out room is used as an emergency intervention* pursuant to Commissioner's Regulations Section 200.22(d), the parent shall be notified of the emergency intervention. Such notification will be provided the same day whenever possible.

The parent is a member of the CSE and the use of a time out room must be included on the student's IEP. The parent receives prior notice as to the recommendations on a student's IEP and may request due process in the event the parent does not agree with the CSE recommendations.

Parent reports of alleged inappropriate interventions used in a time out room should be directed to school administrators.

**Physical Space Used as a Time Out Room**

The physical space used as a time out room must meet certain standards.

a) The room shall provide a means for continuous visual and auditory monitoring of the student.

b) The room shall be of adequate width, length and height to allow the student to move about and recline comfortably.

c) Wall and floor coverings should be designed to prevent injury to the student, and there shall be adequate lighting and ventilation.

d) The temperature of the room shall be within the normal comfort range and consistent with the rest of the building.

e) The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student and shall meet all local fire and safety codes.

Education Law Sections 207, 210, 305, 4401, 4402, 4403, and 4410
8 New York Code of Rules and Regulations (NYCRR) Sections 19.5, 200.1, 200.4, 200.7, 200.22, and 201.2

Adoption Date July 2, 2015

**SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT PROGRAMS**

All students with disabilities residing in the District, including those of preschool age, shall be provided with full access and opportunity to participate in School District programs, including nonacademic and extracurricular programs and activities, that are available to all other students enrolled in the public schools of the District. Nonacademic and extracurricular programs and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the School District, referrals to agencies that provide assistance to individuals with disabilities and employment of students (both by the School District and assistance in making outside employment available).

Parents/guardians of students with disabilities, including those students placed in out-of-District programs, shall receive timely notice of such District programs and activities.

**Community Resources**

The School District may compile a list of community resources (appropriate and/or helpful services that may be available outside of the school setting) and provide this information to parents or persons in parental relation of a child with a disability. Such a list shall clearly state that these services are in addition to programs and services provided by the School District and will not be paid for by the School District. Any member of the School District's committees or subcommittees on special education, or the School District, who, acting reasonably and in good faith, provides this information shall not be liable for such action.

Education Law Sections 4402(1)(b)(3-a) and 4410 (5)(b)(IV)
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(1) and 200.2(b)(2)

Adoption Date 7/3/2014

**SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973**

The Board of Education affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District shall make its program and facilities accessible to all its students with disabilities.

The District shall also identify, evaluate and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The District official responsible for coordination of activities relating to compliance with Section 504 is the Superintendent of Schools and his or her designee. This official shall provide information, including complaint procedures, to any person who feels his/her rights under Section 504 have been violated by the District or its officials.

**Prohibition Against Disability-Based Discrimination in Accelerated Programs**

The practice of denying, on the basis of disability, a qualified student with a disability the opportunity to participate in an accelerated program violates both Section 504 and Title II. A school district may not impose or apply eligibility criteria that screens out or tends to screen out a student with a disability from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary.

It is also unlawful to deny a student with a disability admission to an accelerated class or program solely because of his/her need for special education or related aids or services (i.e., related services, supplementary aids and services, program modification and supports for school personnel) or because the student has an Individualized Education Program (IEP) or a plan under Section 504.

Schools may employ appropriate eligibly requirements or criteria in determining whether to admit students, including students with disabilities, into accelerated classes or programs. Additionally, nothing in Section 504 or Title II requires schools to admit into accelerated classes or programs students with disabilities who would not otherwise be qualified for these classes or programs.

Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
28 Code of Federal Regulations (CFR) Part 35
34 Code of Federal Regulations (CFR) Parts 104 and 300

NOTE: Refer also to Policy #7550 -- Complaints and Grievances by Students

Adoption Date July 2, 2015

**APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS**

Policy
Committee on Special Education (CSE) Membership

The Board of Education shall appoint a Committee on Special Education (CSE) whose membership shall include, but not be limited to, the following members:

a) The parent(s) or persons in parental relationship of the student. To ensure that one or both parents are present at each CSE meeting, the District and the parent(s) may agree to use alternative means of participation such as videoconferences or conference phone calls.

b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);

c) Not less than one (1) special education teacher of the student, or, where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;

d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District. An individual who meets these qualifications may be the same individual appointed as the special education teacher or provider in c) above or the school psychologist in i) below. The representative of the District will serve as the chairperson of the Committee;

e) An individual who can interpret the instructional implications of evaluation results, who may be a CSE member selected from the regular education teacher, the special education teacher or provider, the school psychologist, or the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;

f) A member as described in letters b) through e) of this subheading is not required to attend the CSE meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:

1. The member's area of the curriculum or related services is not being modified or discussed in the meeting; or

2. The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

3. The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in 2. above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation;

g) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;

h) Whenever appropriate, the student with a disability. The District must invite a child with a disability to attend the child's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. If the child does not attend the CSE meeting, the District must take other steps to ensure that the child's preference and interests are considered. To the extent appropriate, with the consent of the parent or a student eighteen (18) years or older, the District must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services;

i) A school psychologist;

j) A school physician, if requested in writing at least seventy-two (72) hours prior to the meeting by the parents of the student or the School District; and

Subcommittee on Special Education Membership

The Board of Education shall appoint, as necessary, a Subcommittee on Special Education whose membership shall include, but not be limited to, the following members:

a) The parent(s) of the student;

b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);

c) Not less than one (1) special education teacher, of the student, or where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;

d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District. This individual may also fulfill the requirements of c) or e) of this section. The representative of the District will serve as the chairperson of the Subcommittee;

e) A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, as set forth in Section 200.6(f)(4) of the Regulations of the Commissioner, is considered;

f) A member as described in letters b) through e) of this subheading is not required to attend the subcommittee meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:

1. The member's area of the curriculum or related services is not being modified or discussed in the meeting; or

2. The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

3. The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in 2. above to the parents/persons in parental relation

within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation;

g) At the discretion of the parent or the Committee, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the subcommittee;

h) An individual who can interpret the instructional implications of evaluation results, who may be a member described in letters "b" through "g" of this subheading; and

i) Whenever appropriate, the student with a disability.

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Special Education.

Alternative Means of Meeting

When conducting a meeting of the Committee on Special Education (CSE), the parent and the representative of the District appointed to the CSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

Individuals with Disabilities Education Act (IDEA) 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300 and Section 300.321
Education Law Section 4402
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(3), 200.3, and 200.4(d)(4)(i)(d)

NOTE: Refer also to Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program
#7632 -- Appointment and Training of Committee on Preschool Special Education Members

Adoption Date September 24, 2015

**SUBJECT:**

# APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS

**Policy Committee on Preschool Special Education (CPSE) Membership**

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) whose membership shall include, but not be limited to, the following members:

a) The parent(s) of the preschool child. To ensure that one or both parents are present at each CPSE meeting, the District and the parent(s) may agree to use alternative means of participation such as video conferences or conference phone calls;

b) Not less than one (1) regular education teacher of such child (if the child is, or may be, participating in the regular education environment);

c) Not less than one (1) special education teacher of the child or, where appropriate, not less than one (1) special education provider (i.e., related service provider) of such child;

d) A representative of the School District who is qualified to provide, or supervise the provision of, special education and who is knowledgeable about the general education curriculum and about the availability of preschool special education programs and services and other resources of the District and the municipality (who shall serve as Chairperson of the CPSE);

e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, the special education teacher or provider, the school psychologist, the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;

f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;

g) For a child's smooth transition from early intervention programs and services (Infant and Toddler Programs), at the request of the parent/person in parental relation, the appropriate professional designated by the agency that has been charged with the responsibility for the preschool child; and

h) A representative from the municipality of the preschool child's residence. Attendance of the appointee of the municipality is not required for a quorum.

However, except for the parents/persons in parental relation and the appointee from the municipality ( a) and i) above) a member of the CPSE is not required to attend a meeting of the team in whole or in

part if the parent/person in parental relation and the District agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed at that meeting.

Additionally, a member as described in letters b) through h) of this subheading may be excused from attending the CPSE meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing to the excusal not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:

a) The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

b) The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in a) above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation.

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Preschool Special Education.

Alternative Means of Meeting

When conducting a meeting of the Committee on Preschool Special Education (CPSE), the parent and the representative of the District appointed to the CPSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

Individuals with Disabilities Education Act (IDEA) 20 United States Code (USC) Section 1400 et seq.

34 Code of Federal Regulations (CFR) Part 300

Education Law Section 4410

8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(3) and 200.3

NOTE: Refer also to Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program
#7614 -- Preschool Special Education Program
#7631 -- Committee on Special Education/Subcommittee on Special Education Members
**Adoption Date September 24, 2015**

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION**

**Development of Individualized Education Program**

The Board of Education directs that the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) shall have prepared a written statement (program) for each child with a disability.

Such an Individualized Education Program (IEP) will be developed by the CSE or CPSE upon referral, and reviewed or revised, whichever is appropriate, for every child with a disability at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

The District shall ensure that each student with a disability has an IEP in effect at the beginning of each school year.

Functional Behavioral Assessments/Behavioral Intervention Plans

A functional behavioral assessment (FBA) is an integral part of the evaluation and reevaluation of a student with a disability which should be used throughout the process of developing, reviewing and revising a student's IEP when the student's behavior impedes learning of the child or others. If need for a FBA, the CSE/CPSE must obtain parental consent to begin to collect data. The FBA is the process of determining why a student engages in challenging behavior and how the student's behavior relates to the environment. Data collected for an FBA can include:
1. Parent Interview

2. Student Interview

3. Behavior questionnaire

The FBA provides a baseline of the student's problem behaviors with regard to frequency, duration, intensity and/or latency across activities, settings, people and times of the day and includes:

a) The identification of the problem behavior,

b) The definition of the behavior in concrete terms,

c) The identification of the contextual factors that contribute to the behavior (including cognitive and affective factors), and

d) The formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain the behavior.

The CSE/CPSE will ensure that functional behavioral assessments, when appropriate, are conducted and reviewed to:

a) Determine if a Behavioral Intervention plan is needed for the student to address the identified behaviors to promote the student's involvement and progress in the general curriculum;

CSE/CPSE will develop a Behavioral Intervention plan to:
b) identify the baseline measure of the problem behavior;

c) Identify the intervention strategies to be used.

d) Identify a schedule to measure the effectiveness of the interventions, 200.22(b)

In the case of a student whose behavior impedes his or her learning or that of others, the CSE/CPSE shall consider strategies, including positive behavioral interventions and supports and other strategies to address that behavior. The need for a behavioral intervention plan (BIP) shall be documented on the IEP and such plan shall be reviewed at least annually by the CSE/CPSE. In addition, regular progress monitoring of the frequency, duration and intensity of the behavioral interventions shall be conducted at scheduled intervals, documented and reported to the parents and CSE/CPSE.

A behavioral intervention plan may not include the use of aversive interventions or time out rooms except in accordance with specific Board policy regulating these techniques.

Individual Evaluations

Parental consent must be provided for an initial evaluation. If such consent is not received within thirty (30) calendar days of receipt of the referral, the CSE/CPSE Chairperson will document all attempts made to obtain the consent and, if appropriate, advise the Board of its right to utilize the due process procedures to conduct an evaluation without parental consent.

Unless a referral is withdrawn, an individual evaluation at no cost to the parent will be completed by the CSE/CPSE within sixty (60) calendar days after written parental consent has been obtained or a parental refusal to consent is overridden, unless:

a) An extension is mutually agreed to by the parent and the CSE/CPSE for the following situations:

1. Transfer students: A student enrolls in the District after sixty (60) days and prior to a determination by the student's previous school district as to whether the student has a disability, but only if the new school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent and the new district agree in writing to a specific timeframe for completion; or

2. Students suspected of having learning disabilities; or

b) The parent or student repeatedly fails or refuses to produce the student for evaluation

No student shall be required to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving an evaluation.

The individual evaluation will include a variety of assessment tools and observations, which include information provided by the parent. The purpose of the evaluation is to gather relevant academic, social, emotional and physical information that may assist in determining whether the student has an Educational Disability. This shall include information relating to enabling the student to participate and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities.)

As part of any evaluation, a group that includes the CSE/CPSE and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments, local or state

assessments, classroom-based observations, and observations by teachers and related services providers. In addition, the group will consider information about the student's cultural background and adaptive behavior.

On the basis of that review, and input from the student's parents, the group shall identify what additional data, if any, are needed to determine:

a) Whether the student has or continues to have a disability;

b) The present levels of academic achievement and related developmental needs of the student, including:

1. Academic achievement, functional performance, and learning characteristics;

2. Social development;

3. Physical development; and

4. Management needs.

c) In the case of a reevaluation of a student, whether the student continues to qualify for special education services; and

d) Whether any additions such as accommodations or modifications are recommended to meet the measurable annual goals developed on the IEP in order for the student and to participate, as appropriate, in the general education curriculum.

If additional data are not needed, the District must notify the parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services provided in accordance with law and Commissioner's Regulations, the student continues to be a student with a disability and to determine the student's educational needs. The District is not required to conduct the assessment unless requested to do so by the student's parents.

The determination that a student has a learning disability will be made in accordance with the procedures outlined in Section 200.4(j) of Commissioner's Regulations.

Individual Re-evaluations

A CSE/CPSE shall arrange for an appropriate re-evaluation of each student with a disability:

a) If the CSE/CPSE determines that the educational or related service’s needs have shown significant progress and do not demonstrate a significant deficit in order for the student to access their academic program then special education/related services of the students skills may warrant re-evaluation or progress summary for declassification;

b) At least once every three (3) years, unless the District and the parent/person in parental relation agree in writing that such re-evaluation is unnecessary.

A re-evaluation shall not be conducted more frequently than every three years unless the parent and the District representative appointed to the CSE/CPSE agree otherwise.

The re-evaluation will be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the

student's continuing eligibility for special education. The results of any re-evaluations must be addressed by the CSE/CPSE in reviewing, and as appropriate, revising the student's IEP.

To the extent possible, the District shall encourage the consolidation of re-evaluation meetings for the student and other CSE/CPSE meetings for the student with prior written notification to the parent for participation.

Amendments to the IEP

Amendments to the IEP made after the annual review by the CSE/CPSE may be made by reconvening the CSE/CPSE and rewriting the IEP or by developing a written document to amend or modify the student's current IEP with prior written notification to the parent for participation.

a) The parents/persons in parental relation request an amendment to the IEP and the District and parents/persons in parental relation agree to the amendment in writing; or

b) The District provides the parents/persons in parental relation a written proposal to amend a provision or provisions of the IEP conveyed in language understandable to the parents/persons in parental relation in their native language or other dominant mode of communication, informs and allows the parents/persons in parental relation the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes, and the parents/persons in parental relation agree in writing to the amendments.

If the parents/persons in parental relation agree to amend the IEP without a meeting, they shall be provided prior written notice (notice of recommendation) of the changes to the IEP and the Committee notified of the changes. If the changes are made by rewriting the entire IEP, the District shall provide the parents/persons in parental relation a copy of the rewritten IEP. If the amendment is made without rewriting the entire document, the District shall provide a copy of the document that amends the IEP or, upon request, a revised copy of the entire IEP with the amendments incorporated.

Use of Recording Equipment at IEP Meetings

The Board of Education shall allow recording equipment to be used at meetings regarding individualized education programs for students with disabilities.

Provision of Individualized Education Program

The Board of Education directs that the Superintendent/designee(s) establish administrative practices and procedures to ensure that each regular education teacher, special education teacher, related service provider and/or other service provider who is responsible for the implementation of a student's IEP is provided a paper or electronic copy of such student's IEP (including amendments to the IEP) prior to the implementation of such program. For purposes of this policy, "other service provider" means a representative of another public school district, charter school, Board of Cooperative Educational Services (BOCES) or school enumerated in Education Law Articles 81, 85 or 89 where the student receives or will receive IEP services. Further, the District will designate at least one school official who shall be responsible for maintaining a record of the personnel who have received IEP copies for each student.

Any copy of a student's IEP shall remain confidential in compliance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records; and shall not be disclosed to any other person other than the parent of such student, except in accordance with federal and state laws and/or regulations. Appropriate training and information will be provided to designated school personnel, as applicable, to ensure the confidentiality of such information. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when such professionals are no longer responsible for implementing a student's IEP.

The Chairperson of the CSE, CSE subcommittee, or CPSE shall designate for each student one or, as appropriate, more than one professional employee of the School District with knowledge of the student's disability and education program who will be responsible to, prior to the implementation of the IEP, inform each regular education teacher, special education teacher, related service provider, other service provider, supplementary school personnel (i.e., a teaching assistant or a teacher aide as defined in Commissioner's Regulations), and other provider and support staff person of his/her responsibility to implement the recommendations on a student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP. In selecting the professional staff person(s), the Chairperson could select him/herself for this responsibility, another administrator, or a teacher, related service provider or other professional based on the particular circumstances of the student's disability and education program.

The School District shall also ensure that each teaching assistant, teacher aide and each other provider responsible for assisting in the implementation of a student's IEP has the opportunity to review a copy of the student's IEP (including amendments) prior to the implementation of such program. Further, each teaching assistant, teacher aide and such other provider responsible for assisting in the implementation of a student's IEP shall have ongoing access to a copy of the IEP, which may be the copy provided to the student's special education teacher or the teacher or related service provider under whose direction the supplementary school personnel or other provider works. However, the District may, at its discretion, provide a copy of the IEP to teaching assistants and/or teacher aides.

A copy of a student's IEP shall be provided to the student's parents at no cost to the student's parents.

Procedures

Upon the placement of a student in a special education program, teachers, related service providers and other service providers will be given a copy of the student's IEP prior to the implementation of the student's special education program. The below process will be followed:

a) The student's special education teacher will present general education teachers, related service providers and other service providers a paper or access to an electronic copy of such student's IEP prior to the commencement of the student's special education program.

b) Building staff will ensure confidentiality of the IEP by keeping the IEP in a locked, secure location and not redisclosing information to any other persons.

c) The CSE Chairperson shall designate a professional employee of the School District with knowledge of the student's disability and education program to inform each professional employee prior to the implementation of the IEP in the specific accommodations, modification and supports that must be provided for the student in accordance with the IEP. This designated professional will be the special education teacher.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 615(k)(l)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
21 United States Code (USC) Section 812(c)
Education Law Articles 81, 85 and 89 and Sections 207, 3208 and 4402(7)
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(hh), 200.2(b)(11), 200.4(b)(4), 200.4(d)(3)(i), 200.4(e)(3), 200.4(f), 200.4(j), 200.16(e)(6) and 200.22

NOTE: Refer also to Policy #7618 -- Use of Time Out Rooms
Adoption Date September 24, 2015

**SUBJECT: TRANSITION SERVICES**

Beginning not later than the first IEP to be in effect when the student is age fifteen (15) (and at a younger age, if determined appropriate), and updated annually, the student's IEP must include:

a) A statement of the student's needs taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities;

b) Appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;

c) A statement of transition service needs that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational educational program;

d) Needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and

e) A statement of the responsibilities of the District and participating agencies, when applicable, for the provision of such services and activities, before the student leaves the school setting, that promote movement from school to post-school opportunities.

In accordance with the Code of Federal Regulations, the District must invite a child with a disability to attend the child's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. If the child does not attend the CSE meeting, the District must take other steps to ensure that the child's preference and interests are considered. To the extent appropriate, with the consent of the parent or a child who has reached the age of majority, the District must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

As defined by the Commissioner's Regulations, transition services means a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability to facilitate movement from school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the student's strengths, preferences and interests and shall include needed activities in the following areas:

a) Instruction;

b) Related services (the term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of such device);

c) Community experiences;

d) The development of employment and other post-school adult living objectives; and

e) When appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400 et seq.
34 Code of Federal Regulations (CFR) Sections 300.321, 300.343, 300.347 and 300.348
Education Law Section 4401
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(qq), 200.1(fff), 2004.(d)(2)(ix), and
200.5(c)(2)(vii)

NOTE: Refer also to Policy #7617 – Declassification of Students with Disabilities

Adoption Date July 2, 2015

Students

NF/EB

**SUBJECT: EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS**

The School District shall provide, directly or by contract, special services and/or programs during July and August (i.e., extended school year) to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE). Written consent of the parent is required prior to initial provision of special education services in a twelve (12) month special service and/or program.

The CSE/CPSE must determine whether a student requires extended school year special education services and/or programs in order to prevent substantial regression. Substantial regression would be indicated by a student's inability to maintain developmental levels due to a loss of skill, set of skill competencies or knowledge during the months of July and August. In accordance with Commissioner's Regulations, students must be considered for twelve (12) month special services and/or programs to prevent substantial regression if they are:

a) Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes; or,

   Preschool students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention;

b) Students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment and are placed in special classes; or

   Preschool students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment;

c) Students who are recommended for home and/or hospital instruction whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment; or

   Preschool students whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment in the home; or

d) Students, including preschool students, whose needs are so severe that they can be met only in a seven (7) day residential program; or

e) Students who are not in programs as described in subparagraphs (a) through (d) above during the period from September through June and who, because of their disabilities, exhibit the need for a twelve (12) month special service and/or program provided in a structured learning environment of

up to twelve (12) months duration in order to prevent substantial regression as determined by the CSE; or

Preschool students who are not described in subparagraphs (a) through (d) above whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration to prevent substantial regression as determined by the Preschool Committee on Special Education (CPSE).

For students eligible for twelve (12) month service and/or program, per Commissioner's Regulations Section 200.4(d)(2)(x), the student's Individualized Education Program (IEP) shall indicate the identity of the provider of services during the months of July and August, and, for preschool students determined by the CPSE to require a structured learning environment of twelve (12) months duration to prevent substantial regression, a statement of the reasons for such recommendation.

The IEP shall indicate the projected date of the review of the student's need for such services and shall indicate the recommended placement.

The State Education Department (SED) is authorized to approve programs and to establish State Aid reimbursement rates for all special services and programs provided during July and August, both public and private. Therefore, if the School District plans to operate a July/August program, the District must first apply to SED for approval in accordance with SED guidelines/procedures.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
Education Law Section 4408
8 New York Code of Rules and Regulations (NYCRR) Part 110 and Sections 200.1(qq), 200.4(d)(2)(x), 200.5(b)(1)(iii), 200.6(j), and 200.16(i)(3)(v)

Adoption Date July 2, 2015

**SUBJECT: TRANSFER STUDENTS WITH DISABILITIES**

To facilitate the transition of students with disabilities transferring into or out of the District the District shall:

a) As the district of origin take reasonable steps to promptly respond to all requests from the new school district.

b) As the new school district take reasonable steps to promptly obtain the student's records from the previous school, including the Individualized Education Program (IEP), supporting documents and any other records relating to the provision of special education services.

c) Provide to a student with a disability (as defined in Section 200.1(zz) of Commissioner's Regulations) who transfers school districts within the same school year a free appropriate education including services comparable to those described in the student's previous IEP.

1. For transfers within New York State, the previously held IEP will be followed in consultation with the parents until the District adopts the previously held IEP or develops, adopts and implements a new IEP consistent with federal and State law and regulation.

2. For transfers from outside New York State, in consultation with the parents the previously held IEP will be followed until the District conducts an evaluation and, if appropriate, develops a new IEP consistent with federal and State law and regulation.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(zz) and 200.4(e)(8)

NOTE: Refer also to Policy #7240 -- Student Records: Access and Challenge

Adoption Date 2/23/12

**SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES (CHILD FIND)**

The school district of residence is required to locate and identify all students with disabilities who reside in the district, including students who do not attend public school (with the exception of students with disabilities who are parentally placed in nonpublic schools outside the district of residence). Therefore, it is the policy of the Board of Education to conduct a census in order to have all children with disabilities within its jurisdiction under the age of twenty-one (21) identified, located and evaluated, including children of preschool age, homeless children, children who are wards of the State as defined in Commissioner's Regulations and children in all public and private agencies and institutions.

Any student suspected of having a disability is to be referred to the applicable Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) for evaluation and possible identification as a student with disability.

Census data shall be reported by October 1 to the CSE/CPSE as appropriate. The CSE/CPSE will maintain and revise annually a register and related summary reports containing the data requirements indicated in Commissioner's Regulations.

**Nonpublic School Students with Disabilities Who are Parentally Placed**

If the School District boundaries encompass a nonpublic school, the District, as the district of location, must develop and implement methods to identify, locate and ensure the identification and evaluation of students with disabilities who have been, or are going to be, parentally placed in such nonpublic school.

The child find activities must be similar to activities for students with disabilities in the public schools and must be completed in a time period comparable to that for other students attending public schools in the School District.

As the public school district of location, the District must consult with the nonpublic schools where students are parentally placed to determine an accurate count of students with disabilities attending such schools and receiving special education services.

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, State-supported or State-operated schools; or to Charter schools.

(Continued)

**SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES (CHILD FIND) (Cont'd.)**

**Provision of Special Education Services for Child under Age Seven**

It is the responsibility of the Committee on Special Education (CSE) to provide special education services to a child with a disability under the age of seven who is eligible for school-age services, not subject to compulsory attendance requirements and not on a regular school attendance register. These are children with disabilities who are eligible for school-age special education services that are no longer eligible for preschool special education services, but are not parentally placed in a nonpublic elementary school and not being home schooled.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 612
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 3240-3242, 3602-c(2)(a), 4401-a, 4402(1)(a), 4404, 4405 and 4410-6
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(a), 200.4 and 200.6(m)(3)

NOTE: Refer also to Policies #7130 -- Entitlement to Attend - Age and Residency
#7140 -- School Census

Adoption Date 7/3/2014

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES**

The Board of Education recognizes the rights of the parent/guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation and educational placement of a child with a disability.

All due process procedures for parents/guardians and children in the Commissioner's Regulations shall be observed by the School District.

**Definition of Parent**

Parent means a birth or adoptive parent, a legally appointed guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child, a person in parental relationship to the child as defined in Education Law Section 3212, an individual designated as a person in parental relation pursuant to General Obligations Law Title 15-A including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent or other relative with whom the child resides), or a surrogate parent who has been appointed in accordance with Section 200.5(n) of Commissioner's Regulations. The term does not include the State if the student is a ward of the State.

A foster parent may act as a parent unless State law, regulations or contractual obligations with a State or local entity prohibit the foster parent from acting as a parent.

Unless a judicial decree identifies a specific person(s) to act as the parent or make educational decisions for the student, if one or more parties is qualified to act as a parent, the birth or adoptive parent is presumed to be the parent unless they do not have the legal authority to do so.

Surrogate Parents

It is the duty of the School District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law. This determination shall be completed within a reasonable time following the receipt of a referral for an initial evaluation or re-evaluation.

In the event that no parent or guardian for a child with a disability can be identified; or after reasonable efforts the whereabouts of the parent or guardian cannot be determined; or the student is an unaccompanied homeless youth; or the child with a disability is a ward of the State and does not have a "parent" as defined above; or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law; the Board shall assign an individual to act as a surrogate for the parents or guardians.

Alternatively, the surrogate parent may be appointed by a judge overseeing the child's case.

(Continued)

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**

The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that ensure adequate representation of the child.

**Prior Written Notice (Notice of Recommendation)**

Prior written notice (notice of recommendation) must be given to parents of a student with a disability a reasonable time before the District proposes to, or refuses to, initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student. Prior written notice must also be provided informing the parents when no additional data is required to determine the student's educational needs, the reasons for this determination and their right to request an assessment.

If the prior written notice relates to a proposed action that also requires parental consent, the District must give notice at the same time it requests parental consent. The prior written notice will contain all elements required by Commissioner's Regulations.

A parent may elect to receive prior written notice and other required notifications by electronic mail (e-mail) communication if the District makes this option available.

**Parent Participation in Meetings**

The School District must take steps to ensure that one or both of the parents of a child with a disability are present at each Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) meeting or are afforded the opportunity to participate in a mutually agreed upon time and place. The School District must document its attempts to involve parents, such as:

a) Detailed records of telephone calls made or attempted and the results of these calls;

b) Copies of correspondence sent to the parents and any responses received; and

c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

A meeting may be conducted without a parent in attendance if the School District is unable to convince the parents that they should attend.

Additionally, the School District must take whatever action is necessary to ensure the parent understands the proceedings of this meeting including arranging for an interpreter for parents with deafness or whose native language is other than English.

(Continued)

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**

**Parental Consent**

In accordance with due process, a parent (as defined in Commissioner's Regulations Section 200.1(l)) of a special education student or a student suspected of having a disability must provide informed consent before the School District can take certain actions. The District will make reasonable efforts to obtain written informed consent and will maintain a detailed record of its attempts and the results of the attempts.

In New York State, a noncustodial parent does not have the right to control educational decisions for his/her child. However, a noncustodial parent is afforded this right if, and only if, this right is expressly included in a custody order.

Additionally, absent supporting language in a custody order, a non-custodial parent lacks standing under IDEA to bring a claim to assert control over his/her child's educational program. Until recent revisions to New York law, consent for an initial evaluation, reevaluation, or the provision of special education services needed to be provided by a parent (i.e., the custodial or noncustodial parent). As it now stands, the decision to provide consent for a CSE- or CPSE-related activity is considered an education-related decision designated exclusively to custodial parents unless a court order specifically states the contrary.

Consent for Evaluations

The parent or guardian must provide informed consent to the initial evaluation, or reevaluations in accordance with law and/or regulations. If a parent does not provide consent for an initial evaluation, the School District *may* pursue the evaluation by commencing a due process hearing to override the refusal to provide consent.

Parental consent for a reevaluation is not needed if the District can demonstrate that it has taken reasonable measures to obtain consent, but the parents or guardians have failed to respond.

Consent for the Initial Provision of Services

Parental consent is also required for the initial provision of special education services. Consent for an initial evaluation does not constitute consent for the initial provision of services. If a parent does not provide consent for the initial provision of services, the School District *shall not* provide the special education programs and services to the student and shall not use the due process procedures to challenge the parent's refusal to consent. The School District shall not be considered to be in violation of the requirements to provide a free appropriate public education (FAPE), shall not be required to convene a meeting of the committee on special education or develop an individualized education program (IEP).

(Continued)

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**

Consent for Other Actions

Prior written consent must also be provided:

a) Prior to releasing any personally identifiable information; and

b) Prior to each time the District proposes to access a parent's private or public insurance. A Medicaid application does not meet the IDEA parent consent requirements. The District must obtain an annual parental consent to request Medicaid reimbursement.

A sample Medicaid Consent Form may be fount at:
http://www.vesid.nysed.gov/specialed/publications/sampleconsent.htm.

Consent for an Unaccompanied Homeless Youth

Consent may be provided by a surrogate parent. However, until a surrogate parent is appointed, consent may be provided on a temporary basis by an employee of a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth.

Consent for a Ward of the State

A ward of the State means a child or youth under the age of twenty-one (21):

a) Who has been placed or remanded pursuant to Social Services Law or the Family Court Act or freed for adoption pursuant to Social Services Law; or

b) Who is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or

c) Who is a destitute child under Social Services Law.

In the event that a child is a ward of the State, the School District shall make reasonable efforts to obtain the informed consent from the parent of the child for an initial evaluation to determine whether the child is a child with a disability.

The School District is not required to obtain informed consent if:

a) Despite reasonable efforts to do so, the School District cannot discover the whereabouts of the parent of the student, including consulting with the agency responsible for the care of the student; or

(Continued)

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**

b) The rights of the parents of the student have been terminated in accordance with State law; or

c) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.

Consent for a Student Who is Home Instructed or Parentally Placed in a Private School at the Parent's Expense

If a parent of a student who is home instructed or placed in a private school by their parents at their own expense does not provide consent for an initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, the District may not continue to pursue those evaluations by using the due process procedures and the District is not required to consider the student as eligible for special education services.

**Parental Revocation of Consent**

Parental revocation of consent for continued provision of special education and related services must be in writing. When the parent revokes such consent, the District still must provide the parent with the usual written notice of its intentions with respect to the child.

If the parent of a student with a disability revokes his/her consent in writing for the continued provision of special education and related services to the student at any time subsequent to the initial provision of special education and related services, the District:

a) Shall not continue to provide special education and related services to the student, but must provide prior written notice to the parent before ceasing the provisions of special education and related services;

b) Shall not use due process procedures (i.e., mediation, resolution meeting, and/or impartial due process hearing) in order to obtain agreement or a ruling that the services may be provided to the student without parental consent;

c) Shall not be considered to be in violation of the requirement to make a free and appropriate public education (FAPE) available to the student because of the failure to provide the student with further special education and related services following revocation of consent; and

d) Is not required to convene a meeting of the Committee on Special Education or develop an IEP for the student for further provision of special education programs and related services upon receipt of written revocation of consent; and

(Continued)

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**

e) Is not required to amend the student's education records to remove any references to the student's receipt of special education programs and services because of the revocation of consent.

**Procedural Safeguards Notice**

The School District will provide the procedural safeguards notice prescribed by the Commissioner of Education to the parents of a student with a disability at least one time per year and also:

a) Upon initial referral or parental request for evaluation;

b) Upon the first filing of a due process complaint notice to request mediation or an impartial due process hearing;

c) Upon request by a parent;

d) Upon a decision to impose a suspension or removal that constitutes a disciplinary change in placement; and

e) Upon first receipt of a State complaint.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 207, 3212, 4005, 4202, 4401 and 4402
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1, 200.4(b)(6), and 200.5

NOTE: Refer also to Policy #7260 -- Designation of Person in Parental Relation

Adoption Date 4/23/2013

**SUBJECT: DUE PROCESS COMPLAINTS; SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS**

**Due Process Complaints**

The District is committed to making every effort to amicably resolve disputes regarding educational programs for students with disabilities. In the event such disputes cannot otherwise be resolved, either a parent or the District may file a due process complaint challenging the identification, evaluation or educational placement of a student with a disability, or a student suspected of having a disability, or the provision of a free appropriate public education to such student. The complainant may not have an impartial due process hearing until the complainant, or the attorney representing the complainant, files a due process complaint notice that meets the requirements set forth in law for such notice. Any and all due process hearings will be conducted in a manner consistent with the timelines and procedures set forth in law and regulation.

Except as otherwise provided by law, all requests for impartial due process hearings must be submitted within two (2) years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. Upon receipt or filing of the due process complaint notice, the District will provide a procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and of any free or low-cost legal and other relevant services available in the area.

An impartial due process hearing will be conducted at a time and location reasonable and convenient to the parent and student involved. The hearing will be closed to the public unless the parent requests otherwise.

A student whose education is the subject of a due process complaint will remain in his/her current placement during the pendency of the impartial due process hearing unless both parties agree or as otherwise permitted by law.

All issues relating to a request for and conduct of an impartial due process hearing must be kept confidential by all District staff.

**Resolution Process**

Prior to the opportunity for an impartial due process hearing, the District will convene a meeting with the parents and the relevant member or members of the committee on special education or committee on preschool special education who have specific knowledge of the facts identified in the complaint. Such meeting will provide the parents with an opportunity to discuss their complaint and the facts that form the basis of the complaint, and an opportunity to resolve the complaint with the District. The District will take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, and will notify parents of the meeting early enough to ensure that they have the opportunity to attend. The resolution meeting will be at a mutually agreed upon time and place, and in a location that is physically accessible to the parents. The District will ensure that all resolution meetings conform to the requirements set forth in the Regulations of the Commissioner of Education.

The parents and the District may agree, in writing, to waive the resolution process or agree to use the mediation process to resolve the dispute.

**Selection and Board Appointment of Impartial Hearing Officers**

In the event a due process complaint notice is filed pursuant to the Individuals with Disabilities in Education Act (IDEA), the Board of Education will arrange for an impartial due process hearing to be conducted. In such instances, the Board will immediately-but not later than two (2) business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent-initiate the process to select an impartial hearing officer (IHO) through a rotational selection process. To expedite this process, the Board may designate one (1) or more of its members to appoint the IHO on its behalf.

The District will utilize the New York State Education Department's Impartial Hearing Reporting System (IHRS) to access the alphabetical list of the names of each IHO certified in New York State and available to serve in the District. The appointment of an IHO will be made only from such list and in accordance with the alphabetical rotation selection process and the timelines and procedures established by the Commissioner of Education. The District will record and report to the State Education Department required information relating to the selection of IHOs and the conduct of impartial due process hearings according to the manner and schedule specified by the Department.

The District will be responsible for compensating the IHO for prehearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The District will also reimburse the IHO for certain travel and other hearing-related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule.

Administrative procedures will be developed governing the implementation of this policy.

Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
34 CFR Part 300
Education Law Sections 4005, 4202, 4404(1) and 4410(7)
8 NYCRR Sections 200.2 and 200.5

NOTE: Refer also to Policies #7660 -- Parent Involvement for Children with Disabilities
#7690 -- Special Education Mediation
#7313 -- Suspension of Students

**Adoption Date July 2, 2015**

**SUBJECT: SPECIAL EDUCATION MEDIATION**

The District will offer mediation to resolve any disputes involving any matter for which an impartial due process hearing may be brought, including matters arising prior to the filing of a due process complaint notice.

Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center who are not employees of any school district or State agency that is involved in the education or care of the student who is the subject of the mediation process. Mediators may not have a personal or professional interest which would conflict with their objectivity in the mediation process and should be knowledgeable in laws and regulations relating to the provision of special education services.

Parents or persons in parental relation to students suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial due process hearing procedures in accordance with Federal and State law and regulations. If the parent and District agree, alternative means of meeting participation may be utilized, such as video conferences and conference calls.

Discussions during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings.

If resolution to the complaint is reached through mediation, the parent and the representative of the District who has the authority to bind the District will execute a legally binding written agreement specifying the resolution and stating that all discussions occurring during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding of any Federal or State court. If the written agreement is inconsistent with the student's current individualized education programs (IEP), the IEP must be immediately amended to reflect the mediation agreement.

The mediation process is voluntary and will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relation to request an impartial due process hearing subsequent to mediation. Parents or persons in parental relation to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided for in federal and state laws and regulations. Similarly, mediation shall not be construed to limit a parent or person in parental relation from requesting an impartial due process hearing without having first utilized mediation procedures set forth in Education Law.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4005, 4202 and 4404-a
Judiciary Law Section 849a
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1 and 200.5

Adopted: July 3, 2014

**SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES AND EVALUATION**

The Board of Education supports and encourages development of a District-wide, articulated curriculum that conforms to state mandates and is responsive to the needs of children in a rapidly changing society. The Principals of the elementary and secondary schools shall be responsible to the Superintendent for developing District-wide efforts toward the short and long-range improvement of curriculum and instruction.

**Curriculum Resources**

There are many resources for curriculum development that exist in our School District, and the instructional staff, under the guidance of the administration, is expected to delve into those resources for possible improvement of the instructional program. Each teacher has the privilege of being an initiator of improvement, as well as a reactor to changing conditions, and the Principals shall be involved in curriculum development.

From the staff, the Superintendent may appoint curriculum study committees; and their findings, as well as the collective judgments of the staff about the pertinence of various possible changes, shall be submitted by the Superintendent to the Board of Education for consideration in the forming of curriculum policy.

**Curriculum Evaluation**

The Board of Education shall direct a continuing evaluation of the curriculum as part of a program of instructional improvement. All aspects of the curriculum shall be subjected to a searching and critical analysis in an attempt to improve the learning and growth of students.

The administrative staff shall evaluate the curriculum in a systematic manner involving school personnel and others as appropriate and make periodic recommendations for action by the Board. The Board of Education from time to time may invite teachers or others to discuss the curriculum.

Evaluation of the Instructional Program

The Board of Education expects staff members to maintain a continual program of evaluation at every level to determine the extent of progress toward the schools' objectives. The Board of Education will periodically request the Superintendent to present factual information that it considers necessary to evaluate the effectiveness of the School System.

Education Law Sections 1604, 1709, 2503 and 3204
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(m)

Adoption Date 2/23/2012

**SUBJECT: REQUEST FOR PART 100 VARIANCE OR PART 200 INNOVATIVE PROGRAM WAIVER FROM COMMISSIONER'S REGULATIONS**

The Board of Education encourages collaboration by teachers, administrators, parents and students of the District in developing innovative educational programs and practices that will lead to greater achievement for all students.

Requests for a variance or waiver from the requirements in Part 100 and Sections 200.1/200.6, respectively, of the Commissioner's Regulations must be approved by the local Board of Education and signed by the Superintendent of Schools. An application may also be submitted by several districts, or a combination of districts, BOCES and/or private schools, applying as a consortium. Consortium applications must be approved by each participating local Board of Education and Superintendent of Schools.

Subsequent to Board of Education approval, all applications must be forwarded to the District Superintendent of Schools of which the local District is a part for review, consultation, and recommendation prior to submission to the State Education Department. The District Superintendent may provide technical assistance to the applicant and make recommendations to the State Education Department. Interested applicants may also request technical assistance through their Regional Education Coordinator.

8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(n), 200.1 and 200.6(k)

Adoption Date 2/23/2012

Instruction

NF/EB

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES**

It is the policy of this District that each student attending its public schools shall have equal educational opportunities and will not be excluded or prevented from participating in or having admittance to the educational courses, programs or activities; school services; and extracurricular events on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, disability, or use of a recognized guide dog, hearing dog or service dog. Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.

Administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints pertaining to discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, disability, or use of a recognized guide dog, hearing dog or service dog.

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

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

Age Discrimination in Employment Act, 29 United States Code Section 621
Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.
Prohibits discrimination on the basis of race, color or national origin.
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Prohibits discrimination on the basis of race, color, religion, sex or national origin.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
Prohibits discrimination on the basis of sex.
Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.
Civil Service Law Section 75-B
Executive Law Section 290 et seq.

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, or use of a recognized guide dog, hearing dog or service dog.

**Adopted: 2/23/12**
Reviewed 1/22/2015

**SUBJECT: SAFETY CONDITIONS AND PROGRAMS**

The practice of safety will be considered an integral part of the instructional program through fire prevention, emergency procedures and drills, driver education, and traffic and pedestrian safety.

Each Principal will be responsible for the supervision of a safety program for his/her school.

The safety program may include, but not be limited to, in-service training, plant inspection, fire prevention, accident recordkeeping, driver and vehicle safety programs, emergency procedures and drills, and traffic safety programs relevant to students, employees and the community.

It shall be the duty of the Board of Education to provide inspections and supervision of the health and safety aspects of the school facilities.

**Eye Safety/Student Use of Hand-Held Laser Pointers**

Eye safety devices are to be provided by the School District for the protection of employees, students and visitors, and worn in the technology education classes and labs when activities present a potential eye hazard. The Superintendent or his/her designee will ensure that these devices are properly repaired, cleaned and stored to prevent the spread of germs or diseases after individuals use them.

Each classroom teacher is responsible for the safe and proper use of all instructional materials and equipment by students in his/her classroom. Laser pointers are to be used by students only when such use is approved and supervised by the classroom instructor.

Students will be advised not to stare directly into the beam from a laser pointer or direct the beam at the eyes of another individual. Students are not to aim the pointer into the audience. Students are to be made aware of the hazards associated with the particular type of laser pointer used.

Education Law Sections 409, 409-a, 807-a and 906
8 New York Code of Rules and Regulations (NYCRR) Part 136 and Section 141.10

Adoption Date 2/23/2012

**SUBJECT: PREVENTION INSTRUCTION**

**Acquired Immune Deficiency Syndrome (AIDS) Instruction in Health Education**

The Board of Education shall provide a health education program that will include appropriate instruction for all students concerning Acquired Immune Deficiency Syndrome (AIDS). Accurate information concerning the nature of the disease, methods of transmission, and means of prevention shall be provided in an age-appropriate manner and shall be consistent with community values and will stress that abstinence is the most appropriate and effective premarital protection against AIDS.

A representative community advisory group consisting of appropriate school personnel, School Board members, parents, religious representatives, and other community members shall be established in order to make recommendations for curriculum content, implementation, and evaluation of an AIDS instructional program. Appropriate training will be provided for instructional staff.

No student shall be required to receive instruction concerning the methods of prevention of AIDS if the parent or legal guardian has filed with the Principal a written request that the student not participate in such instruction, with an assurance that the student will receive this instruction at home.

AIDS instruction in the elementary grades shall be taught by the regular classroom teachers, while such instruction in the middle and high school grades shall be a part of the required health education curriculum.

***Automated External Defibrillator Instruction**

Instructions regarding cardiopulmonary resuscitation may be offered for voluntary admission as a part of the health education curriculum in all senior high schools.

In addition to the requirement that all teachers of health education shall be certified to teach health, persons instructing pupils in the correct use of automated external defibrillators shall possess valid certification by a nationally recognized organization (e.g., American Heart Association, American Red Cross) or the state emergency medical services council offering certification in the operation of an automated external defibrillator (AED) and in its instruction.

School authorities that choose to offer such course of instruction shall provide the needed facilities, time and place for the instruction and shall provide learning aids and curriculum resource materials to support the course of study.

**Substance Abuse - Prevention Instruction**

The Board of Education recognizes the need to educate students on the hazards of alcohol, tobacco and/or drug abuse. An educationally sequential health prevention program, utilizing as appropriate community, staff and student input, will be developed to inform students of:

(Continued)

**SUBJECT: PREVENTION INSTRUCTION (Cont'd.)**

a) Causes for substance abuse;

b) Physical and psychological damage associated with substance abuse;

c) Avoidance of alcohol, tobacco and drugs;

d) Dangers of driving while under the influence of alcohol or drugs.

**Environmental Conservation Instruction**

The Board of Education supports and encourages the development of a District-wide, articulated curriculum of environmental conservation integrated into other program disciplines.

**Fire and Arson Prevention/Injury Prevention/Life Safety Education**

The Board of Education directs the administration to provide instruction in fire and arson prevention, injury prevention and life safety education relating to protection against injury or death and property loss or damage as a result of criminally initiated or other preventable fire.

Such instruction shall include materials to educate children on the dangers of falsely reporting a criminal incident, an impending explosion or fire emergency involving danger to life or property, an impending catastrophe, or a life safety emergency.

The Board of Education directs the administration to provide such instruction for all students for a period of not less than forty-five (45) minutes in each month that school is in session.

**Student Safety**

Instruction in courses in technology education, science, home and career skills, health and safety, physical education, and art shall include and emphasize safety and accident prevention.

Safety instruction shall precede the use of materials and equipment by students in applicable units of work in the courses listed above, and instructors shall teach and enforce all safety procedures relating to the particular courses. These shall include the wearing of protective eye devices in appropriate activities.

**Emergency Planning**

The School District shall maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students shall be provided instruction to respond effectively in emergency situations.

(Continued)

**SUBJECT: PREVENTION INSTRUCTION (Cont'd.)**

**Instruction on Prevention of Child Abduction**

All students in grades K through 8 in District schools shall receive instruction designed to prevent the abduction of children. Such instruction shall be provided by or under the direct supervision of regular classroom teachers and the Board of Education shall provide appropriate training and curriculum materials for the regular classroom teachers who provide such instruction. However, at the Board's discretion, such instruction may be provided by any other public or private agency.

The Commissioner of Education will provide technical assistance to assist in the development of curricula for such courses of study which must be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness skills, information, self-confidence, and support to aid in the prevention of child abduction.

For purposes of developing such courses of study, the Board of Education may establish local advisory councils or utilize the school-based shared decision making and planning committee established pursuant to the Regulations of the Commissioner to make recommendations concerning the content and implementation of such courses. Alternatively, the District may utilize courses of instruction developed by consortia of school districts, boards of cooperative educational services, other school districts, or any other public or private agency. Such advisory council shall consist of, but not be limited to, parents, school trustees and Board members, appropriate school personnel, business and community representatives, and law enforcement personnel having experience in the prevention of child abduction.

**Instruction on Child Development and Parenting Skills**

Instruction regarding child development and parenting skills may be offered by the District. The curriculum shall include instruction on the consequences and prevention of shaken baby syndrome, which may include the viewing of a video presentation for students in secondary schools.

AIDS Instruction:
8 New York Code of Rules and Regulations (NYCRR) Sections 135.3(b)(2) and 135.3(c)(2)
Automated External Defibrillators:
Education Law Section 804-d
Civil Preparedness:
New York State Office of Disaster Preparedness
Fire and Arson/Injury Prevention/Life Safety:
Education Law Section 808
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(c)(5)

(Continued)

**SUBJECT: PREVENTION INSTRUCTION (Cont'd.)**

Prevention of Child Abduction:
Education Law Section 803-a
Student Safety:
Education Law Section 808
8 New York Code of Rules and Regulations (NYCRR) Sections 107 and 155
Substance Abuse:
Education Law Section 804
8 New York Code of Rules and Regulations (NYCRR) Section 135.3(a)
Instruction on Child Development and Parenting Skills
Education Law Section 804

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

Adoption Date 2/23/2012

**SUBJECT: CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION**

The Board of Education recognizes the need for career and technical education and reaffirms its policy of strengthening the local high school career and technical education program through utilization of any available federal and state funds for that purpose and of supporting the BOCES program.

**Equal Opportunity**

The Board of Education prohibits discrimination on the basis of sex, sexual orientation, race, color, creed, religion, national origin, political affiliation, age, marital status, military status, disability or use of a recognized guide dog, hearing dog or service dog in any career and technical education program or activity of this District.

The career and technical education program and/or activities shall be readily accessible to students with disabilities.

**Public Notification**

Prior to the beginning of each school year or academic semester, the District shall issue an appropriate public announcement which advises students, parents, employees and the general public that career and technical education opportunities will be offered without regard to sex, sexual orientation, race, color, creed, religion, national origin, political affiliation, age, marital status, military status, disability or use of a recognized guide dog, hearing dog or service dog. Included in such announcement will be the name, address, and telephone number of the person designated to coordinate Title IX/Section 504/ADA activities.

**Grievance Procedure**

Grievance procedures for resolving complaints regarding discrimination shall be disseminated to adequately inform students, parents and employees of the existence of these procedures.

**Local Advisory Council**

In accordance with Education Law, the Board will appoint a Local Advisory Council for Career Education. The Board may, with BOCES approval, utilize the BOCES Advisory Council as its Local Advisory Council.

Civil Rights Law Section 40-c
Education Law Article 93
Executive Law Section 290 et seq.
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(h) and 141 et seq.

Adoption Date 2/23/2012

**SUBJECT: GUIDANCE PROGRAM**

A District plan for the K through 12 guidance program shall be filed in the District Office and made available for public review. This plan shall be subject to annual review and revised as necessary in the following areas:

a) Identification of guidance program objectives;
b) Activities to accomplish the objectives;
c) Identification of staff members and other resources to accomplish the objectives;
d) Provisions for the annual assessment of program results.

**Guidance Program (K through 6)**

A coordinated guidance program in grades K through 6 shall be developed and implemented to:

a) Prepare students to participate effectively in their current and future educational programs;

b) Help those students exhibiting any attendance, academic, behavioral or adjustment problems;

c) Educate students concerning avoidance of child sexual abuse; and

d) Encourage parental involvement.

**Guidance Program (7 through 12)**

A coordinated guidance program in grades 7 through 12 shall be developed and implemented including the following activities and services:

a) Each student's educational progress and career plans will be reviewed annually;

b) Instruction at each grade level to help students learn about various careers and career planning skills;

c) Other advisory and counseling assistance which will benefit students such as: helping students develop and implement postsecondary education and career plans; helping those students exhibiting any behavioral or adjustment problems; and encouraging parental involvement;

d) Employment of personnel certified or licensed as school counselors.

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

Adoption Date 2/23/2012

**SUBJECT: INSTRUCTIONAL PROGRAMS: DRIVER EDUCATION, GIFTED AND TALENTED EDUCATION AND PHYSICAL EDUCATION**

## Driver Education

A driver education course may be offered under the conditions set forth by the New York State Education Department and Commissioner's Regulations.

Education Law Section 806-a
8 New York Code of Rules and Regulations (NYCRR) Section 107.2

## Gifted and Talented Students

The Board of Education will provide appropriate educational programs for students identified as being gifted and talented.

Education Law Article 90 and Section 3204(2)(b)
8 New York Code of Rules and Regulations (NYCRR) Section 142

## Physical Education Class

All students, except those with medical excuses, shall participate in physical education in accordance with the Commissioner's Regulations, which require that all students attend and participate in physical education as follows:

a) All students in grades K through 3 shall participate in a daily program for a minimum of 120 minutes per week. All students in grades 4 through 6 shall participate in a program three (3) times per week for a minimum of 120 minutes per week. The minimum time devoted to such programs (K through 6) shall be at least 120 minutes in each calendar week, exclusive of any time that may be required for dressing and showering.

b) Students in grades 5 though 6 that are in a middle school shall participate in the physical education program a minimum of three (3) periods per calendar week during one (1) semester of each school year and two (2) periods during the other semester, or a comparable time each semester if the school is organized in other patterns.

c) All secondary students (in grades 7 through 12) shall have the opportunity for regular physical education, but not less than three (3) times per week in one (1) semester and two (2) times per week in the other semester. For students in grades 10 through 12 only, a comparable time each semester shall be provided if the school is organized in other patterns or if students have demonstrated acceptable levels of physical fitness, physical skills and knowledge of physical education activities in extra class programs or out-of-school activities approved by the physical education staff and the School Administration.

(Continued)

**SUBJECT: INSTRUCTIONAL PROGRAMS: DRIVER EDUCATION, GIFTED AND TALENTED EDUCATION AND PHYSICAL EDUCATION (Cont'd.)**

d) For grades K through 12, a district may provide an equivalent program as approved by the Commissioner of Education.

An excuse from physical education class may be accepted from a licensed physician for medical reasons or a licensed chiropractor for conditions of the spine.

Any student whose condition precludes participation in a regular program shall be provided with adaptive physical education approved by the Commissioner of Education.

Education Law Sections 803 and 3204
8 New York Code of Rules and Regulations (NYCRR) Section 135.4

Adoption Date 2/23/2012

**SUBJECT: PATRIOTISM, CITIZENSHIP AND HUMAN RIGHTS EDUCATION**

In order to promote a spirit of patriotic and civil service and obligation, as well as to foster in students of the District moral and intellectual qualities which are essential in preparing them to meet the obligations of citizenship, the Board requires students attending District schools, over the age of eight (8) years, to attend instructional courses in patriotism, citizenship, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery (including the freedom trail and underground railroad), the Holocaust, and the mass starvation in Ireland from 1845 to 1850.

The Board also directs that all students attending District schools in grades 8 through 12 receive instruction in the history, meaning, significance and effect of the United States Constitution, the New York State Constitution, and the Declaration of Independence.

The curricula for such courses must include the subjects specified by the Board of Regents and be for the period of instruction, as mandated by the Regents, which is necessary in these subjects in each of the appropriate grades.

One (1) week during each school year a uniform course of exercises shall be provided to teach students, in an age appropriate manner, the purpose, meaning and importance of the Bill of Rights Articles in the United States and New York State Constitutions. These exercises shall be in addition to the above required courses.

In addition, each School District that receives Federal Funds for a fiscal year shall hold an educational program on the United States Constitution on September 17th of each year for the students in the District to commemorate the September 17, 1787 signing of the Constitution, known as Constitution Day and Citizenship Day. However, when September 17 falls on a Saturday, Sunday, or holiday, this day shall be held during the preceding or following week.

The Board directs that the above named subjects, as mandated by law, be addressed in the instructional curricula provided by the District.

Education Law Section 801
36 United States Code (USC) Section 106

NOTE: Refer also to Policy #8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adoption Date 2/23/2012

**SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/ INTERPERSONAL VIOLENCE PREVENTION EDUCATION**

**Civility, Citizenship and Character Education**

**PATRIOTISM, CITIZENSHIP AND HUMAN RIGHTS EDUCATION**

Policy
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Education Law Section 801
36 United States Code (USC) Section 106

NOTE: Refer also to Policy #8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adopted: 2/23/12 Re-Adopted 6/21/2012

**SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES)**

Observation and experimentation with living organisms and animals gives students unique perspectives of life processes. Animals and animal materials should be used respectfully and for the purpose of meeting course objectives.

The Board of Education, in recognizing the educational uses of animals in the classroom, requires that permission be obtained from the Building Principal before animals are brought into the school or classrooms. It is the Principal's responsibility to ensure that there is an appropriate educational purpose if any animal is housed in a classroom. Animals are not to be transported on school buses with the exception of animals certified to assist persons with disabilities.

**Study and Care of Live Animals**

It shall be the responsibility of the Principal or his/her designee to develop a plan of care for those animals housed in school in the event of an emergency school closing or in the event the animals remain in the classroom on days when school is not in session.

**Dissection of Animals**

Any student expressing a moral or religious objection to the performance or witnessing of the dissection of an animal, either wholly or in part, shall be provided the opportunity to undertake and complete an alternative project approved by the student's teacher; provided, however, that such objection is substantiated in writing by the student's parent or legal guardian. An alternate activity clearly related to and of comparable rigor will be assigned in lieu of laboratory dissection. Some examples of alternate activities include the use of computer simulations or research. Students who perform alternative projects shall not be penalized.

Effective July 1, 2011, the District will give reasonable notice to all students enrolled in a course that includes the dissection of an animal and students' parent(s)/legal guardian(s) about their rights to seek an alternate project to dissection. Such notice shall be made available upon request at the school and distributed to parents and students enrolled in a course that includes dissection at least once at the beginning of the school year.

**Instruction in the Humane Treatment of Animals**

Students in elementary school must receive instruction in the humane treatment and protection of animals and the importance of the part they play in the economy of nature as well as the necessity of controlling the proliferation of animals that are subsequently abandoned and caused to suffer extreme cruelty. Such instruction shall be for a period of time as specified by the Board of Regents and may be joined with work in literature, reading, language, nature study, or ethnology.

Americans with Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Education Law Section 809
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(c)(8)

Adoption Date 6/21/2012

**SUBJECT: SCHOOL DISTRICT ORGANIZATION PLAN**

The District shall be organized for instructional purposes as follows:

a) Elementary Schools: Pre-K through 6
b) Preparatory Schools: 7 through 8
c) Senior High Schools: 9 through 12

Deviations from this basic instructional plan to alleviate overcrowding, or for purposes of providing alternative types of education, shall be subject to Board approval.

Preschool education may be offered when sufficient funding can be secured from federal, state, or other outside sources.

The Board also considers adult education to be one of its basic responsibilities and may provide basic adult education courses and other adult programs when sufficient funding can be secured from outside sources.

**Adopted: 2/23/12**

Adoption Date

**SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT**

The District will collaborate with parents and other family members to help students participating in Title I programs reach their full academic potential and to improve the District's overall academic quality. As part of its collaboration, the District will conduct outreach; plan and implement programs, activities, and procedures for parent and family member engagement; and consult meaningfully with parents and family members.

**District-Wide Parent and Family Engagement**

To facilitate parent and family participation, the District will:

a) Involve parents and family members in jointly developing this policy, its Title I Plan, and its support and improvement plans. If the parents or family members indicate that the Title I plan is not satisfactory, the District will submit their comments to the State Education Department along with the plan;

b) Improve student academic achievement and school performance through coordination, providing technical assistance, and giving support necessary to assist and build the capacity of all participating schools in planning and implementing effective parent and family engagement activities, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;

c) Coordinate and integrate parent and family engagement strategies with other relevant federal, state, and local programs; to include the NFCSD Universal Pre-Kindergarten and Statewide Universal Pre-Kindergarten programs, NFCSD Headstart/Early Headstart grant program, and Focus on Families.

d) Conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of its Title I schools. The evaluation will include identifying:

1. Barriers to greater participation by parents and family members in Title I activities, with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background;

2. The needs of parents and family members to assist with their child's learning, including engaging with school personnel and teachers; and

3. Strategies to support successful school and family interactions. The District actively seeks parent input through the District Parent Committee, Family Engagement Survey, involvement in school Parent Education Groups, and parent representation on the Code of Conduct and Safe Schools Committee.

**SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)**

e) Use the evaluation's findings to design evidence-based strategies for more effective parent and family member engagement, and to revise the policy, if needed;

f) Involve parents in Title I activities, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the District to adequately represent the students' needs, to develop, revise, and review the parent and family engagement policy; The NFCSD has established a District Parent Committee (DPC) comprised of parent and guardian representatives from all eleven schools. Committee members and District liaisons develop, revise, and review the Title I Parent and Family Engagement Policy annually.

g) Involve parents and family members in decisions regarding how it spends funds reserved for parent and family engagement activities. The NFCSD equitably distributes funds to all schools. Principals collaborate with Parent Education Group (PEG) members to determine the best use of funds.

**School-Level Parent and Family Member Engagement**

The Board directs each school receiving Title I funds to develop a building-level parent and family member engagement plan with that school's parents and family members. In addition to the content included above, each school building-level plan will:

a) Describe how to convene an annual meeting, at a convenient time, to inform parents and family members of their school's participation in Title I programs, to explain Title I requirements, and to identify the right of the parents and family members to be involved. All parents and family members of these children will be invited and encouraged to attend the meeting;

b) Offer flexibility in scheduling meetings, and may provide transportation, child care, or home visits related to parent and family member engagement, using Title I funds;

c) Involve parents and family members in an organized, ongoing, and timely way in planning, reviewing, and improving Title I programs, including this policy;

d) Provide parents and family members with timely information about programs, a description and explanation of the curriculum in use, the forms of academic assessment used to measure student progress, the achievement levels of the challenging state academic standards, and, if requested by parents or family members, opportunities for regular meetings to formulate suggestions and to participate in decisions relating to their child's education. The District will respond to any suggestions as soon as practicably possible; and

**SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)**

e) Develop a compact jointly with parents and family members that outlines how they, school staff, and students will share responsibility for improved student academic achievement. The compact will also detail the means by which the school and parents and family members will build and develop a partnership to help all children achieve the state's standards.

f) Have a compact that:

1. Describes the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment to enable these students to meet the challenging state academic standards;

2. Describes the ways in which each parent or family member will be responsible for supporting the child's learning, volunteering in the child's classroom, and participating, as appropriate, in decisions relating to the child's education and positive use of extracurricular time; and

3. Addresses the importance of communication between teachers and parents or family members on an ongoing basis through, at a minimum:

(a) Parent or family member-teacher conferences in elementary schools, at least annually, during which the compact will be discussed as it relates to the individual child's achievement;

(b) Frequent reports to parents or family members on the child's progress;

(c) Reasonable access to staff, opportunities to volunteer and participate in the child's class, and observing their classroom activities. A Parent Portal link is available on the District website where parents can access their child's schedule, attendance, grades and assessment information. Moreover, all District schools have flexible parent conference hours scheduled throughout the academic year. Parents may request in-person, phone, or virtual conference time with their child/children's teachers.

(d) Ensuring regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand. The District Superintendent and school principals send frequent automated phone messages with important information for parents and families, and all school websites and Facebook pages are updated frequently.

If the parents or family members believe that the building-level parent and family engagement plan is not satisfactory, the school will submit their comments when it makes the plan available to the District.

To ensure effective involvement of parents or family members and to support a partnership among the school involved, parents or family members, and the community, to improve student academic achievement, the District and each school will:

**SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)**

a) Provide assistance to parents or family members of children served by the District or school to understand topics such as the challenging state academic standards, state and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of the children; Members of the District Parent Committee (DPC) are surveyed annually to elicit topics of interest or concern. District staff, including academic coaches, teachers, and administrators prepare presentations and resources for DPC members and provide them with toolkits for disseminating the information to all parents in their schools.

b) Provide materials and training to help parents or family members to work with the children to improve their achievement, such as literacy training and using technology (including education about the harms of copyright piracy) to foster parent and family member engagement; Parent "Technology Nights" are offered several times annually to help parents access the District's Student Information System/Parent Portal, District curriculum maps by grade level/subject, and technology tools and learning software available to all students to practice skills and review grade level content with parents at home.

c) Educate teachers, specialized instructional support personnel, principals, and other school leaders, with the assistance of parents or family members, in the value and utility of parent or family member contribution, and in how to reach out to, communicate with, and work with parents or family members as equal partners; implement and coordinate parent or family member programs; and build ties between parents or family members and the school; All District Schools are required to survey parents annually. The Family Engagement Survey (FES) provides parents' ratings and comments on several tenets of school quality, including culture and climate, social-emotional supports, effectiveness of academic programming, such as classroom rigor and RtI, and responsiveness of school staff. All school improvement planning teams include parents and address strategies for improving parent engagement.

d) Coordinate and integrate, to the extent feasible and appropriate, parent and family member engagement programs and activities with federal, state, and local programs, including public preschool programs that encourage and support parents and family members in more fully participating in the education of their children; Kindergarten transition parent workshops are offered for Headstart families, and multiple activities are coordinated annually with Focus on Families. English language classes are offered to parents of English Language Learners so that may more fully participate in the education of their children.

e) Ensure that information related to school and parent and family member programs, meetings, and other activities is sent to the parents or family members of participating children in a format and, to the extent practicable, in a language the parents or family members can understand;

f) Provide other reasonable support for parent and family member engagement activities as parents or family members may request.

*In addition, the District and each school may:*

a) Involve parents or family members in developing training for teachers, principals, and other educators to improve the effectiveness of this training;

b) Provide necessary literacy training from funds received under this part if the District has exhausted all other reasonably available sources of funding for the training;

**SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)**

c) Pay reasonable and necessary expenses associated with local parent and family member engagement activities, including transportation and child care costs, to enable parents and family members to participate in school-related meetings and training sessions;

d) Train parents or family members to enhance the involvement of other parents or family members;

e) Arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents or family members who are unable to attend these conferences at school, to maximize parent and family engagement and participation;

f) Adopt and implement model approaches to improving parent and family engagement;

g) Establish a District-wide parent and family member advisory council to provide advice on all matters related to parent and family member engagement in supported programs; and

h) Develop appropriate roles for community-based organizations and businesses in parent and family member engagement activities.

In carrying out the parent and family member engagement requirements, the District and its schools, to the extent practicable, will provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports in a format and, to the extent practicable, in a language they understand.

**Procedures for Filing Complaints/Appeals**

The District will disseminate free of charge to parents and family members of children in Title I programs, and to appropriate private school officials or representatives, adequate information regarding the District's written complaint procedures for resolving Title I issues.

***Comparability of Services**

The District will ensure equivalence among its schools of the same grade span and levels of instruction with regard to teachers, administrators, and auxiliary personnel, as well as equivalence in providing curriculum materials and instructional supplies in Title I programs.

Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA) of 2015
20 USC §§ 6318 and 6321
34 CFR Parts 74-86, 97-99, and 200
Adoption Date 2/23/2012 Re-adopted 09/22/2022

**SUBJECT: INSTRUCTIONAL TECHNOLOGY**

The Board of Education recognizes its responsibility to further the District's educational goals through the use of appropriate and high quality technology.

Continuing advances in technology are bringing about changes that have an increasing impact on the way we obtain, process, evaluate and use information. Therefore, the District is committed to:

a) A comprehensive staff development program to ensure appropriate and effective use of technology.

b) The preparation of students to utilize multiple types of technology.

c) The integration of technology within and across all curriculum areas.

d) The equitable distribution and access to technological equipment and materials for all students.

e) The promotion of technology as an alternative to traditional methods of gathering, organizing and synthesizing information.

f) The provision of sufficient funds, within the budgetary constraints of the Board, for the implementation of technology instruction.

The Board directs the Superintendent or his/her designee to assess the technological needs of the District's instructional program, research and review current materials and make recommendations to the Board.

NOTE: Refer to District's Technology Plan located on District website

Adoption Date 2/23/2012

**SUBJECT: CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT FILTERING/SAFETY POLICY**

In compliance with the Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the District has adopted and will enforce this Internet safety policy that ensures the use of technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) on all District computers with Internet access. Such technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, child pornography, or, with respect to the use of computers by minors, considered harmful to such students. Further, appropriate monitoring of online activities of minors, as determined by the building/program supervisor, will also be enforced to ensure the safety of students when accessing the Internet.

Further, the Board of Education's decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the schools including the selection of appropriate teaching/instructional materials and activities to enhance the schools' programs; and to help ensure the safety of personnel and students while online.

However, no filtering technology can guarantee that staff and students will be prevented from accessing all inappropriate locations. Proper safety procedures, as deemed appropriate by the applicable administrator/program supervisor, will be provided to ensure compliance with the CIPA.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet and World Wide Web *may* include, but shall not be limited to, the following guidelines:

a) Ensuring the presence of a teacher and/or other appropriate District personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using electronic mail, chat rooms, instant messaging and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of e-mail and chat rooms may be blocked as deemed necessary to ensure the safety of such students;
b) Monitoring logs of access in order to keep track of the web sites visited by students as a measure to restrict access to materials harmful to minors;
c) In compliance with this Internet Safety Policy as well as the District's Acceptable Use Policy, unauthorized access (including so-called "hacking") and other unlawful activities by minors are prohibited by the District; and student violations of such policies may result in disciplinary action; and
d) Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal identification information regarding such students.

The determination of what is "inappropriate" for minors shall be determined by the District and/or designated school official(s). It is acknowledged that the determination of such "inappropriate" material may vary depending upon the circumstances of the situation and the age of the students involved in online research.

The terms "minor," "child pornography," "harmful to minors," "obscene," "technology protection measure," "sexual act," and "sexual contact" will be as defined in accordance with CIPA and other applicable

laws/regulations as may be appropriate and implemented pursuant to the District's educational mission.

Under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor, or other person authorized by the School District.

The School District shall provide certification, pursuant to the requirements of CIPA, to document the District's adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., blocking/filtering of access to certain material on the Internet) for all School District computers with Internet access.

**Internet Safety Instruction**

The District shall provide age-appropriate instruction to students regarding appropriate online behavior. Such instruction shall include, but not be limited to: positive interactions with others online, including on social networking sites and in chat rooms; proper online social etiquette; protection from online predators and personal safety; and how to recognize and respond to cyberbullying and other threats. The Commissioner shall provide technical assistance to assist in the development of curricula for such course of study which shall be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the internet.

**Notification/Authorization**

The District's Acceptable Use Policy and accompanying Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the Internet.

Student use of the District's computer system (DCS) is conditioned upon written agreement by all students and their parents/guardians that student use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the District Office.

The District has provided reasonable public notice and has held at least one (1) public hearing or meeting to address the proposed Internet Content Filtering/Safety Policy prior to Board adoption. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of the District's Internet Content Filtering/Safety Policy, as well as any other District policies relating to the use of technology.

47 United States Code (USC) Sections 254(h) and 254(l)
47 Code of Federal Regulations (CFR) Part 54
Education Law Section 814

Adopted: February 23, 2012
**Revised: June 21, 2012**

Adoption Date

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS WITH LIMITED ENGLISH PROFICIENCY**

The Board of Education recognizes its responsibility to ensure that students of foreign birth or ancestry, who have limited English proficiency (LEP) or English Language Learners (ELL), are provided with an appropriate program of bilingual transitional education or a free-standing program of English as a Second Language (ESL).

The District has developed a comprehensive plan to meet the educational needs of students with limited English proficiency. The plan will be kept on file in the District and made available for SED review upon request. The plan includes:

a) The District's philosophy for the education of ELL/LEP students;
b) Administrative practices and procedures to:
1. Diagnostically screen students for limited English proficiency;
2. Identify students with limited English proficiency;
3. Annually evaluate each ELL/LEP student including his/her performance in content areas to measure the student's academic progress.
c) A description of the nature and scope of the bilingual and/or English as a second language instructional program and services available to ELL/LEP students;
d) A description of the criteria used by the District to place ELL/LEP students in appropriate bilingual or free-standing English as a second language programs;
e) A description by building of the curricular and extracurricular services provided to ELL/LEP students;
f) A description of the District and school level procedures for the management of the program, including staffing, site selection, parental notification, coordination of funds, training and program planning.

The instructional programs and services available to limited English proficient pupils to help them acquire English proficiency may include, pursuant to Commissioner's Regulations, bilingual education programs, free-standing English as a second language programs, appropriate support services, transitional services, in-service training and parental notification.

A student who, as a result of a disability, scores below the State designated level on the Language Assessment Battery-Revised (LAB-R) or the NYS English as a Second Language Achievement Test (NYSESLAT) shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student and shall also be eligible for services available to an ELL/LEP student when those services are recommended in the IEP. Such a student will be counted as an ELL/LEP student as well as a student with a disability for purposes of calculating State aid.

The parent/guardian of a student identified as an English language learner or as limited English proficient shall be informed in his/her native language, if necessary, of the student's identification for and/or participation in an English language learner instructional program as well as other school related information.

The Superintendent shall ensure that all data required by the Commissioner's Regulations is submitted to the State Education Department in a timely manner.

Title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, Sections 1112(g) and 3302(a)

Education Law Sections 207, 215, 2117, 3204(2)(2-a), 3602, and 3713
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(g) and Parts 117 and 154

**Adopted: 2/23/12**

Adoption Date

**SUBJECT: PURPOSES OF INSTRUCTIONAL MATERIALS**

The purpose of instructional materials shall be to implement, enrich, and support the educational program of the school.

Instructional materials should contribute to the development of positive social and intellectual values of the students.

The Board of Education shall provide the faculty and students in the District with such instructional materials as are educationally needed and financially feasible to make the instructional program meaningful to students of all levels of ability. In addition, the Board will ensure that all instructional materials will be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students. The alternative format must meet the National Instructional Materials Accessibility Standard (NIMAS) defined in federal law.

20 United States Code (USC) Section 1474(e)(3)(B)
Education Law Section 701 et seq.
8 New York Code of Rules and Regulations (NYCRR) Parts 155 and 200.2

**Adopted: 2/23/12**

**SUBJECT: SELECTION OF LIBRARY AND MULTIMEDIA MATERIALS**

A school library/library media center shall be established and maintained in each school district. The library in each elementary and secondary school shall meet the needs of the pupils, and shall provide an adequate complement to the instructional program in the various areas of the curriculum. Each school district shall also employ a certified school library media specialist, unless equivalent service is provided by an alternative arrangement approved by the Commissioner.

The Board of Education agrees that the responsibility of the school library is:

a) To provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities and maturity levels of the students served.

b) To provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards.

c) To provide a background of information that will enable students to make intelligent judgments in their daily lives.

d) To provide materials on opposing sides of controversial issues so that young citizens may develop, under guidance, the practice of critical reading and thinking.

e) To provide materials representative of the many religious, ethnic, and cultural groups and their contribution to our American heritage.

f) To place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

In interpreting these principles, the following will apply:

a) Broad and varied collections will be developed systematically by the library media specialist, based on recommendations of the professional staff and suggestions of students and parents. Final approval will be made by the Building Principal.

b) Qualitative standards of selection involving factual accuracy, authoritativeness, artistic quality and appeal will be applied by library media specialists before purchases are made.

c) Materials will not be excluded because of the race, nationality, political opinions or religious views of the author.

d) Materials will be continuously re-evaluated in relation to changing curriculum and instructional needs. Worn out, out-dated materials will be discarded.

Education Law Section 207
8 New York Code of Rules and Regulations (NYCRR) Sections 21.4, 91.1, 91.2

Adopted: 2/23/12

**SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS**

Any criticism of instructional materials that are in the schools should be submitted in writing to the Superintendent. The Board of Education will be informed. A committee, including the librarian and Building Principal, will be designated by the Superintendent to investigate and judge the challenged material according to the principles and qualitative standards stated in Policy #8320 -- Selection of Library and Multimedia Materials.

**Study of Specific Materials/Conflict with Religious Beliefs**

In accordance with applicable law and regulation, a student may be excused from the study of specific materials relating to health and hygiene if these materials are in conflict with the religion of his/her parents/guardians. Alternatives may be provided that are of comparable instructional value.

Education Law Section 3204(5)
8 New York Code of Rules and Regulations (NYCRR) Section 135.3

NOTE: Refer also to Policies #8320 -- Selection of Library and Multimedia Materials
#8360 -- Religious Expression in the Instructional Program

Adoption Date 2/23/2012

**SUBJECT: CONTROVERSIAL ISSUES**

Controversial issues may be studied as part of the curriculum and teachers shall present these issues in their classrooms in an impartial and objective manner.

Teachers wishing to call upon outside speakers in the presentation of controversial issues are required to obtain the approval of the Principal who shall keep in mind the obligation for presenting opposing views as well, and who shall inform the Superintendent prior to the presentation.

It is recognized that parents and citizens of the community have a right to protest to the school administration when convinced that unfair and biased presentations are being made by the teacher. In considering such protests, the Superintendent of Schools shall provide for a hearing so that both parties may fairly express their views. If requested, the Superintendent's decision may be appealed to the Board of Education.

Adoption Date

**SUBJECT: TEXTBOOKS/WORKBOOKS/CALCULATORS/INSTRUCTIONAL COMPUTER HARDWARE**

**Textbooks**

The term "textbook" shall refer to a book supplied to a student for a fixed period of time for his/her personal use and basic to the study of a subject. The Board of Education shall make provision for funds to be budgeted for the purchase of textbooks and related instructional materials.

Upon the recommendation of the Superintendent of Schools, the Board of Education shall designate the textbooks to be used. Textbooks, once designated, cannot be superseded within a period of five (5) years except by a three-fourths (3/4) vote of the Board.

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 (8 NYCRR Section 200.2(b)(10)). 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, **contracts with publishers executed on and after December 3, 2006** for textbooks and other printed core materials ***must*** include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this will not add any cost to the contract).

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

Students will be required to pay for lost books or for excessive damage to books.

Textbooks for Resident Students Attending Private Schools

Resident students attending private schools will be supplied non-sectarian textbooks in accordance with the requirements of Education Law.

(Continued)

**SUBJECT: TEXTBOOKS/WORKBOOKS/CALCULATORS/INSTRUCTIONAL COMPUTER HARDWARE (Cont'd.)**

**Workbooks**

The term "workbook" shall refer to the type of book that provides spaces to write in and is consumed each year. It is usually paper-covered and designed to be used in connection with a textbook. The Board of Education shall approve the expenditure of funds for the purchase of workbooks and manuals.

**Calculators**

The District can require students to provide their own "supplies" (defined as something which is consumed in use, loses its appearance and shape in use, expendable, and inexpensive). Examples include pencils, pens, paper, etc. Calculators do not fall into this category and must be considered like classroom teaching materials for which the District is authorized to levy a tax. In addition, the District may purchase, and must still provide, calculators even if operating under a contingent budget if the calculators are required for participation in an educational program.

The New York State Education Department requires the use of calculators for intermediate and high school level mathematics and science assessments. To the extent that calculators are a necessary part of the educational program, the District must provide them. Under no circumstances should students be charged for a calculator or otherwise required to purchase one in order to participate in an educational program of the District.
(see website: http://www.emsc.nysed.gov/mgtserv/charging_for_calculators.shtml)

**Instructional Computer Hardware**

Loan to Students Attending Nonpublic Schools in the District

The School District shall loan, upon request of an individual or a group of individual students, to all students legally attending nonpublic elementary or secondary schools located in the School District, instructional computer hardware which is designated for use in any public elementary or secondary schools of the State or is approved by any school authorities as such term is defined in Education Law Section 2(12).

Such instructional computer hardware is to be loaned free to such children, subject to such rules and regulations as are or may be prescribed by the Board of Regents and school authorities and shall be required for use as a learning aid in a particular class or program. Instructional computer hardware containing computer software programs which are religious in nature or content shall not be purchased or loaned by the School District.

(Continued)

**SUBJECT: TEXTBOOKS/WORKBOOKS/CALCULATORS/INSTRUCTIONAL COMPUTER HARDWARE (Cont'd.)**

The School District shall not be required to loan instructional computer hardware to nonpublic school students in excess of that acquired pursuant to Education Law Section 753 and shall be loaned on an equitable basis to children attending nonpublic schools in the District and to students with disabilities residing in the District who attend programs under the provisions of Education Law Sections 4401(2)(c),(2)(e),(2)(g),(2)(i), and (2)(l). However, the School District shall not be required to loan instructional computer hardware purchased with local or federal funds or with State funds, other than Instructional Computer Hardware Aid funds.

School authorities shall specify a date by which written requests for the purchase and loan of instructional computer hardware must be received by the District. Such date shall not be earlier than the first day of June of the school year prior to that for which such instructional computer hardware is being requested. For a child not attending a nonpublic school prior to June first, the parent/guardian may submit a written request for instructional computer hardware within thirty (30) days after such child is enrolled in the nonpublic school. In no event, however, shall a request made later than the times otherwise provided pursuant to Education Law Section 754 be denied where a reasonable explanation is given for the delay in making the request. All nonpublic schools in the School District shall be notified of the specified date.

The form of request used by a lending District may provide for a guarantee by a parent or guardian for the return of such hardware or, in the case of loss or damage, for payment of the value thereof.

20 United States Code (USC) Section 1474(e)(3)(B)
Education Law Sections 2(12), 701 et seq., 753, 754, 3602(6), 3602(26), 4401(2)(c), 4401(2)(e), 4401(2)(g), 4401(2)(i) and 4401(2)(l)
8 New York Code of Rules and Regulations (NYCRR) Sections 21.3, 100.12, 155.1(a)(4) and 175.25

Adoption Date 2/23/2012

**SUBJECT: USE OF COPYRIGHTED MATERIALS**

It is the intent of the Board of Education to abide by the provisions of the United States Copyright Law (Title 17 United States Code Section 101 et seq.).

All employees and students are prohibited from copying materials not specifically allowed by the copyright law, fair use guidelines, licenses or contractual agreements, or the permission of the copyright proprietor.

Any person who willfully disregards the copyright policy shall be in violation of Federal Copyright Laws and District policy and shall assume all liability.

A copyright officer may be appointed by the Superintendent to provide information for all personnel regarding current copyright law and to maintain copyright records. The copyright officer will also serve as the designated agent registered with the U.S. Copyright Office to expeditiously respond to any notices of claimed copyright infringement.

Regulations and procedures shall be developed by the administration detailing what can and cannot be copied. Appropriate copyright notices will be placed on or near all equipment used for duplication.

Digital Millennium Copyright Act (DMCA), 17 United States Code (USC) Sections 101 et seq., 512 and 1201 et seq.
34 Code of Federal Regulations (CFR) Part 201

Adoption Date 2/23/2012

**SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM**

The Board of Education acknowledges the importance of religion to the understanding of society and the richness of the human experience. In approaching the teaching about religion in the school, the District will be guided by three concepts when making decisions about the appropriateness of activities for inclusion in the school program: the activity should have a secular purpose; the activity should neither advance nor inhibit religion; and the activity must not foster an excessive entanglement of "government" with religion.

Nurturing the development of knowledge and respect for the rights of all cultural and religious groups is a continuing goal of the School District. Students, faculty and administration are reminded of the pluralism of religious beliefs and are urged to be conscious of and respect the sensitivity of others.

Opportunities to learn about cultural and religious traditions should be provided within the framework of the curriculum. Information about religious and cultural holidays and traditions focusing on how and when they are celebrated, their origins and histories should be part of this instruction. This educational opportunity should be handled with great care, sensitivity and respect for the feelings and beliefs of individuals.

An environment should be created and encouraged where students of various ethnic backgrounds feel comfortable in sharing comments about their religious and cultural traditions. No student should be singled out to share or participate in such discussions solely on the basis of that student's identification with the cultural/religious heritage being addressed. A student's preference not to share or participate in such discussions should be honored and respected without penalty.

**School Activities Related to Religious Holidays or Themes**

School activities related to the teaching about religious holidays or themes must be consistent with, representative of, and congruent with the District's curriculum.

In planning school activities related to the teaching about religious holidays or themes, special effort must be made to ensure that the activity is not devotional and that students of all faiths can join without feeling they are betraying their own beliefs.

In planning school activities related to the teaching about religious holidays or themes, age appropriate activities are encouraged within the framework of the curriculum. Teaching about religious and cultural holidays may include such special activities as parties and special foods, if they reinforce educational goals.

(Continued)

**SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM (Cont'd.)**

**Symbols in the Schools**

The purpose of using religious symbols should be to teach about religious concepts and traditions, and to convey historical or cultural content, not to promote or celebrate religious concepts, events or holidays.

**Music in the Schools**

The purpose of using religious music should be to teach musical concepts, to convey historical and cultural content, or to create aesthetic experiences in a setting which emphasizes artistic expression and educational value, not to promote or to celebrate a religious faith.

**Curriculum Areas in Conflict with Religious Beliefs**

Students shall be given the option to be excused from participating in those parts of an activity, program, or area of instruction involving a religious theme which conflicts with their own religious beliefs or that of their parents/guardians in accordance with applicable law and regulations. Alternatives may be provided that are of comparable instructional value.

**Implementation**

Administrative regulations will be developed to implement the terms of this policy. Further, the District shall vigorously publicize and disseminate this policy and accompanying regulations in order to ensure community, faculty, student, and parental/guardian awareness.

United States Constitution, First Amendment
Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001, Section 9524
Equal Access Act, 20 United States Code (USC) Sections 4071-4074
Education Law Sections 1609(9), 1609(10), 1709(1), 1709(3), 3204(5) and 3210
8 New York Code of Rules and Regulations (NYCRR) Sections 16.2 and 109.2

NOTE: Refer also to Policies #7460 -- Constitutionally Protected Prayer in the Public Schools
#8330 -- Objection to Instructional Materials

Adoption Date 2/23/2012

**SUBJECT: OPENING EXERCISES**

The Board directs the administration to include the Pledge of Allegiance as part of the opening exercises in all the schools. Under certain circumstances, such as religious conviction, individuals may be excused from this requirement as a protection of their Constitutional rights.

Education Law Section 802
8 New York Code of Rules and Regulations (NYCRR) Section 108.5

Adoption Date 2/23/2012

**SUBJECT: INDEPENDENT STUDY FOR TRANSFER CREDIT**

Independent study, for credit, will be available to meet the individual needs of students in grades 9 through 12. The Principal, after consultation with relevant faculty, may award transfer credit for work done through independent study. The decision should be based on whether the student's record indicates that the work is consistent with New York State commencement level learning standards and is of comparable scope and quality to that which would have been done in the school awarding the credit. Credit shall be granted only for courses in the approved curriculum.

8 New York Code of Rules and Regulations (NYCRR) Section 100.5(d)(5)(i)(b)

Adoption Date 2/23/2012

**SUBJECT: HOME TUTORING (HOMEBOUND INSTRUCTION)**

Resident children attending public or nonpublic schools who are unable to attend school because of physical, mental or emotional illness or injury as substantiated by a licensed physician are eligible to be instructed at home or in a hospital by a tutor provided by the School District. These students will be provided with such instruction in accordance with New York State Education Law and Commissioner's Regulations.

Procedures for students requiring home tutoring shall be developed under the direction of the Superintendent or his/her designee.

Education Law Sections 1604(20), 1709(24), 3202 and 4401
8 New York Code of Rules and Regulations (NYCRR) Section 175.21

Adoption Date 2/23/2012

**SUBJECT: FIELD TRIPS**

The Board of Education recognizes that field trips are an educationally sound and important ingredient in the instructional program of the schools.

For purposes of this policy, a field trip shall be defined as any journey by a group of students away from the school premises, under the supervision of a teacher, which is an integral part of an approved course of study and conducted for the purpose of affording a first-hand educational experience not available in the classroom.

Field trips are a part of the curriculum of the schools, and student conduct and attendance on field trips are governed by the same rules that govern regular classroom activities. The School System shall obtain written parental/guardian permission for students going on school-sponsored field trips.

An educational trip is a class journey, discriminately selected, to enhance the classroom program. Closely correlated to the learning objectives, it may be used to introduce, supplement or culminate a unit of instruction.

The well-planned education trip:

a) Provides complete and effective instruction

b) Allows students to learn from first-hand observation

c) Stimulates and maintains interest

d) Helps students gain practical background for better understandings

e) Secures information

f) Shapes attitudes

g) Exposes students to new cultural experiences

The Board will encourage educational program field trips provided they are:

a) Well-planned in class prior to the trip

b) An integral part of the regular program

c) Carefully supervised

d) Appropriately incorporated into the instructional program upon return

(Continued)

**SUBJECT: FIELD TRIPS (Cont'd.)**

The Superintendent shall prepare procedures for the operation of a field trip activity. Field trip support shall be determined annually by the Board during its budget deliberations. Regardless of the fiscal support for field trips, the rules of the School District for approval and conduct of such trips shall apply.

The Superintendent/designee may cancel previously approved field trips due to extenuating circumstances.

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#5720 -- Transportation of Students
*District Code of Conduct on School Property*

Adoption Date 2/23/2012

**SUBJECT: HOME INSTRUCTION (HOME SCHOOLING)**

The School District will attempt to cooperate with parents who wish to provide home instruction for their children. The child who is educated at home should receive an education in a manner consistent with an educational plan and at least substantially equivalent to that given to students of like age and attainments in the local public schools. The required subjects should be taught in a competent, systematic, and sequential manner, specifically in relation to the required courses as enumerated in Commissioner's Regulation Section 100.10.

Primary responsibility for determining compliance with Commissioner's Regulations addressing home instruction rests with the Superintendent of Schools of the school district in which a home-instructed student resides.

**Provision of Services to Home-Instructed Students**

They are not awarded a high school diploma. A high school diploma may only be awarded to a student enrolled in a registered secondary school who has completed all program requirements set by the Board of Regents, the school or the District.

a) Extracurricular Participation

Students instructed at home are not eligible to participate in interscholastic sports. Commissioner's Regulations mandate that only students enrolled in the public school are allowed to participate in interscholastic sports. Further, the District does not permit home-instructed students to participate in any extracurricular activities.

b) Textbooks and Materials

The District is not required to loan available textbooks and other materials (e.g., library materials, microscopes, computer software, movie projectors) to home-instructed students. However, the School District shall provide home-instructed students with such textbooks and materials.

c) Health Services

The School District is not required to furnish health services.

d) Remedial Programs

The District is not responsible for providing remedial programs.

e) Career and Technical/Gifted Education

The District is not authorized to provide Occupational and Vocational Education programs (career and technical education) nor programs for the Gifted to home-instructed students.

(Continued)

**SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)**

f) Special Education Services

Solely for the purpose of Education Law Section 3602-c, home-instructed students with disabilities are deemed to be students enrolled in and attending a non-public school, which enables them to receive special education services, as well as to be included for computation of state aid for such education by the District.

The Committee on Special Education (CSE) will develop an Individualized Education Services Program (IESP) for the student. The IESP shall be developed in the same manner and with the same content as an IEP. The Board of Education will determine a location where special education services are to be provided to a home-instructed student. This location may, but is not required to be, in the student's home.

g) Use of School Facilities

Students instructed at home shall be allowed to use school facilities provided that there is a mutual agreement on the part of all involved parties.

Education Law Sections 3204, 3205, 3210(2), 3212(2), 3240-42, 3602-c, 3602-c(2-c), and 4402
8 New York Code of Rules and Regulations (NYCRR) Sections 100.10, 135.4(c)(7)(ii)(b)(2) and 200.2(a)

Adoption Date 2/23/2012

**Niagara Falls City School District Head Start/Early Head Start**

**COVID-19 Mitigation Policy**

The Niagara Falls City School District Head Start /Early Head Start has developed this evidence-based COVID-19 Mitigation Policy, in consultation with representatives of the Health Services Advisory Committee (HSAC), in an effort to protect children, families, and staff from infection and illness related to COVID-19. The Niagara Falls City School District Head Start / Early Head Start follows the current recommendations of the Niagara County Health Departments, the Office of Children and Family Services, the New York State Department of Health, the New York State Department of Education and the Centers for Disease Control and Prevention. The plan to carry-out the Policy is below. This can be scaled up or down based on the impact of COVID-19 in the community at any given time.

The following steps will be taken:

**A. To prepare for illness, we will:**

1. Identify and consult with reliable sources of information such as our school district's medical director, local health departments, the CDC www.cdc.gov, our Health Services Advisory Committee (HSAC), etc., and monitor our COVID-19 community levels.
2. Communicate our policy regarding COVID-19 and expectations prior to employment for staff and during enrollment process for children.
3. Communicate with families, staff, OCFS Licensor, and local public health officials to notify them of outbreaks, exposures, site closures, etc., via letter, email, text or phone. Prior to the decision of any site or classroom closures, the HS/EHS administrator will consult the superintendent of schools and the district's medical director.
4. Educate staff and families about COVID-19 risk reduction strategies, for example: hand washing, staying home if you're sick, coughing and sneezing etiquette, masking, staying up-to-date on COVID-19 vaccinations, ventilation, annual flu vaccination.
5. Encourage families to establish backup child care in the event of illness or classroom or site closure.
6. Keep supplies of soap, paper towels, tissues, toilet paper, masks, COVID-19 test kits and cleaning and disinfecting supplies on hand at all locations.
7. Plan coverage for staff absences to the greatest extent possible.
8. Staff must call the medical director for clearance to return to work after at least 5 CDC recommended sick days of staying home. Once approved the staff member is required to wear a mask for the following 5 days.

**B. To prevent spread of illness, we will:**

1. Review cleaning and disinfecting procedures with staff.
2. Conduct daily health checks at the time of check-in, prior to the child's parent/guardian departing when bringing them to school.
3. Require staff and children to stay home if they have signs of illness (for example, sore throat, fever, diarrhea, cough, body aches).
4. Send any child or staff member home if they come to program with symptoms or develop symptoms while in the program.
5. Have a designated location in each classroom that is away from play areas but still actively supervised by staff where an ill child may safely wait and rest until being

picked up. An alternative safe and isolated area at the center will be designated for ill staff or child to rest when waiting for transportation home if remaining in the classroom is not feasible. Child will be supervised at all times until parent or other authorized adult picks up the child.

6. Require the use of a mask for any child 3 years of age and older, and staff members who develops symptoms while they wait to be picked up. *Children or staff following CDC guidance or exercising personal preference, may wear masks at any time.*
7. Require families and staff to notify the program of confirmed COVID-19 cases.
8. Recommend COVID-19 testing for children and staff with COVID-19 symptoms or clearance from a medical professional in conjunction with improvement of symptoms and/or absence of fever for 24 hours without the use of fever reducing medication prior to returning to the program.
9. Require that children and staff who test positive for COVID-19 complete 5 days of isolation from program and wear a well-fitting mask in program through day 10 if they are cleared to return to program.
10. Require that staff who have had close contact with someone with COVID-19 (within 6 feet of someone with COVID-19 for more than 15 minutes in a 24-hour period) will wear a mask while in program for 10 days. If they do not have symptoms, they do not need to quarantine and may attend program while wearing a mask for at least 10 days post exposure.
11. If any child has knowingly been exposed during program, parents will be notified and children 3 years old or older will be expected to wear masks while attending. The program will supply masks.
12. Families will be encouraged to notify program if their child has been exposed outside of program and for children 3 years old or older masking will be encouraged.
13. Communicate with staff and families about the extent of illness in our program and any changes that may need to be made to our usual routine. Consult with the school districts' medical director and local public health department about how to prioritize COVID-19 risk reduction strategies.

C. **Responding to community levels** – We will utilize the *CDC developed COVID-19 Levels* to inform our decisions on precautions we will take based on the level of disease burden in our community or within our centers. Consultation with our local public health departments will take place as needed.
    1. We will communicate these decisions via letter, email, text message and/or phone call to families as well as through posted signs at our centers/classrooms.
    2. We may increase prevention strategies used in our program in relation to the level of disease in our community or within our centers. For example, we may opt for universal masking if levels of transmission are very high in the community or if there is a surge of cases within a particular center.
    3. We may consider more extensive mask use or other mitigation strategies if a child or staff member is disabled or immunocompromised.

**D. <u>Vaccination</u>**

1. At this time, the national vaccination requirements at 45 CFR §§1302.93 and 1302.94 remain in effect for staff, certain contractors, and volunteers in Head Start programs in states that are not subject to permanent or preliminary court injunctions. New York State is not subject to any permanent or preliminary court injunctions and therefore, the District's current Head Start COVID-19 Vaccination Policy remains.
2. Until/unless vaccination requirements change, staff are mandated to be fully vaccinated upon hire and are encouraged to remain up-to-date with any recommended boosters. We will encourage contractors, families and volunteers to be up-to-date on their COVID-19 vaccinations as well. *You are fully vaccinated and considered up to date with your COVID-19 vaccines when you have completed a COVID-19 vaccine primary series and got the most recent booster dose recommended for you by CDC.*
3. We will provide staff and families access to accurate information about the COVID-19 vaccine and, whenever possible, provide access to the vaccine.

*This COVID-19 Mitigation Policy may be updated based upon guidance from the Centers for Disease Control (CDC), New York State Department of Health (NYSDOH), Niagara County Health Department (NCHD), New York State Office of Children and Family Services (NYSOCFS), New York State Education Department (NYSED), or our Health Services Advisory Committee (HSAC).*

**Niagara Falls City School District Head Start / Early Head Start**

**COVID-19 Mitigation Policy**

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