

ELECTRONIC MANUAL

This Policy Manual was approved by the Board of Education at the Meeting on September 1, 2021 as currently constituted.

Please be advised that the District's Policy Manual developed with Erie 1 BOCES Policy Services is not to be interpreted as the rendering of legal advice. Application of Board policies to specific situations may necessitate consultation with the School Administrators/School Attorney to address the particular circumstances.

FOREWORD

Contained herein are the policy statements formulated by the Board of Education of the New Paltz Central School District.

Policy is a statement that establishes standards and/or objectives to be attained by the District. Policy should clearly state the Board's view of what it considers to be the mission of the District.

Policies are the means by which a school board leads and governs. Policies form the by laws and rules for governance of the District and serve as the standards to which the Board, students, staff and visitors are held accountable. They are legally binding and serve as the local law of the School District that may be enforced by the District.

Policy should accomplish the following:

- a) State the manner in which the District is to perform its tasks
- b) Grant the authority to act and allocate responsibility and duties
- c) Be concise, easy to read, and relevant
- d) Be achievable within the real environment of the school and community
- e) Provide for impartial procedures

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

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or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education.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

New Paltz Central School District

NUMBER

ORGANIZATION OF THE BOARD OF EDUCATION

- 1.1 School District Legal Status1110
- 1.2 Board of Education Authority and Membership.....1120
- 1.3 Number of Members and Terms of Office1130

NOMINATION AND ELECTION OF BOARD OF EDUCATION MEMBERS

- 2.1 Board of Education Members: Qualifications1210
- 2.2 Board of Education Members: Nomination and Election.....1220
- 2.3 Reporting of Expenditures and Contributions1230
- 2.4 Resignation, Removal and Vacancy1240

THE ROLE OF THE BOARD OF EDUCATION

- 3.1 Powers and Duties of the Board1310
- 3.2 Nomination and Election of Board Officers1320
 - 3.2.1 Duties of the President of the Board of Education1321
 - 3.2.2 Duties of the Vice President of the Board of Education.....1322
- 3.3 Appointments and Designations by the Board of Education1330
 - 3.3.1 Duties of the District Clerk.....1331
 - 3.3.2 Duties of the School District Treasurer1332
 - 3.3.3 Duties of the Tax Collector.....1333
 - 3.3.4 Duties of the External (Independent) Auditor1334
 - 3.3.5 Appointment and Duties of the Claims Auditor1335
 - 3.3.6 Duties of the Extraclassroom Activity Fund Treasurer1336
 - 3.3.7 Duties of the School Attorney1337
 - 3.3.8 Duties of the School Physician/Nurse Practitioner.....1338
 - 3.3.9 Duties of the Internal Auditor.....1339
 - 3.3.10 Ulster County BOCES Board Member Nominations1340

BOARD POLICY

- 4.1 Policy on Policies.....1410

MEETINGS OF THE BOARD OF EDUCATION

- 5.1 Board of Education Meetings1510
 - 5.1.1 Board Member Communications.....1511

New Paltz Central School District

NUMBER

MEETINGS OF THE DISTRICT

6.1	Annual District Meeting and Election/Budget Vote.....	1610
6.1.1	Business of the Annual District Election.....	1611
6.2	Annual Organizational Meeting.....	1620
6.3	Legal Qualifications of Voters at School District Meetings.....	1630
6.4	School Elections and Voting: Facilities Utilization.....	1640
6.5	Submission of Questions and Propositions at Annual Elections and Special District Meetings.....	1650

By-Laws

SUBJECT: SCHOOL DISTRICT LEGAL STATUS

The New Paltz Central School District is organized and operates within the framework of state laws pertaining to central school districts. The School District constitutes a corporate body that possesses all the usual powers of the corporation for public purposes.

New York State Constitution
Education Law Articles 33, 35, 37, 51 and 53

Adopted: 7/16/08

By-Laws

SUBJECT: BOARD OF EDUCATION AUTHORITY AND MEMBERSHIP

The Board of Education of the New Paltz Central School District shall consist of seven (7) members elected at large by the qualified voters of the School District at the annual election as prescribed by law. Members of the Board of Education shall serve for three (3) year terms. The terms of office shall be staggered so that, as nearly as possible, an equal number of Board members shall be elected each year.

7 Member Board - Education Law Section 1804.1
Term of Office - Education Law Section 2105

Members of the Board have legal authority for the conduct of the School District only when acting as a body at a properly convened meeting. Board members acting as individuals have no authority over personnel or school affairs. The Board will not be bound in any way by any individual's statement or action unless the Board, through an adopted policy or by a majority vote of the Board membership, has delegated this authority to the individual member.

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

Adopted: 7/16/08

By-Laws

SUBJECT: NUMBER OF MEMBERS AND TERMS OF OFFICE

The Board of Education of the New Paltz Central School District shall consist of seven (7) members elected by the qualified voters of the School District at the annual election as prescribed by law.

Members of the Board of Education shall serve for three (3) years beginning July 1 following their election and each term shall expire on the thirtieth day of June of the third year. The terms of office shall be staggered so that, as nearly as possible, an equal number of Board members shall be elected each year.

Education Law Sections 1602, 1702(1), 1804(1), 2105 and
2502

Adopted: 7/16/08

By-Laws

SUBJECT: BOARD OF EDUCATION MEMBERS: QUALIFICATIONS

A Board of Education member of the New Paltz Central 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 New Paltz Central School District;
- f) The only member of his/her family (that is, cannot be a member of the same household) on the New Paltz Central 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 central school districts, however, a Board member may be appointed clerk of the Board and of the District.

- 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.

Education Law Sections 1804(1), 1950(9), 2101, 2102,
2103, 2103-a, 2130(1), and 2502(7)
Public Officers Law Section 3
Town Law Section 23(1)

Adopted: 7/16/08

By-Laws

SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION

- a) Candidates for the office of member of the Board of Education shall be nominated by a petition directed to the Clerk of the School District which is signed by at least twenty-five (25) qualified voters of the District, or by two percent (2%) of the number of voters who voted in the previous annual election, whichever is greater. 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 thirty (30) 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 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 two (2) 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.
- k) When a term of office expires at the end of a school year and the office becomes vacant prior to the time of the election, the highest vote getter who is not an incumbent shall also fill the remaining days of the previous term.

(Continued)

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

- 1) Newly elected or appointed members of the Board of Education must take their constitutional oath of office within thirty (30) days of the beginning of their term of office.

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

SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS

Each candidate for the position of member of the Board of Education must file campaign expenditure statements. The preliminary statement shall be filed on the tenth day before the election and the final statement shall be filed with twenty (20) days after the election. All such statements must be notarized.

If the total expenditure on the campaign is less than five hundred dollars (\$500), the statements must be filed with the School District Clerk. If the total expenditure exceeds five hundred dollars (\$500), the statements must be filed both with the District Clerk and the New York State Commissioner of Education.

Required contribution statements shall include:

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

The times for filing the statements are as follows:

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

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2008

1230
2 of 2

By-Laws

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

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

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

Adopted: 7/16/08

SUBJECT: RESIGNATION, REMOVAL AND VACANCY**Resignation**

A member of the Board of Education may resign his/her office by filing his/her resignation with the District Clerk. The effective date of the resignation must be within thirty (30) days after the date of filing. In the alternative, a Board member may resign by filing a written resignation with the District Superintendent which becomes effective upon approval of the District Superintendent and filing with the District Clerk.

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.

Removal

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

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.

Vacancy

A vacancy on the Board may be declared if it is clearly established that a Board member has failed to attend three (3) consecutive meetings without sufficient excuse or if a Board member has changed his/her legal residence from that of the School District or has another position which creates a conflict of interest with the position of Board member.

When a vacancy occurs on the Board of Education, whether by reason of death, resignation, refusal to serve or any disqualification of a Board member, the Board will take action on a method to fill the Board seat within ninety (90) days of the effective date of the vacancy. The Board may, by a majority of the total number of Board seats, appoint a qualified person to fill any vacancy or call for a special election to fill the vacancy. If a vacancy is filled by Board appointment, the person so appointed shall hold office only until the next annual election of Board members. If the vacancy is filled by election, the person elected shall hold office for the time remaining on the term of the vacated seat.

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By-Laws

SUBJECT: RESIGNATION, REMOVAL AND VACANCY (Cont'd.)

Should the Board choose to fill the seat by Board appointment and no candidate receives a majority vote, the Board may then call a special election, unless the special election would occur sixty (60) days or less prior to the petition period for the next annual election of Board members.

If the Board of Education fails to fill a vacancy either by appointment, special election or general election, the District Superintendent may appoint a replacement or the Commissioner of Education may order a special election for filling such vacancy.

A Board member who has been removed from office shall be ineligible for appointment or election to any office in the District for a period of one (1) year from the date of such removal.

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: 7/16/08

By-Laws

SUBJECT: POWERS AND DUTIES OF THE BOARD

The Board of Education is the governing body of the School District.

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

The most important of the powers and duties of the Board of Education is its legislative power in regard to the educational matters of the District. The Board establishes policy regarding all aspects of School District operations, limited only by law and contractual obligations. Critical to the exercise of its powers is the Board's power to appoint a Superintendent, who as chief executive officer is delegated the responsibility for implementation of Board policy, and the day-to-day administration of the District.

Education Law Sections 1604, 1709, 1804 and 2503

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

Adopted: 7/16/08

By-Laws

SUBJECT: NOMINATION AND ELECTION OF BOARD OFFICERS

Officers of the Board of Education shall be nominated and elected by the simple majority of the Board at its Annual Organizational Meeting for a term of one (1) year. No members shall serve in the office of President or Vice president for more than two (2) consecutive years. They will take their oath as officers at this meeting along with newly elected members.

Any Board member may be elected President or Vice President by a majority of the Board.

The elected officers of the Board of Education are:

- a) President;
- b) Vice President.

Education Law Sections 1701, 2105(6) and 2502

Adopted: 7/16/08

By-Laws

SUBJECT: DUTIES OF THE PRESIDENT OF THE BOARD OF EDUCATION

The President's duties include the following:

- a) Presides at all meetings of the Board;
- b) Calls special meetings as necessary or on request;
- c) 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) Is the Chief Financial Officer of the District.

Education Law Section 1701

Adopted: 7/16/08

By-Laws

SUBJECT: 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 Section 1701

Adopted: 7/16/08

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

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

The following shall be appointed annually:

- a) District Clerk;
- b) District Treasurer;
- c) Deputy Treasurer;
- d) Tax Collector;
- e) External (Independent) Auditor;
- f) Internal Auditor;
- g) Central Treasurer, Extraclassroom Activities Account;
- h) Chief Fiscal Officer;
- i) Attorney;
- j) Audit Committee.

The following will also be appointed:

- a) Director of School Health Services (School Physician/Physician Assistant/Nurse Practitioner);
- b) Supervisors of Attendance;
- c) Committee on Special Education and Committee on Preschool Special Education;
- d) Records Access Officer/Records Appeal Officer/Records Management Officer;
- e) Asbestos Hazard Emergency Response Act.) designee;
- f) Chief Emergency Officer

(Continued)

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

- g) Title VI, VII and IX Complaint Officers
- h) Section 504/ADA Compliance Officer;
- i) Civil Rights Compliance Officer
- j) Dignity Act Coordinators (one in each building) and District Dignity Act Coordinator
- k) Chief Election Inspector;
- l) Election Inspectors;
- m) Custodian of Election Machines;
- n) Official for Bid Opening;
- o) Asbestos Coordinator;
- p) Regular Meeting Times and Place of School Board Meetings;
- q) Substitute Records Access Officer;
- r) OSHA Coordinator;
- s) Safety Coordinator;
- t) Affirmative Action Officer;
- u) District Holidays;
- v) Liaison for Homeless Children and Youth;
- w) Chemical Hygiene Officer.

The following may also be appointed:

- a) Claims Auditor;
- b) Insurance Advisor;
- c) Copyright Officer;
- d) Fiscal Advisor;

(Continued)

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

- e) Bond Counsel;

The following organizations shall be recognized as official school-related organizations:

- a) Duzine/Lenape PTA;
- b) Middle School PTA;
- c) High School PTSA
- d) New Paltz CSD Foundation for Student Enhancement
- e) New Paltz Athletic Association
- f) New Paltz Arts in the School

Designations

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

- a) Petty Cash Fund(s);
- b) Official Newspaper(s);
- c) Official Bank Depositories;
- d) Official Bank Signatories;
- e) Purchasing Agent;
- f) Certifier of Payrolls;
- 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).
- j) Individual authorized to enter into Resolution Agreements pursuant to Part 200.5(2)(iv) of the Commissioner's Regulations.

(Continued)

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

Authorizations

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

McKinney-Vento Homeless Education Assistance Act,
Section 722, as reauthorized and amended by the Every
Student Succeeds Act of 2015
Education Law Sections 305(31), 807, 1709 and 2503.2801-a
29 Code of Federal Regulations (CFR) Section 1910.1450
8 NYCRR Parts 155.17, 185
21 NYCRR Parts 1401, 976

Adopted: 7/16/08
Revised: 5/2/18

By-Laws

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 Section 10, Public Officers Law;
- i) Gives written notice of appointment to persons appointed as inspectors of election;
- j) Calls all meetings to order in the absence of the President and Vice President;
- k) Assumes other duties customary to the office.

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

Education Law Section 2121
Public Officers Law Section 104

Adopted: 7/16/08

By-Laws

SUBJECT: DUTIES OF THE SCHOOL DISTRICT TREASURER

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

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

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)

Adopted: 7/16/08

By-Laws

SUBJECT: DUTIES OF THE TAX COLLECTOR

The Tax Collector is appointed annually by the Board of Education and shall be covered by a bond. It shall be the responsibility of the District Tax Collector to perform the following duties:

- a) Prepares and mails tax notices;
- b) Uses suitable printed tax receipt forms as prescribed by the State Tax Commission;
- c) Collects taxes in the amount of the warrant, upon the issuance of the tax warrant by the Board of Education and penalty fees in accordance with the terms of such warrant;
- d) Turns over daily to the School District Treasurer all money collected by virtue of any tax list and warrant issued;
- e) Submits a report, certified by him/her to the Board of Education, showing the amount of taxes and fees collected along with the unpaid listing. The combination of taxes collected and uncollected shall equal the amount of the warrant;
- f) Turns over to the County Treasurer, prior to November 15, a list of unpaid taxes;
- g) Carries out such other duties of the position as prescribed in Education Law, Real Property Tax Law, or as established by the Regulations of the Commissioner of Education.

Education Law Sections 2126, 2130 and 2506
Real Property Tax Law Sections 922, 924, 1322, 1330 and
1338
8 New York Code of Rules and Regulations (NYCRR)
Section 170.2

Adopted: 7/16/08

By-Laws

SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR

The Board by law shall obtain an annual audit of its records by an independent certified public accountant or an independent public accountant. The independent accountant shall present the report of the annual audit to the Board and provide a copy of the audit to each Board member. The Board shall adopt a resolution accepting the audit report and file a copy of the resolution with the Commissioner. The District will also file the audit report with the Commissioner for a specific school year by October 15th 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: 7/16/08

By-Laws

SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR

The Board of Education will annually designate and appoint a claims auditor for the District. The claims auditor shall serve at the pleasure of the Board. The claims auditor shall be bonded in accordance with Board policy. The claims auditor shall report directly to the Board the results of audits of claims. The claims auditor may not be a member of the Board of Education; the clerk or treasurer of the Board; the Superintendent of Schools or other official of the District responsible for business management; a close or immediate family member of an employee, officer or contractor providing services to the District as defined in the Commissioner's Regulations; the person designated as Purchasing Agent; and/or clerical or professional personnel directly involved in accounting and purchasing functions of the District; the internal audit function designee; or the independent auditor. The individual claims auditor and/or organization through which the claims auditor is to be engaged must meet the test of independence as described in the Commissioner's Regulations.

The claims auditor is responsible for formally examining, allowing or rejecting all accounts, charges, claims or demands against the School District. The auditing process should determine:

- a) That the proposed payment is for a valid and legal purpose;
- b) That the obligation was incurred by an authorized District official;
- c) That the items for which payment is claimed were in fact received or, in the case of services, that they were actually rendered;
- d) That the obligation does not exceed the available appropriation; and
- e) That the submitted voucher is in proper form, mathematically correct, does not include previously paid charges, and is in agreement with the purchase order or contract upon which it is based.
- f) That reimbursements for expenses authorized by law or Board policy are determined to be just and necessary.
- g) That all payments for which there is a prerequisite for competitive bidding or a request for proposals are in accordance with legal and Board policy mandates.

The claims auditor shall provide periodic written reports as may be requested by the Board.

The claims auditor shall be supervised by the Superintendent of Schools for the purposes of time, attendance and location.

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

Adopted: 7/16/08

By-Laws

SUBJECT: DUTIES OF THE EXTRACLASSROOM ACTIVITY FUND TREASURER

The Extraclassroom Activity Fund Treasurer is appointed by the Board of Education and is responsible for the supervision of the extraclassroom activity fund.

The Treasurer's duties include the following:

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

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

Adopted: 7/16/08

By-Laws

SUBJECT: DUTIES OF THE SCHOOL ATTORNEY

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

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

Adopted: 7/16/08

By-Laws

SUBJECT: DUTIES OF THE SCHOOL PHYSICIAN/NURSE PRACTITIONER

The school physician/nurse practitioner shall be appointed annually 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 Committees on Special Education and Preschool Special Education;
- d) Coordinates scheduling for physical examinations in conjunction with the Director of Health Services, of all students participating in interscholastic athletics;
- e) Develops in conjunction with the Director of Health Services the program of health service in accordance with policies approved by the Board and as directed by the Superintendent of Schools;
- f) Conducts a medical evaluation on any employee at the request of the Board of Education;
- g) Performs other duties as required by law or State Education Department rules and regulations, and such other duties as directed by the Board of Education or Superintendent of Schools.

Education Law Sections 902 and 913

Adopted: 7/16/08

SUBJECT: ULSTER COUNTY BOCES BOARD MEMBER NOMINATIONS

It is the policy of the NPCSD to nominate a community member to serve as its representative to the Ulster County BOCES Board of Education. The Board of Education will make BOCES Board seat vacancies known to the community through press releases via the Board's typical media outlets.

Interested candidates must submit a letter of interest to the Board of Education via the District Clerk. Current BOCES Board members representing the New Paltz CSD may reapply via a letter of interest.

Letters of Interest will be reviewed and a nominee selected during Executive Session.

The Board President will recommend the nominee during public session for full Board approval. The nomination will then be submitted to the Ulster County BOCES to be included on its ballot.

Adopted: 4/6/16

By-Laws

SUBJECT: DUTIES OF THE INTERNAL AUDITOR

The Internal Auditor reports directly to the Board. It is recommended that the Board use an independent contractor as the person or entity serving as Internal Auditor, but may use District employees, inter-municipal cooperative agreements, or shared services to the extent authorized by Education Law Section 1950. 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, recency of examination, 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

Adopted: 7/16/08
Revised: 02/13/2019

By-Laws

SUBJECT: POLICY ON POLICIES

The Board of Education recognizes that the development and adoption of written policies constitutes the basic method by which the Board exercises its oversight in the operation of the School District. The Board will concern itself primarily with broad questions of policy rather than with administrative details. The Board delegates to the Superintendent of Schools the responsibility and authority to establish rules, regulations and/or procedures necessary to implement its policies.

Proposals for new policies, changes in or repeal of existing policies shall be presented to the School District, in writing with a brief description of the proposal and why it is necessary. Proposals from school officials, employees and students shall be submitted to the Superintendent. Proposals from Board members, parents and community members shall be submitted to the Board of Education.

The Board of Education shall maintain annually a standing Policy Committee which shall be chaired by a Board member and shall consist of a maximum of three Board Members and the Superintendent of Schools or designee. The Policy Committee shall review and evaluate proposed policies and changes to existing policies, including researching and analyzing the proposals for necessity, effectiveness, legality, clarity and cost.

- a) The Policy Committee shall:
 1. Present each proposal that is being reviewed or considered to the Board, in public session, so that interested persons may react and submit comments and suggestions to the Clerk of the Board for referral to the Policy Committee;
 2. Refer proposed policies and amendments to policies to the District's attorney, as needed, who shall examine the proposals for legal implications and report the findings to the Policy Committee;
 3. Refer proposals, as appropriate, to the Superintendent and appropriate staff members, or other Board committees for review and comment. The Superintendent or designee shall report the findings to the Policy Committee;
 4. Complete the review process in a timely fashion.
- b) After the review process has been completed, policy proposals shall be revised or redrafted, as needed, and referred to the Clerk of the Board for placement on the calendar for a first reading at the next business meeting of the Board of Education.
- c) Board discussion and recommendations for revisions may be made at the first reading. Following the first reading and after any approved revisions have been made, the proposal will be placed on the calendar for a second and final reading no sooner than the next business meeting of the Board of Education. The Board may discuss, revise, if necessary, and adopt the proposal or refer the proposal to the Policy Committee for further study.

(Continued)

SUBJECT: POLICY ON POLICIES (Cont'd.)

While proposed policies and amendments will generally have two readings, policies may be adopted, amended or repealed at a single Board meeting if the Board deems it urgent to do so and the members of the Policy Committee are in agreement.

Policies will be adopted changed or repealed by a majority vote of the entire Board, which vote shall be recorded in the Board minutes. Only those written statements so adopted and so recorded shall be regarded as official Board policy.

The Board may, by majority vote, suspend the operation of any policy provided the suspension does not conflict with law.

Dissemination

The Clerk of the Board shall place a copy of the Board Policy Manual in the District Clerk's office and on the District Website to ensure that District policies are available to the public. The Clerk shall also ensure that the policy manual on the website is updated as necessary, and as policies are approved by the Board they disseminated appropriately.

The Clerk of the Board shall be responsible for ensuring that a version of the most current Policy Manual is present at all Board meetings.

Implementation

The Board delegates to the Superintendent of Schools the responsibility and authority to establish all rules, regulations, and/or procedures necessary to implement Board policy.

The Superintendent shall ensure that personnel are familiar with Board policies and the administrative regulations which affect them, directly or indirectly. The Board requires that all administrative employees read and familiarize themselves annually with the policy manual or appropriate sections thereof, as determined by the Superintendent of Schools.

The Board of Education generally does not adopt regulations for the implementation of policy unless specifically required to do so. Regulations officially approved by the Board shall include a notation indicating Board approval. The Superintendent shall be directed to revise any regulations determined to be inconsistent with the policies adopted by the Board.

The Board retains the right to approve waivers to policy upon the recommendations of the Superintendent.

(Continued)

SUBJECT: POLICY ON POLICIES (Cont'd.)

In cases where emergency action must be taken and where the Board has no guide for administrative action, the Superintendent shall have the power to act. The Superintendent shall inform the Board promptly of such emergency action and the need for policy.

Review And Evaluation

In order to evaluate the implementation of Board policies and to measure their effectiveness, the Board may rely on the school staff, students and community to provide evidence of the effects of the policies or evidence of a failure to implement a policy as written. Information and comments may be submitted to the Superintendent, the Board or the Policy Committee.

In addition, the Superintendent is instructed to call to the attention of the Board any policy that is outdated or appears to need revision for other reasons, including changes in state and Federal laws and regulation.

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 District will be operated. These rules and these detailed arrangements shall constitute the administrative regulations governing the District. 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) and (2)

Adopted: 7/16/08
Revised: 03/06/2019

By-Laws

SUBJECT: EXECUTION OF POLICY: ADMINISTRATIVE REGULATIONS

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

Adopted: 7/16/08

SUBJECT: BOARD OF EDUCATION MEETINGS

Board meetings shall be open to the public and conducted in accordance with Article 7 of the Public Officers Law, known as the "Open Meetings Law" and other applicable statutes.

Regular Meetings

The Board of Education shall meet at least one time each month for the purpose of conducting the business of the District. The dates and times of the regular monthly meetings will be established at the annual organizational meeting, but subject to change by the Board as necessary.

Acknowledgment of Land

Following the Call to Order, the Board of Education President or designee will read the *Acknowledgment of Land* as follows: "We recognize the Lenni-Lenape Nation, on whose traditional territory we are gathering. We acknowledge them as past, present, and future caretakers of this land."

Special Meetings

Any member of the Board may call for a special meeting. A good-faith effort will be made by the Superintendent, the Board President, or Designee to give every member of the Board twenty-four (24) hours' notice of the time, place, and purpose of the meeting. In an emergency, however, the members may waive the twenty-four (24)-hour notice requirement.

All special meetings will be held at a location designated in the notice and in accordance with all applicable provisions of the New York State Open Meetings Law. Public notice of the time and place will be given to the extent practicable, to the news media, and it will be conspicuously posted in one or more designated public locations at a reasonable time before the meeting.

Board Retreats

The Board may hold Board development retreats where no District business is conducted. These retreats are exempt from the requirements of the open meeting rule. (NYS Department of State, Committee on Open Government, OML-AO-#1973, September 13, 1991.)

Notice of Meetings

Notice of meetings scheduled at least one week in advance shall be given to all members of the Board, the Superintendent of Schools and news media, as well as conspicuously posted in one or more designated public places at least seventy-two (72) hours prior to the meeting. When meetings are scheduled less than one week in advance, the Board shall provide public notice to the extent practicable.

Agenda Setting

The Superintendent and the Board President and/or Vice President will prepare the agenda for each Board meeting. The order of business will be constructed to help the Board accomplish its business expeditiously.

(continued)

SUBJECT: BOARD OF EDUCATION MEETINGS (cont'd)

Items of business may be suggested by Board members, administrators, faculty and staff members, and the public. Such suggestions must be submitted in writing to the District Clerk at least ten (10) days before the meeting. Suggestions that are submitted less than ten (10) days prior to the meeting may be added to the agenda at the discretion of the Board President or Superintendent.

The agenda and supporting materials, including the minutes of the previous meeting or meetings, will be distributed to Board members during the week preceding the meeting.

Quorum and Voting

A majority of the members of the Board (four members) shall constitute a quorum for the transaction of business at a Board meeting. If a quorum is not present within twenty (20) minutes of the time set for a Board meeting, the meeting will be rescheduled or cancelled. Notice of a rescheduled meeting will be given to all members of the Board, the public and news media to the extent practicable, depending upon the date to which the meeting is rescheduled.

The Board shall take action by voting on resolutions presented by one Board member and seconded by another. A majority vote of the full Board is required to adopt a resolution, except in circumstances when a supermajority vote is required:

- a) Discontinuing a designated textbook within five years of adoption requires a three-quarters (3/4) vote of the Board;
- b) If a relative, by blood or marriage, of a Board member is employed in a teaching position or appointed to tenure, a two-thirds (2/3) vote of the Board is required;
- c) Standardization on a particular type of equipment or supplies must be determined to be in the best interests of the District by a two-thirds (2/3) vote of the Board;
- d) Placing a proposition before the voters for an object or purpose for which bonds may be issued requires a three-fifths (3/5) vote of the Board.

All actions requiring a vote can be conducted by voice, show of hands or roll call. The vote of each Board member shall be recorded on each action of the Board.

Videoconferencing

If videoconferencing or online technology is used to conduct a meeting, the notice for the meeting informing the public, identify all the locations for the meeting, and state that the public has the right to attend at any of the locations, in accordance with New York State Open Meetings Law. If a meeting is streamed live over the Internet, the public notice will include the Internet address. Voting may be done through videoconferencing, provided that members can be both seen and heard voting and participating from remote locations.

(continued)

SUBJECT: BOARD OF EDUCATION MEETINGS (cont'd)

Rules of Order

The Board shall use Robert's Rules of Order, as a guideline for conducting meetings of the Board of Education, except when such provisions are inconsistent with law or policy, or are suspended by majority vote of the Board. The Board may, at its discretion, waive Robert's Rules and substitute its own procedures by a majority vote of the Board.

Public Participation

Because the Board desires to hear the viewpoints of stakeholders throughout the District, and conduct its business in an orderly and efficient manner, it will schedule a period during business meetings for brief comments and questions from the public. The Board may set a time limit on the length of this period for individual speakers.

There will be a sign-up sheet at the Board meeting. Persons wishing to address the Board should sign in with their name and town of residence prior to the start of the meeting. At the beginning of the public comment period, the Board President will read the names of speakers, in order, from the sign-in sheet. Each person will come to the microphone when their name is called to deliver their comments. The Board President will have the discretion to limit the speakers' time; this is meant to ensure that everyone has a chance to speak. If a speaker is unable to finish their remarks during the allotted time, the comments can be supplemented by submitting a written statement to the District Clerk. A speaker may not yield their time to another speaker in order to extend the time for comment. Speakers may not use the public comment platform to address issues that are irrelevant to the District's operations or programs.

Individuals that cannot attend a meeting in person may submit their comment, in writing, to the District Clerk. The individual may request that the District Clerk read their comment aloud at the meeting. To the extent practicable, the District Clerk will do so. Comments that identify a person by name or position will not be read aloud. Comments will not be read until all in-person speakers have had their opportunity to address the Board. The District reserves the right to redact any inappropriate material from the submitted comment. The Board President may, at their discretion, have a printed copy of each submitted comment available at the meeting for public review in lieu having the District Clerk read the comment aloud.

Once all signed-in speakers have spoken, additional speakers who have not signed in may address the Board on a first come basis.

The Board President shall have the authority to curtail public comment if, in their judgement, the continuation or commencement of the comment period threatens to obstruct the conduction of business. The decision to curtail public comment must be viewpoint neutral.

When a Board member attends a Board meeting by videoconference, any individual attending a Board meeting at the videoconference location may address the Board after all signed-in speakers have spoken.

(continued)

SUBJECT: BOARD OF EDUCATION MEETINGS (cont'd)

All speakers shall conduct themselves in a civil, respectful and orderly manner in accordance with the District's Code of Conduct. The Board President will be responsible for orderly conduct of the meeting, time management, and determining the appropriateness of the subject being presented. The Board President shall have the right to discontinue any presentation which violates this policy.

Members of the public wishing to make formal presentations before the Board must make a request at least ten (10) days before the Board Meeting with the District Clerk so that such presentations may be scheduled on the agenda. The Board reserves the right to reject requests for such presentations, limit the time for such presentations, or schedule the presentation for a future meeting.

Speakers may comment on matters of public interest involving school operations and programs. To protect the privacy rights of the individuals involved, **speakers may not identify any person by name or position.** The Board will not permit discussion involving District personnel, students, or individual members of the Board.

The Board requires that persons wishing to communicate concerns about District personnel or students should begin with the staff member, administrator, or other employee closest to the issue in an attempt to resolve issues at the earliest possible stage. If the issue remains unresolved, persons wishing to discuss matters involving individual District personnel or students should present their comments and/or concerns to the Superintendent during regular business hours. The Board requests that members of the public refrain from specific mention by name or position of district personnel or students.

At the conclusion of the public comment period the Board may, at their discretion, offer comments or engage in a brief discussion of the topics or issues raised by members of the public. During such discussions Board members shall refrain from promising action, be conscious of their role as a deliberative body, and manage their time in consideration of the full agenda. This post-comment discussion period is reserved solely for the Board, Superintendent, and recognized personnel. The Board may ask brief clarifying questions of the original commenter when necessary.

Members of the public will not be recognized by the President as the Board conducts its official business, unless the Board agrees to waive this provision.

Minutes

Minutes will be taken by the District Clerk (or Clerk Pro-Tem) at all Board meetings in accordance with the New York State Open Meetings Law. All motions, resolutions, and any other matters formally voted upon by the Board shall be recorded in the minutes, including the final vote of each Board member.

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 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.

(continued)

By-Laws

SUBJECT: BOARD OF EDUCATION MEETINGS (cont'd)

- a) Matters that will imperil the public safety if disclosed;
- b) Any matter that may disclose the identity of a law enforcement agent or informer;
- c) Information relating to current or future investigation or prosecution of a criminal offense that would imperil effective law enforcement if disclosed;
- d) Discussions regarding proposed, pending, or current litigation;
- e) Collective negotiations pursuant to Article 14 of the Civil Service Law;
- f) Medical, financial, credit or employment history of any particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of any particular person or corporation;
- g) Preparation, grading or administration of examinations;
- h) Proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities, but only when publicity would substantially affect the value thereof.

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

Superintendent Participation

It is the Board's desire that the Superintendent shall attend all meetings of the Board. However, if the Superintendent or their designee is unable to attend a regularly scheduled Board meeting, the Board can still meet at its discretion. The Superintendent or their designee may attend all executive session meetings of the Board except those that concern their evaluation and salary determination. The Board may request the attendance of such additional persons as it desires.

Public Officers Law Article 7
Education Law Sections 1708 and 3020-a
General Construction Law Section 41
Public Officers Law Section 106
NYS Department of State, Committee on Open Government,
OML-AO-#1973, September 13, 1991

NOTE: Refer also to Policy #1721 -- Minutes
Adopted: 7/16/08
Revised: 4/03/13
Revised: 05/22/2019
Revised: 10/03/2019

SUBJECT: BOARD MEMBER COMMUNICATIONS

The Board of Education acknowledges the importance of clear lines of communication and authority to promote transparency, consistency and responsiveness among themselves and with the public. Board of Education members will communicate primarily through the Board President and Superintendent of Schools.

The Board further acknowledges that effective communication requires knowledge of the means and methods of communication and how to use them responsibly. Along with traditional media and print communication tools, communication may be made through video, electronic/digital means, and Internet-based vehicles (e.g., social media).

In recognition of the myriad and changing communication platforms, technologies and on-line communities available, and the changing behavioral norms they bring, this policy will provide Board members with the tools to communicate effectively and responsibly on behalf of the District.

1. Communication as an Individual, not as a Representative of the Board. Members of the Board have legal authority only when acting as a body at a properly convened meeting. Individual Board members have no authority over District affairs unless the Board has explicitly delegated such authority. The Board President shall have the authority to speak on behalf of the Board. This authority may be delegated to another Board member on a specific issue. Individual Board members are free to speak publicly about District matters but must not divulge confidential information and must clarify that their statements reflect their own views and not necessarily the official position of the Board. The Board will not be bound in any way by an individual's statement or action unless the Board, through an adopted policy or by a majority vote of Board membership, has delegated this authority to the individual member. Without the above statement, any individual Board member's statements would be deemed as outside the scope of their office and the individual Board member may be denied statutory defenses and indemnification.

2. Quorum of the Board. The Board of Education shall conduct its deliberations and voting upon resolutions and policies only during a duly convened public meeting, except as provided by law. Board members may confer with one another regarding School District business by telephone, via mail or electronic mail as long as such communications do not result in a collective decision. The use of telephone conference calls, instant e-mail or communications in a chat room among a quorum or more of members of the Board of Education for deliberation or decision making regarding School District business is strictly prohibited.

(continued)

SUBJECT: BOARD MEMBER COMMUNICATIONS (cont'd)

3. Board Members Digital Conduct. Board members should assume that all email/digital communications are subject to disclosure under the Freedom of Information Law, may be subject to disclosure in litigation and are subject to the records retention requirements of the District. Board members, therefore, are required to use the District's designated email system, including the District provided email address for all emails regarding District business. Email communications among Board members may be used for housekeeping purposes, including but not limited to communicating agenda items, meeting times or dates, requesting or communicating factual information, analyzing information, etc.. Email by Board members for communicating information or making inquiries regarding District personnel, contractors or students because of the risk of improper disclosure of confidential information is not allowed. Posting information that has not been verified and made public by the District or outside posting anonymously about District business is prohibited. The Board member's postings would be deemed as outside the scope of their office and the Board member may be denied statutory defenses and indemnification.

4. Direct Complaints or Concerns. Complaints about District personnel, programs and operations must be handled and resolved as close to their origin as possible. Any complaint or concern made to a Board member, whether verbally, in writing, through electronic/digital means or social media technologies, should be directed to the Superintendent or other appropriate administrator according to the chain of command (teacher, principal, superintendent).

5. Opinions on Pending Matters. It is expected that the Board of Education, when hearing grievances or other disputes, will be neutral, will listen to all viewpoints and will make a decision based upon all available information. If, for example, a Board member posts comments or opinions on social media or other forms of communication, prior to the Board having deliberated and made a decision, the Board member's neutrality will be called into question. This is particularly important where an appeal to the Board is available to the complainant and would require that the Board member recuse him/herself from the decision making process.

6. Confidential Matters in Executive Session or Board Packet Materials. It is imperative that Board members post/share only content that has already been released to the public such as information discussed at or presented at a public meeting or that is posted on the District website. It is appropriate to use links to the District website when posting information. A breach of confidentiality regarding a matter that legitimately may be discussed in executive session could result in the Board member's removal from the Board. If confidential materials are lost or stolen, it must be reported to the district immediately.

7. Official Record of the Board Meetings. Only the official District video of the Board meeting and the approved Minutes of the Board meeting are official records of the District.

(continued)

SUBJECT: BOARD MEMBER COMMUNICATIONS (cont'd)

8. Loss or Theft of a District-Issued or Personal Electronic Device. Board members must safeguard all electronic devices used to receive or send information related to the District and its operations, whether provided by the District or a personal electronic device, to ensure that all District information received by the Board member is secure. It is imperative that Board members immediately report to the District any potential security breach so that proper steps can be taken to minimize the impact and provide any necessary notification to affected persons.

9. Acceptable Use Policy. Any use of the District's technology, including but not limited to, the District's network and electronic devices, must be in accordance with the District's Acceptable Use Policy and any applicable laws, regulations and policies.

Cross-Ref: Policy #1110, School District Legal Status
Policy #1120, Board of Education Authority and Membership
Policy #3110, News Media Relations
Policy #3230, Complaints and Grievances
Policy #6110, Code of Ethics for All District Personnel
Policy #6111, Board-Staff Communications
Policy #6471, Staff Computer Network and Internet Acceptable Use Policy

Adopted: 7/16/08
Revised: 3/1/17

By-Laws

SUBJECT: ANNUAL DISTRICT MEETING AND ELECTION/BUDGET VOTE

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

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

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

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

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

NOTE: Refer also to Policy #1640 -- Absentee Ballots

Adopted: 7/16/08

By-Laws

SUBJECT: BUSINESS OF THE ANNUAL DISTRICT ELECTION

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

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

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

Education Law Sections 1716, 2025 and 2601-2613

Adopted: 7/16/08

By-Laws

SUBJECT: ANNUAL ORGANIZATIONAL MEETING

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

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

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: 7/16/08

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 at which he/she offers to vote.

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

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

Adopted: 7/16/08

By-Laws

SUBJECT: SCHOOL ELECTIONS AND VOTING: FACILITIES UTILIZATION

It is the policy of the Board of Education to maintain, on behalf of the District, neutrality with respect to the election of members of the Board of Education and voting upon budgets, as well as propositions at special meetings. To that end, the resources, personnel and facilities of the School District shall not be utilized in promoting or opposing the candidacy of any member for the Board of Education or any proposition, including the annual School District budget. Whenever the candidates for member of the Board of Education are listed in a school publication, they shall be listed in the order in which they appear on the ballot.

The role of the Board and the administration staff shall be limited to encouraging voters to participate in voting in school elections, at the budget vote and when propositions are presented at special meetings. Voting related brochures and materials may be created, but shall not contain any endorsement or reference other than presenting factual information.

It is the intention of the Board that no targeting of special constituencies shall occur and that the District shall provide information to all stakeholders rather than seek to influence particular groups of voters.

Notwithstanding the above, members of the Board, administrators and personnel of the School District are free to speak and act as individual citizens on issues relating to school elections and votes and such public expression shall not be construed as Board or District expression or action. Such individuals who speak in this capacity of an individual citizen shall explicitly identify his/her view as not being the view or position of the Board of Education or the School District.

Nothing contained herein shall restrict the dissemination of election/vote-related materials by individuals on school property prior to 7 a.m. and after 4 p.m. on days when school is in session so long as such materials are produced privately and without any District support or utilization of District resources. The distribution of materials on school property shall comply with the District's Code of Conduct, Board policies on discrimination and harassment, local littering law, as well as applicable federal and state laws and regulations.

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

Adopted: 7/16/08

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

Questions and Propositions at Annual District Elections

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

- a) Questions or propositions shall be submitted by petition directed to the Clerk of the School District and shall be signed by twenty-five (25) qualified voters, or five percent (5%) of the registered voters of the District who voted in the previous annual election of Board members, whichever is greater.
- b) A separate petition shall be required for each question or proposition.
- c) Each petition shall be filed with the Clerk of the School District. Petitions relating to an Annual Election must be filed not later than thirty (30) days preceding the election at which the question or proposition is to be voted upon.
- d) The proposition or question shall be stated clearly and concisely, but the form and length of such question or propositions is subject to revision by the Board for purposes of placement on the voting machine.
- e) Amendments to propositions shall be filed with the District Clerk no later than thirty (30) days prior to the Annual District Meeting and shall be supported by petitions containing the number of signatures set forth in paragraph "a", above.
- f) Any propositions, which require the expenditure of monies, must include the necessary specific dollar appropriation.
- g) The Board of Education shall examine each petition for the submission of questions and propositions filed with the District Clerk. Any petition may be rejected by the Board of Education if the question or proposition requires the expenditure of money and it fails to include the necessary specific appropriation and/or it is not within the power of the voters and/or is prohibited by law. Any such petition will not be presented to the voters at such meeting.
- h) The Board of Education, in its discretion, shall determine the order in which all questions or propositions shall appear upon the voting machines.
- i) Questions or propositions submitted in accordance with these rules and accepted will be printed on the ballot for the voting machine.

(Continued)

By-Laws

SUBJECT: SUBMISSION OF QUESTIONS AND PROPOSITIONS AT ANNUAL ELECTIONS AND SPECIAL DISTRICT MEETINGS (Cont'd.)

- j) The Board of Education shall cause the rules and regulations set forth in this policy to be distributed within the District.
- k) Nothing herein contained shall affect the nominations of candidates as set forth in the Annual District Election notice pursuant to Section 2018 of the Education Law.

Questions or Propositions to be Submitted at Special District Meetings

The procedure for requesting the Board of Education to call a Special District Meeting to vote on a question or proposition shall be in accordance with subdivision 2 of Section 2008 of the Education Law. The Board may also, on its own motion, submit propositions to the voters.

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

Adopted: 7/16/08

Internal Operations

New Paltz Central School District

NUMBER

INTERNAL OPERATIONS

1.1	Orienting New Board Members.....	2110
1.2	Board Member Training on Financial Oversight, Accountability and Fiduciary Responsibilities.....	2120
1.3	Board of Education Recognition of Individual Accomplishments or Contributions	2130
1.4	Employee Forums	2140

BOARD OF EDUCATION COMMITTEES

2.1	Committees of the Board	2210
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BOARD OF EDUCATION ACTIVITIES

3.2	Attendance by Board Members at Conferences, Conventions and Workshops	2320
3.3	Compensation and Expenses	2330
3.4	Board Self-Evaluation.....	2340

Internal Operations

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, collectively negotiated agreements and other applicable materials shall be given to the electee by the Clerk;
- f) The opportunity shall be provided for new Board members to attend an orientation program within the confines of the current budget.

Internal Operations

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

Within the first year of election, re-election or appointment, each Board member must complete a minimum of six (6) hours of training on the financial oversight, accountability and fiduciary responsibilities of a school Board member. Once the training is completed, it does not need to be repeated if a Board member is re-elected. The curriculum and provider of this training must be approved by the Commissioner of Education.

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

Any expenses incurred for training are a lawful charge upon the District.

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

Adopted: 7/16/08

Internal Operations

SUBJECT: BOARD OF EDUCATION RECOGNITION OF INDIVIDUAL ACCOMPLISHMENTS OR CONTRIBUTIONS

The objective of the Board of Education is to be inclusive of the wide variety of persons - including a broad array of students, staff, parents, and volunteers - who have made significant accomplishments or contributions to the District in teaching, learning or service.

Consistent with the "empowerment" component of our vision and goals, the Board of Education wishes to recognize, beyond the standard recognition venues, other members of the school community who demonstrate, through their contributions of time and leadership to the school community, a commitment to caring and excellence that otherwise might go unnoticed.

The Board of Education invites individuals to suggest names of persons who have made unique contributions/accomplishments in teaching, learning or service that may not be recognized in standard ways.

The Board of Education directs the Superintendent of Schools to establish an operational procedure, consistent with past efforts of the Board's Recognition Committee, for Board approval.

Board of Education Recognitions will be presented at a duly called Board meeting by the President of the Board of Education and the Chairperson of the Recognition Committee.

Internal Operations

SUBJECT: EMPLOYEE FORUMS

The Board of Education, in an effort to better inform ourselves on the District's best practices and areas that need additional focus as we review our policies, goals and budget, has, in the past, regularly held Employee Forums. Organizing annual forums for each employee group is time-consuming and attendance sporadic.

It is the objective of the Board of Education to continue to be available to meet with and listen to employee groups for the above stated purposes and under the standards traditionally used:

- a) Board members are active listeners, asking questions only for clarification;
- b) Meetings are not contractual negotiations;
- c) Personnel issues are not discussed;
- d) Notes will be taken by Board members and shared with the full Board, the Superintendent and employees present.

Any employee group wishing to meet with a sub-set of the Board for an Employee Forum may make that request of the Board of Education President who will share the request with the full Board. To the fullest extent appropriate, the Board will work to honor the request.

SUBJECT: COMMITTEES OF THE BOARD**Standing and Ad-Hoc Committees**

The Board of Education has established Standing and Ad-Hoc Committees for the purpose of undertaking a specific task in connection with Board activity. These committees are advisory and cannot make legal decisions for the entire Board. The President shall appoint committees consisting of less than a quorum of the full membership. The President of the Board shall be an ex-officio, non-voting member of such committees.

Standing Committees**Audit Committee**

Purpose: Provisions of Education Law Chapter 263 of the Laws of 2005, require the Board of Education of School Districts to establish an audit committee to oversee and report upon the annual independent audit of the school district's records. Education law also requires school districts to establish an internal audit function and for the audit committee to assist the Board of Education in the oversight of that function. This charter provides a framework and guidance of the audit committee.

Facilities Committee

Purpose: The purpose of the Facilities Committee of the Board of Education will be to provide oversight and support to the administration and staff of the District and advise and recommend to the full Board of Education action pertaining to the District's facilities.

Policy Committee

Purpose: The purpose of the Policy Committee is to review and evaluate proposed policies and changes to existing policies, including researching and analyzing the proposals for necessity, effectiveness, legality and cost.

Legislative Action Committee

Purpose: The purpose of the Legislative Action Committee is to inform, educate and advise the Board of Education and community concerning legislative issues and matters affecting public education.

Racial Equity Initiative Advisory Committee (REIAC)

Purpose: The Racial Equity Initiative Advisory Committee shall evaluate and support the District's evolving Racial Equity Initiative in accordance with the District's Guiding Principles and in accordance with the Board of Education's purview and legal authority.

Ad-Hoc Committees

Superintendent's Evaluation Committee

Purpose: The purpose of the Superintendent's Evaluation Committee is to communicate the Board's evaluation of the superintendent's performance and to set the following year's Board priorities. The committee is made up of the President of the Board, the Vice President or the immediate Past President.

Communications Committee

Purpose: This Ad-Hoc Committee is created on an as needed basis, for example, to create a letter for the full BOE to review, revise and approve.

Community Advisory Committees

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

District Committee Representation

The President shall appoint a member of the Board of Education to serve a two-year term on the District's **Health Advisory Committee (HAC)**.

Purpose: The purpose of the Health Advisory Committee is to advise the school district on programs required by federal and state regulation and develop on behalf of the Board of Education any plans essential to compliance and/or the health of the school community.

Education Law Sections 1708, 2116-c and 4601

Temporary Committees

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

NOTE: Refer also to Policy #5572—Audit Committee

Adopted: 7/16/08

Revised: 10/20/10

Revised: 5/5/2021

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 at a cost of greater than seventy-five dollars (\$75), 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: 7/16/08

Internal Operations

SUBJECT: COMPENSATION AND EXPENSES

No member of the Board may receive any compensation for his/her services unless he/she shall also serve as 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.

It is the policy of the Board not to create real or perceived obligations of members for the contribution of personal funds for the special needs of members, staff or volunteers.

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: 7/16/08

Internal Operations

SUBJECT: BOARD SELF-EVALUATION

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

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

Adopted: 7/16/08

New Paltz Central School District **NUMBER**

SCHOOL COMMUNITY RELATIONS

1.1 News Media Relations3110
 1.2 Relations with the Municipal Governments3120
 1.3 School District Standards and Guidelines for Web Page Publishing3130
 1.4 Flag Display3140
 1.5 School Volunteers.....3150
 1.6 Response to Death of a Member of the School Community3155
 1.7 Naming and Dedicating School District Property3160
 1.8 District Calendar3170

PARTICIPATION BY THE PUBLIC

2.1 Visitors to the School.....3210
 2.3 Complaints and Grievances3230
 2.3.1 Americans with Disabilities Act (ADA)/Section 504 Rehabilitation Act3231
 2.4 Distribution of Materials through Students, Instructional or Administrative Staff ...3240
 2.5 District Affiliated Organizations3250
 2.6 Use of Committees.....3260
 2.7 Solicitations
 2.7.1 Solicitation of Charitable Donations From School Children.....3271
 2.7.2 Advertising in the Schools.....3272
 2.7.3 Soliciting Funds From School Personnel3273
 2.8 Community Use of School Facilities, Materials and Equipment.....3280
 2.9 Unmanned Aircraft Systems ("Drones")3285
 2.10 Operation of Motor-Driven Vehicles on District Property3290

DISTRICT RECORDS

3.1 Public Access to Records.....3310
 3.2 Confidentiality of Computerized Information3320

PUBLIC ORDER ON SCHOOL PROPERTY

4.1 Code of Conduct on School Property3410
 4.1.1 Unlawful Possession of a Weapon Upon School Grounds.....3411
 4.1.2 Threats of Violence in School3412
 4.2 Non-Discrimination and Anti-Harassment in the District.....3420
 4.3 Anti-Racism3430

2019 3000

Community Relations

New Paltz Central School District

NUMBER

EMERGENCY SITUATIONS

5.1	Emergency School Closings	3510
5.3	Cardiac Automated External Defibrillators (AEDs) in Public School Facilities.....	3520
5.2	Use of Epinephrine Auto Injector Devices	3530

Community Relations

SUBJECT: NEWS MEDIA RELATIONS

The Board of Education welcomes and invites the participation of all forms of mass media in promoting the cause of good education within the District and elsewhere. Representatives of all news media are welcome to attend open meetings of the Board of Education and shall receive notice of all such meetings.

The Superintendent and/or the Board President is/are authorized to serve as the public spokesperson(s) for the Board. Statements issued in the name of the Board of Education must represent the express intent or opinion of a majority of the Board members. Individual Board members must refrain from making statements to the media which would divulge privileged or confidential information or which implies that he/she is speaking for the Board, unless he/she is authorized to do so by the Board.

The Superintendent is responsible for coordinating all news releases. All District employees shall obtain clearance from the Superintendent or designee prior to issuing news releases and photographs relating to the District.

Adopted: 7/16/08

Community Relations

SUBJECT: RELATIONS WITH THE MUNICIPAL GOVERNMENTS

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

Adopted: 7/16/08

Community Relations

SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING**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).

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.

Adopted: 7/16/08
Repealed: 9/17/08
First Reading: 11/19/08
Adopted: 12/3/08

Community Relations

SUBJECT: FLAG DISPLAY

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

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

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

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

Adopted: 7/16/08

Community Relations

SUBJECT: SCHOOL VOLUNTEERS

The Board recognizes the need to develop a school volunteer program to support District instructional programs and extracurricular activities. The purpose of the volunteer program will be to:

- a) Assist employees in providing more individualization and enrichment of instruction;
- b) Build an understanding of school programs among interested citizens, thus stimulating widespread involvement in a total educational process;
- c) Strengthen school/community relations through positive participation.

Volunteers are persons who are willing to donate their time and energies to assist Principals, teachers, and other school personnel in implementing various phases of school programs. Volunteers shall serve in that capacity without compensation or employee benefits except for liability protection under the District's insurance program.

An application shall be filled out by each prospective volunteer and forwarded to the District Office for evaluation. The Building Principal will forward his/her decisions concerning selection, placement and replacement of volunteers to the Superintendent for final evaluation. Following approval from the Superintendent of Schools, volunteers selected for work in the District shall be placed on the list of approved volunteers. However, the Superintendent retains the right to approve or reject any volunteer applications submitted for consideration.

Administrative regulations will be developed to implement the terms of this policy and to periodically inform the Board of the progress of the school volunteer program.

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: 7/16/08

Community Relations

SUBJECT: RESPONSE TO DEATH OF A MEMBER OF THE SCHOOL COMMUNITY

It is a basic human desire to remember members of the school community; students, staff, and members of the board of education, who have died. It is the intent of this policy to guide members of New Paltz Central School District (NPCSD) to respond to and treat such deaths with care and compassion while fulfilling the District's primary purpose of education. It is the intent of this policy to care for and support the school community by responding to deaths with consistency and honoring the deceased with dignity.

Students

Protecting and supporting students is the first priority. All NPCSD staff and volunteers with information about the recent death of a student or adult member of the school community must report that information to a building principal or the school superintendent. Release of information about the death must be handled with care and in accordance with this policy and any resultant procedures to ensure the well-being of the students.

Ascertain Facts

It is critical that the District first obtain confirmed and accurate information about the death before any information is disseminated. Information about the death should not be disclosed until the family of the deceased has been consulted and the facts verified.

Crisis Response

Upon verification of the facts, a coordinated crisis response should immediately be implemented to compassionately and effectively manage the situation, provide opportunities for grief support, maintain an environment focused on normal educational activities, help students with their feelings, and minimize risks.

To the maximum extent possible the District will keep the regular school day intact for the benefit of the entire student body (including those who may not have known the deceased).

The Superintendent of Schools and/or Building Principal is responsible to develop and maintain a Crisis Response Plan which shall include, but not be limited to, safety, operations, community liaisons, funeral, media relations, social media, and crisis intervention. The Crisis Response Plan shall be reviewed after each implementation and, as needed, revised and updated.

(Continued)

**SUBJECT: RESPONSE TO DEATH OF A MEMBER OF THE SCHOOL COMMUNITY
(Cont'd.)**District Website Obituary

With family permission, an obituary and picture of the individual will be placed on the district's web site. The Obituary will remain on the website for two weeks.

Funerals and Memorial Services

Maintaining a consistent focus on the District's primary purpose of education, to the maximum extent possible for the benefit of the entire student body the regular school schedule will be kept intact. Using a room or space in the school building or on school grounds for a funeral or memorial service is not permitted.

Use of school buses to transport students to and from a funeral or memorial services is not permitted. Students wishing to attend such services held during school hours are permitted to leave school with appropriate parental permission. Parents are encouraged to accompany students attending services.

Spontaneous Memorials

Memorial materials and activities not covered in Board of Education Policy #3160 – Naming and Dedicating School District Property, are outlined in this policy, such as spontaneous memorials.

Spontaneous memorials, such as leaving flowers, cards, poems, pictures, or other items in a place closely associated with the deceased, in the aftermath of a death may occur. These Spontaneous Memorials are temporary and may be displayed until two weeks after the day of the funeral and will then be given to the family, if appropriate. The District shall not be responsible for damage to or loss of temporary memorials on school property.

Requests to create and distribute t-shirts and buttons bearing images of the deceased, or other memorabilia will not be allowed. While these items may be comforting to some students, they may be quite upsetting to others.

Suicide

It is the intent of the District that all deaths are honored and responded to in the same way regardless of the cause or circumstances of death including suicide. Suicide contagion is a process by which one suicide may contribute to another and should be considered when making decisions in responding to the death.

(Continued)

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3155
(3 of 3)

Community Relations

**SUBJECT: RESPONSE TO DEATH OF A MEMBER OF THE SCHOOL COMMUNITY
(Cont'd.)**

Reference: *After a Suicide: A Toolkit for Schools*, American Foundation for Suicide Prevention.

Adopted: 2/17/16

SUBJECT: NAMING AND DEDICATING SCHOOL DISTRICT PROPERTY

The Board of Education is responsible for naming schools and other school facilities. The Board, in its discretion, may establish procedures for the naming of any building or other district property. In selecting a name for any facility, the Board may take into account those persons who have been involved in the planning, construction or renovation of the facility, those who have made significant contributions to benefit the school district or any other relevant considerations. Suitable building plaques or other memorials may be authorized by the Board.

The Board of Education recognizes the importance and benefit of publicly recognizing the outstanding performance and contributions of people associated with our school district. This recognition can take many forms, including a board resolution or proclamation, a memento awarded to the individual, a plaque affixed to a wall in a hallway of a school building designated as a “Hall of Fame”, a plaque or name plate affixed to a district facility (e.g., classroom, laboratory, athletic field, chair in an auditorium, a bench, a brick in a paved area), the dedication of a facility or part of a facility to an individual or individuals, or other form of recognition or tribute deemed suitable by the board.

This recognition should be for a person or persons who have attained substantial national or local prominence, or who have provided significant benefit to the district such as in the course of his/her employment, volunteer efforts on behalf of the district or other significant contributions to the district. The recognition may be purchased with district funds authorized by the board, or through funds received by the district from student, community or parent groups or individuals. The board reserves the right to approve the materials, design and wording of all forms of recognition. The board also reserves the right to hold a public dedication of any new facilities, renamed facilities, structures, plaques or other form of public recognition. Sufficient notice to the community regarding the date and time of such dedication will be made.

Naming and Dedicating School District Property in Honor of Individuals

I. Qualifying School District Property

A portion of the school district property can be named, renamed, dedicated or rededicated (collectively referred to as “naming”) if the property is not presently named or dedicated in honor of or in memory of an individual. One or more of the following conditions must exist for the property to qualify (the naming shall apply only to that portion of the district’s property as described in each of the four categories):

Category 1 – Major Enclosed Buildings and Facilities

- Construction or acquisition of a new school district building
- Refurbishment of an existing school district building or consolidation of multiple existing school district buildings for alternative use
- An existing school district building carrying only a numeric designation

SUBJECT: NAMING AND DEDICATING SCHOOL DISTRICT PROPERTY (Cont'd.)

Category 2 – Major Support Facilities and Outdoor Athletic Facilities

- Significant major addition to, or major construction of, a special use area in an existing school district building (e.g. gymnasium, library)
- Construction, reconstruction or extensive refurbishment of a major open area outside and contiguous with a school district building, or a substantially non-enclosed facility not directly adjacent to a school district building and not in Category 1 (e.g. athletic track and/or field not within a stadium, a sports stadium and the associated track and/or field)

Category 3 – All Other Outdoor Facilities

- Construction, reconstruction or extensive refurbishment of an ancillary facility outside a school district building and not in Category 1 or 2 (e.g. playground)

Category 4 – All Other Property

- All other minor school district property not in Categories 1-3 (e.g. a newly planted tree on school district property, name plate on a chair in an auditorium or on a brick in a walkway, name engraved on a wall display, for the specific purpose of dedication as a tribute or memorial to an individual;)

II. Qualifying Individuals

- For an individual to qualify, he or she must meet the following criteria:

Category 1 – For the naming of school district property in Category 1, the individual must be recognized nationally or internationally for significant and far-reaching positive contributions in his or her lifetime that have lasting and enduring value to the community in one or more of the areas of Education, the Arts, Science, Medicine, History, Government, Law, Human Rights or Civil Rights.

Category 2 – For the naming of school district property in Category 2, the individual must be recognized district-wide, regionally, state-wide, nationally or internationally, for significant positive contributions in his or her lifetime or in service to the school district that have lasting and enduring value to the community in one or more areas of Education, the Arts, Science, Medicine, History, Government, Law, Human Rights, Civil Rights or Sports.

Category 3 – For the naming of school district property in Category 3, the individual must be recognized community-wide for significant positive contributions in service to the subject or the school district.

(continued)

SUBJECT: NAMING AND DEDICATING SCHOOL DISTRICT PROPERTY (Cont'd.)

Category 4 - For the naming of school district property in Category 4, there must be some stated contribution, gift or grant to the school district or to a school-related organization to be used for school district purposes.

III. Procedures

1. A written request for the naming must be submitted to the President of the Board, accompanied by supporting documentation and narrative to illustrate compliance with the above criteria. Residents and/or employees of the district may nominate a person or persons for recognition by submitting a written proposal to the District Clerk. The request will be forwarded to the Policy Committee for an initial determination of compliance with district naming and dedication criteria. The proposal must include clear justification for the recognition, a specific description of the recognition proposed, the exact wording of any inscriptions, and the materials to be used to fabricate the recognition. Items should be fabricated so they are as maintenance free as possible.

2. Hypothetical proposals for Categories 1-3 may also be submitted for an advance indication of technical compliance with the aforementioned criteria subject to a Public Hearing, as described below, and final discretionary approval of the Board. Such hypothetical proposals shall be forwarded to the Policy Committee for a determination and an indication to the Board of technical compliance.

3. The Chairperson of the Policy Committee shall call a meeting within 30 days to review the Category 1-3 requests and supporting documentation. If the Facilities Committee finds that the request substantially meets the required criteria, and, in the judgment of its Committee members, merits recommendation to the Board of Education, it will forward its findings and a rationale for its recommendation.

4. A. For the naming of school district property falling into Categories 1-3, where the Policy Committee recommends acceptance of the proposal, a resolution shall be prepared for review by the board, and if acceptable to a majority of the board, presented to an ad-hoc action team built from one member of public from each standing committee/bldg. level team/DWC that has a member of public, chosen by that committee/team for additional review, and the Superintendent or the Superintendent's appointed representative. The ad-hoc team will report and recommend to the full board within one month from the Board's initial vote. Any changes resulting from the ad-hoc action team's recommendation(s) must be approved by a majority vote of the Board.

B. For the naming of school property falling into Category 4, where the Policy Committee recommends acceptance of the proposal, the board delegates to the Superintendent of Schools the responsibility to review the proposed wording to be used on any tribute or memorial program proposed by a school-related organization.

(continued)

SUBJECT: NAMING AND DEDICATING SCHOOL DISTRICT PROPERTY (Cont'd.)

5. Following the conclusion of step 4 for school district property falling into Categories 1-3, depending upon the nature and extent of the naming, if the majority of the board votes to proceed, the board may hold one or more Public Hearings prior to the board's final action.
6. Any form of recognition to be displayed or placed on, or in, or affixed to, district property requires approval by the board by majority/quorum vote.
7. The President of the Board of Education shall communicate in writing a response to the proposed naming to the requesting party.
8. Any recognition decided upon must be (a) aesthetically pleasing, (b) fit in with the design of the building, campus, or facility, and (c) low maintenance. The design, materials and wording for the plaque or name plate commemorating the naming of property in Categories 1-4 shall be subject to approval by the Board of Education by majority vote, and shall be affixed by the school district at, in, or near the property dedicated, as it deems appropriate in its sole discretion.
9. Costs related to approved namings in Categories 1-4 shall not be borne by the school district.

Adopted: 3/18/09
Revised: 6/15/11

Community Relations

SUBJECT: DISTRICT CALENDAR

The Board will provide to the public a district calendar that includes all dates that school is in session. The following federal holidays will be identified by name on the district calendar. They are as follows:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

Community Relations

SUBJECT: VISITORS TO THE SCHOOL

Visits to the schools by parents, other adult residents and interested educators are welcomed and encouraged. All persons who wish to visit should make advance arrangements through the school office, where practicable.

In any event, all visitors must report to the school office upon arrival at school and state their business. The Principal or his/her designee will either grant or deny permission to remain on school premises based upon the intended business and/or past activities of the visitor(s) which have proven disturbing to or disruptive of the school. Access to the school building may be denied in situations where there is concern for the safety of students and/or staff as determined by the Principal or his/her designee.

Visitors, upon receiving permission to be in the building, will be issued a visitor pass which must be worn visibly at all times during the visit.

Should an emergency situation require a pupil to be called to the office to meet with a visitor, other than the student's parent or guardian, the Building Principal or designee must be present during such meeting unless extraordinary circumstances dictate otherwise, at the Principal's discretion (e.g., CPS).

All school building personnel have the responsibility and authority to question visitors regarding their reasons for being in the building and to ask a visitor to leave if they do not have a pass. If a visitor remains unlawfully in a school building or refuses to leave the premises when personally asked by a Principal, custodian or other person in charge, the Building Principal or designee shall call the police and such individual may be charged with Criminal Trespass, a Class B misdemeanor.

This policy shall be conspicuously posted in all school buildings.

Education Law Section 2801
Penal Law Sections 140.10 and 240.35

SUBJECT: COMPLAINTS AND GRIEVANCES

Complaints by students, employees and member of the school community regarding any facet of school operation often can be handled most satisfactorily when addressed directly to the person(s) involved. If appropriate, given the circumstances of a situation, the Board of Education encourages individuals to first seek to understand each other through dialog as a means to resolve complaints and grievances.

If the matter cannot be resolved at the individual level, complaints should be made in accordance with standards below identified.

All members of the school community have the right to participate in the educational environment as lifelong learners and each has the responsibility to abide by the policies and regulations of the District. Each shall also be afforded opportunity to present complaints and grievances free from interference, coercion, restraint, discrimination or reprisal.

Complaints and Grievances Coordinator

To 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 Board of Education delegates to the Superintendent the responsibility to recommend, for Board approval, a District employee as the Title IX/Section 504/ADA Coordinator; and regulations and procedures shall be implemented to resolve complaints of discrimination based on sex or disability.

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

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

Complaints by Students

If the matter cannot be resolved at the individual level, students are encouraged to speak with the supervisory administrator (i.e., Building Principal, School Nurse, Athletic Director, etc) **OR** any adult whom they trust. Such adult shall bring the matter to the attention of proper individuals as identified herein.

(Continued)

SUBJECT: COMPLAINTS AND GRIEVANCES (Cont'd.)**Complaints by Employees**

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.

In accordance with 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 by Members of the School Community

If the complaint and related concerns are not resolved at the individual level to the satisfaction of the complainant, the complainant is encouraged to speak with the supervisory administrator (i.e. Building Principal, School Nurse, Athletic Nurse, Athletic Director, etc.).

Unresolved Complaints

Notwithstanding any overriding contractual requirements and/or legal/regulatory obligations, complaints and related concerns not resolved at the individual or supervisory level may be carried to the Superintendent of Schools and/or one of his/her assistants. The Superintendent may require the statement of the complainant in writing.

Unresolved complaints at the Superintendent level must be reported to the Board of Education by the Superintendent. The Board of Education reserves the right to require prior written reports from appropriate parties. The Board will then consider the concern/complaint and dispose of the matter according to its judgment.

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.

(Continued)

SUBJECT: COMPLAINTS AND GRIEVANCES (Cont'd.)

Title IX of the Education Amendments of 1972,
20 United States Code (USC) Section 1681 et. seq.
Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed, color,
national origin, sex, marital status, sexual orientation or
disability.

Executive Law Section 290 et. seq.
Prohibits discrimination on the basis of age, race, creed,
color, national origin, sex, sexual orientation, disability,
military status, or marital status.

NOTE: Refer also to Policies #3421 -- Policy on Sexual Harassment

**SUBJECT: AMERICANS WITH DISABILITIES ACT (ADA)/SECTION 504
REHABILITATION ACT**

The Board recognizes that qualified individuals with disabilities, with records of disabilities, as well as those regarded as having disabilities, are entitled to enjoy equal access to School District programs and activities. It is the policy of the School District to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC Section 794) [hereinafter "Section 504"], the Americans with Disabilities Act [hereinafter "ADA"] and their implementing regulations (34 CFR Part 104) in affording the rights and benefits called for in accordance with the law.

The Board hereby designates the Director of Pupil Personnel Services as the responsible person {or you can call the individual the Compliance Officer or Complaint Officer} to coordinate compliance efforts under the law, and regulations cited above. Said Responsible Person shall cause notices to be issued periodically, but at least twice each school year, stating that the School District does not discriminate on the basis of disability, as set forth in Section 504 and Title II of ADA, and provides equal access to programs and activities of the School District to qualified individuals with disabilities. The notice shall also state the name or office title of the employee designated by the Board to serve as the Responsible Person. Such notice shall be posted conspicuously in each school building, in student handbooks and publications issued to parents, if any.

The School District shall conduct and/or maintain evidence of a previously conducted self-evaluation, as prescribed in the regulations (34 CFR Part 104.6[6]).

Due Process Procedure

In the event that a qualified individual with a disability believes that there has been a violation of this Policy, Section 504, Title II of the ADA or the regulations (34 CFR Section 194) affecting his/her rights, such grievance may be placed in writing and investigated by the School District's Responsible Person who shall report his/her findings within twenty (20) days to the grievant, referencing a personal interview where appropriate. In the event of a finding of one or more violations, the report will be forwarded to the Board for its consideration and action.

If the qualified individual with a disability is not satisfied, in whole or in part, with the findings of the Responsible Person, an appeal, in writing, shall lie to the Board of Education, who may designate a hearing officer to make findings of fact regarding substantial factual disputes, or shall otherwise rule upon the matter within thirty (30) days of receipt of an appeal.

If the qualified individual with a disability is not satisfied with the Board's response, recourse may be had pursuant to procedures available through the New York State Education Department, Office for the Education of Children with Handicapping Conditions, the U.S. Department of Education, or the courts having jurisdiction over such matters.

(Continued)

**SUBJECT: AMERICANS WITH DISABILITIES ACT (ADA)/SECTION 504
REHABILITATION ACT (Cont'd.)**

Notwithstanding the above, where the complaint is in the nature of the identification, evaluation, or educational placement of a student as required by IDEA and/or Article 89 of the Education Law, the Commissioner's Regulations (Part 200.5) shall serve as the due process procedure for challenging alleged violations of Section 504 and its implementing regulations.

Persons who file a complaint pursuant to this policy shall not be discriminated against for such filing or for any appeal therefrom.

NOTE: Refer also to Policy #7621 -- Section 504 of the Rehabilitation Act of 1973

Community Relations

**SUBJECT: DISTRIBUTION OF MATERIALS THROUGH STUDENTS,
INSTRUCTIONAL OR ADMINISTRATIVE STAFF**

Other than regularly approved educational materials required in classroom instruction and notices to parents/guardians relative to attendance, courses, grades, discipline of students and other school-related purposes and activities, no items can be distributed by the instructional or administrative staff without the prior approval of the Superintendent of Schools or designee.

No commercial brochures and/or advertisements, except those directly related to school sponsored activities and functions, will be given direct distribution through students. All such materials shall require the prior approval of the Superintendent of Schools or designee.

In those cases where there are informational bulletins or publications which involve non-profit functions or activities or matters which are in the public interest, the Principal may, in consultation with the Superintendent of Schools or designee, make the materials available. The Superintendent of Schools or designee shall make the final judgment in all such matters.

For reasons of safety, no information or materials may be distributed to students on school buses.

Community Relations

SUBJECT: DISTRICT AFFILIATED ORGANIZATIONS

The New Paltz Central School District encourages the support of citizens and community resources in enhancing the District's educational and extra-curricular programming.

Citizens of the community desiring to assist and enhance School District programs by forming an organization must prepare a written statement clearly outlining:

- a) The objectives of the organization;
- b) A description of fund raising and accounting activities; and
- c) Other pertinent information pertaining to the operation of the proposed group.

For an organization to gain affiliation with the New Paltz Central School District:

- a) It must be created solely to foster community support for the School District; and
- b) Raise funds for a school's general extra-curricular programming and/or assist in enhancing the regular school program.

It will function under a set of administrative regulations established to give direction to its operation, and will abide by all District policies.

The Superintendent of Schools shall develop and implement administrative procedures for District Affiliated Organizations and shall maintain a list of organizations granted DAO status and report such list to the Board of Education annually at the Reorganization Meeting.

Community Relations

SUBJECT: USE OF COMMITTEES

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

Advisory Committees

The Board or Superintendent may establish advisory committees for special projects or to address specific problems or issues, except as otherwise specified by law. Final decisions on all recommendations rest with the Board of Education.

The Board will establish procedures for each advisory committee. These procedures shall include: Specific charges or tasks assigned to committees, payment of committee expenses, membership of committees and procedures for dissolution of committees.

Committees shall report all suggestions and recommendations to the Board and Superintendent prior to public release. Final reports shall be delivered to the Board at a meeting scheduled by the Board to receive the report.

Any official action remains the sole discretion of the Board.

Community Relations

SUBJECT: SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN

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

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

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

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.

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: 7/16/08

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 or school-related agency (such as parent-teacher organizations, booster organizations and New Paltz Education Foundation), provided that such cooperation does not restrict or impair the educational program of the schools or conflict with Section 19.6 of the Rules of the Board of Regents;
- b) The schools may use films or other educational materials bearing only simple mention of the producing firm;
- c) The Superintendent of Schools may, at his/her discretion, announce or authorize to be announced, any lecture or other community activity of particular educational merit;
- d) The schools may, upon approval of the Superintendent of Schools, cooperate with any agency in promoting activities in the general public interest that are non-partisan and non-controversial, and that promote the education and other best interests of the students.
- e) The Superintendent may authorize acceptance of commercial sponsorship of district programs so long as it does not involve the commercial promotion of a particular product, service or organization.

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

This policy will not be deemed to restrict the Board or the school administration in the advertising and distribution of programs and information in the public interest. Programs of an educational nature which are in the public interest may be advertised in any manner consistent with good taste and good administrative practice.

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

Adopted: 7/16/08
Revised: 6/15/11

Community Relations

SUBJECT: SOLICITING FUNDS FROM SCHOOL PERSONNEL

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

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.

Adopted: 7/16/08

SUBJECT: COMMUNITY USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT**School Facilities**

The Board of Education recognizes and affirms the primary purpose of school facilities is to provide and promote the education of the District's children. 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 not-for-profit, athletic, civic, social, fraternal, youth and religious organizations in accordance with law. Groups who wish to use the school facilities must submit a district Facilities Use Form in order to apply for approval by the New Paltz Central School District. Use of the facilities without approval is prohibited. Groups must abide by the rules and regulations established for such use including prohibition of pets on school property (Policy 8250) and alcohol, tobacco (including e-cigarettes) and drug use.

Excepted from this policy is the Floyd A. Patterson Field Complex, the use of which by groups requires Board approval.

Floyd A. Patterson Track

The Board of Education recognizes that community use of the track within the Floyd A. Patterson Field Complex may be desired by some members of the community. For that purpose the Board has developed the following parameters for limited use by individual community members.

The track facility of the Floyd Patterson Field Complex will be available for public walking/running only. The facility will be open prior to High School hours and after District activity usage, including District physical education, club/activity and athletics hours. Members of the public will be asked to leave the area by any District personnel during District use hours. The track will not be available when it is snow-covered, or when maintenance of, or repairs to, the complex track, stands or field are occurring.

In order to preserve the track, conditions for use include the following: proper running shoes must be worn while on the track surface. Football, soccer and baseball/softball cleats on the track are prohibited. Use of any mode of transportation including but not limited to motorized vehicles, strollers, rollerblades, and bicycles, is also prohibited. Hand-propelled wheelchairs are permitted. District football and track and field equipment stored on the field is not for public use. Jumping pits and mats are also not for public use.

Board approval is necessary for use of the track by groups.

Materials and Equipment

Except when used in connection with an approved facilities use under the 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.

(continued)

Community Relations

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

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

Administrative regulations will be developed to assure the lender's responsibility for, and return of, all such materials and equipment. Users may be charged replacement cost for damaged and/or unreturned equipment and materials.

If any provision of this Policy or its implementing procedures is violated, the Board reserves the right to immediately revoke the organization's facilities use privileges. In addition, the Board may decline to accept future applications for use of school facilities by organizations who violate this Policy.

Any individual or organization that enters upon or remains unlawfully on District property or uses District property and facilities in violation of this Policy or its implementing procedures will be considered as trespassing and prosecuted to the fullest extent of the law.

The Board hereby authorizes the Superintendent to establish procedures for the public use of the District property and facilities including but not limited to the application form, fee schedule, insurance requirements and rules for use.

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

108

Education Law Section 414

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

Adopted: 7/16/08
Revised: 6/15/11
Revised 5/20/15

Community Relations

SUBJECT: UNMANNED AIRCRAFT SYSTEMS (“DRONES”)

The use or operation of unmanned aircraft systems, commonly referred to as “drones” or remote-controlled aircrafts, is prohibited anywhere on school premises, including school buildings, property and facilities, except with the prior written permission of the Superintendent of Schools for school-related purposes only. This includes, but is not limited to, the area above playing fields and surfaces and the areas above surrounding surfaces that are part of a facility, such as bleachers and other seating areas, parking lots, sidewalks, tracks, playgrounds etc.

Adopted: 10/4/17

Community Relations

SUBJECT: OPERATION OF MOTOR-DRIVEN VEHICLES ON DISTRICT PROPERTY

The use, operation and parking 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: 7/16/08

Community Relations

SUBJECT: PUBLIC ACCESS TO RECORDS

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

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

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

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.

The District shall respond to a request within five (5) business days of the receipt of a request. Should all or part of the request need to be denied, the District shall respond in the manner set forth by the rules and regulations stipulated by the Committee on Open Government.

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

Community Relations

SUBJECT: CONFIDENTIALITY OF COMPUTERIZED INFORMATION

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

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

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

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

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY

The Board of Education ("Board") is committed to providing a safe and orderly school environment where all participants in the educational process may focus on continuous growth and development. Responsible behavior by students, teachers, other District personnel, parents, guardians, and other visitors is essential to achieving this goal.

The District has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of mutual respect, citizenship, character, tolerance, civility, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly.

Unless otherwise indicated, the Code of Conduct applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

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 shall be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school and community personnel.

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

- a) The role of non-students.
- b) Dress, language and behavior.
- c) Procedures for detention, removal, and suspension of students, including providing for their continued educational programming.
- d) Responses to violations of the code.
- e) Security and safety of all members of the school community.
- f) Disciplining students, students with disabilities, staff and non-staff.

(Continued)

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

- g) Notifying law enforcement and parents when students commit violations.
- h) Filing PINS (Persons in need of supervision) petitions.
- i) Referring students to juvenile delinquency proceedings.
- j) Referring students to human service agencies.
- k) A "Bill of Rights and Responsibilities" for students which focuses upon positive student behavior.
- l) Guidelines and programs for in-service education programs for all students and District staff members to ensure effective implementation of school policy on school conduct and discipline.
- m) Provide as part of the "signature" form required of parents or guardians, an invitation, with space provided, for comments by students, parents and guardians regarding the code of conduct.

The Code of Conduct may be adopted by the Board of Education only after at least one 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 Regulation's.

The District's Code of Conduct shall be reviewed on an annual basis, and updated as necessary in accordance with educationally sound practices and with law.

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.

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(1)(2)

NOTE: Refer also to Policy #7310 -- Conduct of Conduct
District Code of Conduct on School Property

Adopted: 7/16/08

SUBJECT: UNLAWFUL POSSESSION OF A WEAPON UPON SCHOOL GROUNDS

It shall be unlawful for any person to knowingly possess any firearm, 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: 7/16/08

Community Relations

SUBJECT: THREATS OF VIOLENCE IN SCHOOL

The 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, on social media, or by e-mail, shall be subject to appropriate intervention in accordance with applicable law, District policies and regulations, as well as the *Code of Conduct* and collective bargaining agreements, as may be necessary.

While acknowledging an individual's Constitutional rights, including applicable due process rights, the District refuses to condone acts and/or threats of violence which threaten the safety and well-being of staff, students, 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 or themselves.

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 or their designee, who shall report such occurrences to the Superintendent. Additionally, the building Principal or their 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 Pupil Personnel Services and Special Education if applicable. Local law enforcement agencies may be called as necessary upon the determination of the Superintendent or their designee.

Students are to report all acts and/or threats of violence, including threats of suicide, 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*.

(Continued)

SUBJECT: THREATS OF VIOLENCE IN SCHOOL (Cont'd.)**Crime Scene Preservation**

The District recognizes the need for preservation and management of a crime scene in and/or on District property. To that end, the Board of Education directs the Superintendent and administration to prepare regulations and/or procedures consistent with this policy.

Community Relations

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

The Board is committed to providing an environment free from discrimination and harassment. Accordingly, the Board prohibits discrimination and harassment on the basis of race, weight, body type, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender, gender presentation, or other legally protected category. These actions and occurrences are prohibited regardless of whether they take place on District premises or at school sponsored events, programs, or activities held at other locations.

Prohibited Conduct

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

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

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

Harassment includes unwelcome verbal, written, or physical conduct which offends, denigrates, oppresses, or belittles an individual because of his or her membership in a protected class. This conduct includes, but is not limited to: derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting, or the display or circulation of written materials or pictures.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT
(Cont'd.)**

Civil Rights Compliance Officer

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

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

The CRCO for the District is the – Director of Student Support Services.

Investigation of Complaints and Grievances

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

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

To the extent possible, all complaints will be treated as confidential. Disclosure may, however, be necessary to complete a thorough investigation of the charges or to notify law enforcement officials. If an investigation reveals that discrimination or harassment has occurred, the District will take immediate corrective action. This action will be taken in accordance with applicable laws and regulations, as well as relevant codes of conduct, District policies and administrative regulations, collective bargaining agreements, and third-party contracts.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT
(Cont'd.)**

Knowingly Makes False Accusations

Any employee or student who knowingly makes false accusations against another individual as to allegations of discrimination or harassment will face appropriate disciplinary action.

Prohibition of Retaliatory Behavior

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 or harassment. Complaints of retaliation may be directed to the CRCO. In the event the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity, or to the Superintendent.

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

Additional Provisions

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

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

A copy of this policy and its accompanying procedures or regulations will be available upon request and will be posted and published in appropriate locations or school publications.

This policy does not abrogate other District policies, procedures, regulations, or the District Code of Conduct prohibiting other forms of unlawful discrimination, harassment, or inappropriate behavior within this District. It is the intention of the District that all of these policies, procedures, regulations, and Code be read consistently to provide protection from unlawful discrimination and harassment. However, different treatment of any individual which has a legitimate, legal, and non-discriminatory reason is not a violation of District policy.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT
(Cont'd.)**

Age Discrimination in Employment Act, 29 USC § 621
Americans with Disabilities Act, 42 USC § 12101 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.
Education Law § 2801(1)
Executive Law § 290 et seq.
October 26, 2010 OCR Dear Colleague Letter (Harassment and Bullying)
April 4, 2011 OCR Dear Colleague Letter (Sexual Violence)
April 24, 2015 OCR Dear Colleague Letter (Title IX Guidance)

NOTE: Refer also to Policies #6120 -- Equal Employment Opportunity
#6121 -- Sexual Harassment of District Personnel
#7370 -- Dignity for All Students
#7550 -- Sexual Harassment of Students
District Code of Conduct

SUBJECT: ANTI-RACISM

The New Paltz Central School District recognizes that all forms of racism are destructive to the District's mission, vision, and guiding principles. The District is committed to the following principles:

- Establishing and sustaining a school community that shares the collective responsibility to **affirmatively** address, eliminate, and prevent actions, decisions, and outcomes that result from and perpetuate racism.
- Eliminating inequitable practices and cultivating the unique gifts, talents, interests, and backgrounds of every student to end the predictive value of social or cultural factors on student success.
- Respecting and championing the diversity and life experiences of all community members to support the District's mission, vision, and guiding principles.
- Acknowledging that racism is often compounded by other forms of discrimination, including, but not limited to, national origin, religion, class, sexual orientation, gender identity, and refugee or immigration status.
- Recognizing diversity as an asset to our school community.
- Acknowledging Indigenous Americans as the traditional owners and custodians of this land and valuing their place in our society.
- Recognizing the unique challenges facing refugee and immigrant students and families, including, but not limited to, interrupted formal education and language barriers.

Purpose

Personal and institutional racism has always existed and continues to exist in the District. Combating racism in our schools is a moral and legal imperative.

Anti-racist practices place race at the center of its analysis. Focusing on race exposes direct links to unequal power, systems of oppression and privilege, and harmful institutional practices.

In this District, there are significant disparities between racial groups in student academic performance and participation in academic and non-academic programs. These include disparities in course participation, special education identification, traditional measures of academic achievement, and discipline. Disparities also exist between the racial demographics of the students in the District and the current composition of the District's staff. These disparities produce inequitable outcomes for students of color and advantages for white students.

These equity gaps exist because of inequitable access to opportunities that have significant intergenerational effects and perpetuate economic, social, and educational inequity. However, racial inequities were foundational elements in the construction of this nation and must be deconstructed and remedied. Similarly, personal prejudice and implicit bias is learned and can be unlearned or mitigated. Educators play a vital role in reducing racism and inequity by first recognizing their own biases and racism by which they can then recognize the manifestations of racism in our schools, creating culturally inclusive learning and working environments, and dismantling educational systems that directly or indirectly perpetuate racism and privilege through teaching, policy,

Community Relations

and practice. As a school community we wish to promote community education and dialogue about racism, its causes and effects, through a variety of channels.

Through this policy we will continue to examine our practices in an effort to eliminate all forms of racism from the District in conjunction with related Board policies.

Expectations

Policy Communication

- Each school shall post a public statement against racism, affirming their anti-racist commitments, and encouraging anti-racist actions in a location visible to students, staff, and visitors entering the school. The District will also post a public statement in high traffic locations at its main offices and on the District website.
- Each school shall have an active Racial Equity Team that meets at least once bi-monthly, and will report-out to the Racial Equity Initiative Advisory Committee (REIAC) once per marking period. This policy shall be included in student handbooks provided to students and families.
- This policy shall be translated into other languages and be made available in other accessible forms as necessary.

Leadership and Administration

- The **Board of Education** shall be mindful of their commitment to anti-racist practices when making decisions.
- The **Administration and the Board of Education** shall continue to identify processes and practices that cause or contribute to inequitable outcomes. The Administration shall address disparities in academic course and extracurricular participation.
- **The Board of Education shall support administration** in the implementation of an alternative discipline processes, such as restorative justice, to reduce racial disparities in discipline, suspension, and interpersonal relations.
- **The Board of Education and Administration** shall develop a systematic approach to assessing and monitoring institutional climate, ensuring that implicit bias and its potential consequences are understood, and that people of diverse backgrounds feel welcome and respected.
- **With the support of The Board of Education, administration** shall commit the necessary efforts and resources to both recruit and retain teachers and staff of color in the district in order to diversify the teaching and support staff across the district.
- **The Board of Education and Administration** shall commit to the full enfranchisement of our school community, with an immediate emphasis on our non-English speaking and immigrant communities.

Curriculum and Instruction

Community Relations

- Curriculum and instructional materials for all grades shall reflect cultural and racial diversity and include a range of perspectives and experiences, particularly those of historically underrepresented groups and Indigenous Americans.
- The use of culturally diverse curriculum materials should be prioritized. The Board of Education should support the Administration's development of a plan and the timeline established for a systematic and ongoing, K-12 curriculum audit.
- Cross cultural and cross racial learning opportunities should be encouraged inclusive of extracurricular activities.

Training and Professional Development

- All board members, faculty, staff, and administrators shall engage with ongoing and recurring training in anti-racism practices. The training should include historical context and identify why the outcomes have been harmful on the individual and systemic levels.
- The District will acknowledge and utilize endemic anti-racist practices and practitioners. The sharing of best practices should be encouraged and celebrated.

Policy Enforcement, Accountability, and Transparency

- The District shall collect, review, and provide an annual report to the Board of Education on data regarding racial disparities. The written reports shall also be made available to the public.
- The district should conduct a bi-annual self-assessment specific to the achievement of the identified anti-racism goals. The results of the self-assessment shall be presented to the public.
- Each school and the District shall ensure there are various, including anonymous, means for students and staff to report racism and other forms of discrimination.

References: <https://www.racialequitytools.org/glossary>

NOTE: See also Policy #7370 – Dignity for All Students
See also Policy #6211 – Recruiting, Certificated Staff

Community Relations

SUBJECT: EMERGENCY SCHOOL CLOSINGS

In the event of inclement weather, impassable roads, or other emergency reasons, it may be necessary to:

- close school for the day
- activate a delayed starting time or early dismissal
- or cancel after-school activities and late bus runs

Announcements will be made over local radio and television stations, auto dialing, and the District website.

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

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

Education Law section 3604(7)

Adopted: 7/16/08

Revised: 1/27/11

Revised: 12/18/19

Community Relations

SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES

The Board of Education of the New Paltz Central School District recognizes the desirability of making automatic external defibrillators (AED's) available in its buildings based upon the reported success of AED's in enhancing survival from incidents of sudden cardiac arrest.

Therefore, it is the policy of the Board of Education that the use of AED's is authorized in the buildings of the New Paltz Central School District pursuant to a collaborative agreement with an emergency health care provider in accordance with the Public Access Defibrillation Law (Sections 3000-b, Public Health Law). A copy of the collaborative agreement shall be filed with the Department of Health and the appropriate regional council prior to use of the AED'S.

No individual may operate an AED device unless the individual has current training and certification in CPR and has successfully completed a training course in the operation of the AED from a nationally recognized training agency or the state emergency medical services council. A physician shall be appointed to provide medical oversight for the use of the AED's. The Regional Emergency Services Council and the State Department of Health, as well as the local emergency services providers, shall be notified of the location of the AED's within the District and each use of an AED on a patient.

The Superintendent, in consultation with the District Medical Director and the emergency health care provider, shall develop regulations and protocols governing the use of AED's within the District. These regulations and protocols shall be incorporated in the District's School Safety Plan and shall be reviewed periodically by the District Medical Director and the emergency health care provider.

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: 7/16/08
Revised: 1/27/11

Community Relations

SUBJECT: USE OF EPINEPHRINE AUTO INJECTOR DEVICES

The New Paltz Central School District recognizes that early use of Epinephrine can enhance the survival rate of individuals from incidents of anaphylaxis. Therefore, it is the policy of the Board of Education to make Epinephrine Auto Injectors (commonly known as Epi-pens) available to Registered Nurses and substitute Registered Nurses, employed by the District and to authorize their use in accordance with the Medical Practice Act (Section 6527[4][a] Education Law), the Nurse Practice Act (Section 6908[1][a][iv], Education Law) and Section 3000-c of the Public Health Law. Other District employees (such as coaches) may also be authorized to use Epinephrine Auto Injectors upon successful completion of an approved training course in the use of such devices. An Emergency Health Care Provider, as defined in Section 3000-c of the Public Health Law, shall be appointed to provide medical oversight for the use of Epinephrine Auto Injectors by District employees.

The Superintendent, in collaboration with the District Medical Director and Emergency Health Care Provider, shall develop regulations and protocols governing the use of the Epinephrine Auto Injectors by employees of the District. These regulations and protocols shall be incorporated within the District's School Safety Plan.

Adopted: 7/16/08
Revised: 1/27/11

2019 4000

Administration

New Paltz Central School District

NUMBER

ADMINISTRATION

1.1 School Administration and Administrative Personnel.....4110

ADMINISTRATIVE OPERATIONS

2.1 Administrative Organization and Operation.....4210
2.2 Organizational Chart.....4212
2.3 Administrative Authority During Absence of the Superintendent of Schools4230
2.4 Administrative Latitude in the Absence of Board Policy4240
2.6 Evaluation of the Superintendent and Other Administrative Staff4260

CENTRAL OFFICE AND BUILDING ADMINISTRATION

3.1 Superintendent of Schools4310
3.2 Superintendent-Board of Education Relations4320
3.3 Administrative Staff.....4330

COMPENSATION AND RELATED BENEFITS

4.1 Professional Development Opportunities4410

Administration

SUBJECT: SCHOOL ADMINISTRATION AND ADMINISTRATIVE PERSONNEL

The Board of Education shall provide an administrative staff sufficient to meet the needs of the District for instructional and supportive functions.

Administrative Personnel

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

These employees must meet all certification or Civil Service requirements as outlined in New York State Civil Service Law and the Commissioner's regulations. Administrative and supervisory staff must be eligible to meet these requirements at the time of employment.

All administrative and other 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.

Abolishing an Administrative Position

Existing administrative positions will not be abolished by the Board without previous written notification of the impending abolition. This written notification must 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.

8 New York Code of Rules and Regulations (NYCRR) Section 80.4
Education Law Sections 1709, 2503(5), and 3013

Adopted: 7/16/08
Revised: 2/5/2020

Administration

SUBJECT: ADMINISTRATIVE ORGANIZATION AND OPERATION

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) Areas of responsibility for each individual will be clearly defined.
- f) There will be freedom of communication between all levels within the school staff.

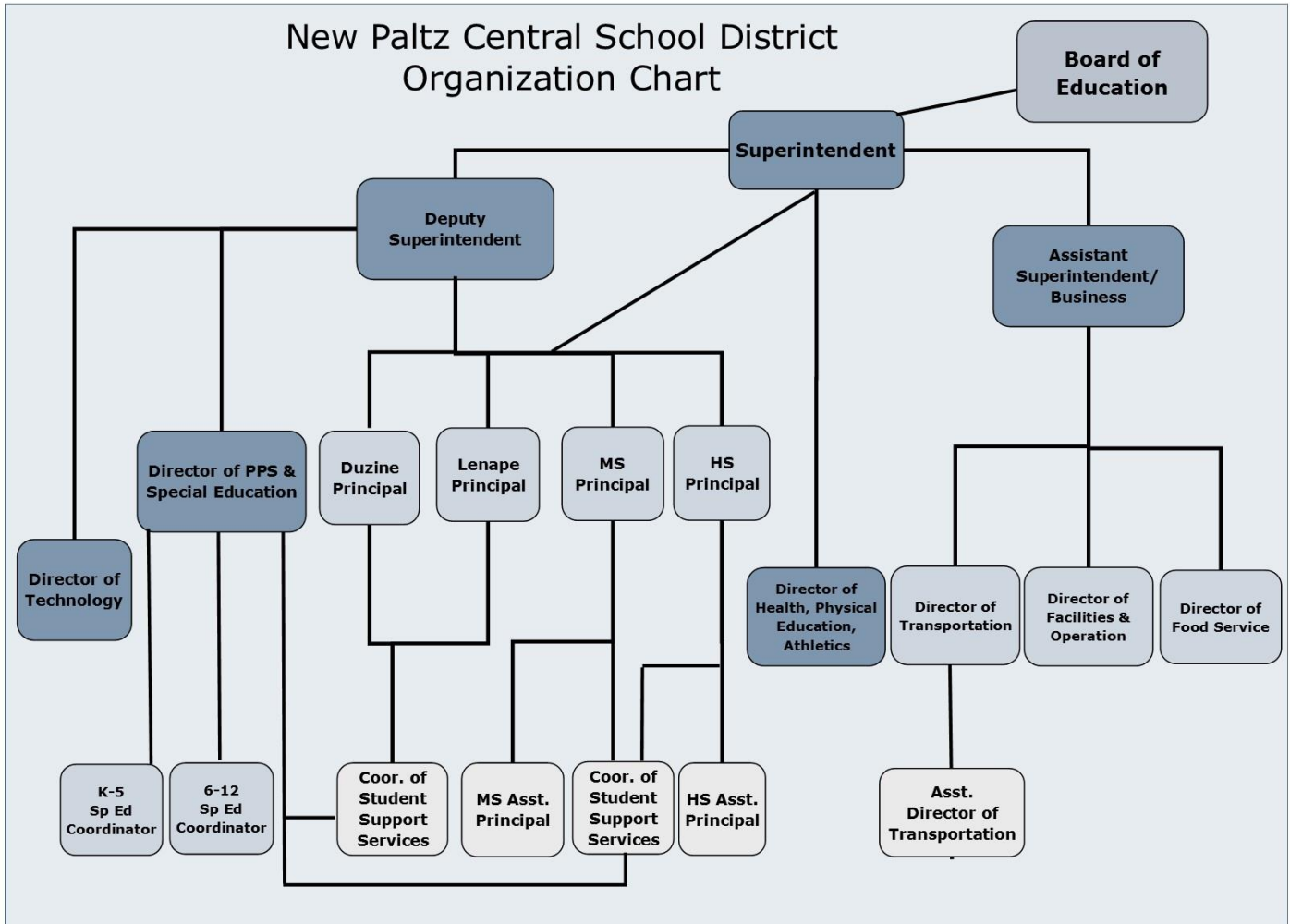
Line Responsibility

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

NEW PALTZ CENTRAL SCHOOL DISTRICT ORGANIZATION CHART

Approved:

POLICY 4212 New Paltz CSD Organizational Chart



Adopted: 7/16/08
Revised: 10/19/16
9/20/17

Administration

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

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

Adopted: 7/16/08

Administration

SUBJECT: ADMINISTRATIVE LATITUDE IN THE ABSENCE OF BOARD POLICY

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

Adopted: 7/16/08

Administration

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

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

Evaluation of Administrative Staff

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)

Adopted: 7/16/08

Administration

SUBJECT: SUPERINTENDENT OF SCHOOLS

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

(Continued)

Administration

SUBJECT: SUPERINTENDENT OF SCHOOLS (Cont'd.)

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

Education Law Sections 1711, 2508 and 3003
8 New York Code of Rules and Regulations (NYCRR)
Section 100.2(m)

Administration

SUBJECT: SUPERINTENDENT - BOARD OF EDUCATION RELATIONS

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

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

Education Law Sections 1711, 2503 and 2508

Adopted: 7/16/08

Administration

SUBJECT: ADMINISTRATIVE STAFF**School Business Official**

The School Business Official shall be responsible for all phases of the District's business activity, as set forth in Section 5000 of the Policy Manual, and shall report directly to the Superintendent of Schools.

Building Principals

The Building Principals are the educational executives of the school centers. They have the responsibility for executing Board of Education policies in the schools. They are directly responsible to the Superintendent of Schools.

Assistant Principals

Assistant Principals shall be employed in the middle schools and high schools. The Assistant Principal is responsible for all duties assigned to him/her by the Building Principal and shall report directly to the Principal.

Subject Coordinators

Coordinators are staff officers who shall have various ranges of responsibilities as indicated by their respective title(s) and job description(s).

Administration

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

Adopted: 7/16/08

New Paltz Central School District

NUMBER

BUDGET

1.0	Fiscal Management Goals.....	5100
1.1	Budgeting.....	5110
1.2	Administration of the Budget	5120
1.3	Contingency Budget	5130

INCOME

2.1	Revenues.....	5210
2.2	Acceptance of Gifts and Bequests to the School District	5230
2.3	School Tax Assessment and Collection.....	5240
2.4.1	Property Tax Exemptions for Senior Citizens.....	5241
2.4	Sale and Disposal of School District Property.....	5250
2.5	Advertising, Sponsorship, and Fundraising by Administration, Faculty and Board of Education and School-Related Organizations	5260

EXPENDITURES

3.1	Bonding of Employees and School Board Members.....	5310
3.2	Expenditures of School District Funds	5320
3.2.1	Use of the District Credit Card	5321
3.2.2	Use of the District Cell Phone	5322
3.2.3	Reimbursement for Meals/Refreshments.....	5323
3.3	Budget Transfers.....	5330
3.4	Borrowing of Funds.....	5340

PURCHASING

4.1	Purchasing.....	5410
4.1.1	Bidding.....	5411
4.1.2	Vendor Relations/Agents and Salespeople in School.....	5412
4.2	Conflict of Interest.....	5420

FISCAL ACCOUNTING AND REPORTING

5.1	Accounting of Funds.....	5510
5.1.1	Authorized Signatures.....	5511
5.1.2	Fund Balance Policy	5512
5.1.3	District Investments	5515
5.1.4	Reserve Funds.....	5516
5.2	Extraclassroom Activity Fund	5520
5.3	Petty Cash Funds and Cash in School Buildings.....	5530
5.4	Publication of District's Annual Financial Statement.....	5540

New Paltz Central School District

NUMBER

FISCAL ACCOUNTING AND REPORTING (Cont'd.)

5.5	Maintenance of Fiscal Effort (Title I Programs)	5550
5.6	Use of Federal Funds for Political Expenditures	5560
5.7	Financial Accountability	5570
5.7.1	Allegations of Fraud	5571
5.7.2	Audit Committee.....	5572
5.7.3	Internal Audit Function.....	5573
5.8	Change Orders for Capital Projects	5580

NON-INSTRUCTIONAL OPERATIONS

6.1	Insurance	5610
6.2	Inventories	5620
6.2.1	Accounting of Fixed Assets.....	5621
6.3	Facilities: Inspection, Operation and Maintenance.....	5630
6.3.1	Hazardous Waste and Handling of Toxic Substances by Employees	5631
6.4	Smoking And Tobacco Use	5640
6.5	Energy/Water Conservation and Recycling of Solid Waste.....	5650
6.6	School Food Service Program (Lunch and Breakfast)	5660
6.6.1	District Wellness Policy.....	5661
6.6.2	Charging School Meals.....	5662
6.7	Records Management	5670
6.7.1	Disposal of Consumer Report Information and Records.....	5671
6.7.2	Information Security Breach and Notification.....	5672
6.7.3	Employee Personal Identifying Information.....	5673
6.7.4	Privacy and Security for Student Data and Teacher and Principal Data.....	5676
6.8	Safety and Security	5680
6.8.1	School Safety Plans	5681
6.8.3	Fire Drills, Bomb Threats and Bus Emergency Drills.....	5683
6.8.4	Use of Surveillance Cameras in the School District and on Buses.....	5684
6.8.5	Hazardous Materials	5685
6.8.6	Anthrax and Other Biological Terrorism: Prevention Protocols/ Protocols for Mail Handling	5686
6.9	Exposure Control Program	5690
6.9.1	Communicable Diseases	5691
6.9.2	Human Immunodeficiency Virus (HIV) Related Illnesses.....	5692

TRANSPORTATION

7.1	Transportation Program	5710
7.2	Scheduling and Routing.....	5720
7.3	Transportation of Students.....	5730
7.4	Use of Buses by Community Groups	5740
7.4.1	Drug and Alcohol Testing for School Bus Drivers.....	5741
7.5	School Bus Safety Program	5750

7.6	Qualifications of Bus Drivers	5760
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SUBJECT: FISCAL MANAGEMENT GOALS

The Board of Education is committed to maintaining the fiscal health of the District. The Board recognizes excellent fiscal planning as a key factor in attaining the District's educational goals and priorities. A healthy fiscal environment requires stated and enforced policies, leadership continuity, fact-based accountability and decision-making, support of finance plans and long-range planning, and, as appropriate, risk-taking.

The Board seeks to engage in thorough advance planning of budgets and finance plans. It is the responsibility of the Board to make sure that public funds are spent wisely, efficiently and equitably to deliver the kind of education the public wants and expects.

SUBJECT: BUDGETING

Budget planning and development shall be designed to provide the best education and learning environment the community desires and can afford. Budget planning will be a year-round process of collaboration between the Superintendent and Board. The process of budget planning and development will also provide for numerous opportunities for public information and feedback.

The Superintendent and her/his administrative staff shall have overall responsibility for budget preparation, including construction of and adherence to a budget calendar. Budget development shall be carefully organized and planned to ensure thorough understanding of the District's financial needs within the context of the community's fiscal resources. To assist in budget and long-range planning, any studies of the District's educational and operational programs are encouraged to include estimates of fiscal implications.

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

The Superintendent's budget presentation to the Board will include:

- a) Year-to-date actual expenditures by line item
- b) Prior year actual expenditures by line item
- c) Proposed budget

Budget Calendar

The Superintendent shall prepare a budget calendar for Board approval at the annual organizational meeting. The calendar shall reflect continuous, year-round activity and provide the basis for constant evaluation by the Board, staff and public.

Public Participation and Hearings

The Board encourages the Superintendent to utilize advice from staff, students and community in educational and fiscal planning.

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

Budget hearings for the purpose of gaining input and advice from the public on the proposed budget will be held prior to budget adoption. The Board will consider input received prior to voting to adopt a budget.

(Continued)

SUBJECT: BUDGETING (Cont'd.)

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

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

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

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

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

Budget Adoption

Following Board review of the Superintendent's proposed budget and public input on the budget, the Board may modify the recommended budget prior to adoption and submission to District votes. Final authorization of the proposed budget is dependent upon voter approval unless a contingency budget is adopted by the Board.

Budget Notice

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

(Continued)

SUBJECT: BUDGETING (Cont'd.)

The Budget Notice shall include a description of how total spending and the tax levy resulting from the proposed budget would compare with a projected contingency budget, assuming that such contingency budget is adopted on the same day as the vote on the proposed budget. Such comparison shall be in total and by component (i.e., program, capital and administrative), and shall include a statement of the assumptions made in estimating the projected contingency budget.

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

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

Notice of Budget Hearing/Availability of Budget

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

Election and Budget Vote:

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

Budget Development and Attachments:

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

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

SUBJECT: ADMINISTRATION OF THE BUDGET

The Superintendent of Schools, working in conjunction with the administrative staff, is responsible to the Board for the administration of the budget.

- a) He/she shall acquaint District employees with the final provisions of the program budget and guide them in planning to operate efficiently and economically within these provisions.
- b) Under his/her direction the School Business Manager shall maintain such records of accounting control as are required by the New York State Uniform System of Accounts for School Districts, the Board of Education, and such other procedures as are deemed necessary and shall keep the various operational units informed through periodic reports as to the status of their individual budgets.
- c) Board approval is required prior to the expenditure of District funds.

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.

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.

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:

(Continued)

SUBJECT: CONTINGENCY BUDGET (Cont'd.)

- 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) Expenditures resulting from an actual increase in enrollment over the projected enrollment used to develop the contingency budget; and
- b) 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: 7/16/08
Revised: 12/3/08

2008

5210

Non-Instructional/Business
Operations

SUBJECT: REVENUES

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

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

Adopted: 7/16/08

SUBJECT: ACCEPTANCE OF GIFTS AND BEQUESTS TO THE SCHOOL DISTRICT

The Board may accept gifts 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 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 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 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 until and unless it receives the offer in writing from the donor. Any such gifts 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 to be a general offer rather than a specific one. Consequently, the Board would suggest that the donor work first with the school administrators in determining the nature of the gift 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 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 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 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 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.

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

(Continued)

2008

5230
2 of 2

Non-Instructional/Business
Operations

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

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: 7/16/08

SUBJECT: SCHOOL TAX ASSESSMENT AND COLLECTION

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 Official to the Board of Education. Tax collection shall occur by mail or by direct payment to the place designated by the Board of Education.

Local Tax Levy And Warrant

Sufficient local tax revenue shall be raised to meet the requirements of the total School District budget, less an amount equal to all other income sources available to the School District. The Board of Education shall approve the tax levy and shall issue a warrant for the collection of taxes. The New Paltz Central School District is responsible for collecting such taxes.

After August 1, and following receipt of the final equalization rates and assessment rolls, but prior to September 1, a tax warrant shall be signed and affixed to the tax list.

Education Law Section 2130
Real Property Tax Law Sections 1300-1342

NOTE: Refer also to Policy #5241 -- Property Tax Exemption for Senior Citizens

Adopted: 7/16/08

SUBJECT: PROPERTY TAX EXEMPTIONS FOR SENIOR CITIZENS

The Board of Education has heretofore adopted by resolution as amended from time to time, the granting of a partial exemption from taxation for School District purposes, for real property situated in the School District and owned by a person or persons sixty-five (65) years of age after the appropriate taxable status date and before December 31st of the same year.

The Superintendent of Schools and employees of the Business Office shall be responsible to ensure compliance with the notice provisions of Real Property Tax Law, Section 467. Since the schedule of partial exemption is amended from time to time, the current schedule for partial exemption is available from the Clerk of the Board of Education or the Business Office who shall refer to the most recent Board of Education minutes to ascertain the current schedule, as amended from time to time by Board of Education resolution.

Real Property Tax Law Section 467

Adopted: 7/16/08

SUBJECT: SALE AND DISPOSAL OF SCHOOL DISTRICT PROPERTY**Sale of School Property**

No school property shall be sold without prior approval of the Board of Education. However, the responsibility for such sales may be delegated. The net proceeds from the sale of school property shall be deposited in the General Fund.

Disposal of District Personal PropertyEquipment

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

The Superintendent will be responsible for selling the equipment in such a way so as to maximize the net proceeds of sale which may include a bona fide public sale preceded by adequate public notice. If it is determined that reasonable attempts to dispose of the equipment have been made and such attempts have not produced an adequate return, the Superintendent or his/her designee may dispose of the equipment in any manner which he/she deems appropriate.

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.

**SUBJECT: ADVERTISING, SPONSORSHIP AND FUND RAISING BY
ADMINISTRATION, FACULTY, BOARD OF EDUCATION AND SCHOOL-
RELATED ORGANIZATIONS**

School-business relationships based on sound principles can contribute to high quality education such as additional academic programs for students, extracurricular opportunities for students, professional development for staff, and scholarships.. However, compulsory student and employee attendance confers on educators an obligation to protect the welfare of their students and employees and the integrity of the learning and professional environments. Positive school-business relationships should be ethical and structured in accordance with the principle that “Selling or providing access to a captive audience during the mandatory school day for commercial purposes is exploitation and a violation of the public trust.”

The sale of advertising, sponsorship tag lines tribute programs, as well as other forms of fundraising **must** be directly related to the educational purpose of the district.

For purposes of this policy the following definitions apply:

Advertising is the written or graphic statement made by a seller which calls for the public’s attention to it by emphasizing the desirable qualities of the product or service so as to arouse a desire to buy or patronize the advertiser’s product or service.

Sponsorship provides financial or resource support in exchange for ‘tag line’ recognition spoken by a program announcer or printed in a font comparable to those used in the educational production.

Tag lines are simple statements such as “This [program, segment, publication] is sponsored by [name of sponsor]” and do not include statements made by a seller.

Tribute programs are programs where donations are given in memory of or in honor of an individual or individuals and may include a simple acknowledgment such as a card issued to that individual or a more enduring acknowledgment or tribute to that individual such as a name plate on a chair in the auditorium, a plaque on a wall, room door, bench or a brick in a paved area.

School-related organizations are separate legal entities, independent of the district and include not-for profit organizations such as parent-teacher organizations, booster organizations and the New Paltz Education Foundation.

In order to help the Board of Education fulfill its legal and fiduciary responsibility to manage district operations, any school-related organization that desires to engage in fundraising activities must comply with the Education Law, Regents Rules, Commissioner’s Regulations and Board Policy. The school-related organization must submit a written request for authorization to engage in specific

(continued)

SUBJECT: ADVERTISING, SPONSORSHIP AND FUND RAISING BY ADMINISTRATION, FACULTY, BOARD OF EDUCATION AND SCHOOL-RELATED ORGANIZATIONS (Cont'd.)

fundraising activities to the Superintendent of Schools specifying the nature of the program, the method of fundraising, whether or not district property will be affected and sufficient detail to enable the Superintendent to make a decision. Notwithstanding the above, if any such activity involves the affixing of plaques, names plates and similar items on district property, premises and facilities, or, for example, the planting of trees or a garden on district property the Superintendent shall make a recommendation to the Board for consideration and approval. The organization may not advertise any tribute program or other fundraising activity that involves changing or affixing items to School District property, premises and facilities until the approval of the Board of Education is received.

In accordance with this policy, the district will not engage in advertising in its announcements of fundraising and grant awards. Sponsorship tag lines may be employed in both print and visual media as well as in verbal announcements.

Fund raising projects in which students or employees sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations. 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 and subject to approval by the Superintendent.

The School District will only pursue grants and fundraising from sponsors whose business activities conform to Board of Education standards as outlined in Policy 5410 Section M. All merchandise used in fundraising will conform to Board of Education standards as outlined in Policy 5410 section M.

8 New York Code of Rules and Regulations (NYCRR)
Section 19.6
New York State Constitution, Article VIII, Section 1
Education Law Section Law Section 414
NPCSD Policy 5410 Section M

Adopted: 4/1/09
Revised: 6/15/11

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: 7/16/08

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: 7/16/08

SUBJECT: USE OF THE DISTRICT CREDIT CARD

The School District will issue credit cards for the use of designated employees for authorized expenses. However, authorized personnel must submit purchase orders for those related expenses, prior to the use of the credit card when possible and within one (1) week of use when prior submission is not possible. The purchase order must state specifically the nature of the charge and its purpose.

This credit card will only be for those purchases of goods and services that require a credit card and do not accept other payment methods. Any other reason for credit card use must be approved by the Superintendent or Assistant Superintendent for Business, prior to use.

Receipts shall be submitted to the Business Office in a prompt manner so that expenses incurred on each credit card may be paid in such a manner as to avoid interest charges.

Any individual who makes an unauthorized purchase with a School District credit card shall be required to reimburse the School District for the purchase and may have the credit card suspended or revoked.

SUBJECT: USE OF THE DISTRICT CELL PHONE

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:

- a) Regular employees (as designated by the Superintendent) are defined as employees who are provided a District cell phone only during working hours. These employees may not use the cell phone for personal use, unless in an emergency.
- b) Critical employees (as designated by the Superintendent) are defined as employees who are provided with a District cell phone and expected to be available outside of regular working hours through their District cell phone.
- c) Critical employees may elect to use the District issued cell phone for personal, as well as business, in order to eliminate carrying two cell phones. For those critical employees who elect to use the cell phone for personal use, the employee will either,
 1. Authorize the District to deduct an annual amount from his/her paycheck of said employee. This amount will be divided equally over twenty six (26) paychecks. This deduction covers the use of this cell phone for personal phone calls made by the employee; or
 2. Pre-pay the District the annual cost of the personal use of the cell phone at the beginning of each school year, no later than September 30th.
- d) The fee for personal cell phone use shall be determined by the Superintendent and may vary depending on the amount of personal use.
- e) The list of employees designated for District cell phones will be reviewed/revised by the Superintendent on an annual basis.
- f) The cell phone may not be used by anyone other than the School District employee.

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 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 and who attended the meetings. These requirements must be met for meals/refreshments provided by the school lunch fund or local vendors, charged to District via a purchase order, District credit cards and/or reimbursed to a School District official.

NOTE: Refer also to Policy #6161 -- [Conference/Travel Expense Reimbursement](#)

Adopted: 7/16/08

2008

5330

Non-Instructional/Business
Operations

SUBJECT: BUDGET TRANSFERS

Within monetary limits as established by the Board, at the annual meeting, the Superintendent is authorized to transfer funds within the budget. Whenever changes are made, they are to be incorporated in the next Board agenda for information only.

Education Law Section 1718
8 New York Code of Rules and Regulations (NYCRR)
Section 170.2(1)

Adopted: 7/16/08

2008

5340

Non-Instructional/Business
Operations

SUBJECT: BORROWING OF FUNDS

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

Local Finance Law Article 2

Adopted: 7/16/08

SUBJECT: PURCHASING

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

Purchasing Guidelines

- a) The Purchasing Agent shall be responsible for developing and administering the purchasing program.
- b) The purchasing procedures employed shall comply with all applicable laws and regulations of the State.
- c) The Purchasing Agent shall procure supplies and equipment, as needed, at the best possible prices and maintain adequate records to show that this was done.
- d) Purchase contracts for materials, equipment and supplies involving an estimated annual expenditure of over twenty thousand dollars (\$20,000) and public works contracts involving over thirty-five thousand dollars (\$35,000) shall be awarded only after public advertisement, soliciting formal bids (Section 103, General Municipal Law). The Purchasing Agent shall be authorized to open and record bids.
- e) Opportunity shall be provided to all responsible suppliers to do business with the District. To this end, the Purchasing Agent shall develop and maintain lists of potential bidders for the various types of materials, equipment and supplies. Such lists shall be used in the development of a mailing list for distribution of specifications and invitations to bid. Any supplier may be included on the list, upon request.
- f) When soliciting bids, a statement of "General Conditions" shall be included with all specifications submitted to suppliers. These general conditions shall be incorporated in all contracts awarded for the purchase of materials, equipment and supplies.
- g) All contracts which require public advertising and competitive bidding shall be awarded as provided by law and the rules and regulations of the Board. Recommendations for awarding contracts shall be submitted by the Purchasing Agent.
- h) When formal bidding procedures are not required by law, the following regulations shall apply:

Dollar LimitMaterials, Equipment, Supplies Procedures

\$1 - \$6,000

At the discretion of the Purchasing Agent.

\$6,001 - \$10,000

Documented telephone quotes from at least three (3) separate vendors, if available

\$10,001 - \$19,999

Formal written quotes from at least three (3) separate vendors, if available.
(Continued)

SUBJECT: PURCHASING (Cont'd.)

Quotes will be awarded to the lowest responsible and responsive bidder (as determined by the Purchasing Agent.)

Proper written documentation, acceptable to the Purchasing Agent, must be given if the required number of quotes cannot be accommodated.

Dollar LimitPublic Works Projects/Contracts/Procedures

\$1 - \$12,000

At the discretion of the Purchasing Agent

\$12,001 - \$34,999

Formal written quotes from at least three (3) separate vendors, if available.

Whenever other than the lowest quote is awarded, there must be written documentation of the reason(s) for the award and why it is in the best interests of the District and otherwise furthers the purpose of Section 104-b, General Municipal Law.

Under no circumstances can a quote that exceeds the bid limit be awarded.

- i) It shall be the policy of the New Paltz Central School District that the following items, at the discretion of the Purchasing Agent, may be purchased or contracted without the need for RFP's, bids or quotes:
 - 1. Textbooks
 - 2. Library Books
 - 3. Reference Books
 - 4. Other educational materials where the item to be purchased is based on the curriculum rather than financial parameters
 - 5. Services required by an IEP or 504 Plan
 - 6. Educational Professional Development including Conferences
 - 7. Consultants used by the Board of Education. The Board of Education may use RFP's if warranted.
 - 8. Parts needed for a repair while the repair is in progress. This is limited to \$1,000 per repair.
- j) Purchases should be made through available Cooperative BOCES bids, state contracts of the Office of General Services or under county contract pursuant to Section 409-a of the County Law, whenever such purchases are in the best interests of the School District.
- k) The Purchasing Agent shall issue purchase orders after first determining that unencumbered balances of budgetary appropriations are adequate to cover such obligations.
- l) No official or employee shall have an interest in any contract entered into by the School District, as provided in Article 18 of the General Municipal law.

(Continued)

SUBJECT: PURCHASING (Cont'd.)

- m) Emergencies - An exception to this policy will exist in cases of emergencies such as those recognized pursuant to Section 103(4) of the General Municipal Law. Where competitive bidding is otherwise required, the procedures of Section 103(5) of the General Municipal Law shall be applied. In all other emergency cases, the Purchasing Agent shall be required to exercise their best judgment to secure the materials and/or services which are necessary.
- n) Sweatshop-Free Purchasing: It is the goal of the Board of Education to avoid purchasing materials produced in sweatshops. When purchasing apparel, efforts shall be made to assure such apparel was manufactured or supplied by employers who comply with the basic legal requirements that govern the production of clothing as defined by the New York State Department of Labor, and the New York State Department of Labor garment industry Registration Database shall be consulted to determine whether the contractor is registered.

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

Request for Proposal Process for the Independent Auditor

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

Procurement of Goods and Services

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

- a) Assure the prudent and economical use of public moneys in the best interest of the taxpayer;
- b) Facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and
- c) Guard against favoritism, improvidence, extravagance, fraud and corruption.

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

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

(Continued)

SUBJECT: PURCHASING (Cont'd.)

- b) With certain exceptions (purchases pursuant to General Municipal Law, Article 5-A; State Finance Law, Section 162; State Correction Law, Section 184; or those circumstances or types of procurements set forth in (f) of this section), provide that alternative proposals or quotations for goods and services shall be secured by use of written request for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of Section 104-b of General Municipal Law;
- c) Set forth when each method of procurement will be utilized;
- d) Require adequate documentation of actions taken with each method of procurement;
- e) Require justification and documentation of any contract awarded to other than the lowest responsible dollar offer, stating the reasons;
- f) Set forth any circumstances when, or the types of procurement for which, the solicitation of alternative proposals or quotations will not be in the best interest of the District; and
- g) Identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated biennially.

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

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

Adopted: 7/16/08
Revised: 11/17/10
Revised: 02/15/12

SUBJECT: BIDDING

All purchase contracts in excess of ten thousand dollars (\$10,000) and all public works contracts in excess of twenty thousand dollars (\$20,000) shall be advertised, bid on, and awarded to the lowest responsible bidder complying with the specifications, general conditions and other stipulated bidding conditions, in accordance with Section 103 of the General Municipal Law.

Bid specifications shall be prepared under the supervision of the Purchasing Agent. She/He may prepare bids in the alternate, and is authorized to advertise for bids in accordance with statutory procedures without prior Board approval. All Bid Notices shall state that environmentally sensitive or recycled products and packaging are desired and MSDS (Material Safety Data Sheets) information must be provided where applicable. Each such specification shall, however, indicate the Board's right to reject all bids and to re-advertise, and to accept reasonable equivalents (unless the Board has properly adopted a resolution to standardize upon a certain product.)

The Purchasing Agent or other officer of the Board of Education, in his/her absence, is authorized to open bids publicly before one or more witnesses at a time and place designated by him or her and to record bids.

An exception to this policy shall exist in cases of emergencies such as those recognized pursuant to Section 103(4) of the General Municipal Law. Under emergency conditions, the Board President, Superintendent of Schools, Business Manager, and an appropriate Board Member may authorize expenditures beyond the bidding limits set forth in Section 103 of the General Municipal Law. For purposes of the policy, an emergency is defined as an accident or unforeseen occurrence or condition which may affect the life, health or safety of children or staff of the District, or the property of the School District. The Board shall take action in open meetings to declare such emergency and transfer any funds necessary to cover the emergency purchase or service at its next meeting.

Any business dealing shall be consistent with the District's Code of Ethics.

Competitive Bids and Quotes

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

A bid bond may be required if considered advisable.

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

(Continued)

SUBJECT: BIDDING (Cont'd.)

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

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

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

Alternative Formats for Instructional Materials

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

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 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, see website: <http://www.vesid.nysed.gov/specialed/publications/persprep/NIMAS.pdf>

(Continued)

SUBJECT: BIDDING (Cont'd.)**Environmentally Sensitive Cleaning and Maintenance Products**

In accordance with Commissioner's Regulations, State Finance Law and Education Law, effective with the 2006-2007 school year, the District shall follow guidelines, specifications and sample lists when purchasing cleaning and maintenance products for use in its facilities. Such facilities include any building or facility used for instructional purposes and the surrounding grounds or other sites used for playgrounds, athletics or other instruction.

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

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

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 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.

Education Law Sections 305(14), 409-i, 1604, 1709, 1950,
2503, 2554 and 3602
General Municipal Law Articles 5-A and 18
State Finance Law Section 163-b
8 New York Code of Rules and Regulations (NYCRR)
Sections 170.2, 200.2(b)(10), 200.2(c)(2) and 200.2(i)

Adopted: 7/16/08

SUBJECT: VENDOR RELATIONS/AGENTS AND SALESPEOPLE IN SCHOOL

All qualified vendors and suppliers shall be provided with an opportunity to supply the School District with necessary goods and services. No vendor shall be extended favoritism by the School District, but each vendor shall be judged on the basis of quality, price and time of delivery.

The Purchasing Agent shall develop and maintain lists of potential suppliers and bidders for the various types of material, equipment, supplies and services required by the School District. A mailing list shall be established for the distribution of specifications and notices or invitations to bid.

Salespeople and agents of firms wishing to sell materials, goods or services shall not be permitted to discuss business propositions with personnel other than the Superintendent of Schools, School Business Manager, District Treasurer, Building Principals, and other administrative personnel designated by the Board.

Agents and Salespeople in School

All agents and salespeople who come into the schools, must first have an appointment and must report to the Main Office immediately upon entering the school building.

If they wish to see individual teachers they must do so during a teacher's planning period, or after school is dismissed, and then only if they have a building pass.

Teachers who wish to meet with agents or salespeople are not to take time out from their classes to see salespeople or book agents, and must do so during a planning period or after school. They are not to see any agent who did not make a prior appointment and does not have an office pass. All orders must conform to Purchasing Policy and Procedures.

General Municipal Law, Section 800 et. seq.

SUBJECT: CONFLICT OF INTEREST

All elected officers, appointed officers and employees of the School District are subject to the Conflict of Interest provision of Article 18 of the General Municipal Law. That law prohibits certain interests in contracts with the School District and requires the disclosure of certain interests in such contracts.

A **contract** is any claim, account or demand against or an agreement, express or implied, with this School District. A contract also means the designation of a newspaper, including an official newspaper, and the designation of a depository of public funds.

An **interest** is a direct or indirect pecuniary or material benefit as a result of a contract with the school District. Officers and employees of the School District are also deemed to have an interest in a contract of:

- a) His/her spouse, minor children or dependents, except for an employment contract with the School District (e.g., teaching position or civil service position);
- b) A firm, partnership or association of which s/he or his/her spouse, minor child or dependent is a member or employee;
- c) A corporation of which s/he or his/her spouse, minor child or dependent is an officer, director, or employee, or directly owns or controls any stock.

An officer or employee has a **prohibited interest** (subject to exceptions listed below) where the officer or employee (his/her spouse, minor child or dependent, where applicable) has an interest and the power or duty to:

- a) Negotiate, prepare, authorize or approve the contract;
- b) Authorize or approve payment under the contract;
- c) Audit bills or claims under the contract; or
- d) Appoint an officer or employee having those powers (e.g., internal claims auditor).

Exceptions to Prohibited Interest and Disclosure Requirement

- a) Where the salary or compensation from the private employment of the officer or employee (his/her spouse, minor child or dependent, where applicable) is not directly affected as a result of the contract and the private employment duties do not include procurement, preparation or performance of the contract. Disclosure of the interest is required;

(Continued)

SUBJECT: CONFLICT OF INTEREST (Cont'd.)

- b) Where the sole interest involves a contract with a corporation where the officer or employee (his/her spouse, minor child or dependent, where applicable) directly or indirectly owns or controls less than five percent (5%) of the outstanding stock. Disclosure of the interest is not required;
- c) Contracts with membership corporations or other voluntary not-for-profit corporations. Disclosure of the interest is required;
- d) Contracts entered into prior to the time the officer or employee is elected or appointed, but not renewal contracts;
- e) Contracts which aggregate to not more than seven hundred fifty dollars (\$750) in any school year. Disclosure of the interest is not required;
- f) Purchase of real property where the purchase and consideration are approved by order of the Supreme Court. Disclosure of the interest is required;
- g) Acquisition of real property or an interest therein through condemnation proceedings. Disclosure of the interest is required;
- h) Employment of a school physician (by 2/3 vote). Disclosure of the interest is required;
- i) Sale of bonds or note pursuant to Local Finance Law Section 60.10. Disclosure of the interest is required;
- j) Designation of a bank or trust company where the officer or employee (his/her spouse, minor child or dependent, where applicable) is employed, as a depository, paying agent, registration agent or for the investment of funds. This exception does not apply to the School District's chief fiscal officer (Board President), the treasurer or Business Office staff. Otherwise, disclosure of the interest is required.

Disclosure Procedure

An officer or employee who has an interest in any actual or proposed contract with the School District shall immediately disclose the nature and extent of such interest, in writing, to the Board of Education Clerk. The disclosure shall be recorded in the minutes of the next meeting of the Board of Education. Once disclosure is made, no further disclosure shall be required with respect to additional contracts with the same party that maybe entered into during the remainder of the school year.

Exceptions to Interest or Disclosure Requirements

- a) Voting to employ a Board member's spouse as a teacher (requires 2/3 vote) or civil service employee (quorum vote). In neither case is abstention from voting required.

(Continued)

SUBJECT: CONFLICT OF INTEREST (Cont'd.)

- b) Voting upon collectively Negotiated Agreements governed by the Taylor Law.

Distribution of this Policy

This policy shall be presented and explained to all candidates for the Board of Education, Board members (upon assuming office), to all central office administrators, building administrators, and central office support personnel.

Violation of Conflict of Interest Law

Any contract willfully entered into by or with the School District in which there is a prohibited interest shall be null, void and wholly unenforceable. Any School District officer or employee who willfully and knowingly violates this policy, which embodies Article 18 General Municipal Law, shall be guilty of a misdemeanor (Section 806 General Municipal Law).

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.

Depositories of Funds

The School District funds shall be deposited only in depositories duly designated by the Board of Education at the Annual Organizational Meeting or as thereafter added/deleted. The designated depositories are required to collateralize all deposits fully.

Use Of Surplus Funds

The Board of Education must, by law, apply all surplus funds to the reduction of the next fiscal year's tax levy. "Surplus funds" are defined as unappropriated fund balance in excess of 4% of the ensuing years budget.

The annual budget may include a planned balance amount equal to the estimated expenses for the first 120 days of the next fiscal year. Any planned balance must be approved by the voters in the District. The Board must apply all surplus funds in excess of that amount to the reduction of the following year's tax levy.

The School Business Official should be responsible for calculating the surplus each year and making the appropriate reduction, if any, in the ensuing year's tax levy. The tax warrant must state the amount of surplus funds in the custody of the Board and contain a representation that "except as authorized or required by law, such unexpended surplus funds have been applied in determining the amount of the school tax levy."

Government Accounting Standards

The Board directs the Assistant Superintendent for Business to keep informed of the changes in state and/or Government Accounting Standards (GASB) accounting requirements and implement changes as appropriate. The Board expects the Assistant Superintendent for Business will communicate new standards and/or requirements to the Board's Audit Committee, as necessary, so that the Board can carry out its responsibilities

Education Law Sections 2021(21) and 2116-a
Real Property Tax Law, Section 1318 (1)
General Municipal Law Section 800

Adopted: 07/16/08
Revised: 02/15/12
Revised: 05/20/15

SUBJECT: AUTHORIZED SIGNATURES

The Board of Education authorizes the signature of the District Treasurer, or in his/her absence the Deputy Treasurer, on all District checks for the payment of all salaries. The Board also authorizes the signatures of the District Treasurer, and in his/her absence, the Deputy Treasurer, or Board President, to review expenses on and/or sign all District checks for bills, expenses, obligations, and liabilities of the District.

Extraclassroom Activity checks shall be signed by the Central Treasurer of the extracurricular activity fund, or in his/her absence, the Deputy Central Treasurer of the extracurricular activity fund.

The Board authorizes the District Clerk, Superintendent, Treasurer and President of the Board to sign such contracts, documents, papers, agreements, writings and other instruments in writing as are authorized by the Board or required by law to be executed.

In the absence or inability of the President of the Board to sign any of the above documents, the Vice President of the Board is authorized to sign in his/her place and stead.

The Board authorizes the use of a machine check-signer to stamp School District checks with the required signature. The Treasurer must either personally operate the check-signing machine or be present when the machine is in use.

The District Treasurer has the responsibility of preventing unauthorized use of the check-signer.

Education Law Sections 1720 and 2523
8 New York Code of Rules and Regulations (NYCRR)
Section 170.1(c) (d)

SUBJECT: FUND BALANCE POLICY

In accordance with GASB Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions* (GASB 54), fund balance amounts will be reported by the District according to the following classifications:

Nonspendable -consists of assets that are inherently nonspendable in the current period either because of their form or because they must be maintained intact, such as prepaid items, inventories, long-term portions of loans receivable, financial assets held for resale, and principal of endowments.

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

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

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

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

General Provisions

Fund balance measures the net financial resources available to finance expenditures within current or future periods. The District's Unassigned General Fund Fund Balance will be increased to 2%, and thereafter maintained at no less than 2% and no more than 4% to provide the District with financial stability and a margin of safety to fund unanticipated contingent expenditures that may occur unexpectedly during the fiscal year. The Unassigned General Fund Fund Balance used for these purposes may only be appropriated by resolution of the Board of Education unless voter approval is required.

(Continued)

Non-Instructional/Business
Operations

SUBJECT: FUND BALANCE POLICY (Cont'd.)

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

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

In circumstances where an expenditure is incurred for a purpose for which amounts are available in multiple fund balance classifications (e.g., expenditures related to reserves), the Board will assess the current financial condition of the district and then determine the order of application of expenditures to which fund balance classification will be charged.

Adopted: 12-21-11

Revised: 6-18-14

SUBJECT: DISTRICT INVESTMENTS**Scope**

This investment policy applies to all monies and other financial resources available for investment by the New Paltz Central School District.

Objectives

The primary objectives of the School District's investment activities, in priority order:

- a) To conform with all applicable federal, state, and other legal requirements [legal];
- b) To adequately safeguard District fund and minimize risks;
- c) To provide sufficient liquidity to meet all operating requirements [liquidity]; and
- d) To obtain a reasonable rate or return [yield].

Delegation of Authority

The School District's responsibility for administration of the investment program consistent with this policy is delegated to the Business Manager and District Treasurer who shall establish written procedures for the operation of the investment program consistent with this policy. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates and other relevant information, and regulate the activities of subordinate employees.

Prudence

All participants in the investment process shall act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the School District to govern effectively.

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

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

(Continued)

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

It is the policy of the New Paltz Central School District to diversify its deposits and investments by financial institution, by investment instrument and by maturity scheduling.

Internal Controls

It is the policy of the School District for all monies collected by any officer or employee of the School District to remit all monies collected to the District Treasurer by the end of the week in which the money is collected or within the time period specified by law, whichever is shorter.

The District Treasurer shall be responsible for 1) establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition; and 2) that transactions are executed in accordance with the School District's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

Designation of Depositories

The banks and trust companies authorized for deposit of School District monies are those stated in the minutes of the Board of Education's annual organizational meeting, held in July of each year.

Collateralizing of Deposits

In accordance with the provisions of Section 10 and 11 of the General Municipal law, all deposits of the School District, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act, shall be secured by one of the following:

- a) By a pledge of "eligible securities" with an aggregate "market value" as provided by Section 10 of the General Municipal law, equal to one hundred two percent (102%) of the aggregate amount of deposits from the categories designated in Appendix "A" to this policy.
- b) By an eligible "irrevocable letter of credit" issued by a qualified bank, other than the bank with the deposits in favor of the School District, for a term not to exceed ninety (90) days, with an aggregate value equal to one hundred forty percent (140%) of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

(Continued)

SUBJECT: DISTRICT INVESTMENTS (Cont'd.)

- c) By an eligible surety bond payable to the School District for an amount at least equal to one hundred two percent (102%) of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State whose claims paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

Safekeeping and Collateralization

Eligible securities used for collateralizing deposits shall be held by the depository in a separate trust account and/or a third party bank or trust company, subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure School District deposits, together "with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the condition under which the securities may be sold, presented for payment, substituted or released and the events, which will enable the School District to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the School District, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the New Paltz Central School District or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for the School District, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities with the School District. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating or a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the School District with a perfected interest in the securities.

Permitted Investments

As authorized by Section 11 of the General Municipal law, the School District authorizes the District Treasurer to invest monies not required for immediate expenditure for terms not to exceed its projected cash flow needs, in the following types of investments:

- a) Special time deposit accounts;
- b) Certificates of Deposit;
- c) Obligations of the United States of America;

(Continued)

SUBJECT: DISTRICT INVESTMENTS (Cont'd.)

- d) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- e) Obligations of the State of New York;
- f) Obligations issued pursuant to Sections 24.00 or 25.00 of the Local Finance Law (with approval of the State comptroller) by any municipality, school district or district corporation other than this School District;
- g) Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies, where the State statutes governing such entities or whose specific enabling legislation authorizes such investment;
- h) Certificates of Participation (COP's) issued pursuant to Section 109-b of the General Municipal law;
- i) Obligations of this School District, but only with any monies in a reserve fund established pursuant to Sections 6-d, 6-j, 6-l, 6-m or 6-n of the General Municipal Law.

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

Authorized Financial Institutions and Dealers

The School District shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer.

All financial institutions with which the School District conducts business must be credit worthy. Banks shall provide their most recent consolidated Report of condition (Call Report) at the request of the School District. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Business Manager shall be responsible for evaluating the financial position and maintaining a list of proposed depositories, trading partners and custodians. Such list shall be evaluated at least annually.

Purchase of Investments

The District Treasurer is authorized to contract for the purchase of investments, as follows:

(Continued)

SUBJECT: DISTRICT INVESTMENTS (Cont'd.)

- a) Directly, including through a repurchase agreement from an authorized trading partner, provided, however, that repurchase agreements shall be with and/or through a commercial bank or trust company authorized to do business in New York State.
- b) By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5-G of the General Municipal Law, where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46 and the specific program has been authorized by the Board of Education.
- c) By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the Board of Education.

All purchased obligations, unless registered or inscribed in the name of the School District, shall be purchased through, delivered to, and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment, unless a written agreement or resolution otherwise provides. All such transactions shall be confirmed, in writing, to the School District by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in Section 10 of the General Municipal Law.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the School District, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the School District with a perfected interest in the securities or, in the case of a repurchase agreement ownership of the underlying securities.

Repurchase Agreements

Repurchase agreements are authorized subject to the following restrictions:

- a) All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- b) Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers through commercial banks or trust companies authorized to do business in New York State.
- c) Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.

(Continued)

SUBJECT: DISTRICT INVESTMENTS (Cont'd.)

- d) No substitution of securities will be allowed.
- e) The custodian shall be a part other than the trading partner.

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

Education Law Sections 1604-a, 1723(a), 2503(1) and 3652
General Municipal Law Section 39
Local Finance Law Section 165

**APPENDIX A
SCHEDULE OF ELIGIBLE SECURITIES**

1. Obligations issued, or fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.
2. Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
3. Obligations issued or fully insured or guaranteed by the State of New York; obligations issued by a municipal corporation, school district or district corporation of such State; or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public monies.
4. Obligations of counties, cities and other governmental entities of a state, other than the State of New York, having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
5. Commercial paper and bankers' acceptances issued by a bank, other than the bank, rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of no longer than sixty (60) days from the date they are pledged.
6. Zero coupon obligations of the United States government marketed as "Treasury strips."

Adopted: 7/16/08 (Previously 5220)
5/20/15

SUBJECT: RESERVE FUNDS

Reserve funds (essentially a legally authorized savings account designated for a specific purpose) are an important component in the District's financial planning for future projects, acquisitions and other lawful purposes. To this end, the District may establish and maintain reserve funds in accordance with New York State Laws, Commissioner's Regulations and the rules and/or opinions 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.

Periodic Review and Annual Report

The Board of Education will periodically review all reserve funds. The Assistant Superintendent for Business will also prepare and submit 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 fund;
- b) The date the reserve fund was established and the amount of each sum paid into the fund;
- c) The interest earned by the reserve fund;
- d) Capital gains or losses resulting from the sale of investments of the reserve fund;
- e) The total amount and date of each withdrawal from the reserve fund;
- f) The total assets of the reserve funding showing the cash balance and a schedule of investments;
and
- g) An analysis of the projected needs for the reserve fund in the upcoming fiscal year and a recommendation regarding funding those projected needs.

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

The Superintendent shall develop any necessary and/or appropriate regulations to implement the terms of the Board's policy.

Adopted: 9/20/17

SUBJECT: EXTRACLASSROOM ACTIVITY FUND

An extraclassroom activity fund shall be established for activities conducted by students whose financial support is raised other than by taxation or through charges of the Board of Education.

All extraclassroom activity funds shall be handled in accordance with the financial procedures illustrated by Finance Pamphlet No. 2, the Safeguarding, Accounting and Auditing of Extraclassroom Activity Funds, published by the New York State Education Department. It is the building administrator's responsibility to ensure the financial procedures outlined in the pamphlet are adhered to.

Proper books will be kept and all moneys deposited in appropriate accounts as set up by the Board of Education. These accounts shall be subject to audit. All transactions involving extraclassroom funds shall be on a cash basis and no accounts shall remain unpaid at the end of the school year. Funds shall be invested in accordance with the Board of Education's Fiscal Management Policy on the "Investment of District Funds".

Funds of discontinued extraclassroom activities and of graduating classes shall revert to the account of the general student organization or student council and shall be expended in accordance with the organization's constitution.

The Building Principals, with approval of the Superintendent of Schools, shall set up procedures for receipt and payment from the extraclassroom activity fund in their respective schools. There must be a minimum of one numbered receipt for the cumulative total of cash received from each fund raising event.

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

Adopted: 7/16/08
Revised: 5/20/09

SUBJECT: PETTY CASH FUNDS AND CASH IN SCHOOL BUILDINGS**Petty Cash Funds**

A petty cash fund of not more than one hundred dollars (\$100) shall be maintained in the District Office and in each school building in a secure location. Payments from petty cash funds may be made for materials, supplies or services only when payment is required upon delivery. At the time of reimbursement, an itemized statement of expenditures, together with substantiating receipts, shall be submitted. Such accounts shall be authorized by Board resolution at their annual meeting.

Appropriate regulations shall be developed for implementation of this policy.

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 week. 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: 7/16/08

2008

5540

Non-Instructional/Business
Operations

SUBJECT: PUBLICATION OF DISTRICT'S ANNUAL FINANCIAL STATEMENT

In compliance with Education Law, as a Central School District, the Board of Education is required to publish a financial statement, including a full, detailed account of moneys received and moneys expended, at least once a year, during either July or August. This annual financial report will be in the form prescribed in Commissioner's Regulations.

The law requires that the information be published in one public newspaper which is published in the District. If no public newspaper is published in the District, then the District must use a newspaper having general circulation in the District. If no public newspaper is published in the District, and there is no newspaper having general circulation in the District, then the School District must provide the information to the taxpayers by posting copies in five public places in the District.

Education Law Sections 1610, 1721, 2117, 2528 and 2577
8 New York Code of Rules and Regulations (NYCRR)
Section 170

Adopted: 7/16/08

SUBJECT: MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS)

The District 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 District 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.

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

Title I of the Elementary and Secondary Education Act of
1965, as amended by the No Child Left Behind Act of
2001 and the Every Student Succeeds Action of 2015
34 Code of Federal Regulations (CFR) Part 200

Adopted: 7/16/08
Revised: 12/20/17

SUBJECT: USE OF FEDERAL FUNDS FOR POLITICAL EXPENDITURES

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

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

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

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

Adopted: 7/16/08

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 New Paltz Central 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.

(Continued)

SUBJECT: FINANCIAL ACCOUNTABILITY (Cont'd.)

- h) The District's information systems are economical, efficient, current, and up-to-date.
- i) All computer files are secured with passwords or other controls, backed up on a regular basis, and stored at an off site location.
- j) The District periodically verifies that its controls are working efficiently.
- k) The District requires all staff 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

SUBJECT: ALLEGATIONS OF FRAUD**Investigations of Allegations of Fraud**

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.*

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.

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.

(Continued)

SUBJECT: ALLEGATIONS OF FRAUD (Cont.)**Knowingly Makes False Accusations**

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

Education Law Section 3028-d

Adopted: 7/16/08
Revised: 1/27/11

SUBJECT: AUDIT COMMITTEE

The Board of Education establishes a standing Audit Committee as an advisory committee. The Audit Committee (AC) shall consist of three members of the Board of Education and two members of the community at-large. Members of the Board of Education serve one year terms and community members serve two year terms. Community members' terms shall be staggered and appointments made by resolution of the Board of Education. Community members serving on the Audit committee are deemed to be School District Officers and shall take an oath of office. They must also maintain the confidentiality of any confidential information received by them as well as information discussed in an executive session of the Audit Committee.

All members serve without compensation, but shall be reimbursed for any actual and necessary expenditure incurred in relation to attendance at training events or mandatory conferences. Audit Committee members, other than Board Members, must be independent and may not be an employee of the District, an individual who provided within the last two years or currently provides good or services to the District, an individual who owns or has a direct and material interest in a company providing goods or services to the District, a close or immediate family member of an employee, officer or contractor providing services to the District.

The Audit Committee Chairperson is appointed by the President of the Board of Education. The Audit Committee Chair will have the authority to sign on the Board's behalf the letter of engagement for the internal and external audits as long as the Board has appointed the internal and/or external auditors at the annual organizational meeting and the compensation for such services has been previously approved by the Board.

The role of the Audit Committee shall be advisory to the Board of Education.

The audit 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 to set audit and risk assessment parameters;
- c) 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;
- d) Make recommendation to the Board on accepting the annual audit report;
- e) Review every corrective action plan developed by the School District and assist the Board in its implementation;

(Continued)

SUBJECT: AUDIT COMMITTEE (Cont'd.)

- f) Assist in the oversight of the Internal Audit function including, but not limited to providing recommendations regarding the appointment of the Internal Auditor, meeting regularly with the Internal Auditor, reviewing significant findings and recommendations of the Internal Auditor, monitoring the School District's implementation of such recommendations, and evaluating the performance of the internal audit function. After the Board of Education's appointment of the Internal Auditor, the Audit Committee Chairperson is delegated the authority to execute the Letter of Engagement and Agreed Upon Procedures with the Internal Auditor;
- g) Assist in the oversight of the Claims Audit function including, but not limited to, providing recommendations regarding the appointment of the Claims Auditor, meeting regularly with the Claims Auditor, reviewing significant findings and recommendations of the Claims Auditor, monitoring the School District's implementation of such recommendations, and evaluating the performance of the claims audit function; provided however, that the Claims Auditor shall report directly to the Board of Education and shall be under the supervision and direction of the Superintendent of Schools; for the purposes of time, attendance and location;
- h) Review annually Board policies on audit and finance and refer any proposed changes to the policy committee before Board review and action;
- i) Review annually this committee charter, for changes that may be necessary as a result of new laws, regulations or special circumstances. Refer any proposed changes to the Board of Education for review and action;
- j) Conduct executive sessions as allowed by Public Officers Law and section 170.12 of the Commissioner's Regulations.
- k) Conduct an annual self assessment of the Audit Committee; and
- l) Create an annual committee agenda for the ensuing year to assure completion of all responsibilities.

The finance responsibilities of the Audit Committee include the following:

- a) Review, at least quarterly, the monthly financial statements prepared for the Board of Education and make any recommendations to the Board for consideration and/or action;
- b) Propose for Board consideration any variations in reporting format or methodology of regular finance reports.
- c) Update the district's multi-year long range financial plan with regular reports to the full Board of Education.

(Continued)

Non-Instructional/Business
Operations

SUBJECT: AUDIT COMMITTEE (Cont'd.)

- d) Review matters as referred by the Board of Education.

The Audit Committee shall make monthly reports to the full Board of Education.

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: 7/16/09
Revised: 12/2/09
Revised: 11/17/10
Revised: 9/21/11

SUBJECT: INTERNAL AUDIT FUNCTION

The Internal Audit Function shall include:

- a) Development of a risk assessment of District operations including, but not limited to, a review of financial policies, 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: 7/16/08

SUBJECT: CHANGE ORDERS FOR CAPITAL PROJECTS

The Board of Education recognizes that it is in the nature of construction projects that unanticipated conditions will arise and that those conditions often need to be addressed in a very short time frame. In order to ensure that the District's capital construction projects can progress to completion in a timely, efficient and cost effective manner, it is desirable to delegate the authority to review and approve certain change orders without Board approval. The Board also recognizes its responsibility to the public to be accountable for the expenditure of funds for construction projects.

A change order is a mechanism for handling changes that occur during construction, adding to or deleting from the original scope of work of an executed construction contract, which alters the original contract amount or completion date. A change order, however, may not be used to make substantial changes to the scope of a project. It is the intent of the Board that change orders be kept to a minimum and be reviewed in detail in accordance with the policy prior to approval.

Change Order Procedure

- The Construction Manager, Architect or the District Administration may recommend a change order, but have no authority to approve a change order without prior District approval in accordance with the procedure in this policy.
- All change order requests must include:
 - sufficient detail and technical data to denote what is being done,
 - a clear explanation why it is being done,
 - the maximum estimated cost of the change order, and
 - the revised contract total.

Change Order Board

The Board shall establish a Change Order Board (COB) for multi-year capital projects.

- The COB shall consist of three individuals nominated by the Board President and approved by the Board of Education, to include one community member of the Board's Audit Committee and two community members from the Facilities Committee.
- If a vacancy on the COB cannot be filled by a community member from either the Audit or Facilities Committees, the Board President will appoint a member from the community-at-large who has requisite skills and abilities.
- A majority vote will constitute the approval of a change order.

Authority to Approve Change Orders

- All changes approved by the Board of Education do not have to be approved by the COB.
- The Superintendent of Schools and/or Assistant Superintendent for Business are authorized to approve change orders that are cost neutral, reduce cost as well as up to and including \$25,000.
- The Board of Education will appoint a Change Order Board to review change orders over \$25,000 before any work is commenced.

Continued

Non-Instructional/ Business Operations

SUBJECT: CHANGE ORDERS FOR CAPITAL PROJECTS (cont'd.)

- All change orders approved by the Superintendent/Assistant Superintendent for Business or COB shall be reported to the Board of Education at its meeting.
- When a change order is approved, a purchase order will be created or an original purchase order amended.
- All change orders will be reflected in a capital project budget status report.
- All approved change orders shall become part of the official record of the project.
- All change orders must:
 - include the SED Project Control Number and the name of the SED Project Manager.
 - be signed by the Architect/Engineer, the Construction Manager, the Contractor, and one of the following district representatives: Board President, Superintendent of Schools, and Assistant Superintendent for Business.
 - include all information provided in the change order request.
 - and be maintained in a standard format.

The Board of Education reserves the right to increase the limits set forth in this policy for future construction projects by policy amendment or by resolution.

Adopted: 5/20/09
Revised: 2/3/16

Non-Instructional/Business
Operations**SUBJECT: INSURANCE**

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

The Board 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 bi-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

Adopted: 7/16/08

2008

5620

Non-Instructional/Business
Operations

SUBJECT: INVENTORIES

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

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

Uniform System of Accounts for School Districts
(Fiscal Section)

Adopted: 7/16/08

SUBJECT: ACCOUNTING OF FIXED ASSETS

The School Business Official shall be responsible for accounting for general fixed assets according to the procedures outlined by the Uniform System of Accounts for School Districts 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.

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 or the Internal Revenue Service (IRS).

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;

(Continued)

SUBJECT: ACCOUNTING OF FIXED ASSETS (Cont'd.)

- 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 Official shall arrange for the annual inventory and appraisal of School District property, equipment and material. Any discrepancies between an inventory and the District's property records on file should be traced and explained.

Non-Instructional/Business
Operations**SUBJECT: FACILITIES: INSPECTION, 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.

Fire Inspection:

Education Law Section 807-a

8 New York Code of Rules and Regulations (NYCRR)
Section 155.4

Health Inspection:

Education Law Section 906

Asbestos Inspection:

40 Code of Federal Regulations (CFR) Part 763, Subpart E
Education Law Article 9-A

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

Adopted: 7/16/08

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

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

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

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

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

SUBJECT: SMOKING, TOBACCO USE, AND USE OF ELECTRONIC SMOKING DEVICES**School Grounds**

Smoking and the use of tobacco and electronic smoking devices is prohibited on school grounds or within 100 feet of the entrances, exits, or outdoor areas of any elementary or secondary schools at any time, except smoking in a residence or within the realty property boundary lines of such residential real property. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds, including parking lot contained within the District'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. Smoking and tobacco use, as defined in this policy, is also prohibited at any school-sponsored event or activity, whether on or off school grounds. Further, smoking and tobacco use is prohibited within any indoor facility owned or leased or contracted for, and utilized, for the provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

For purposes of this policy, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, and any other smoking product, and spit/spitless tobacco (smokeless, dip, chew and/or snuff) and any other smoking or tobacco product in any form. Electronic smoking devices, for purposes of this policy are defined as an **electronic cigarette** (e.g., **e-cig** or **e-cigarette**), **personal vaporizer (PV)** or **electronic nicotine delivery system**. These devices are electronic battery-powered vaporizers which produce a mist rather than smoke and produce the feel of tobacco smoking. Electronic smoking devices where a heating element vaporizes a liquid solution known as e-liquid (E-liquids usually contain a mixture of propylene glycol, glycerin, nicotine, and flavorings. Others have similar ingredients but without nicotine) are also prohibited. The only nicotine products that are permitted on school grounds are current FDA-approved smoking cessation products and only in accordance with law.

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 smoking/tobacco products and use 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 or use tobacco where prohibited 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/No Tobacco" Policy and environment.

(Continued)

SUBJECT: SMOKING AND TOBACCO USE (Cont'd.)**Prohibition of Tobacco Promotional Items/Tobacco Advertising**

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

- a) On school grounds;
- b) In school vehicles;
- c) At school-sponsored events, whether on or off school premises including in another state;
- d) In school publications;
- e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District Code of Conduct and applicable collective bargaining agreements.

This prohibition of tobacco promotional items shall be implemented in accordance with the Code of Conduct and applicable collective bargaining agreements.

In addition, tobacco advertising is also prohibited in all school-sponsored publications and at all school sponsored events.

Safe and Drug-Free Schools and Communities Act
20 United States Code (USC) Section 7101 et seq.
Pro-Children Act of 2001, as amended by the No Child
Left Behind Act of 2001, 20 United States Code (USC)
Sections 7181-7184
Education Law Sections 409, 2801(1) and 3020-a
Public Health Law Article 13-E

NOTE: Refer also to Policies #3280 -- Community Use of School Facilities, Materials and Equipment
#3410 -- Code of Conduct on School Property
#7310 -- School Conduct and Discipline
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
#8210 -- Prevention Instruction
District Code of Conduct on School Property

Adopted: 7/16/08
Revised: 10/20/10
Revised: 11/19/14
Revised: 12/20/17

SUBJECT: ENERGY/WATER CONSERVATION AND RECYCLING OF SOLID WASTE

Energy/Water Conservation

The Board of Education recognizes the importance of energy and water conservation and is committed to the analysis, development, and initiation of conservation measures throughout the District for the purpose of reducing energy consumption, particularly in these times of declining levels of natural energy resources and increasing cost of these resources. The Board will maintain an aggressive and responsible program to reduce consumption of energy by its facilities and to provide education on the conservation of energy.

The District will comply with the Property Maintenance Code of New York State, part of the New York State Uniform Fire Prevention and Building Code, which requires that indoor occupiable work 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.

Recycling

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

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

Environmental Conservation Law Sections 27-2101-27-2115
General Municipal Law Section 120-aa
19 New York State Code of Rules and Regulations
(NYCRR) Sections 1220-1226

SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)**School Food Service Program (Lunch and Breakfast)**

The Board has entered into an agreement with the New York State Education Department to participate in the National School Lunch Program, School Breakfast Program and/or Special Milk Program to receive commodities donated by the Department of Agriculture and to accept responsibility for providing free and reduced price meals to elementary and secondary students in the schools of the District.

The Superintendent or his/her designee shall have the responsibility to carry out the rules of the School Lunch and Breakfast Programs. The determination of which students are eligible is the responsibility of the Superintendent or his/her designee. Appeals regarding eligibility should be submitted to the Hearing Official of the District.

Free or reduced price meals may be allowed for qualifying students attending District schools upon receipt of a written application from the student's parent or guardian or a "Direct Certification" letter from the New York State Office of Temporary and Disability Assistance (OTDA). Applications will be provided by the School District to all families.

Procedures for the administration of the free and reduced price meal program of this School District will be the same as those prescribed in current state and federal laws and regulations.

Child Nutrition Program/Charging Meals

Although not required by law, because of the District's participation in the Child Nutrition Program, the Board of Education approves the establishment of a system which may allow a student to charge a meal. The Board authorizes the Superintendent to develop 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 the policy to parents and students.

Restriction of Sweetened Foods in School

The sale of sweetened foods will be prohibited from the beginning of the school day until the end of the last scheduled meal period.

(Continued)

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

Sweetened foods consist of sweetened soda water, chewing gum, candy, including hard candy, jellies, gum, marshmallow candies, fondant, licorice, spun candy, candy coated popcorn, and water ices except those which contain fruit or fruit juices.

Restrictions on Sale of Milk Prohibited

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

Food Substitutions for Children with Disabilities

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

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 may 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.

(Continued)

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)
(Cont'd.)****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 will ensure that a written school food safety plan is in place which: includes methods for documenting menu items in the appropriate HACCP process category; documenting critical control points of food production; monitoring; establishing and documenting corrective actions; recordkeeping; and reviewing and revising the overall food safety program.

Child Nutrition and WIC Reauthorization Act of 2004, PL
108-265

Child Nutrition Act 1966, 42 United States Code (USC)
Section 1771 et seq.

Richard B. Russell National School Lunch Act 1946, 42
United States Code (USC) Section 1751 et seq.

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

Individuals with Disabilities Education Act (IDEA), 20
United States Code (USC) Sections 1400-1485

7 Code of Federal Regulations (CFR) Parts 15B, 210 and
220

Education Law Sections 902(b), 915, 918, 1604(28),
1709(22), 1709(23) and 2503(9)(a)

8 New York Code of Rules and Regulations (NYCRR)
Sections 200.2(b)(1) and 200.2(b)(2)

Adopted: 7/16/08

Revised: 6/15/11

SUBJECT: WELLNESS POLICY**I. Wellness Committee**

The school district shall maintain the Wellness Sub-committee of the Health Advisory Committee to review, and recommend revisions to school nutrition and physical activity programs and policies. The committee also will serve as a resource to schools for implementing those programs and policies.

II. Nutritional Quality of Foods and Beverages Sold and Served in SchoolSchool Meals

Meals served through the School Lunch and Breakfast Programs should:

- meet nutrition requirements established by local, state, and federal statutes and regulations whenever possible;
- meet the nutrition recommendations of the U.S. Dietary Guidelines for Americans whenever possible;
- strive toward meeting the nutrition recommendations of the NPCSD Nutrition Task Force;
- offer a variety of fruits and vegetables;
- wherever possible be comprised of local farm grown produce, dairy and meat (organic and/or chemical free when possible);
- provide drinking water at all school meals at no cost to students.

Fundraising Activities

To support children's health and school nutrition-education efforts, school sponsored fundraising activities will strive toward using only foods that meet the above nutrition standards for school lunch foods and beverages. District staff will encourage fundraising activities that promote physical activity. The school district will make available a list of ideas for recommended fundraising activities. Outside groups (including PTAs) will be encouraged to follow the same guidelines as school groups but not required to do so.

Classroom Snacks

Snacks served by district staff in the classroom during the school day or in after-school care or enrichment programs should make a positive contribution to children's diet, health and well being, with an emphasis on serving nutritious foods and beverages. District staff will assess if and when to offer snacks based on timing of school meals, children's nutritional needs, children's ages, and other considerations. The district will disseminate a list of nutritious snack ideas to teachers, after-school program personnel, and parents.

(Continued)

SUBJECT: WELLNESS POLICY (Cont'd.)Rewards

District staff should not use foods or beverages as the primary reward for academic performance or good behavior, and will not withhold food or beverages (including food served through school meals) as a punishment.

Celebrations

District staff will actively encourage parents to provide nutritious food and beverages for classroom celebrations. District staff will limit the amount of food served at celebrations to reasonable portions. The district will disseminate a list of healthy food and beverage ideas to parents and teachers.

School Sponsored Events

District staff will actively encourage parents, clubs and community groups to provide and/or sell nutritious foods and beverages for after school events. The district will disseminate a list of healthy foods and beverage ideas to parents, clubs and community groups.

III. Nutrition and Physical Activity Promotion and Food MarketingNutrition Education and Promotion

The School District has as its goal to teach, encourage, and support healthy eating by students. District staff should provide nutrition education and engage in nutrition promotion that encourages overall health and well being and an active lifestyle. Such education should promote fruits, vegetables, whole grain products, healthy food preparation methods, and health-enhancing nutrition practices and media literacy with an emphasis on food marketing.

Integrating Physical Activity into the Classroom Setting

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, classroom health education will complement physical education classes by reinforcing the knowledge and self-management skills needed to maintain a physically-active lifestyle and to reduce time spent on sedentary activities. Classroom health education should also emphasize caloric balance between food intake and energy expenditure.

Communications with Parents

The school district will support parents' efforts to provide a healthy diet and daily physical activity for their children. Examples of this may include offering healthy eating seminars, sending home nutrition information to parents, (including the Wellness Wake Up Call monthly summary of messages),

(Continued)

SUBJECT: WELLNESS POLICY (Cont'd.)

optimum physical activity suggestions, posting nutrition tips on school websites, and providing nutrient analyses of school menus.

Staff Wellness

The school district highly values the health and well-being of every staff member and, to the extent possible, provides staff with information regarding activities and programs that support personal efforts to maintain a healthy lifestyle.

IV. Physical Activity Opportunities and Physical Education

Physical education instruction at all levels shall comply with New York State Education Department mandates.

Daily Recess

All elementary school students should have at least twenty minutes a day of supervised recess, preferably outdoors when weather permits, during which schools should encourage and support moderate to vigorous physical activity.

District staff should discourage extended periods (i.e., periods of two or more hours) of inactivity. When activities, such as mandatory school-wide testing, make it necessary for students to remain indoors for long periods of time, when possible schools should give students periodic breaks during which they are encouraged to stand and be moderately active.

Child Nutrition and WIC Reauthorization Act of 2004
[Public Law Section 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: 7/16/09

Revised: 9/2/09

Non-Instructional/Business Operations

SUBJECT: CHARGING SCHOOL MEALS

The Board of Education recognizes the importance of good nutrition and the impact on student learning. The Board of Education recognizes that, on occasion, students may not have enough funds to pay for a meal. To ensure that students do not go hungry, and minimize the fiscal burden to the District, the Board will allow students who do not have enough funds to “charge” the cost of meals to be paid back at a later date subject to the terms in this policy.

1. All students may charge meals without limit;
2. Only regular reimbursable meals may be charged, excluding extras, à la carte items, and snacks;
3. All communications regarding unpaid meal charges shall be directly and solely with the parent/guardian (“parent”). No student will be told of unpaid meal charges.
4. A computer-generated point of sale system which identifies and records all meals, allows for automatic replenishment, as well as collects repayments will be used. Parents are encouraged to utilize the automatic replenishment option; and
5. Charged meals must be counted and claimed for reimbursement on the day that the student charged (received) the meal, not the day the charge is paid back. When charges are paid, these monies may not be considered “à la carte” transactions.

When a student’s account balance is a negative balance and a meal is thereafter charged, the District will discreetly notify the parent of the balance, the process to refill the account, and the District’s policy on charging school meals. This notification will continue regularly until the account is replenished. Parents must repay all unpaid charges remaining at the end of the year or before their child leaves the district, whichever occurs first.

The District shall also discreetly notify parents of students with ongoing negative balances of the application process for free and/or reduced price meals. If a parent regularly fails to provide meal money and does not qualify for free or reduced price meals, the District may take other actions as appropriate, including notifying the local department of social services if neglect is suspected.

(Continued)

Non-Instructional/Business Operations

SUBJECT: CHARGING SCHOOL MEALS (Cont'd)

The District will consider the written request of a parent/guardian that his/her child not be permitted to charge school meals and not be provided with school meals or alternate meals, as long as the parent/guardian assures the District, in writing, that his/her child will bring lunch or will have money to purchase lunch each day. If the request is granted and the District becomes aware that a child does not have a lunch meal or the ability to purchase a school meal on a regular basis, the District will notify the parent/guardian of the circumstance and will take other actions as appropriate.

The school District shall notify parents/guardians in writing on an annual basis, at the start of the school year, and to families transferring into the district during the year, of the requirements of this policy. The policy shall also be published on the District website and may be included, as appropriate, in other District publications. All staff involved in implementing and enforcing this policy shall also be notified of these requirements and their responsibilities.

Unpaid Meal Charges and Debt Collection

Unpaid meal charges shall be considered “delinquent” in accordance with the District’s accounting practices. The District shall attempt to recover unpaid meal charges before the end of the school year, but may continue efforts into the next school year. The District shall notify parents of unpaid meal charges at regular intervals, and may engage in collection activities. The District shall offer repayment plans, and may take other actions that do not result in harm or shame to the child, until unpaid charges are paid.

Account Balances

Remaining funds will be carried over to the next school year. When students leave the District or graduate, the District will attempt to contact the parents to return remaining funds. Parents may request, in writing, that funds be transferred to other students (e.g., siblings) or to unpaid accounts. Unclaimed funds remaining after three months may be absorbed by the school meal account.

Staff

Staff members are allowed to purchase food from the District’s food services. However, all purchases must be paid for at the point of sale in cash or credit/debit card. Staff members are not allowed to charge meals to be repaid later.

Cross-ref: Policy 5660 (School Food Service Program [Lunch and Breakfast])

(Continued)

Non-Instructional/Business Operations

SUBJECT: CHARGING SCHOOL MEALS (Cont'd)

Ref: 42 USC §1779 (Child Nutrition Act of 1966)
42 USC §§1758(f)(1); 1766(a) (National School Lunch Act)
2 CFR §200.426 (accounting for debt in federal programs)
7 CFR §§210.9 210.12; 210.19; 220.13; 245.5 (accounting in federal school meal programs)
Healthy, Hunger-Free Kids Act (Public Law 111-296), §143
USDA Report to Congress, *Review of Local Policies on Meal Charges and Provision of Alternate Meals*, June 2016, www.fns.usda.gov/sites/default/files/cn/unpaidmealcharges-report.pdf
Unpaid Meal Charges: Local Meal Charge Policies, USDA FNS Memo SP 46-2016 (07/08/16), www.fns.usda.gov/unpaid-meal-charges-local-meal-charge-policies
Unpaid Meal Charges: Guidance and Q&A, USDA FNS Memo SP 57-2016 (09/16/16), <https://fns-prod.azureedge.net/sites/default/files/cn/SP57-2016os.pdf>
Unpaid Meal Charges: Guidance and Q&A, USDA FNS Memo SP 23-2017 (03/23/17), <https://fns-prod.azureedge.net/sites/default/files/cn/SP23-2017os.pdf>
Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments, USDA FNS Memo SP 47-2016 (07/08/16), www.fns.usda.gov/sites/default/files/cn/SP47-2016os.pdf
Overcoming the Unpaid Meal Challenge - Proven Strategies from Our Nation's Schools, USDA FNS Guidance Document (May 2017), <https://fns-prod.azureedge.net/sites/default/files/cn/SP29-2017a1.pdf>
Student Meal Charge Policy, NYSED Guidance Memo, (5/30/17), <http://www.cn.nysed.gov/content/student-meal-charge-policy>

Adoption date: 12/20/17

Revised: 5/2/18

Revised: 6/6/18

2008

5670

Non-Instructional/Business
Operations

SUBJECT: RECORDS MANAGEMENT

A Records Management Officer shall be designated by the Superintendent, subject to the approval of the Board of Education. Such Records Management Officer shall coordinate the development of and oversee a program for the orderly and efficient management of records, including the legal disposition or destruction of obsolete records, and be given the authority and responsibility to work with other local officials at all levels in the development and maintenance of the records management program.

In addition, a Records Advisory Board may be created to assist in establishing and supporting the records management program. The District's legal counsel, the fiscal officer, and the Superintendent/designee may comprise the Advisory Board.

Appropriate regulations and procedures shall be developed.

Retention and Disposition of Records

The Superintendent shall retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule ED-1, established pursuant to Part 185, Title VIII of the Official Compilation of Codes, Rules and Regulations of the State of New York and Article 57-A of the Arts and Cultural Affairs Law.

Arts and Cultural Affairs Law Section 57.19
8 New York Code of Rules and Regulations (NYCRR)
Part 185

Adopted: 7/16/08

SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS

In accordance with the Federal Trade Commission's (FTC) "Disposal Rule," and in an effort to protect the privacy of consumer information, reduce the risk of fraud and identity theft, and guard against unauthorized access to or use of the information, the School District will take appropriate measures to properly dispose of sensitive information (i.e., personal identifiers) contained in or derived from consumer reports and records. Any employer who uses or possesses consumer information for a business purpose is subject to the Disposal Rule. According to the FTC, the standard for proper disposal of information derived from a consumer report is flexible, and allows the District to determine what measures are reasonable based on the sensitivity of the information, the costs and benefits of different disposal methods, and changes in technology.

The term "*consumer report*" shall include information obtained from a consumer reporting company that is used - or expected to be used - in establishing a consumer's eligibility for employment or insurance, among other purposes. The term "*employment purposes*" when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

The FTC Disposal Rule defines "*consumer information*" as "any record about an individual, whether in paper, electronic, or other form, that is a consumer report or is derived from a consumer report. Consumer information also means a compilation of such records. Consumer information does not include information that does not identify individuals, such as aggregate information or blind data."

Information Covered by the Disposal Rule

The FTC has not included a rigid definition of the kinds of information that would be considered to identify particular individuals. In accordance with FTC guidance, there are a variety of personal identifiers beyond simply a person's name that would bring information within the scope of the Disposal Rule, including, but not limited to, a social security number, driver's license number, phone number, physical address, and e-mail address. Depending upon the circumstances, data elements that are not inherently identifying can, in combination, identify particular individuals.

"Proper" Disposal

The FTC Disposal Rule defines "*dispose*," "*disposing*," or "*disposal*," as:

- a) "The discarding or abandonment of consumer information," or
- b) "The sale, donation, or transfer of any medium, including computer equipment, upon which consumer information is stored."

(Continued)

**SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS
(Cont'd.)**

The District will utilize disposal practices that are reasonable and appropriate to prevent the unauthorized access to - or use of - information contained in or derived from consumer reports and records. Reasonable measures to protect against unauthorized access to or use of consumer information in connection with District disposal include the following examples. These examples are not exclusive or exhaustive methods for complying with the Disposal Rule.

- a) Burning, pulverizing, or shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed.
- b) Destroying or erasing electronic media containing consumer information so that the information cannot practicably be read or reconstructed.
- c) After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material, specifically identified as consumer information, in a manner consistent with the Disposal Rule. In this context, due diligence could include:
 1. Reviewing an independent audit of the disposal company's operations and/or its compliance with the Disposal Rule;
 2. Obtaining information about the disposal company from several references or other reliable sources;
 3. Requiring that the disposal company be certified by a recognized trade association or similar third party;
 4. Reviewing and evaluating the disposal company's information security policies or procedures;
 5. Taking other appropriate measures to determine the competency and integrity of the potential disposal company; or
 6. Requiring that the disposal company have a certificate of registration from the New York Department of State issued on or after October 1, 2008.
- d) For persons (as defined in accordance with the Fair Credit Reporting Act) or entities who maintain or otherwise possess consumer information through their provision of services directly to a person subject to the Disposal Rule, monitoring compliance with policies and procedures that protect against unauthorized or unintentional disposal of consumer information, and disposing of such information in accordance with examples a) and b) above.

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**SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS
(Cont'd.)**

Implementation of Practices and Procedures

The Board delegates to the Superintendent/designee(s) the authority and responsibility to review current practices regarding the disposal of consumer information; and to implement such further reasonable and appropriate procedures, including staff training as necessary, to ensure compliance with the FTC's Disposal Rule.

The Fair Credit Reporting Act, 15 United States Code (USC)
Section 1681 et seq.
The Fair and Accurate Credit Transactions Act of 2003,
Public Law 108-159
Federal Trade Commission Disposal of Consumer Report
Information and Records, 16 Code of Federal
Regulations (CFR) Part 682
General Business Law Article 39-G

Adopted: 7/16/08

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

The School District values the protection of private information of individuals in accordance with applicable law and regulations. Further, the Board of Education instructs the Superintendent of School 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. It shall be the responsibility of the Superintendent of Schools to establish written procedures for compliance in accordance with law, including definitions, examples of determining factors, notification requirements and methods of notification.

- a) "*Private information*" shall mean ****personal information** in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:
1. Social security number;
 2. Driver's license number or non-driver identification card number; or
 3. Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

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

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

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

In the event that any New York State residents are to be notified, the District shall notify the State Attorney General, the Consumer Protection Board, and the State Office of Cyber Security and Critical Infrastructure Coordination as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents.

In the event that more than 5,000 New York State residents are to be notified at one time, the District shall also notify consumer reporting agencies, as defined pursuant to State Technology Law Section 208, as to the timing, content and distribution of the notices and approximate number of

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SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

affected persons. Such notice shall be made without delaying notice to affected New York State residents. A list of consumer reporting agencies shall be compiled by the State Attorney General and furnished upon request to school districts required to make a notification in accordance with Section 208(2) of the State Technology Law, regarding notification of breach of security of the system for any computerized data owned or licensed by the District that includes private information.

State Technology Law Sections 202 and 208

Adopted: 7/16/08

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

Adopted: 5/20/09

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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.
- e) Naturalization or immigration status.

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 the Director of Integrated Technology.

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

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

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (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 or designee.

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

Parents Bill of Rights for Data Privacy and Security

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

The 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-datainventory> 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 Student's 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.

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).

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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 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 offer 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 unfix 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*

Adopted: 9/16/2020

SUBJECT: SAFETY AND SECURITY

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

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

- a) Identify those staff members who will be responsible for the effective administration of the regulations;
- b) Provide staff time and other necessary resources for the effective administration of the regulations;
- c) Establish periodic written review of the activities of the staff to ensure compliance with applicable laws and regulations;
- d) Provide an on-going mechanism for the effective review of safety and security concerns of the staff, students and affected public;
- e) Provide for reports to the Board of Education regarding the significant aspects of safety and security of the District.

Student Safety

All staff who are made aware of physical and/or verbal threats to students must immediately report these threats against students to the next level of supervisory authority for prompt action. The immediate supervisor must then inform the Superintendent/designee, including any action taken, after learning of such threats to students.

The District shall disseminate this policy to all employees in order to ensure staff awareness.

Occupational Safety and Health Administration (OSHA)
29 Code of Federal Regulations (CFR) Section 1910.1200
Labor Law Sections 27-a and 879
12 New York Code of Rules and Regulations (NYCRR)
Part 820, Article 28

NOTE: Refer also to Policies #5681 -- School Safety Plans
#5685 -- Hazardous Materials

Adopted: 7/16/08

SUBJECT: SCHOOL SAFETY PLANS

The District-wide and building-level school safety plans have been adopted by the School Board only after at least one (1) public hearing that provided for the participation of school personnel, parents, students, and any other interested parties. Each plan shall be reviewed by the appropriate school safety team on at least an annual basis, updated as needed by July 1 and recommended to the Board of Education for approval. These plans will be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the coordination of schools and the School District with local and county resources in the event of such incidents or emergencies.

District-Wide School Safety Plan

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the School District, that addresses prevention and intervention strategies, 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 shall be developed by the District-wide school safety team appointed by the Board of Education. The District-wide team shall include, but not be limited to, representatives of the School Board, student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Building-Level School Safety Plans

Building-level school safety plan means a building-specific school emergency response plan that addresses prevention and intervention strategies, 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).

The building-level plan shall be developed by the building-level school safety team. The building-level school safety team means a building-specific team appointed by the Building Principal, in accordance with regulations or guidelines prescribed by the Board of Education. The building-level team shall include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel, other school personnel, community members, local law enforcement officials, local ambulance or other emergency response agencies, and any other representatives the School Board deems appropriate.

If the District receives federal preparedness funds, the District requires appropriate personnel to complete the IS-700 NIMS (National Incident Management System) introductory course.

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SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**Filing/Disclosure Requirements**

The District shall file a copy of its comprehensive District-wide school safety plan and any amendments thereto with the Commissioner of Education no later than thirty (30) days after their adoption. A copy of each building-level school safety plan and any amendments thereto shall be filed with the appropriate local law enforcement agency and with the state police within thirty (30) days of its adoption. Building-level emergency response plans shall be confidential and shall **not** be subject to disclosure under the Freedom of Information Law or any other provision of law.

Homeland Security Presidential Directives - HSPD-5,
HSPD-8
Homeland Security Act of 2002, 6 United States Code
(USC) Section 101
Education Law Section 2801-a
Public Officers Law Article 6
8 New York Code of Rules and Regulations (NYCRR)
Section 155.17

SUBJECT: EMERGENCY DRILLS**Fire (Evacuation) Drills**

The administration of each school building shall provide instruction for and training of students, and staff 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 eight (8) times in each school year; eight (8) of these shall be held between September 1 and December 31. 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 eight (8) 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.

Lock-Down Drills

Lock-down drills shall provide instruction for and training of students and staff to respond to the highest level of threat with the most urgent action and the least margin for error. The goal is for schools to practice their ability to put the building into a protective posture as quickly as possible, including clearance of hallways, locking of doors and staff and students taking positions out of sight.

Lock-down drills shall be held at least four (4) times throughout the school year.

Evacuation or Shelter in Place**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 Safe Schools Against Violence in Education (SAVE).

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SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS (Cont'd.)

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:

(Continued)

SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS (Cont'd.)

- 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 insure 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)

SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE SCHOOL DISTRICT AND ON SCHOOL BUSES

It is the Board of Education's responsibility to ensure the safety of the District's students, staff, facilities, and property. While the Board of Education recognizes the importance of privacy, it has authorized the use of surveillance cameras on District property including in District buildings, facilities, grounds, vehicles, buses, and other areas deemed necessary. These surveillance cameras will help to assist the Board in maintaining the overall safety and welfare of the District's students, staff, property, and visitors, as well as to deter theft, violence, and other criminal activities.

Surveillance cameras will only be placed in public or common areas where there is no expectation of privacy, such as classrooms, stairwells, hallways, cafeterias, parking lots, District vehicles, and playgrounds, and not in private areas such as locker rooms, bathrooms, or other areas in which individuals have a reasonable expectation of privacy. Audio recordings will not be utilized by the District officials, however, this prohibition may not preclude the use of audio recordings by law enforcement officials in accordance with their official duties or as otherwise authorized by law.

Appropriate Use

Surveillance footage will only be reviewed in response to a legitimate need, such as an aid to an investigation of misconduct or in response to a credible threat against the District. Personnel found to be reviewing surveillance footage for reasons not deemed to be a legitimate need may be subject to disciplinary action.

Disciplinary Proceedings

Video recordings or footage from District surveillance cameras may be used in student or employee (as permitted by any applicable collective bargaining agreement) disciplinary proceedings, as appropriate. Any footage used as evidence to support a disciplinary action will be made available to the subject of the discipline as well as their legal guardians and/or legal counsel, if applicable.

Signage/Notification

The District will place signage at entrances to the school campus or at major entrances to school buildings notifying students, staff, and visitors of the District's use of surveillance cameras. Students and staff will also receive additional notification, as deemed appropriate by the Superintendent, regarding the use of its surveillance cameras through means such as publication in the District calendar, employee handbook, and/or the student handbook.

Maintenance of Video Recordings

Any video surveillance recording in the schools, on school buses, or on school property, on tape, CD, or digitally, will be the sole property of the District and stored in its original form and in a secure location to avoid tampering and also to ensure its confidentiality in accordance with relevant laws and regulations.

In addition, to the extent that any video images create student or personnel records, the District will comply with all applicable state and federal laws related to record retention, record maintenance, and record disclosure, including the Family Educational Rights and Privacy Act ("FERPA").

SUBJECT: HAZARDOUS MATERIALS

The Board of Education of the New Paltz Central School District hereby declares that it is the policy of this School District to provide a safe and secure environment to all those persons, students, staff and visitors, who lawfully enter upon District property or who travel in District vehicles for the purposes of the District. The Board, therefore, directs the Superintendent of Schools and all District personnel to comply with the following safety and health laws and regulations:

Hazard Communication Standard

The Superintendent will direct appropriate personnel (e.g., Director of Facilities and Operations or Director of Buildings and Grounds) to develop and oversee a written hazard communications program, which will include the following:

- a) Acquisition, maintenance and review of Material Safety Data Sheets (MSDS's) for all known hazardous materials on District property;
- b) Compilation of a hazardous materials inventory;
- c) Employee training in hazardous materials management and protection;
- d) Recording of all incidents involving exposure to known hazardous materials. Records of employees who have been exposed to known hazardous enforceable exposure standards shall be kept for 40 years; and
- e) Establishing procedures to maintain confidentiality of trade secret information.

It is the responsibility of the entire school community, including staff and students, to report any unsafe building or equipment conditions to a Building Administrator or Superintendent of Schools as soon as possible. In addition, designated administrators will provide notice of hazardous materials within 72 hours of an employee request.

All personnel shall be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard.

The Superintendent or designee shall maintain a current record of the name, address and social security numbers 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 insure District implementation of this policy.

The New Paltz Central School District recognizes its duty of ensuring the safety and welfare of all employees, students and visitors taking part in scientific laboratory activities. The Board of Education directs the Superintendent of Schools to develop regulations that meet or exceed the minimum standards required by the federal and state government, including a written program to provide direction for the safe use of any hazardous chemicals used in laboratories as part of the school curriculum or academic program and protection against occupational exposure to hazardous chemicals.

(Continued)

SUBJECT: HAZARDOUS MATERIALS (Cont'd.)**Safe Use of Hazardous Chemicals**

All participants in any hazardous laboratory activity must wear an eye safety device and all schools must provide safe storage and protection of all chemicals and prepare annual inventory reports.

Pest/Pesticide Management Plan

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

The District will manage weeds and pests to:

- a) Reduce any potential human health hazard or threat to public safety.
- b) Prevent loss or damage to school structures or property.
- c) Prevent pests from spreading into the community, or to plant and animal populations beyond the site.
- d) Enhance the quality of life for students, staff, and others.

Integrated Pest Management (IPM) Coordinator

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

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

(Continued)

SUBJECT: HAZARDOUS MATERIALS (Cont'd.)

- g) Notifying parents, staff and neighbors of any applications of pesticides forty-eight (48) hours before they occur. The IPM Coordinator will serve as the District's Pesticide Representative.

Pesticide Use on Common Areas

Pesticides will not be used on playgrounds, turf, athletic or playing fields, and all lawn areas of the schools, except in an emergency that threatens public health, as determined by the Board of Education. In these common areas where children gather and play, pesticide alternatives will be used whenever possible and effective. The prohibition does not apply to indoor use or the application to building structures.

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

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

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

Fertilizer Use

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

- a) Fertilizer use is prohibited between December 1 and April 1 annually.
- b) The use of fertilizers is prohibited within twenty (20) feet of any surface water except:
1. Where a continuous natural vegetation buffer, at least ten (10) feet wide, separates lawn and water.
 2. Where a spreader guard, deflector shield or drop spreader is used, then the application may not occur within three feet of any surface water.
- c) The use of phosphorus fertilizers are prohibited on lawns or other non-agricultural turf with the following exceptions:

(Continued)

SUBJECT: HAZARDOUS MATERIALS (Cont'd.)

1. The use of phosphorus fertilizers are needed to establish a new lawn; or
 2. A soil test shows that phosphorus fertilizers are needed for growth.
- d) Fertilizer cannot be used on any impervious surfaces and if such an application occurs, it must be cleaned immediately and legally applied or placed in an appropriate container.

Notification

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

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

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

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

Recordkeeping

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

New York State Labor Law, Article 28

12 New York Code of Rules and Regulations (NYCRR)

Part 820, and NYCRR Part 155.4(d)(2)

Occupational Safety and Health Administration (OSHA)

29 Code of Federal Regulations (CFR) 1910.1200

40 Code of Federal Regulations (CFR) Part 152.25

7 United States Code Section 136(mm), 136q(h)(2) (FIFRA) New York
State Education Law Section 409-h

Education Law Sections 409-k, 409-h

Environmental Conservation Law Sections 17-2103, 33-0303

Adopted: 07/16/08

Revised: 07/11/12

Revised: 12/19/12

**SUBJECT: ANTHRAX AND OTHER BIOLOGICAL TERRORISM: PREVENTION
PROTOCOLS/PROTOCOLS FOR MAIL HANDLING**

The School District shall assess and review their protocols for handling mail or packages. Common sense and care should be used in inspecting and opening mail or packages. Whenever feasible, the opening of mail should be limited to one (1) individual staff member in an area that is separate from other accessible areas within the school building, including the Main Office.

Additionally, precautions will be taken for those staff members responsible for handling letters or packages such as making available protective gloves to be worn when handling mail and providing appropriate training and protocols for the handling of mail and identifying suspicious envelopes or packages.

The building administrator should limit the area and persons exposed to the threat. Immediately after identifying the threat, the building administrator/designee shall notify the Superintendent/designee, dial 911 and/or the local law enforcement authorities according to the procedures identified in the applicable School Safety Plan (whether District-wide or building-level plans). The local Federal Bureau of Investigation (FBI) field office and the county health department will also be notified, if not otherwise provided for in the applicable School Safety Plan.

As far as possible, the school will attempt to limit the area and the persons exposed to the threat and will not allow anyone other than qualified emergency personnel to enter. Custodial and maintenance personnel will follow established procedures for quickly shutting down the building(s) heating/air conditioning/and ventilation systems if possible and as may be deemed necessary.

Furthermore, the building administrator/designee shall, as soon as possible, make a list of all persons who have been identified as having actual contact with the powder or other suspicious element, such as anthrax, for investigating authorities.

Administration shall review and revise, as appropriate, their school safety plans; and provide information regarding applicable safety prevention and response procedures to all staff.

All threats to school buildings and/or its occupants shall be treated seriously. All threats shall be treated as criminal actions and measures shall be taken to preserve the evidence.

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

SUBJECT: COMMUNICABLE DISEASES

Whenever, upon investigation and evaluation by the District Medical Director or other health professionals acting upon direction or referral of the District Medical Director a student in the district 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 The Ulster County Department of Health of any disease reportable under the public health law.

Following absence on account of illness or from unknown cause, the District Medical Director may examine each student returning to a school without a certificate from a local public health officer, a New York State duly licensed physician, physician assistant, or nurse practitioner.

The District Medical Director 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.

Regulations and procedures will be developed for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

Education Law Section 906
8 New York Code of Rules and Regulations (NYCRR)
Section 136.3(h) and 136.3(i)

Adopted: 7/16/08
Revised: 1/27/11

Non-Instructional/Business
Operations

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.

Confidentiality:

Public Health Law Article 27-F

Adopted: 7/16/08

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.

School Bus Schedules

The District will mail schedules directly to parents.

Education Law Sections 3602(7) and 3635 et seq.

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 7/16/08

SUBJECT: 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 shall be provided to meet the needs of the students of the District within specified limits and areas established by the Board of Education which are as follows:

Busing Limits: Maximum distance to walk to a bus stop or to a school building.

K through 5	0.5 miles
6 through 12	1.0 miles

*Middle School students that reside west of State Highways RT 32 and 208 within one (1) mile of the Middle School are transported.

Education Law Sections 3620-3628, 3635 and 3636

SUBJECT: TRANSPORTATION OF STUDENTS**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.

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. 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.

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:

(Continued)

SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)

- 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 appropriate transportation department employee or a teacher acting in a supervisory capacity. In the event that the driver or teacher is incapacitated, such information may be accessed by any emergency service provider for such purpose.

Such information shall be updated as needed, but at least once each school year and shall be destroyed if parental consent is revoked, the student no longer attends such school, or the disability no longer exists.

Herein the term "disability" shall mean a physical or mental impairment that substantially limits one or more of the major life activities of the student, whether of a temporary or permanent nature.

Transportation to School Sponsored Events

If the District offers to provide transportation for student athletes participating in interscholastic competition and students attending District sponsored educational field trips, students will not be authorized to use any other means of transportation when participating in these events, unless the Principal or his/her designee authorizes such alternate transportation, upon receipt of a written request from the parent/guardian. The Principal shall require written application prior to approval.

Where the District provides transportation for students to a school sponsored field trip, extracurricular activity or any other similar event, the District shall provide transportation back to either the point of departure or to the appropriate school in the District unless:

- a) The student's parent/guardian provides the District with prior written notice authorizing an alternative form of transportation for such student; or
- b) Intervening circumstances make such transportation impractical, in which case a representative of the District shall remain with the student until the student's

(Continued)

SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)

parent/guardian has been contacted and informed of the intervening circumstances and the student is delivered to his/her parent/guardian.

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

SUBJECT: USE OF BUSES BY COMMUNITY GROUPS

Upon formal application to and approval by the Board of Education buses may be rented or leased to a municipal corporation; to any senior citizen center recognized and funded by the Office for the Aging; to any not-for-profit organization serving those with disabilities; or, to any not-for-profit organization which provides recreational youth services or neighborhood recreation centers. Such rentals/leases can be made only for times when vehicles are not needed for student transport and must be made for a consideration acceptable to the Board which shall not be less than the full amount of the costs and expenses resulting from the lease or rental.

Education Law Section 1501-b

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

In order to help prevent accidents and injuries resulting from the misuse of drugs and/or alcohol by school bus drivers, the Board adopts this policy in compliance with federal and state law and regulation.

The District has designated the Director of Transportation to answer driver questions about this policy and related materials.

Drug and Alcohol Testing Program

School bus drivers are subject to drug and/or alcohol testing in a variety of circumstances. The District will comply with all federal and state law and regulation regarding the implementation of a drug and alcohol testing program for school bus drivers.

The District will both establish and manage its own drug and alcohol testing program, or, by contract, have a consortium/third-party administrator manage all, or part of, its drug and alcohol testing program for school bus drivers.

Under federal law and regulation, individuals who operate a Commercial Motor Vehicle (CMV) designed to transport 16 or more occupants (including the driver) and are subject to commercial driver's license (CDL) requirements established by the United States Department of Transportation are safety-sensitive employees and are subject to the following drug and/or alcohol testing:

- a) **Pre-employment drug testing** which will be conducted after a conditional offer to hire has been extended, but before the actual performance of safety-sensitive functions for the first time. This pre-employment testing will also be required when employees transfer to a safety-sensitive position.
- b) **Random drug and/or alcohol testing** which will be conducted on an unannounced basis.
- c) **Reasonable suspicion drug and/or alcohol testing** which will be conducted when reasonable suspicion exists that a driver has engaged in prohibited use of drugs and/or alcohol. The required observation for reasonable suspicion drug and/or alcohol testing must be made by a supervisor or official who has been trained in accordance with federal law and regulation.
- d) **Post-accident drug and/or alcohol testing** which will be conducted as soon as practicable following certain occurrences involving a CMV operating on a public road.
- e) **Return-to-duty drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct before the driver returns to perform a safety-sensitive function.

Non-Instructional/Business
Operations

- f) **Follow-up drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct and has returned to performing a safety-sensitive function. This testing will be conducted on an unannounced basis in accordance with a written follow-up testing plan developed by a substance abuse professional (SAP).

All procedures used to test for the presence of drugs and/or alcohol will conform to the requirements outlined in federal law and regulation for protecting the driver, ensuring the integrity of the testing process, safeguarding the validity of the test results, and ensuring that all test results are attributed to the correct driver.

Under New York State law and regulation, all school bus drivers are subject to pre-employment and random drug and alcohol testing in accordance with the provisions and requirements of federal regulations, regardless of commercial driver's license endorsement. Every school bus driver will be included in the random testing pool and must submit to testing when selected.

Prohibitions and Consequences for School Bus Drivers

Under federal law and regulation, individuals who operate a CMV designed to transport 16 or more occupants (including the driver) and are subject to CDL requirements established by the United States Department of Transportation are prohibited from:

- a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive activities for not less than 24 hours, but no punitive action will be taken by the employer;
- b) Using alcohol while performing safety-sensitive functions;
- c) Performing safety-sensitive functions within four hours after using alcohol;
- d) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first;
- e) Refusing to submit to a drug or alcohol test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements;
- f) Refusing to submit to a pre-employment drug test;
- g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver uses any drugs, as defined by federal law and regulation. This prohibition does not apply when the use is pursuant to the instructions of a licensed medical

Non-Instructional/Business
Operations

practitioner who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a CMV; or

- h) Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the driver tests positive for drugs.

Additionally, under New York State law, all school bus drivers are prohibited from:

- a) Consuming a drug or intoxicating liquor, regardless of its alcoholic content, or be under the influence of a drug or intoxicating liquor, within six hours before going on duty or operating, or having physical control of a bus;
- b) Consuming a drug or intoxicating liquor, regardless of its alcoholic content while on duty, or operating, or in physical control of a bus; or
- c) Possessing a drug or intoxicating liquor, regardless of its alcoholic content while on duty, operating or in physical control of a bus. However, this paragraph does not apply to the possession of a drug or intoxicating liquor which is transported as part of a shipment or personal effects of a passenger or to alcoholic beverages which are in sealed containers.

It is the employer's responsibility to ensure that no school bus driver:

- a) Violates any of the above listed provisions of New York State law; or
- b) Be on duty or operate a school bus if, by a person's general appearance or by a person's conduct or by other substantiating evidence, a person appears to have consumed a drug or intoxicating liquor within the preceding eight hours.

Any violation of this policy and/or District procedures, and applicable federal and state law and regulation by a school bus driver will be grounds for disciplinary action and penalties including, but not limited to, fines, suspension, and/or discharge in accordance with the District's and/or the vendors' or contract bus companies' policies, collective bargaining agreements, and applicable law.

Drivers who are found to have engaged in prohibited conduct under federal law and regulation will be removed immediately from safety-sensitive functions and will not be allowed to return to perform safety-sensitive functions until they:

- a) Are evaluated by a substance abuse professional (SAP);
 - b) Complete any requirements for rehabilitation as set by the employer and the SAP; and
- b) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a drug test with a verified negative result if the conduct involved drug use.

Employee Notification

The Superintendent or designee will ensure that each school bus driver receives a copy of District policy, educational materials that explain the requirements of drug and alcohol testing law and regulation, 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 school bus driver, who will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of any drug and/or alcohol testing as well as at the beginning of each school year or at the time of hire for any school bus driver. Representatives of applicable collective bargaining units will be notified of the availability of this information.

The Superintendent or designee will further ensure that each school bus driver receives educational materials concerning: the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

The Superintendent or 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 drugs and/or alcohol.

Records Management and Retention

Employee records relating to drug and/or alcohol testing, as well as to substance abuse and/or alcohol prevention programs, will be maintained in accordance with law and regulation. All employee drug and/or alcohol testing will be kept confidential and will only be revealed as required or authorized by law or regulation.

49 USC §§ 31136 and 31306

49 CFR Parts 40, 382, and 383

Vehicle and Traffic Law §§ 142, 509-g, 509-l

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.

The Director of Transportation, 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 and operated by the School District will have frequent safety inspections, and will be serviced regularly. The Director of Transportation 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 Director of Transportation.

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

Adopted: 7/16/08
Revised: 1/27/11

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 period;
- d) Is not disqualified to drive a motor vehicle under Sections 509-c and 509-cc and any other provisions of Article 19-A of the Vehicle and Traffic Law;
- e) Has on file at least three (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 employing a new bus driver, the Superintendent or his/her designee shall:

- a) Require such person to pass a physical examination within four (4) weeks prior to the beginning of service;
- b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three (3) years;

(Continued)

SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)

- 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.

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

Personnel

New Paltz Central School District

NUMBER

PERSONNEL

- 1.1 Code of Ethics for All District Personnel 6110
 - 1.1.1 Board-Staff Communications 6111
- 1.2 Equal Employment Opportunity 6120
- 1.3 Sexual Harassment of District Personnel..... 6121
- 1.4 Evaluation of Personnel: Purposes 6130
- 1.5 Health Examinations..... 6140
- 1.6 Alcohol, Drugs and Other Substances (School Personnel)..... 6150
 - 1.5.1 Drug-Free Workplace 6151
- 1.7 Professional Growth/Staff Development 6160
 - 1.6.1 Conference/Travel Expense Reimbursement..... 6161
- 1.8 Fingerprinting of Prospective School Employees 6170
- 1.9 Staff-Student Relations (Fraternization)..... 6180
- 1.10 Harassment/Hazing/Bullying..... 6190

CERTIFIED PERSONNEL

- 2.1 Certified Personnel 6210
 - 2.1.1 Recruitment..... 6211
 - 2.1.2 Certification and Qualifications..... 6212
 - 2.1.3 Incidental Teaching..... 6213
 - 2.1.4 Probation and Tenure..... 6214
 - 2.1.5 Parental Rights to APPR Composite Scores and Quality Ratings Under Educational
Law Section 3012-c 6215
 - 2.1.7 Employment of Relatives of Board of Education Members..... 6217
- 2.2 Temporary Personnel..... 6220

SUPPORT STAFF

- 3.1 Appointment - Support Staff..... 6310
- 3.2 Supplementary School Personnel 6320

ACTIVITIES

- 4.1 Maintaining Discipline and Conduct 6410
- 4.2 Use of Email in the District 6411
- 4.3 Employee Activities..... 6430
 - 4.3.1 Professional Research and Publishing 6431
- 4.5 Theft of Services or Property..... 6450
- 4.6 Jury Duty..... 6460
- 4.7 Staff Use of Computerized Information Resources..... 6470
 - 4.7.1 Staff Computer Network and Internet Acceptable Use Policy (AUP) 6471

2008 6000

Personnel

New Paltz Central School District

NUMBER

COMPENSATION AND RELATED BENEFITS

5.4	Defense and Indemnification of Board Members and Employees	6540
5.5	Family and Medical Leave Act.....	6551
5.6	Sick Leave Transfer Upon Change in Bargaining Unit.....	6560

Personnel

SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL**General Provisions**

Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Education of the New Paltz Central 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 resolution 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 resolution, as adopted, shall not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of Board members and employees.

Standards of Conduct

Every Board member or employee of the New Paltz Central School District shall be subject to and abide by the following standards of conduct:

Gifts

Pursuant to Section 805-a of the General Municipal Law, 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)

Personnel

SUBJECT: CODE OF ETHICS FOR 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 New Paltz Central 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.

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 New Paltz Central 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.

Personnel

SUBJECT: CODE OF ETHICS FOR 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 New Paltz Central 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 New Paltz Central School District shall cause a copy of this code of ethics to be distributed to every Board member and employee of the School District within thirty (30) days after the effective date of this resolution. Each Board member and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The Superintendent shall also cause a copy of Article 18 of the General Municipal Law to be kept posted in each building in the District in a place conspicuous to its Board members and employees. Failure to distribute any such copy of this code of ethics or failure of any Board member or employee to receive such copy, as well as failure to post any such copy of General Municipal Law, Article 18, shall have no effect on the duty of compliance with such code of ethics or General Municipal Law Article 18, 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.

Education Law Section 410
General Municipal Law Article 18 and Section 803
Labor Law Section 201-d
Penal Law Article 155 and Section 60.27(5)

Personnel

SUBJECT: BOARD-STAFF COMMUNICATIONS

The Board of Education wishes to maintain open channels of communication between itself and the staff. The basic line of communication will, however, be through the Superintendent of Schools.

All official communication, policies, and directives of staff interest and concern will be communicated to staff members through the Superintendent. The Superintendent will develop appropriate methods to keep staff fully informed of the Board's concerns and actions, and for staff to communicate information related to District operations.

Personnel

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of this District to provide, through a positive and effective program, equal opportunities for employment, retention and advancement of all people regardless of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, predisposing genetic characteristics, 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.

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

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 (USC) Section 621

Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.

Prohibits discrimination on the basis of disability.

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

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.

Prohibits discrimination on the basis of race, color or national origin.

(Continued)

Personnel

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status or disability.

Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, predisposing genetic characteristics, marital status, or use of a recognized guide dog, hearing dog or service dog.

Military Law Sections 242 and 243

Personnel

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL

The Board of Education recognizes that harassment of employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status) and certain “non-employees” (which includes contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) on the basis of sex, gender, gender presentation, and/or sexual orientation is abusive and illegal behavior that harms targets and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which employees and “non-employees” can work productively.

Sexual Harassment

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

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

- a. submission to that conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
- c. the conduct has the purpose or effect of unreasonably interfering with an employee's or "non-employee's" work or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on gender presentation and sexual stereotypes.

Prohibited Conduct

The Board is committed to providing an educational and working environment that promotes respect, dignity, and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds,

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (cont'd)

school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside the District, or outside the school setting if the harassment impacts the individual's employment in a way that violates their legal rights, including when employees and "non-employees" travel on District business, or when harassment is done by electronic means (including on social media). Sexual harassment is considered a form of employee misconduct.

Retaliation against individuals who complain of sexual harassment or who testify or assist in any investigation or proceeding involving sexual harassment is unlawful. Remedial and/or disciplinary action will be taken against all those who engage in sexual harassment, and against supervisory and managerial personnel who knowingly allow such behavior to continue or engage in retaliation. Sexual harassment may subject the District to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, employees and "non-employees" have legal protections against sexual harassment in the school environment as described above. Those laws are listed in the references section. Additionally, local laws (e.g., county, city, town, village) may apply to the District. The District's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

In order for the Board to enforce this policy effectively and to take prompt corrective measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The District will promptly investigate all complaints of sexual harassment, whether formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the District will determine if accommodations need to be made until the issue is resolved.

Complaints will be investigated based upon the totality of circumstances noting that not all unacceptable conduct will rise to the level of sexual harassment. Behaviors must be sufficiently severe and/or pervasive (and may even be based upon a single severe incident), and objectively offensive in the context of this policy to give rise to findings of sexual harassment.

Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe to a Title VII Compliance Officer.

If, after appropriate investigation that should be conducted within a 30 calendar day time period, absent exigent circumstances, the District finds that a an employee, "non-employee" or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, District policy and state law.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (cont'd)

Individual nondisclosure agreements may only be used as permitted by law, described in the accompanying regulation. Mandatory arbitration clauses are prohibited in all District contracts and agreements.

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, training programs shall be established annually for employees, to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment.

This policy shall be posted in a prominent place in each District facility, on the District's website, and shall also be published in staff informational materials, employee handbooks, and other appropriate school publications.

A committee of administrators, teachers, parents and the school attorney shall be convened periodically to review this policy's effectiveness and compliance with applicable state and federal law, and to recommend revisions to the Board of Education.

External Remedies

In addition, targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR). The OCR can be contacted at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

Employee targets also have the right to register complaints with the federal Equal Employment Opportunity Commission (EEOC) and the New York State Division of Human Rights (DHR). The DHR can be contacted at (888) 392-3644, www.dhr.ny.gov/complaint, or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (cont'd)

The EEOC can be contacted at (800) 669-4000, <https://www.eeoc.gov/employees/howtofile.cfm>, info@eeoc.gov, or at 33 Whitehall Street, 5th Floor, New York, NY 10004 or 300 Pearl Street, Suite 450, Buffalo, NY 14202.

Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, which may constitute a crime. No District contract or collective bargaining agreement entered into after July 11, 2018 may include a binding arbitration clause for sexual harassment requiring arbitration before bringing the matter to court.

Ref:

Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*

Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*

Executive Law §296-d (prohibition of sexual harassment of non-employees)

Labor Law §201-g (required sexual harassment policy and training)

Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)

General Obligations Law §5-336 (nondisclosure agreements optional)

Davis v. Monroe County Board of Education, 526 U.S. 629, 652 (1999)

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Burlington Industries v. Ellerth, 524 U.S. 742 (1998)

Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Office for Civil Rights *Revised Sexual Harassment Guidance (January 19, 2001)*

Office for Civil Rights, *Dear Colleague Letter: Sexual Harassment Issues (2006)*

Office for Civil Rights, *Dear Colleague Letter: Bullying (October 26, 2010)*

Personnel

SUBJECT: EVALUATION OF PERSONNEL: PURPOSES

The administration shall undertake a continuous program of supervision and evaluation of all personnel in the School District in order to promote improved performance and to make decisions about the occupancy of positions. Evaluation of teachers providing instructional services or pupil personnel services as defined pursuant to Commissioner's Regulations will be conducted in accordance with the District's Annual Professional Performance Review (APPR).

The primary purposes of this evaluation are:

- a) Continuous improvement of the learning environment;
- b) To encourage and promote self-evaluation by personnel;
- c) To provide a basis for evaluative judgments by school administrators.

The instrument(s) of evaluation shall be included in employee's handbooks.

All employees shall be evaluated in writing at least once a year by appropriate personnel within the District.

The Superintendent of Schools, the Clerk of the Board and the Claims Auditor (if appointed), will be evaluated at least annually by the Board of Education.

8 New York Code of Rules and Regulations (NYCRR)
Sections 80-1.1 and 100.2(o)(2)

Personnel

SUBJECT: HEALTH EXAMINATIONS

The Board reserves the right to request a health examination at any time during employment, at School District expense, in order to determine whether any employee can perform the essential functions of the position with or without reasonable accommodation.

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician/nurse practitioner and the Superintendent, such procedure is deemed necessary.

All bus drivers and substitute bus drivers shall have yearly physical examinations. Each bus driver initially employed by the School District shall have a physical examination within the four (4) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a thirteen-month period.

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician shall take precedence over all other medical advice.

All medical and health related information will be kept in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Health Insurance Portability and Accountability Act of 1996
(HIPAA), Public Law 104-191
45 Code of Federal Regulations (CFR) Parts 160 and 164
Education Law Sections 913 and 3624
8 New York Code of Rules and Regulations (NYCRR)
Section 156.3(2)
10 New York Code of Rules and Regulations (NYCRR)
Part 14
15 New York Code of Rules and Regulations (NYCRR)
Part 6

Adopted: 7/16/08

Personnel

SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)

The Board of Education, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

The Board, therefore, prohibits the consumption, sharing and/or selling, use and/or possession of illegal drugs, including prescription drugs for which the employee does not have a prescription, counterfeit and designer drugs or alcoholic beverages in the workplace, or when the effects of such drugs and/or alcohol use may impair an employee's job performance.

Information about drug and alcohol counseling and/or rehabilitation programs shall be made available to employees. Confidentiality shall be ensured as required by state and federal law. Employees who violate this policy will be subject to discipline in accordance with law and any applicable collective bargaining agreement, up to and including termination of employment and referral for prosecution.

The Superintendent/designee shall periodically review the drug and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Title IV, Park A, Every Student Succeeds Act
20 United States Code (USC) Section 7101 et seq.
Civil Service Law Section 75
Education Law Sections 913, 1711(2)(e), 2508(5)
and 3020-a

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)
District Code of Conduct on School Property

Adopted: 7/16/08
Revised: 12/20/17

Personnel

SUBJECT: DRUG-FREE WORKPLACE

It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "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. Workplaces shall also be free from electronic smoking devices. An acknowledgment form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act.

"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

Adopted: 7/16/08

Revised: 11/19/14

Personnel

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT

An environment of learning, whether learning by students or by adults, must be planned and honored in practice. It is the policy of the District that an environment of learning be fostered and attention be given to in-service, pre-service, and other staff development programs which are believed to be of benefit to the School District and its students. The Superintendent, in collaboration with the appropriate administrative staff, teacher committees and/or students, is directed to arrange in-service programs and other staff development opportunities with the objective of improving professional competencies and building a learning community.

It is recommended that administration develop meaningful in-service and/or staff development programs which will achieve the following:

- a) Contribute a culture of professional learning to the instructional program of the schools;
- b) Contribute to an improved educational environment for students;
- c) Achieve state mandates;
- d) Enhance the professional competencies and/or instructional abilities of staff members.

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 pre-approved actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established regulations for conference attendance and expense reimbursement.

The Superintendent of Schools or his/her designee has authority to approve release time and expenses for staff members' attendance at professional training conferences, study councils, in-service courses, workshops, summer study grants, school visitations, professional organizations and the like within budgetary constraints.

A conference request form/course approval form must be submitted by the employee and approved by the designated administrator prior to the employee's attendance at such conference or other professional development program.

(Continued)

2008

6160
2 of 2

Personnel

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT (Cont'd.)

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 support new teachers as they develop professional competencies.

Education Law Sections 1604(27), 3004 and 3006
General Municipal Law Sections 77-b and 77-c
8 New York Code of Rules and Regulations (NYCRR)
Sections 52.21(b)(3)(xvi), 52.21(b)(3)(xvii), 80-3.4(b)(2),
80-5.13, 80-5.14 and 100.2(dd)

Adopted: 7/16/08

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.

All conference travel must have a completed Travel Conference Request Form on file which has been approved by the appropriate supervisor. The Superintendent/designee approves those Travel Conference Requests which have reimbursable employee expenses greater than one hundred dollars (\$100). Travel Conference Request Forms are only to be used by District employees.

All conference reimbursement requests must be submitted using a Travel Conference Reimbursement Form.

Expenses for overnight-approved travel will be reimbursed when accompanied by original receipts for lodging and other reimbursable expenses. Meal expenses for overnight travel will only be reimbursed based on the Board approved per diem rates which are modeled after the United States General Services Administration per diem rates which can be found at:
<http://www.gsa.gov/Portal/gsa/ep/home.do?tabId=0>

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: 7/16/08

Personnel

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES

Unless otherwise authorized in accordance with law and regulation, the District shall not employ or utilize a prospective school employee, as defined below, unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The School District shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. For purposes of this provision of law, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI).

Prior to initiating the fingerprinting process, the District shall furnish the applicant with written notice on a form prepared by the Commissioner of Education addressing the fingerprinting requirements and the applicant's right to obtain, review and seek correction of his/her criminal history information. Additionally, where the prospective school employee is not already in the SED criminal history file, the District shall obtain the signed, informed consent of the applicant to perform the criminal history check. Every set of fingerprints taken shall be promptly submitted to the Commissioner of Education for purposes of clearance for employment.

Where the prospective school employee is already in the SED criminal history file, the District shall request the clearance for employment on forms or an equivalent manner prescribed by SED. Furthermore, the District shall notify SED, in a manner prescribed by the Department, of a prospective school employee who has commenced employment with or began providing services for the District, the date of the commencement of such employment or service, and the position held by such individual. Similarly, the District shall notify SED, in a manner prescribed by the Department, of a fingerprinted employee who has been separated from employment with the District or ceased providing services for the School District, and the date of such separation from employment or cessation of services. All criminal history records processed by DCJS and the FBI and sent to the Commissioner of Education are confidential. The records may not be published or in any way disclosed to persons other than the Commissioner unless otherwise authorized by law.

Unless otherwise exempted pursuant to law, the applicant shall be responsible for the payment of fees to SED for a criminal history record check. However, if approved by Board resolution, the District may authorize the payment of such fees on behalf of prospective employees. The Board is also authorized to waive the payment of such fees in cases of unreasonable financial hardship to the applicant or his/her family. If the Board decides to waive payment of the fees for the prospective employee, payment of the fees becomes the District's responsibility.

Who Must Be Fingerprinted

All "prospective school employees" of the School District must be fingerprinted. For purposes of this policy and the applicable provisions in law and Commissioner's Regulations, "prospective school employee" shall mean any individual who will reasonably be expected by the School District to

(Continued)

Personnel

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

provide services which involve direct contact, meaning in person, face-to-face communication or interaction, with students under the age of twenty-one (21) and who is either:

- a) Seeking a compensated position with the District and is not currently employed by the District or a student enrolled in the instructional program of a grade level in the School District; or
- b) An employee of a provider of contracted services to the School District who is to be placed within the District; or
- c) A worker who is to be placed within the District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law, directly or through contract; or
- d) Any individual who is employed by or associated with a supplemental educational services provider and who will provide supplemental educational services through direct contact with eligible children, regardless of the location in which such services are delivered.

Individuals Who Are Specifically Excluded

Individuals excluded from a criminal history record check/fingerprinting pursuant to this provision of law and regulation are those individuals who:

- a) Are seeking a position as a school bus driver or school bus attendant and are cleared for employment pursuant to the Vehicle and Traffic Law; or
- b) Have provided services to the District in the previous school year either in a compensated position, or as an employee of a provider of contracted services to the District, or as a worker placed within the School District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law directly or through contract; or
- c) Will reasonably be expected by the School District to provide services for the District on no more than five (5) days in the school year in which services are to be performed, provided that the District provides in-person supervision of such individual by one (1) or more employees of the District while that individual is providing such services. Individuals providing such time-limited and supervised services may include but shall not be limited to artists, guest lecturers and speakers, and sports officials.

Any prospective employee who previously has been fingerprinted in order to obtain certification, and whose fingerprints remain on file with the Division of Criminal Justice Services (DCJS), will not be required to be fingerprinted again for purposes of a criminal history record check.

(Continued)

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)**Conditional Appointments/Emergency Conditional Appointments**Conditional Appointments

Whenever possible, a "full" clearance will be received for all new employees requiring such clearance before they begin work for the District. However, upon the recommendation of the Superintendent of Schools, the Board of Education may conditionally appoint a prospective employee. A request for conditional clearance shall be forwarded to the Commissioner of Education along with the prospective employee's fingerprints as mandated pursuant to law. Such conditional appointment shall not commence until notification by the Commissioner that the prospective employee has been conditionally cleared for employment, and such conditional employment shall terminate when the School District is notified of the determination by the Commissioner to grant or deny full clearance; however, if full clearance is granted, the appointment shall continue and the conditional status shall be removed.

Prior to commencement of such conditional appointment, the District must obtain a signed statement for conditional employment from the prospective employee indicating whether, to the best of his/her knowledge, the prospective employee has a pending criminal charge or criminal conviction in any jurisdiction outside the state.

Emergency Conditional Appointments

Upon the recommendation of the Superintendent of Schools, the Board may make an emergency conditional appointment when an unforeseen emergency vacancy has occurred. When such an appointment is made, the process for conditional appointment as enumerated above must also be initiated.

Emergency conditional appointment may commence prior to notification from the Commissioner of Education on conditional clearance but shall terminate twenty (20) business days from the date such appointment commences or when the District is notified by the Commissioner that conditional clearance is either granted or denied, whichever occurs earlier; however, if conditional clearance is granted, the appointment shall continue as a conditional appointment.

(Continued)

Personnel

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

Prior to the commencement of such appointment, the District must obtain a signed statement for emergency conditional appointment from the prospective employee indicating whether, to the best of his/her knowledge, the prospective employee has a pending criminal charge or criminal conviction in any jurisdiction.

An unforeseen emergency vacancy shall be defined as:

- a) A vacancy that occurred less than ten (10) business days before the start of any school session including summer school, or during any school session including summer school, without sufficient notice to allow for clearance or conditional clearance (however, this ten (10) business day timeframe provision shall not apply if the Board of Education finds that the School District has been unable to fill the vacancy despite good faith efforts to fill the vacancy in a manner that would have allowed sufficient time for full clearance or conditional clearance); and
- b) When no other qualified person is available to fill the vacancy temporarily; and
- c) When the emergency conditional appointment is necessary to maintain services which the District is legally required to provide or services necessary to protect the health, education or safety of students or staff.

Safety of Students

The District will develop internal building and/or program procedures to help ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. Such procedures will address the safety of students in the classroom, students attending off-campus activities under the supervision of the School District, and students participating in extracurricular and/or co-curricular activities (including sports and athletic activities).

Safety procedures to be addressed include, but are not limited to, the following: supervision of the employee holding conditional appointment/emergency conditional appointment as determined appropriate by the applicable building/program administrator; and periodic visitations by the building/program administrator to the classroom, program and/or activity assigned to the employee holding conditional appointment/emergency conditional appointment.

"Sunset" Provision for Conditional Appointments/Emergency Conditional Appointments

The provisions in law which permit the conditional appointment and/or emergency conditional appointment of employees pending full clearance from SED shall terminate, in accordance with legislation, on July 1, 2009; and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

(Continued)

2008

6170
5 of 5

Personnel

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

Correction Law Article 23-A
Education Law Sections 305(30), 1604, 1709, 1804, 1950,
2503, 2554, 2590-h, 2854, 3004-b, 3004-c and 3035
Executive Law Section 296(16)
Social Services Law Article 5, Title 9-B
8 New York Code of Rules and Regulations (NYCRR)
Sections 80-1.11 and Part 87

Adopted: 7/16/08
Revised: 12/3/08

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.

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 (via phone, e-mail, letters, notes, etc.) 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.

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. (See Policy #3230 -- Complaints and Grievances.) 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.

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.

(Continued)

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)**Prohibition of Retaliation**

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of 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.

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

NOTE: Refer also to Policy #3230 -- Complaints and Grievances

Adopted: 7/16/08

Personnel

SUBJECT: POLICY ON HARASSMENT/HAZING/BULLYING

The Board of Education is committed to providing a safe, productive and positive learning environment, free of harassment and intimidation. The Board condemns all forms of harassment on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, gender identity, age, marital status, military status, veteran status, disability, weight, or the use of a recognized service animal. The Board condemns all forms of hazing and bullying. The Board specifically prohibits harassment, hazing, and bullying on school grounds and at all school-sponsored events, programs and activities, including those that take place at locations off school premises.

It is the policy of the New Paltz Central School District that no member of the school community – board members, - students, faculty, administrators, or staff, parents/guardians, vendors/contractors and others who do business with the School District, as well as school district volunteers, visitors, guests and other third parties - may harass or intimidate any other member of the community.

What is Harassment?

Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of that person's race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, gender identity, age, marital status, military status, veteran status, disability, weight, or use of a recognized service animal. Harassment can also occur if conduct is directed toward a person's relatives, friends, or associates. Harassment does one or more of the following:

- a) Has the purpose or effect of unreasonably interfering with an individual's work performance or is used as a basis for employment decisions (including terms and conditions of employment) affecting such individual and/or creates an intimidating, hostile or offensive work environment;
- b) Has the purpose or effect of unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity; and/or creates an intimidating, hostile or offensive academic environment; and/or effectively bars the student's access to an educational opportunity or benefit; or
- c) Otherwise adversely affects the employment and/or educational opportunities and benefits provided by the District.

Examples Of Harassment Include But Are Not Limited To:

- a) Epithets, slurs, negative stereotyping or threatening, intimidating, or hostile acts that relate to race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, gender identity, age, marital status, military status, veteran status, disability, weight, or use of a recognized service animal (including jokes or pranks that are hostile or demeaning).

(Continued)

Personnel

SUBJECT: POLICY ON HARASSMENT/HAZING/BULLYING (Cont'd.)

- b) Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, gender identity, age, marital status, military status, veteran status, disability, weight, or use of a recognized service animal and that is displayed on walls, bulletin boards or other locations the adversely affect the school community environment.
- c) E-mail, Internet, and other electronic communications use that violate this policy.

What is Hazing?

Hazing refers to soliciting, encouraging, aiding, or engaging in "hazing" behavior. "Hazing" is defined as any humiliating or dangerous activity expected of another to join or maintain membership in a group, regardless of their willingness to participate. Hazing behaviors include, but are not limited to:

- a) Humiliation: socially offensive, isolating or uncooperative behaviors.
- b) Substance abuse: abuse of tobacco, alcohol or drugs.
- c) Hurtful, aggressive, destructive and disruptive behaviors.
- d) Various forms of physical, emotional and/or sexual abuse which may range in severity from teasing/embarrassing activities to life threatening actions.

What is Bullying?

Bullying is the process of one individual knowingly abusing the rights of others to gain control of the situation and the individuals involved. A bully deliberately and persistently uses intimidation and manipulation to get his/her way. Bullying can take these 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;
- c) Psychological, including, but not limited to, spreading rumors; manipulating social relationships, or engaging in social exclusion, extortion, or intimidation; and
- d) Cyber-bullying, including, but not limited to, the use of instant messaging, email, websites, social networking sites, text messaging or use of any electronic communication when such use infringes upon the general health, safety and welfare of District students and employees.

(Continued)

SUBJECT: POLICY ON HARASSMENT/HAZING/BULLYING (Cont'd.)

Complaint Procedure

- a) Students may report alleged incidents to any staff member with whom he/she feels comfortable, for example, a teacher, the Building Principal, school nurse, guidance counselor or the District's designated Complaint Officer.
- b) Adults shall report alleged incidents to the Building Principal, the Superintendent of Schools, or the District's designated Complaint Officer.
- c) The contact information of the District's designated Complaint Officer can be found in the annual school calendar, in student and staff handbooks, and on the District's website.
- d) Allegations are recommended to be submitted in writing, although verbal complaints will also be investigated.
- e) All allegations will be quickly, thoroughly and fairly investigated in accordance with written investigation procedures developed by the Superintendent of Schools.
- f) To the extent possible, the complainant's confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, the complainant will be informed of the outcome of that investigation.

You Have Responsibilities Under This Policy

All members of the school community are responsible for creating a working and learning environment that is free of harassment, hazing and bullying. It is important to contact one of the individuals listed under "Complaint Procedure," if any of the following occurs:

- a) You believe you have been subjected to conduct that may violate this policy.
- b) You believe you have been retaliated against in violation of this policy.
- c) You have been told about or witnessed conduct that you think may violate this policy.

Special note: Knowingly making false accusations against another individual is wrong and will result in appropriate disciplinary action.

(Continued)

SUBJECT: POLICY ON HARASSMENT/HAZING/BULLYING (Cont'd.)**Retaliation Prohibited**

The Board of Education prohibits retaliation against anyone for registering a complaint pursuant to this policy, assisting another in making a complaint, or participating in an investigation under the policy. Anyone experiencing any conduct that he/she believes to be retaliatory should immediately report it to one of the individuals listed under "Complaint Procedure."

Penalties

Harassment, hazing and bullying will not be tolerated in the New Paltz Central School District. If an investigation of any allegation of such conduct shows that the behavior has taken place, the harasser(s) will be subject to disciplinary action.

Regulations, Appeals, Education

Regulations for reporting, investigating, remedying allegations, penalties, appeals, dissemination and education are included in the Administrative Handbook, 3420R.

NOTE: Refer also to Policy #3421 -- [Policy on Sexual Harassment](#)

Adopted: 7/16/08
Revised: 5/20/09
10/20/10
4/23/14

2008

6210

Personnel

SUBJECT: CERTIFIED PERSONNEL

The Board of Education shall, upon the recommendation of the Superintendent, create, abolish, maintain and/or consolidate positions involving certified persons as necessary for the proper and efficient achievement of its goals.

All assignments and transfers shall be made in accordance with the provisions of law, Board of Education policies, and the employee's negotiated agreement.

Education Law Sections 2510 and 3013
8 New York Code of Rules and Regulations (NYCRR)
Part 30

Adopted: 7/16/08

SUBJECT: RECRUITMENT AND HIRING

The Board of Education recognizes the importance of, and affirmatively seeks to recruit, employ and retain, diverse, highly-qualified and well-prepared personnel in all capacities. Recruitment refers to the overall process of attracting, selecting, and appointing individuals who actively promote the highest levels of achievement and well-being for every student, utilizing a process that demonstrably promotes equity.

The criteria to be used in evaluating candidates should include, but not be limited to: applicable certification or license, capacity to facilitate learning, applicable work experience, professional recommendations, and a commitment to social/emotional development, racial and ethnic equity, cultural proficiency, and inclusivity. Experience in crisis intervention and de-escalation, as well as trauma-informed and restorative practices will be viewed as assets to the District. It is the obligation of the Superintendent of Schools to recommend the most highly-qualified candidate, giving consideration to the above criteria.

Recruiting procedures shall enable the District to seek qualified candidates from a variety of sources, including present staff. Any current employee of the District may apply for any position for which he/she meets stated requirements.

It is the duty of the Superintendent of Schools to see that persons recommended for employment in the District meet all requirements of the Board for the type of position for which the nomination is made. The Superintendent, in consultation with school community stakeholders, will develop hiring regulations that include procedures for recruitment, screening applications, selecting and interviewing candidates, and rating candidate qualifications for the position. The regulations must demonstrably promote equity and diversity, defined to include the following:

- Recruitment efforts designed to attract diverse applicants
- Tracking, when possible, self-reported demographic characteristics of candidates reviewed
- The process for the selection of search and interview committees for building principals and assistant principals that represent a diverse cross-section of staff and stakeholders from the community and student body. Affirmative efforts should be made to ensure that these committees have diverse representation, including historically and demographically under-represented groups.
- The process for evaluating the efficacy of recruitment and hiring procedures in promoting equity and diversifying staff.

This policy shall be reviewed annually by the Board of Education and revised as necessary. To facilitate the Board's review, the Superintendent shall include relevant reports and data at least annually to the Board of Education.

(Continued)

SUBJECT: RECRUITMENT AND HIRING (cont'd)

While the Board may accept or reject a recommendation, an appointment will be valid only if made with the recommendation of the Superintendent. In the case of a rejection, it is the duty of the Superintendent to make another recommendation. No person shall be considered employed until a resolution to that effect has been approved by the Board.

The Superintendent has the authority to employ the recommended candidate as a provisional substitute pending Board approval of their probationary appointment at the very next Board meeting.

The New Paltz Central School District is an equal opportunity employer.

Cross-Ref. Policy 6120 (Equal Employment Opportunity)

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.
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.
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.
Civil Rights Law Section 40-c
Education Law Section 3012
Executive Law Section 290 et seq.
Military Law Sections 242 and 243

Adopted: 7/16/08
Revised: 05/22/2019

Personnel

SUBJECT: CERTIFICATION AND QUALIFICATIONS

- a) In accordance with applicable statutes, Rules of the Board of Regents, and Regulations of the Commissioner of Education, each employee whose employment requires certification or other licensure shall inform the Superintendent of Schools immediately of any change in the status of his/her certification or licensure. The changes shall include, but not be limited to, the granting, revocation, upgrading, expiration, conversion and/or extension of these documents as to their periods of validity or their titles.
- b) Commissioner's regulations extend the expiration dates for various certificate holders engaged in active military service for the period of active service and an additional 12 months from the end of such service. The regulations also reduce the professional development requirements for certificate holders called to active duty for the time of such active service.
- c) The original certificates and/or licenses must be available via State Education Department's TEACH website. Copies will be maintained in the employee's personnel file in support of the legitimate employment of each affected employee. The failure of any such employee to possess the required certification or other licensure may result in the employee not being compensated and in the discharge of that employee.
- d) It is the employee's responsibility to ensure that they maintain the proper certification and/or licensure required for their assignment.

Parent Notification

In accordance with the federal Every Student Succeeds Act, the District is required to provide parents, upon request, with specific information about the professional qualifications of their children's classroom teachers. The following shall be provided by the District in a timely manner upon such request:

- a) If the teacher has met New York State qualifications and licensing criteria for the grade levels and subject areas he/she teaches;
- b) Whether the teacher is teaching under emergency or other provisional status through which the State qualification or licensing criteria have been waived;
- c) The teacher's college major; whether the teacher has any advanced degrees and, if so, the subject of the degrees; and
- d) If the child is provided services by any instructional aides or similar paraprofessionals and, if so, their qualifications.

(continued)

2017

6212
2 of 2

Personnel

(CONT'D) SUBJECT: CERTIFICATION AND QUALIFICATIONS

Education Law Sections 3001, 3001-a, 3004, 3006 and 3008
8 New York Code of Rules and Regulations (NYCRR)
Subparts 80-1, 80-2, 80-3, 100.2(dd) and 100.2(o)
34 Code of Federal Regulations (CFR) Sections 200.55 and
200.56
20 United States Code (USC) Section 7801(23)

Adopted: 7/16/08
Revised: 10/05/11
Revised: 12/20/17

Personnel

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 to the Commissioner for approval a complete application.

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.

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.

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.

Parental Appeal Procedures

- a) Any parent/legal guardian may appeal an incidental teaching assignment, in writing, to the Building Principal within fourteen (14) days from the date that the parent/legal guardian received the notice of the incidental teaching assignment.
- b) The Principal will schedule a meeting with the parent/legal guardian within fourteen (14) days of receipt of the appeal notification in an attempt to resolve the complaint. If mutual resolution is achieved, the parent/legal guardian shall indicate in writing his/her satisfaction with the resolution of the appeal, and the matter shall be deemed closed.
- c) If the matter is not satisfactorily resolved, the parent/legal guardian may file a complaint with the Superintendent within fourteen (14) days after the meeting with the Principal. If the complaint is

(Continued)

SUBJECT: INCIDENTAL TEACHING (Cont'd.)

not satisfactorily resolved, the parent/legal guardian may file an appeal with the Board of Education within fourteen (14) days of receipt of the Superintendent decision.

- d) The Board of Education will hear the appeal within thirty (30) days after receipt of the notice of appeal regarding the incidental teaching assignment. If the complaint concerns a particular teacher's qualifications, the Board may meet in Executive Session to discuss the issue. The Board of Education's decision shall be final.

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

Certified staff members successfully completing a probationary period in the New Paltz Central School District may be recommended (by the Superintendent of Schools) to the Board of Education for tenure appointment.

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

Adopted: 7/16/08

Personnel

SUBJECT: PARENTAL RIGHTS TO ANNUAL PROFESSIONAL PERFORMANCE REVIEW COMPOSITE SCORES AND QUALITY RATINGS UNDER EDUCATION LAW SECTION 3012-C

In accordance with the provisions of Section 3012-c (10)(b) of the Education Law, the Board of Education shall facilitate the disclosure of the Annual Professional Performance Review final quality ratings and numerical composite effectiveness scores of the classroom teachers and building principals to the parents/legal guardians of students under their supervision for the current school year.

In the interest of protecting the privacy rights of the professional educators while facilitating parental access, the District shall require reasonable verification of identity prior to releasing information to parents/legal guardians.

The Superintendent of Schools shall develop a parental notice and information access form that shall be exhibits to this policy and an integral part hereof. The parental notice shall be posted in conspicuous locations within the District and the notice and form shall be made available on the District website.

References: Education Law Section 3012-c(10)

State Education Department Guidance Document, Section "P"

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Personnel

SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS

The appointment of a teacher who is related by bloodline or legal process (including marriage) to any member of the Board of Education shall be subject to the consent of two-thirds (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 staff other than teachers.

Education Law Section 3016
General Municipal Law Sections 800-809

Adopted: 7/16/08

Personnel

SUBJECT: TEMPORARY PERSONNEL

District's needs may sometimes require temporary appointments. The terms of these appointments shall be defined by the Board of Education on a case-by-case basis.

Student Teachers

The New Paltz Central School District seeks to work cooperatively with institutions of Higher Education in placement of student teachers in our District. We believe that in working cooperatively, we may foster a higher degree of excellence among our own teaching staff as well as among the students we are preparing to enter the profession.

Cooperating teachers are to be selected from outstanding members of the faculty. They should be experienced, exemplary teachers of children. Teachers will be surveyed as to wanting to work with a student teacher. It shall be the responsibility of the building administrator to determine which teachers will be assigned as cooperating teachers.

Cooperating teachers shall assume responsibility to supervise the student teacher at all times. A student teacher may assume responsibility for a class upon recommendation of the cooperating teacher and consent of the Building Principal.

However, as per Section 3001 of Education Law, the "Classroom teacher must be available at all times and retains supervision of the student teacher."

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 New Paltz Central 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.

(Continued)

Personnel

SUBJECT: TEMPORARY PERSONNEL (Cont'd.)

- 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

Adopted: 7/16/08

Personnel

SUBJECT: APPOINTMENT - SUPPORT STAFF

All support staff positions in the School District will be established by the Board of Education.

In each case, the Board will approve the broad purpose and function of the position in accordance with state laws and regulations, approve a statement of job requirements as recommended by the Superintendent of Schools, and delegate to the Superintendent the task of writing, or causing to be written, a job description for the position, subject to Board approval.

The Superintendent will maintain a comprehensive, coordinated set of job descriptions, which set forth clear-cut responsibilities for all positions.

Upon final Board action, the Superintendent shall refer all proposals for the creation or reclassification of positions in the classified civil service, and a statement of the duties for such positions, to the municipal civil service commission having jurisdiction for classification.

Civil Service 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

Adopted: 7/16/08

SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL**Teacher Aides**

In accordance with the Regulations of the Commissioner, the Board of Education may employ teacher aides to assist in the daily operation of the school through **non-teaching duties**.

The duties and responsibilities to be assumed by teacher aides shall be outlined by the Superintendent in accordance with Civil Service guidelines. Teacher aides shall be responsible to the Building Principal/designee.

A teacher aide 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.

(Continued)

Personnel

SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL (Cont'd.)

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

Personnel

SUBJECT: MAINTAINING DISCIPLINE AND CONDUCT

All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours and at extracurricular events on and off school property.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Education Law Section 2801(1)

Adopted: 7/16/08

SUBJECT: USE OF EMAIL IN THE DISTRICT

Electronic Mail (“email”) is a valuable business communication tool, however, users must use this tool in a responsible and lawful manner. Every employee and authorized user has a responsibility to be knowledgeable about the inherent risks associated with email usage and to avoid placing the District at risk. The same laws and business records requirements apply to email as to other forms of written communication. District employees and authorized users will use the District's designated email system for all business-related email, including emails in which students or student issues are involved. Personal accounts and instant messaging will not be used to conduct official business.

Employee Acknowledgement

All employees and authorized users will be required to review a copy of the District's policies on staff use of computerized information resources and any regulations established in connection with those policies. Each user must annually acknowledge this employee and authorized user agreement before establishing an account or continuing in their use of email.

The New Paltz Central School District maintains full control over all technology owned by the District including email services. The District reserves the right to monitor all email, phone, and other communication activities by all users on the network. Users should have no expectation of privacy on the school's network, including email and phone messages. Users are responsible for using appropriate judgement and confidentiality in any communication regarding students or other staff members, to ensure that their personal identifiable information remains private.

Classified and Confidential

District employees and authorized users may **not**:

- a) Provide lists or information about District employees or students to others, or distribute classified information without approval. Requests for such lists or information, or questions regarding should be directed to a principal or supervisor;
- b) Forward emails with confidential, sensitive, or secure information without principal or supervisor authorization. Additional precautions, such as encryption, 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. File protection passwords will not be transmitted via email correspondence;
- d) Use email to transmit any individual's personal, private, and sensitive information (PPSI). PPSI includes Social Security number, driver's license number or non-driver ID number, account number, credit or debit card number and security code, or any access code or password that permits access to financial accounts or protected student records;
- e) Send or forward emails with comments or statements about the District that may negatively impact it; or

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SUBJECT: USE OF EMAIL IN THE DISTRICT (Cont'd.)

- f) Send or forward email that contains confidential information subject to Health Insurance Portability and Accountability Act (HIPAA), Family Educational Rights and Privacy Act (FERPA), and other applicable laws.

Personal Use

Employees and authorized users may use the District's email system for limited personal use. However, employees and authorized users should have no expectation of privacy in this email use. Employees and authorized users are not permitted to use the District's email programs to conduct job searches or log on to any personal social media without specific permission from the principal or supervisor. The District's email system may not be used for personal gain or profit.

Receiving Unacceptable Mail

Employees and authorized users who receive offensive, unpleasant, harassing, or intimidating messages via District email or instant messaging should inform their principal or supervisor immediately.

Records Management and Retention

Email will be maintained and archived in accordance with the New York State Records Retention and Disposition Schedule ED-1 and as outlined in the District's Records Management Policy. Email records may be deleted, purged, or destroyed after they have been retained for the requisite time period established in the ED-1 schedule.

Training

Employees or 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 regarding 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; and
- d) No expectation of privacy: email use on District property is not to be construed as private.

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SUBJECT: USE OF EMAIL IN THE DISTRICT (Cont'd.)**Sanctions**

The Director of Integrated Technology or their designee(s) may report inappropriate use of email by an employee or authorized user to the employee or authorized user's principal or supervisor who may take appropriate disciplinary action. Violations may result in a loss of email privileges, loss of access to the technology network, or other disciplinary action. When applicable, law enforcement agencies may be contacted.

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 -- Non-Discrimination and Anti-Harassment in the District
#5670 -- Records Management
#6471 -- Staff Computer Network and Acceptable Use Policy
#8271 -- Internet Safety/Internet Content Filtering

Adoption Date: 04/24/2019

SUBJECT: EMPLOYEE ACTIVITIES**Political Activities**

The Board of Education recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally-protected rights to address matters of public concern.

However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds and/or during school times. When such speech or action occurs on school grounds and/or during school time, the Board of Education can impose reasonable restrictions on the time, place and manner of the speech or action, and can further regulate the content of such speech when it materially imperils the efficient operation of the school.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, and to motivate students to participate in the political process with prior administrative approval.

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

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Personnel

SUBJECT: PROFESSIONAL RESEARCH AND PUBLISHING

Professional Staff is encouraged to write and prepare professional material and devices for publication in their areas of expertise.

Materials developed during school time and/or using School District resources are considered by the Board of Education to be the property of the New Paltz Central School District.

Employees, who desire to copyright, patent, or publish material which includes (in part or in whole) material belonging to the New Paltz Central School District, must receive the permission and approval of the Board of Education to include or use such material.

Adopted: 7/16/08

2008

6450

Personnel

SUBJECT: THEFT OF SERVICES OR PROPERTY

The theft of services or property from the District by an employee will result in immediate disciplinary action that can lead to dismissal or other penalty, and shall not preclude the filing of criminal or civil charges by the District.

Adopted: 7/16/08

Personnel

SUBJECT: JURY DUTY

A District employee called for jury duty shall receive his/her full day's pay from the School District plus mileage from the State. No employee shall be entitled to receive the per diem allowance 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.

While on jury duty, such employees must report their schedule for the following day to their supervisor. Any such employee who is excused or released from jury duty for a day or more must report to work or suffer loss of pay. If any such employee is "on-call" for jury duty, he/she is expected to report to work and perform his/her duties until called by the Court.

Judiciary Law Section 521(b)

Adopted: 7/16/08

Personnel

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

The Board of Education will provide staff with access to various computerized information resources through the District's computer system (DCS) consisting of software, hardware, computer networks and electronic communication systems. This may include access to electronic mail, "on-line services" and the "Internet." It may also include the opportunity for some staff to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments. Toward that end, the Board directs the Superintendent or their designee(s) to provide staff with training in the proper and effective use of the DCS.

Staff use of the DCS is conditioned upon written agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. This agreement is incorporated into the "Annual Notices to All District Employees" signed certification.

Generally, 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. Electronic mail and telecommunications are not to be utilized to share confidential information about students or other employees.

This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate staff conduct and use as well as proscribed behavior.

District staff shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy created by federal and state law.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

Social Media Use by Employees

The District recognizes the value of teacher and professional staff inquiry, investigation and communication using new technology tools to enhance student learning experiences. The District also realizes its obligations to teach and ensure responsible and safe use of these new technologies. The Board of Education encourages the use of District approved social media tools and the exploration of new and emerging technologies to supplement the range of communication and educational services.

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Personnel

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)

For purposes of this policy, the definition of public social media networks or Social Networking Sites (SNS) are defined to include: websites, blogs, wikis, social networks, online forums, virtual worlds, and any other social media generally available to the District community which do not fall within the District's electronic technology network (e.g., Facebook, My Space, Instagram, Twitter, LinkedIn, Flickr, Snapchat, etc.). The definition of District approved password-protected social media tools are those that fall within the District's electronic technology network or which the District has approved for educational use. Within these internal forums, the District has greater authority and ability to protect minors from inappropriate content and can limit public access.

The use of social media (whether public or internal) can generally be defined as Official District Use, Professional/Instructional Use and Personal Use. The definitions, uses and responsibilities will be further defined and differentiated in the Administrative Regulation. The District takes no position on an employee's decision to participate in the use of social media or SNS for personal use on personal time. However, personal use of these media during District time or on District-owned equipment is allowed on a limited basis. In addition, employees are encouraged to maintain the highest levels of professionalism. They have responsibility for addressing inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with all applicable District Policies and Regulations.

Privacy Rights

Confidential or private data, including, but not limited to, student and staff personal identifiable information and assessment data will be stored and protected on the District network. This information should never be shared outside of the District unless the District is assured that the data is secured, encrypted, and is only used for purposes agreed upon by the District. That data will not be collected, maintained, or distributed outside of the authorized agreement. Staff members are responsible for understanding the privacy policies of any online and offline educational programs and protecting the data of our students.

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The District may access all such files and communications to ensure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should **NOT** expect that information stored on the DCS will be private.

In addition, staff members are responsible for protecting confidential information by not leaving any of data unattended or visible to others. This includes signing out or locking their accounts when they are away from a device.

Implementation

Administrative regulations will be developed to implement the terms of this policy, addressing general parameters of acceptable staff conduct as well as prohibited activities in order to provide appropriate guidelines for employee use of the DCS.

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6470
3 of 3

Personnel

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)

NOTE: Refer also to Policy #8271 -- Children's Internet Protection Act: Internet Content Filtering/Safety Policy

Adopted: 7/16/08
Revised: 10/05/11
Revised: 05/22/2019

Personnel

SUBJECT: STAFF COMPUTER NETWORK AND INTERNET ACCEPTABLE USE POLICY (AUP)

The New Paltz Central School District recognizes the value of electronic resources to enhance student learning and the overall operation of our schools. To this end, the District encourages the responsible use of computers, the Network/Internet and other electronic resources to support the mission and vision of the New Paltz Central School District. This policy is designed to protect and provide guidance for our students and staff with access to these resources.

The Network/Internet is provided for students and staff for educational purposes. Access to Network/Internet services will be provided to users who act in accordance with this policy. The smooth operation of the Network/Internet relies upon the responsible conduct of the end users and requires efficient, ethical, and legal utilization of the Network/Internet resources.

Digital Citizenship and Personal Accountability

The New Paltz Central School District advocates for equal digital rights and access for all. Through this process it is imperative that all students and staff understand the importance of being responsible, ethical digital citizens. This includes, but is not limited to:

- (a) Treating all others with respect online;
- (b) Refraining from participating in cyberbullying and report any harassing activities you witness;
- (c) Making appropriate decisions while communicating online through any digital channels;
- (d) Respecting others' digital work. Do not steal or damage anyone's digital property;
- (e) Using network and online tools effectively to empower and enhance your learning experience;
- (f) Limiting screen time and the health risks of technology. Technology is a learning tool, but should not be used exclusively in the learning environment. Maintaining awareness of the physical and psychological risks.

Internet Safety/Managing Your Digital Footprint

In addition to being a good digital citizen, users must also be aware of their own digital footprint. Developing a positive digital footprint is essential. It can be harmful to the user or District's reputation if mismanaged, or in the event a user's account has been compromised. Good management includes, but is not limited to:

- (a) Protecting the user: Users may not give out any personal identifiable information online (name, age, ID numbers, address, etc.);

Personnel

- (b) Protection of passwords: Passwords are confidential. If a user believes their password has been compromised, it should be changed immediately and an administrator alerted. Each user is responsible for keeping their password secure;
- (c) Privacy on the District network: District email, files, and anything else created and stored on local or cloud-based servers are not private. The network administrator may monitor any account at any time for subject, content, and appropriateness. Users are responsible for their actions on the District network and any violations of this policy will be reported to the school administrator;
- (d) Internet etiquette and social media: Users must follow the District Code of Conduct for guidelines on accepted behaviors both online and in our schools. Each user is responsible for what they say online. Social media platforms or other online programs may not be used to create, send, display, or distribute anti-social, harassing or threatening messages, pictures, icons, avatars, or other media, including that which is defamatory, abusive, obscene, profane, racially offensive, or offensive to human dignity;
- (e) Videos and photographs: No user is permitted to take photos or videos of any staff member or student without their explicit consent;
- (f) Proxy use: Users are not permitted to employ the use of proxies to circumvent the content filtering put in place by the District;
- (g) Refraining from plagiarism and adhering to copyright laws.

Additional Responsibilities

- a) Users may only use the school Network/Internet for educational purposes.
- b) Users are responsible for all material received via the Internet.
- c) Users may NOT:
 - 1. Attempt to circumvent Network/Internet security measures;
 - 2. Tamper with or in any way adjust default or teacher-created settings;
 - 3. Create and/or place a computer virus onto any computer;
 - 4. Trespass in another user's folder, work, or files;
 - 5. Share his/her their own ID Password with others;
 - 6. Log in under another person's user's account;
 - 7. Reveal personal information about themselves or others on websites, including last names, addresses and/or phone numbers;

Personnel

8. Complete and/or submit forms found on websites without permission
 9. Receive or transmit information pertaining to dangerous instrumentalities such as bombs, automatic weapons, or other illicit firearms, weaponry, or explosive devices;
 10. Create, send, display, or receive hate mail, discriminatory or other antisocial remarks, or information which is intended to harass;
 11. Damage, dismantle, detach, or remove computers, computer systems, computer networks, computer mice, printers, scanners, or cameras;
 12. Remove keys from the keyboard;
 13. Disconnect or alter any computer cables;
 14. Intentionally waste limited resources (paper, connect time, student and teacher searching time, ink cartridges, laser jet toner, printer ribbons, data storage devices diskettes discs, storage space, etc.);
 15. Employ the Network/Internet for commercial purposes;
 16. Bring gum, food or drink into computer/electronic equipment areas;
 17. Access the Network to play non-educational games or for other non-academic activities;
 18. Delete, rename, move, copy, any file or its properties, other than their personally owned data files;
 19. Violate the federal copyright laws and/or software license agreements;
 20. Load software or executable files of any kind onto any of the District's computers or network server;
 21. Run or copy executable programs for any drive on any of the District's computers;
 22. Have directories on any stand-alone computers;
 23. Send messages from one computer to another via the LAN or WAN.
- d) Users will have only those access and system rights assigned by the network administrator.
- e) Users will be responsible for any cost to the District due to user negligence or misuse.

Users must also conform to any additional site restrictions that may be in effect. All Board policies and school regulations apply to the use of the Network/Internet.

Personnel

Consequences

It is the user's responsibility to abide by the rules set forth in this policy. Violations will result in the user's account being removed from the Network/Internet for a period of one week, one month, one semester, or one year depending on the gravity of the offense.

Depending on the gravity of the offense, other administrative and/or legal action may occur.

Attempts to log in to the system as a system administrator will result in immediate cancellation of user privileges.

The network administrator, school administrators, Superintendent, and/or the School Board may request specific accounts to be denied, revoked, or suspended.

Adopted: 7/16/08
Revised: 11/19/14
Revised: 4/24/2019
Revised: 5/5/2021

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS, OFFICERS 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, officers and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).

The District shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board of Education.

- a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon them and should include a copy of the relevant legal documents.
- 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.

To the extent permitted by law, the District will provide a 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 a legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of their duties within the scope of their employment or authorized volunteer duties and/or under the direction of the Board of Education.

Public Officers Law Section 18

The Board of Education hereby also confers the benefits of Section 18 of the New York State Public Officers Law upon the "employees" of the District, which includes Board members, the Superintendent, District officers and 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" also includes a former employee, their estate or judicially appointed representative. The District assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to District employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactment or provisions of law.

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2008

6540
2 of 2

Personnel

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES (Cont'd.)

Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, the District shall provide for the defense of the employee in any civil action or proceeding 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 their public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Education.

The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the School Attorney or to the Superintendent a written request to provide for their defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after they are served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the District based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the District's duty to defend and/or indemnify and save harmless to exist.

Exceptions to Liability Coverage

Indemnification coverage and/or provision of legal defense by the District will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the School District.

Paul D. Coverell Teacher Protection Act of 2001, as reauthorized by the Every Student Succeeds Act, 20 United States Code (USC) Chapters 28 and 70 Education Law Sections 1604(25), and (31-b), 1709(26) and, (34-b), 2560, 3023, 3028 and 3811 General Municipal Law Sections 6-n and 52 Public Officers Law Section 18

Adopted: 7/16/08
Revised: 5/2/18

Personnel

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

The Board of Education, in accordance with the Family and Medical Leave Act of 1993 (as amended) (FMLA), gives "eligible" employees of the District the right to take unpaid leave for a period of up to twelve (12) workweeks in a twelve-month period as determined by the District. The District designates a twelve (12) month period measured forward from the date of the employee's first FMLA leave usage as the applicable twelve-month period.

Employees are "eligible" if they have been employed by the District for at least twelve (12) months and for at least 1,250 hours of service during the previous twelve-month period. Full-time teachers are deemed to meet the 1,250 hour test. However, a break in employment for military service (i.e., call to active duty) will not interrupt the twelve (12) month/1,250 hours of employment requirement and should be counted toward fulfilling this prerequisite. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one (1) or more of the following reasons:

- a) The birth of a child and care for the infant;
- b) Adoption of a child and care for the infant;
- c) The placement with the employee of a child in foster care;
- d) To care for a spouse, child or parent who has a "serious health condition" as defined by the FMLA; and/or
- e) A "serious health condition" of the employee, as defined by the FMLA, that prevents the employee from performing his/her job. A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider that renders the employee incapacitated for more than three (3) consecutive calendar days and where the employee is required to see the health care provider at least twice. A "serious health condition" is also defined as any period of incapacity related to pregnancy or for prenatal care.

Medical Treatment for Serious Health Conditions

The first visit to a health care provider for an employee claiming a "serious health condition" under FMLA must occur within seven (7) days of the aforementioned incapacity with the second required visit occurring within thirty (30) of the incapacitating event.

If the employee claiming FMLA under the "serious health condition" rationale is sustaining continuous treatment, their first visit to a health care provider must take place within seven (7) days of the claimed incapacitating event.

Chronic "serious health conditions" require periodic visits; the employee must see a health care provider a minimum of two (2) times per year.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT**Implementation/Benefits/Medical Certification**

At the District's or employee's option, certain types of paid leave may be substituted for unpaid leave.

An employee on FMLA leave is entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The District has a right to thirty (30) days advance written notice of the FMLA leave from the employee where practicable. In addition, the District may require an employee to submit certification from a health care provider to substantiate that the leave is due to the "serious health condition" of the employee or the employee's immediate family member. Under no circumstance should the employee's direct supervisor or a human resource professional contact any health care provider regarding the employee's condition without the employee's written consent; all contact in this manner must be made by a health care provider (employed at the District such as the School Physician), or the designated leave administrator. If the medical certification requested by the employer is found to be deficient, the District must indicate where the errors are, in writing, and give the employee seven (7) days to provide corrected materials to cure any deficiency prior to any action being taken.

Military Family Leave Entitlements**A. Military Caregiver Leave**

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative of that individual) of a "covered service member" (the Armed Forces including a member of the National Guard or Reserves) who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave. Military Caregiver Leave may be combined with other forms of FMLA-related leave providing a combined total of twenty-six (26) weeks of possible leave for any single twelve (12) month period; however, the other form of FMLA leave when combined cannot exceed twelve (12) of the twenty-six (26) weeks of combined leave.

Military Caregiver Leave has a set "clock" for calculating the twelve (12) month period for when FMLA leave begins and tolling starts at the first day of leave taken.

(Continued)

Personnel

SUBJECT: FAMILY AND MEDICAL LEAVE ACT**B. "Qualifying Exigency" Leave/Call to Active Duty**

An "eligible" employee is entitled to FMLA leave because of "a qualifying exigency" arising out of circumstances where the spouse, son, daughter, or parent of the employee is serving in either the National

Guard or the Reserves and is on active duty during a war or national emergency called for by the President of the United States or Congress, or has been notified of an impending call to active duty status, in support of a contingency operation.

A "qualifying exigency" related to families of the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve personnel on (or called to) active duty to take FMLA protected leave to manage their affairs is defined as any one of the following reasons:

- a) Short-notice deployment;
- b) Military events and related activities;
- c) Childcare and school activities;
- d) Financial and legal arrangements;
- e) Counseling;
- f) Rest and recuperation;
- g) Post-deployment activities; and
- h) Any additional activities where the employer and employee agree to the leave.

In any case in which the necessity for leave due to a qualifying exigency is foreseeable, the employee shall provide such notice to the employer as is reasonable and practicable. This military-related leave is for up to twelve (12) weeks during a single 12-month period.

Special Provisions for School District Employees

An instructional employee is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting (e.g., teachers, certain teaching assistants, coaches, and special education assistants, etc.). The following employees are not considered instructional employees: guidance counselors, school psychologists, social workers, curriculum specialists, non-instructional personnel and certain teaching assistants or aides, unless their principal job is actually teaching or instructing

Periods of one or more weeks when school is closed and employees are not expected to report to work do not count toward FMLA leave. Examples include school recesses (e.g., winter recess, spring recess), summer vacation, or closings for maintenance and repairs. However, when a particular holiday falls during a week taken as FMLA leave, the entire week is counted as FMLA leave.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)Intermittent Leave Taken By Instructional Employees

FMLA leave that is taken at the end of the school year and resumes at the beginning of the next school year is not regarded as intermittent leave but rather continuous leave. The period in the interim (i.e., summer vacation) is not counted as part of FMLA leave and the employee must continue to receive any benefits that are customarily given over the summer break.

Intermittent leave is defined as leave that is taken in separate blocks of time, rather than continuously, broken down to units upon the same basis as the breakdown employed for sick leave use (e.g., for medical appointments, chemotherapy, radiation, physical therapy for severe arthritis and dialysis). Intermittent leave must meet certain criteria. If the instructional employee requesting intermittent leave will be on that leave for more than twenty percent (20%) of the number of working days during the period for which the leave would extend, the following criteria may be required by the employer:

- a) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

Appropriate notice from the employee for foreseeable FMLA leave (30 days advance written notice) still applies and all employees must be returned to an equivalent position within the school district. Additional work-related certifications, requirements and/or training may not be required of the employee as a condition of their return to work.

There is no legal entitlement to intermittent leave for the purposes of child care, foster care and adoption.

Leave Taken by Instructional Employees Near the End of the Instructional Year

There are special requirements for instructional employees taking leave close to the end of a term.

- 1) If the instructional employee is taking leave more than five (5) weeks prior to the end of the term, the District may require that the employee take the leave until the end of the term if the leave lasts more than three (3) weeks and the employee was scheduled to return prior to three (3) weeks before the end of the term.
- 2) If the instructional employee is taking leave less than five (5) weeks prior to the end of the term for any of the FMLA-related reasons except qualifying exigency, the District may require that the employee remain out for the rest of the term if the leave lasts more than two (2) weeks and the employee would return to work during the two (2) week period at the end of the instructional term.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

- 3) If the instructional employee begins taking leave during the three (3) weeks prior to the end of the term for any reason except qualifying exigency, the District may require that the employee continue leave until the end of the term if the leave is scheduled to last more than five (5) working days.

If FMLA leave is extended at the employer's option, the extension is considered to be FMLA leave time as well, including health benefits and restoration rights; however, such time will not be charged against the employee as FMLA leave because it was the employer who requested that the leave extend until the end of the term.

FMLA Notice

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA shall be posted in each school building and a notice of an employee's FMLA rights and responsibilities shall be provided to employees with the required annual notices or furnished to each new employee within five days from the date of hire.

Family and Medical Leave Act of 1993 (as amended), Public Law 103-3
National Defense Authorization Act of 2008, Public Law 110-181
10 United States Code (USC) 101(a) (13)
29 Code of Federal Regulations (CFR) Part 825

NOTE: Refer also to Policy #6552 - Uniformed Services Employment and Reemployment Rights Act USERRA)/Military Leaves of Absence

Adoption Date 11/17/10

2008

6560

Personnel

SUBJECT: SICK LEAVE TRANSFER UPON CHANGE IN BARGAINING UNIT

It is the policy of the District that employees transferring from one bargaining unit to another retain their accumulated sick leave and that all accumulated sick leave retain the value that it has when it is accumulated.

Effective November 1, 2006, employees transferring from one district bargaining unit to another will be permitted to retain all sick days earned as a member of their former bargaining unit.

Upon entry into the new collective bargaining unit, the value of the employee's accumulated sick leave days earned while a member of the former bargaining unit will be credited to the employee in the new position. The value of the sick leave days will be calculated by the District in a manner that will permit the employee to retain the value, though not necessarily the total number of sick leave days the employee earned as a member of his former bargaining unit.

Once the value of the sick leave days has been credited to the employee in the new position, the employee will be permitted to use and/or maintain the sick leave days in the manner set forth in the collectively negotiated agreement covering the employee's employment in the new position.

The policy shall apply only to employees in collective bargaining units that have agreed, in writing, to the provisions of this policy.

Adopted: 7/16/08

2016 7000
Students

New Paltz Central School District

NUMBER

ATTENDANCE

1.1 Comprehensive Student Attendance Policy.....7110
1.1.1 Released Time of Students7111
1.2 Age of Entrance7120
1.2.1 Diagnostic Screening of Students7121
1.3 Entitlement to Attend -- Age and Residency7130
1.3.1 Education of Homeless Children and Youth7131
1.3.2 Non-Resident Students7132
1.3.3 Admission of Foreign Exchange Students.....7133
1.5 Educational Services for Married/Pregnant Students7150
1.6 Count of Immigrant Children and Youth.....7160

STUDENT PROGRESS

2.1 Student Evaluation.....7210
2.1.1 Provision of Interpreter Services to Parents
Who Are Hearing Impaired7211
2.2 Graduation Requirements7220
2.2.1 Early Graduation.....7221
2.2.2 Credential Options for Students with Disabilities7222
2.2.3 Rank in Class7223
2.3 Dual Credit for College Courses.....7230
2.4 Student Records: Access and Challenge.....7240
2.4.1 Release of Information to the Noncustodial Parent.....7241
2.5 Student Privacy Protection Under NCLB and PPRA and FERPA7250

STUDENT CONDUCT

3.1 Code of Conduct7310
3.1.1 Loss or Destruction of District Property or Resources7311
3.1.4 Students Presumed to Have a Disability for Discipline Purposes7314
3.1.5 Student Computer Network and Internet Acceptable Use Policy (AUP).....7315
3.2 State and Local Assessments (Students).....7316
3.3 Alcohol, Tobacco, Drugs and Other Substances (Students).....7320
3.4 Searches and Interrogations7330
3.5 Bus Rules and Regulations7340
3.6 Corporal Punishment/Emergency Interventions7350
3.7 Weapons in School and the Gun-Free Schools Act.....7360
3.8 Dignity for All Students: Prohibiting Discrimination and Harassment of Students..7370

2008 7000

Students

New Paltz Central School District

NUMBER

STUDENT ACTIVITIES

- 4.1 Extracurricular Activities.....7410
 - 4.1.1 Censorship of School Sponsored Student Publications and Activities.....7411
- 4.2 Sports and the Athletic Program.....7420
- 4.3 Contests for Students, Student Awards and Scholarships7430
- 4.4 Musical Instruments.....7440
- 4.5 Advertising, Sponsorship and Fund Raising by Students.....7450

STUDENT WELFARE

- 5.1 School Health Services7510
 - 5.1.1 Immunization of Students.....7511
 - 5.1.2 Student Physicals7512
 - 5.1.3 Administration of Medication.....7513
 - 5.1.4 Health Records.....7514
- 5.2 Accidents and Medical Emergencies.....7520
 - 5.2.1 Students with Life Threatening Allergies.....7521
 - 5.2.2 Concussion Management Policy.....7522
- 5.3 Child Abuse and Neglect/Maltreatment7530
- 5.4 Supervision of Students7540
- 5.5 Student Sexual Harassment7550

STUDENTS WITH DISABILITIES

- 6.1 Special Education: District Plan7610
 - 6.1.1 Children with Disabilities7611
 - 6.1.2 Grouping by Similarity of Needs.....7612
 - 6.1.3 The Role of the Board in Implementing a Student's Individualized Education Program7613
 - 6.1.4 Preschool Special Education Program.....7614
 - 6.1.5 Least Restrictive Environment.....7615
 - 6.1.6 Prereferral Intervention Strategies in General Education (Prior to a Referral for Special Education)7616
 - 6.1.7 Declassification of Students with Disabilities7617
- 6.2 Students with Disabilities Participating in School District Programs7620
 - 6.2.1 Section 504 of the Rehabilitation Act of 19737621
 - 6.2.2 District Policy Regarding Response to Intervention (RTI) Process7622
- 6.3 Appointment and Training of CSE and CPSE Members
 - 6.3.1 Appointment and Training of Committee on Special Education (CSE)/ Subcommittee on Special Education Members7631
 - 6.3.2 Appointment and Training of Committee on Preschool Special Education (CPSE) Members7632

2008 7000

Students

New Paltz Central School District

NUMBER

STUDENTS WITH DISABILITIES (Cont'd.)

6.4	Student Individualized Education Program (IEP): Development and Provision.....	7640
6.4.1	Transition Services	7641
6.4.2	Extended School Year (July/August) Services and/or Programs	7642
6.4.3	Transfer Students with Disabilities.....	7643
6.5	Identification and Register of Children with Disabilities (Child Find)	7650
6.6	Parent Involvement for Children with Disabilities	7660
6.7	Impartial Due Process Hearings/Selection of Impartial Hearing Officers	7670
6.8	Independent Educational Evaluations.....	7680
6.9	Special Education Mediation	7690

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY**Statement of Overall Objectives**

The School District is committed to providing all students with the understanding, skills, and abilities that meet or exceed the New York State learning Standards, and the faculty and staff of the School District are active partners with parents and students in ensuring academic success for all students. Because it is recognized that there is a positive correlation between effective student learning and school attendance, the School District has developed, and if necessary, will periodically revised and update the Comprehensive Student Attendance Policy to meet the following objective:

To regulate and maintain consistent school attendance for each student in order to assure effective learning, academic success, and school completion for all students.

In order to meet the objective stated above, the School District will use the following strategies to improve, maintain, and calculate attendance:

- a) Closing gaps in student learning and academic performance.
- b) Identifying attendance patterns in order to design attendance improvement efforts.
- c) Monitoring the location of each student for safety and active learning processes.
- d) Verifying that individual students are in compliance with education laws relating to compulsory attendance.
- e) Determining the Districts average daily attendance for statistical and State aid purposes.

Description of Strategies to Meet

The School District will:

- a) Create and maintain a positive school building culture by fostering a positive physical and psychological environment where the presence of adult role models encourages respectful and nurturing interactions between adults and students. This positive school culture is aimed at encouraging a high level of student attendance.
- b) Maintain accurate recordkeeping via a Register of Attendance to record attendance, absence, tardiness or early departure of each student.
- c) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.
- d) Implement early intervention strategies to improve school attendance for all students.

(Continued)

Students

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**Determination of Excused and Unexcused Absences, Tardiness and Early Departures**

Based upon our District's education and community needs, values and priorities, the School District has determined that absences, tardiness and early departures will be considered excused or unexcused according to the following standards.

- a) **Excused:** An absence, tardiness or early departure is excused if due to personal illness, illness or death in the family, impassable roads due to inclement weather, religious observance, quarantine, required court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations, approved school sponsored meetings and activities, or other such reasons as may be approved by the Board of Education.
- b) **Unexcused:** An absence, tardiness or early departure is considered unexcused if the reason for the lack of attendance does not fall into the above categories (e.g., hunting, babysitting, hair cut, obtaining learner's permit, oversleeping).

Student Attendance Recordkeeping/Data Collection

The record of each student's presence, absence, tardiness and early departure shall be maintained in a register of attendance in a manner consistent with Commissioner's Regulations. An absence, tardiness or early departure will be entered as "excused" or "unexcused" along with the District code for the reason.

Any student who is absent, upon return to school, must present a written note, signed by his/her parent or guardian, stating the date, length of time and the reason for the absence. An absence for which there is no signed note by the parent or guardian will be considered as an unexcused absence until such time as a note is received by the District.

Attendance shall be taken and recorded in accordance with the following:

- a) For students in non-departmentalized kindergarten through grade 5 (i.e., self-contained classrooms and supervised group movement to other scheduled school activities such as physical education in the gym, assembly, etc.), such student's presence or absence shall be recorded after the taking of attendance once per school day, provided that students are not dismissed from school grounds during a lunch period. Where students are dismissed for lunch, their presence or absence shall also be recorded and submitted electronically after the taking of attendance a second time upon the student's return from lunch.
- b) For students in grades 6 through 12 (i.e., students pass individually to different classes throughout the day), each student's presence or absence shall be recorded after the taking of attendance in each period of scheduled instruction and submitted electronically.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

- c) In the event that a student at any instructional level from kindergarten through grade 12 arrives late for or departs early from scheduled instruction, such tardiness or early departure shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.

A record shall be kept of each scheduled day of instruction during which the school is closed for all or part of the day because of extraordinary circumstances including adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of or damage to a school building, or such other cause as may be found satisfactory to the Commissioner of Education.

Attendance records shall also indicate the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Education Law Section 3202(1-a).

At the conclusion of each class period or school day, all attendance information shall be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness or early departure shall be coded on a student's record in accordance with the established District building procedures. All attendance records are to be submitted electronically and stored in the District's central data base, with appropriate back-up.

Student Attendance/Course Credit

Students are expected to attend all scheduled classes. For purposes of this policy, classroom participation means that a student is in attendance in the classroom and prepared to learn. The District believes that learning and academic achievement are directly related to the students degree of attending to the concepts, skills, and dispositions presented within the classroom. Effective learning is a social process and is the product of student interaction, participation, and attention to instruction and instructional strategies used within the classroom.

Consequently, for those students who do not attend classroom instruction, or who do not come to class prepared to learn, academic achievement and learning may suffer. This lack of achievement may be reflected in the teacher's report of student learning and understanding. Teachers should note if the lack of achievement and learning are due to the student's lack of attendance, preparation, and readiness to learn.

Students who exceed five (5) unexcused absences within any five (5) week period will be considered "at risk" and will be referred to the administration for intervention strategies to assure the student does not jeopardize his/her learning and academic achievement within the classroom.

If deemed necessary by appropriate school officials, or if requested by the parent/guardian, a school conference shall be scheduled between the parent/person in parental relation, and appropriate staff members in order to address the student's absences. The student may also be requested to attend

(Continued)

Students

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

this conference in order to determine appropriate interventions that will best meet the needs of the student identified at the conference. These strategies will be defined in terms of an academic intervention plan that will be implemented and monitored by staff and parents to determine whether or not the strategies are positively affecting the student's attendance and learning.

All students with properly excused absences, tardiness, and early departures will be treated equitably by the School District and its faculty and staff. Students will be provided with opportunities, strategies, and instruction to assure learning and academic achievement is not jeopardized, and that the student is not punished by legal absence from class. In those classes in which specified "seat time" is mandated by New York State Education Law, students will be provided reasonable options to complete the "seat time" requirements.

Students who are absent from class due to their participation in a school sponsored activity are to arrange with their teachers to receive learning activities, instruction, instructional materials, or assignments to enable them to maintain their learning and academic achievement within the class.

Upon returning to school following a properly excused absence, tardiness or early departure, it shall be the responsibility of the student, with the support and collaboration of the teacher, to continue the learning and achievement within the classroom by completing any learning assignments, and/or tests missed by the student during the excused absence. The learning assignments and/or tests shall be completed in accordance with the time schedule specified by the teacher, which will provide a reasonable amount of time for completion.

Transfer Students

Transfer students and students re-enrolling after having dropped out will be expected to attend a prorated minimum number of the scheduled class meetings during their time of enrollment.

Students Will be Considered in Attendance if the Student is:

- a) Physically present in the classroom or learning under the direction of the classroom teacher during the class scheduled meeting time; or
- b) Learning pursuant to an approved independent study program; or
- c) Receiving approved alternative instruction.

Notice of Minimum Attendance Standard/Intervention Strategies Prior to the Denial of Course Credit

In order to ensure that parents/persons in parental relation and students are informed of the District's policy regarding minimum attendance and course credit, and the implementation of specific

(Continued)

Students

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

intervention strategies to be employed **prior to the denial of course credit to the student for insufficient attendance**, the following guidelines shall be followed:

- a) Copies of the District's Comprehensive Student Attendance Policy will be mailed to parents/persons in parental relation and provided to students at the beginning of each school year or at the time of enrollment in the District.
- b) School newsletters and publications will include periodic reminders of the components of the District's Comprehensive Student Attendance Policy. Copies of the Attendance Policy will also be included in parent/student handbooks.
- c) At periodic intervals, a designated staff member(s) will notify, by telephone, the parent/person in parental relation of the student's absence, tardiness, or early departure and explain the relationship of the student's attendance to his/her ability to receive course credit. If the parent/person in parental relation cannot be reached by telephone, a letter shall be sent detailing this information.
- d) A designated staff member will review the District's Attendance Policy with students who have excessive and/or unexcused absences, tardiness or early departures. Further, appropriate student support services/personnel within the District as well as the possible collaboration/referral to community support services and agencies, will be implemented prior to the denial of course credit for insufficient attendance by the student.
- e) A meeting will be scheduled between the parent/person in parental relation and appropriate staff members in order to review the academic intervention services plan which outlined interventions necessary for the student to receive course credit prior to the denial of course credit due to insufficient attendance by the student.

Notice of Students Who are Absent, Tardy or Depart Early Without Proper Excuse

A designated staff member upon discovery shall notify by telephone the parent/person in parental relation to a student who is absent, tardy or departs early without proper excuse. The staff member shall explain the District's Comprehensive Student Attendance Policy, the District's/building level intervention procedures.

If the parent/person in parental relation cannot be reached by telephone, the staff member will provide such notification by mail. Further, the District's Attendance Policy will be mailed to the parent/person in parental relation to promote awareness and help ensure compliance with the policy.

If deemed necessary by appropriate school officials, or if requested by the parent/person in parental relation, a school conference shall be scheduled between the parent/person in parental relation

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

and appropriate staff members in order to address the student's attendance. The student may also be requested to attend this conference in order to address appropriate intervention strategies that best meet the needs of the student.

Unexcused absences, tardiness and early departures will result in disciplinary sanctions as described in the District's Code of Conduct. Parents/persons in parental relation will be notified by designated District personnel at periodic intervals to discuss their child's absences, tardiness or early departures and the importance of class attendance and appropriate interventions. Individual buildings/grade levels will address procedures to implement the notification process to the parent/person in parental relation.

Intervention Strategy Process

In order to effectively intervene when 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 (e.g., grade level, building, time frame, type of unexcused 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 as 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;
- h) The Board of Education shall annually review building level student attendance records and a designee shall be responsible for reviewing student attendance records and initiating appropriate action consistent with this policy.

A parent/person in parental relation may request a building level review of their child's attendance record.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**Appeal Process**

A parent/person in parental relation may request, and be granted, a building level review of their child's attendance record.

Building Review of Attendance Records

The Building Principal will work in conjunction with the building attendance clerk and other designated 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, tardiness and early departures.

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 revisions to the Policy and plan deemed necessary to improve student attendance.

Community Awareness

The Board of Education shall promote necessary community awareness of the District's Comprehensive Student Attendance Policy by:

- a) Providing a plain language summary of the policy to parents or persons in parental relation to students at the beginning of the each school year and promoting the understanding of such a policy to students and their parents/persons in parental relation;
- b) Providing each teacher, at the beginning of the school year or upon employment, with a copy of the policy;
- c) Providing copies of the policy to any other member of the community upon request; and
- d) Providing a copy of the policy on the District's website.

Education Law Sections 3024, 3025, 3202, 3205, 3206,
3210, 3211 and 3213
8 New York Code of Rules and Regulations (NYCRR)
Sections 104.1, 109.2 and 175.6

Adopted: 7/16/08

2008

7111

Students

SUBJECT: RELEASED TIME OF STUDENTS

A student may be released from school before the end of the school day by the Building Principal only when it is necessary to do so and consistent with the educational interests of the student. A request for the early release of a student shall be in writing by the student's parent or guardian. The Building Principal may contact the student's parent/guardian in order to verify the early release request and the reason therefore. A student may be released to another individual only when such other individual is identified on the student's early dismissal card (or a list) as being authorized by the parent or guardian to obtain the release of the child. No student may be released to a person who has not been listed by a parent or guardian unless, in the opinion of the Building Principal, an emergency exists and the parents agree to the release. A student with a medical disability, which is or may be incapacitation, shall not be released from school without an authorized person to accompany him or her.

In order to release a student to a parent, legal guardian or other authorized individual, such person must report to the school office and present appropriate identification (e.g., driver's license, social security card or authorizing letter from the parent or guardian). The student may also be asked to identify the person.

Both parents of a student are presumed to have custodial rights for the purposes of this policy, unless the custodial parent provides the Building Principal with a certified copy of a court order or divorce decree to the contrary.

The Superintendent of Schools shall develop procedures to ensure that prior to the opening of school each year, parents are notified of their child's school day and are provided with the procedure to be followed in order to designate and amend the list of authorized persons permitted to obtain the release of their child(ren).

8 New York Code of Rules and Regulations (NYCRR)
Section 109.2

Adopted: 7/16/08

2008

7120

Students

SUBJECT: AGE OF ENTRANCE

Kindergarten

Students who are legal residents of the School District and who reside with parents or guardians within the School District at the time of the opening day of school must be five (5) years of age or more on December 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 academic readiness of the children for the grades being considered.

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: 7/16/08

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS

The School District has developed a plan for the diagnostic screening of all new entrants and students with low test scores.

A new entrant means a student entering the New York State public school system, pre-kindergarten through grade 12, for the first time, or re-entering a New York State public school with no available record of a prior screening.

Students with low test scores are students who score below level two on either the third grade English language arts or mathematics assessment for New York State elementary schools.

Such diagnostic screening will be utilized to determine which students:

- a) Have or are suspected of having a disability;
- b) Are possibly gifted; or
- c) Are possibly limited English proficient.

Such diagnostic screening shall be conducted:

- a) By persons appropriately trained or qualified;
- b) By persons appropriately trained or qualified in the student's native language if the language of the home is other than English;
- c) In the case of new entrants, prior to the school year, if possible, but no later than December 1 of the school year of entry or within fifteen (15) days of transfer of a student into a New York State public school should the entry take place after December 1 of the school year;
- d) In the case of students with low test scores, within thirty (30) days of the availability of the test scores.

New Entrants

For new entrants, diagnostic screening shall include, but not be limited to the following:

- a) A health examination by a physician/physician's assistant or nurse practitioner or submission of a health certificate in accordance with Education Law Sections 901, 903, and 904;
- b) Certificates of immunization or referral for immunization in accordance with Section 2164 of the Public Health Law;

(Continued)

Students

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)

- c) Vision, hearing and scoliosis screenings as required by Section 136.3 of Commissioner's Regulations;
- d) A determination of development in oral expression, listening comprehension, written expression, basic reading skills and reading fluency and comprehension, mathematical calculation and problem solving, motor development, articulation skills, and cognitive development using recognized and validated screening tools; and
- e) A determination whether the student is of foreign birth or ancestry and comes from a home where a language other than English is spoken as determined by the results of a home language questionnaire and an informal interview in English and the native language.

Students with Low Test Scores

For students with low test scores, diagnostic screening shall include, but not be limited to:

- a) Vision and hearing screenings to determine whether a vision or hearing impairment is impacting the student's ability to learn; and
- b) A review of the instructional programs in reading and mathematics to ensure that explicit and research validated instruction is being provided in reading and mathematics.

No screening examination for vision, hearing or scoliosis condition is required where a student, parent, or person in parental relation objects on the grounds that such examination conflicts with their genuine and sincere religious beliefs.

Results and Reports

The results of the diagnostic screening shall be reviewed and a written report of each student screened shall be prepared by appropriately qualified School District staff. The report shall include a description of diagnostic screening devices used, the student's performance on those devices and, if required, the appropriate referral.

If such screening indicates a possible disability, a referral, with a report of the screening, shall be made to the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE) no later than fifteen (15) calendar days after completion of such diagnostic screening.

If such screening indicates a possibly gifted child, the name and finding shall be reported to the Superintendent of Schools and to the parents/legal guardians no later than fifteen (15) calendar days after completion of such screening. The term gifted child is defined as a child who shows evidence of high performance capability and exceptional potential in areas such as general intellectual ability,

(Continued)

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)

special academic aptitude and outstanding ability in visual and performing arts. Such definition shall include those children who require educational programs or services beyond those normally provided by the regular school program in order to realize their full potential.

If such screening indicates a child identified as possibly being of limited English proficiency, such child shall be referred for further evaluation in accordance with Part 154 of the Regulations of the Commissioner of Education to determine eligibility for appropriate transitional bilingual or free-standing English as a Second Language (ESL) programs.

Reporting to Parents

Parents/guardians of children to be screened shall receive information in advance regarding the purpose of screening, the areas to be screened and the referral process. The information shall be communicated either orally or in writing in the parents' primary language(s). This information will be provided during the registration interview.

Parents/guardians have the right to request information regarding their child's performance during screening. They shall have access to the screening results and obtain copies upon request.

Confidentiality of Information

The Board of Education's policy and administrative regulations in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) shall apply to all information collected about a child through the screening program. In accordance with the policy and regulations, parents shall be informed of their right to privacy, their right to access to the records and their right to challenge those records should they be inaccurate, misleading or otherwise inappropriate.

Family Educational Rights and Privacy Act of 1974,
20 United States Code (USC) Section 1232(g)
Education Law Sections 901, 903, 904, 905, 914 and
3208(5)
Public Health Law Section 2164
8 New York Code of Rules and Regulations (NYCRR)
Parts 117, 136, 142.2 and 154

NOTE: Refer also to Policies #7131 -- Education of Homeless Children and Youth
#7512 -- Student Physicals
#8240 -- Instructional Programs: Driver Education, Gifted and Talented Education and Physical Education

Adopted: 7/16/08

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.

In accordance with Education Law Section 3205(3), the Board of Education shall 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.

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.

Regulations will be developed to implement the terms of this policy.

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 Article 19-H

2008

7130
2 of 2

Students

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)

of the Executive Law, 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 New Paltz Central 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.

McKinney-Vento Homeless Education Assistance Act,
Section 722, as reauthorized by the No Child Left Behind
Act of 2001
Education Law Sections 2045, 3202, 3205, 3209 and
3212(4)
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: 7/16/08

Students

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH

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 Article 19-H of the Executive Law, 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.

Pursuant to Commissioner's Regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:

- a) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
- b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
- c) Abandoned in hospitals;
- d) Awaiting foster care placement; or
- e) A migratory child who qualifies as homeless in accordance with Commissioner's Regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" *includes* a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one school district to another in the preceding thirty-six (36) months, in order to obtain, or accompanies such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work.
- f) A child or youth who has a primary nighttime location that is:
 1. A supervised, publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to Article 19-H of the Executive Law; or
 2. 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.

(Continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

The term "**homeless child**" shall not include a child in foster care or receiving educational services pursuant to Education Law Sections 3202(4), (5), (6), (6a) or (7) or pursuant to Articles 81, 85, 87 or 88. For example, a child in a family home at board, a school for the mentally retarded, a hospital or other institution for the care, custody and treatment of children; youths under the direction of the Division for Youth incarcerated in county correctional facilities or youth shelters; or children residing in child care institutions or schools for the deaf or blind would not be considered "homeless."

Enrollment, Retention and Participation in the Educational Program

Enrollment of homeless children shall not be delayed and their ability to continue or participate in the educational program shall not be restricted due to issues such as:

- a) Transportation;
- b) Immunization requirements;
- c) Residency requirements;
- d) Birth certificates, medical records, individualized education programs (IEPs), school records and other documentation;
- e) Guardianship issues;
- f) Comprehensive assessment and advocacy referral processes;
- g) Resolution of disputes regarding school selection;
- h) Proof of social security numbers;
- i) Attendance requirements;
- j) Sports participation rules;
- k) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- l) Other enrollment issues.

Educational Programs and Services

The School District shall provide homeless children and youth with access to all of its programs, activities and services to the same extent that they are provided to resident students.

(Continued)

Students

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

Homeless children and youth shall be educated as part of the school's regular academic program. Services must be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their non-homeless counterparts, including programs for special education, vocational and technical education, gifted and talented students, before and after school, English language learners/limited English proficiency, Head Start, Even Start, and school nutrition. Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program. Consequently, the School District shall ensure that homeless children and youth are not segregated in a separate school, or in a separate program within the school, based on their status as homeless; and to the extent feasible consistent with the requirements of Commissioner's Regulations, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child's or youth's parent or guardian. Further, the School District shall review and revise policies and practices, including transportation guidelines, that may act as barriers to the enrollment, attendance, school success, and retention of homeless children and youth in the School District.

All homeless children and youth are automatically eligible for Title I Part A services whether or not they meet the academic standards or live in a Title I school attendance area. Homeless students may receive Title I educational or support services from schoolwide and targeted-assistance school programs.

Transportation

If the local social service district or the Office of Children and Family Services is not required to provide transportation, the designated district is responsible for the provision and the cost of the student's transportation. Where a homeless student designates the school district of current location as the district the student will attend, then that district shall provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin or a school district participating in a regional placement plan, then that district must provide transportation to and from the homeless child's temporary housing and school.

Transportation responsibilities apply to all school districts regardless of whether or not they receive McKinney-Vento funds. Transportation must be provided during the pendency of enrollment disputes. If the designated district provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

School District Liaison for Homeless Children and Youth

The School District shall designate an appropriate staff person, who may also be a coordinator for other federal programs, as the local educational agency liaison for homeless children and youth to carry out the duties as enumerated in law, Commissioner's Regulations and applicable guidance issued by the U.S. and New York State Education Departments. The District will inform school personnel, local service providers and advocates of the office and duties of the local homeless liaison.

(Continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**Training**

The District will train all school enrollment staff, secretaries, school counselors, school social workers, and Principals on the legal requirements for enrollment. School nutrition staff, school registered professional nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

Outreach

The District will make every effort to inform the parents or guardians of homeless children and youth of the education, transportation and related opportunities available to their children including transportation to the school of origin. The parent(s)/guardian(s) will be assisted in accessing transportation to the school they select, and will be provided with meaningful opportunities to participate in the education of their children. Public notice of educational rights of homeless children and youth will be disseminated by the District in places where families and youth are likely to be present (e.g., schools, shelters, soup kitchens), and in comprehensible formats (e.g., geared for low literacy or other community needs).

Dispute Resolution

The District shall establish guidelines for the prompt resolution of disputes regarding school selection or enrollment of a homeless student and provide a written explanation, including a statement regarding the right to appeal to the parent or guardian if the School District sends the student to a school other than the school of origin or the school requested by the parent or guardian.

If there is a factual dispute over whether a student is homeless, the District will immediately enroll the student and then provide the parent/guardian the opportunity to submit verification of homelessness. The student will remain enrolled until a final determination is made by the District and for a minimum of thirty (30) days after the final determination to allow the parent/guardian opportunity to appeal to the Commissioner of Education. If the student files an appeal that contains a request for a stay within thirty (30) days of such final determination, the District must continue to enroll the student until the Commissioner rules on the stay request.

Record and Reporting Requirements

If the District, as the school district of origin, receives a request to forward student records to a receiving district, the records must be forwarded within five (5) days.

The School District shall maintain documentation regarding all aspects of the District's contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

(Continued)

2008

7131
5 of 5

Students

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

The District shall collect and transmit to the Commissioner of Education, at such time and in the manner as the Commissioner may require, a report containing such information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.

McKinney-Vento Homeless Education Assistance Act,
as reauthorized by the No Child Left Behind Act of 2001
42 United States Code (USC) Section 11431 et seq.
Education Law Sections 902(b) and 3209
8 New York Code of Rules and Regulations (NYCRR)
Section 100.2(x)

Adopted: 7/16/08

Students

SUBJECT: NON-RESIDENT STUDENTS

Non-residents will not be accepted for attendance in the New Paltz schools, except as required by law or as provided herein.

Notwithstanding the above, students in the twelfth grade who move out of the District during the second semester may complete their education in the District at no cost; provided, however, that transportation of any such student will be the responsibility of the parents or guardians.

Notwithstanding any provision of this policy to the contrary, whenever a proper application for support for a boundary alteration to include certain non-resident property or properties within the New Paltz Central School District is filed with the Board of Education, students who reside on such property or properties may attend the New Paltz schools on a tuition paying basis for that school year pursuant to the Seneca Falls Formula of the Commissioner's Regulations at Part 174, if the District determines such attendance to be in the best interest of the District and the District can accommodate such students without requiring the addition of new programs, new or altered facilities or additional staffing. An applicant interested in the boundary alteration must also present to the Board of Education a copy of the application for support presented to the other school district(s) who would be affected by the boundary alteration. Immediately following approval by the affected Boards of Education, the applicant must file an application for the boundary alteration with the Commissioner of Education or BOCES District Superintendent, where applicable, upon notice to all affected Boards of Education. Upon approval of the boundary alteration, such students shall attend the New Paltz schools on a tuition-free basis. If the application for boundary alteration is not approved, the students may only complete the current school year on a tuition-paying basis.

Students

SUBJECT: ADMISSION OF FOREIGN EXCHANGE STUDENTS

The Board of Education recognizes that foreign exchange students can add to the cultural diversity and enrichment of the School District and, therefore, enhance the school environment and the school community.

Foreign students who possess a valid J-1 visa participating in an exchange program designated as an "Exchange-Visitor Program" by the United States Department of State will be admitted to the District's high school. The District retains the sole discretion to admit foreign exchange students and to deny admission to any student not meeting all of the requirements set forth in this policy. The District may also terminate any approval of a foreign student program when the Board believes that it would be in the best interest of the District.

Foreign exchange students may be admitted to the District high school for a one-year academic program. A written request to admit a foreign exchange student must be submitted to the Superintendent who shall review the student's file, along with the High School Principal, to determine that all requirements have been met.

- a) All foreign exchange students seeking admission into the District must participate through a recognized foreign exchange program approved by the Superintendent of Schools.
- b) All foreign exchange students must be formally accepted into the District, in writing, by the Superintendent of Schools or designees prior to being brought into the District by a foreign exchange student program. The Superintendent shall consult with the Building Principal prior to acceptance or rejection of an application.
- c) Foreign exchange students will be allowed to attend school and will be provided bus transportation to and from school free of charge.
- d) The District will accept no more than four (4) foreign exchange students in a school year.
- e) The District must be notified by the agency and approved by the district no later than August 1, preferably via student registration.
- f) Foreign exchange student sponsors must be New Paltz Central School District residents, as all exchange students admitted to the New Paltz High School must reside within the New Paltz Central School District.

Foreign exchange students must:

1. Have demonstrated sufficient scholastic achievement in his/her home school to indicate the possibility of success in the District school they will attend.
2. Ensure that their academic records and credentials are available to school officials in advance of the student's admission.

(Continued)

2017

7133
2 of 2

Students

(Cont.) SUBJECT: ADMISSION OF FOREIGN EXCHANGE STUDENTS

3. Be in good health and an immunization record must be provided which indicates compliance with all New York State immunization requirements.
4. Have health and accident insurance in acceptable form to the District.
5. Enroll in the District on a full-time basis for one (1) semester or one (1) school year.
6. Agree to conform to the established acceptable behavior and conform to the rules and regulations of the School District.

A foreign exchange student's enrollment in the School District may be terminated at any time by school officials for failure to abide by the established guidelines, including:

- a) Failing grades in two or more courses of study;
- b) Failure to conform to established rules and regulations;
- c) Failure to conform to the regulations established by the sponsoring organization; and/or
- d) Excessive absences.

Foreign exchange students will be treated as nearly as possible like any other student in the school, including grading, and will be encouraged and allowed to participate in all school activities and special events.

Ref: 22 CFR Part 62 (Exchange Visitor Program) §62.25 (Secondary School Students)
8 CFR 214.2(j) (Special Requirements for Admission, Extension and Maintenance of Benefits for Exchange Aliens)
Education Law §§1709(13), 3202
Matter of Jones, 24 EDR 11,335 (1984)

Adopted: 7/16/08
Revised: 11/15/17

2008

7150

Students

SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS

Married Students

The Board of Education will comply with state law in reference to married students attending school.

Pregnant Students

New York State Education Law provides that resident students over five (5) and under twenty-one (21) who have not received a high school diploma are entitled to attend school in the district in which they reside. The law further requires that a school district provide for this instruction and also to provide for home instruction for those students of legal age who are unable to profit from instruction in school.

The Superintendent, or his/her designee, is directed to consult with the school physician and the student's personal physician in determining the form of instruction.

The form of instruction may be any of the following or a combination of the following:

- a) Remain in school with provisions for special instruction, scheduling, and counseling where needed.
- b) Receive home instruction.
- c) Attend BOCES programs.

Education Law Sections 1604(20), 3202-1, 3205-1, 4401-1
and 4402-2

Adopted: 7/16/08

Students

SUBJECT: 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 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.

Education Law Sections 3240-3243 and 4402(1)(a)
8 New York Code of Rules and Regulations (NYCRR)
Section 200.2(a)
20 United States Code (USC) Section 6811

NOTE: Refer also to Policy #7650 -- Identification and Register of Children With Disabilities

Adopted: 7/16/08

SUBJECT: STUDENT EVALUATION**Placement**

Placement within the system, with respect to building, 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 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.

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. Building 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.

(Continued)

2008

7210
2 of 2

Students

SUBJECT: STUDENT EVALUATION (Cont'd.)

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.
8 New York Code of Rules and Regulations (NYCRR)
Sections 100.2(g), 117 and 154
Education Law Section 1709(3)

Adopted: 7/16/08

Students

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 fourteen (14) days of the scheduled event. Exceptions to the time frame request may be made for unanticipated circumstances as determined by the Principal/designee. The District shall also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the District shall appoint an interpreter for the hearing impaired to interpret during the meeting or activity. The District will arrange for interpreters through a District-created list or through an interpreter referral service. The District shall also develop interagency agreements, as appropriate, to ensure that sign language interpreters are provided for eligible parents or persons in parental 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)

2008

7220

Students

SUBJECT: GRADUATION REQUIREMENTS

In order to graduate from New Paltz Central School District, a student must complete or may exceed the requirements set forth in Part 100 of the Commissioner's Regulations. The Board of Education reserves the right to establish requirements for graduation which exceed the minimum standards as defined by the New York State Regents.

Regents Diploma with Honors

The District may award a Regents diploma with honors or a Regents diploma with advanced designation with honors to students who receive an average of ninety percent (90%) in all Regents examinations. This "honors" diploma may also be given to a student who has substituted no more than two (2) alternative assessments for a Regents examination as approved by Commissioner's Regulations Section 100.2(f). However, the student's actual score on the substituted alternative assessment will not be factored into the ninety percent (90%) calculation.

8 New York Code of Rules and Regulations (NYCRR)
Sections 100.1(i), 100.2(f) and 100.5

Adopted: 7/16/08

2008

7221

Students

SUBJECT: EARLY GRADUATION

A student shall be eligible for early graduation in fewer than eight (8) semesters upon completion of all requirements for graduation, excluding physical education, as mandated by Commissioner's Regulations. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements. The District, upon request from the student's parent/guardian, shall grant the student a high school diploma prior to his/her completion of the eighth (8th) semester in accordance with Commissioner's Regulations.

8 New York Code of Rules and Regulations (NYCRR)
Sections 100.5(a) and 100.5(e)

Adopted: 7/16/08

SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

The Board of Education is committed to ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with the provisions of Commissioner's Regulations Section 100.5. However, when necessary, the District may award high school individualized education program (IEP) diplomas to students with disabilities.

High School Diplomas

Students pursuing either a Regents or a local high school diploma must acquire a certain number of units of credit in specified courses and also meet subject sequence requirements. It is critical that students with disabilities be provided access to the required courses and testing programs needed for graduation with these awards.

High School Individualized Program (IEP) Diplomas

Each individualized education program (IEP) diploma awarded shall be accompanied by a written statement of assurance that the student named as its recipient shall continue to be eligible to attend school until the student has earned a high school diploma or until the end of the school year of such student's twenty-first (21st) birthday, whichever is earlier.

The Superintendent shall report to the State Education Department, within fifteen (15) days after the June graduation, the total number and the names of the students awarded IEP diplomas that school year.

Regents Competency Test (RCT) Safety Net and 55-64 Passing Score Option for Students with Disabilities

In October 2003, the Board of Regents approved an extension of the Regents Competency Test (RCT) "safety net" for students with disabilities who pursue a Regents or local high school diploma.

The following students qualify for the RCT safety net and the 55-64 passing score:

- a) Students with disabilities identified through a Committee on Special Education (CSE). Specific language regarding the availability of the safety net does not have to be indicated on the student's IEP.
- b) Students with disabilities identified through the Section 504 Multidisciplinary Team (MDT) if recommended and documented by the MDT on the student's Accommodation Plan.
- c) Students with disabilities declassified while in grades 8 through 12 if recommended and documented by the CSE on the student's IEP.

(Continued)

2008

7222

2 of 2

Students

SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)

RCT Safety Net

In order to earn a high school Regents diploma, all students need to take and pass five (5) specific Regents examinations with a score of 65 or higher. Vocational and Educational Services for Individuals with Disabilities (VESID) has developed a chart on the "Diploma Requirements Based on June 2005 Board of Regents Action to Phase in the 65 Graduation Standard on Required Regents Exams" which is available at: <http://vesid.nysed.gov/specialed/publications/policy/chart-diploma.htm>

The safety net allows students with disabilities who fail a required Regents exam to instead meet the requirements for a local diploma by passing the RCT in that subject or the Department approved alternative. The safety net is available to all eligible students with disabilities entering grade 9 through the 2009-10 school year. The school may administer the RCT before or after the Regents examination, but in all cases the student must take the required Regents examination in order to earn the local diploma. The RCT exams will be available until the student graduates or reaches the age of twenty-one (21).

55-64 Passing Score

For students with disabilities who first enter grade 9 in September 2005 and thereafter, a score by the student of 55-64 may also be met by achieving a passing score on any Regents examination (English, Mathematics, Science, Global History and U.S. History) required for graduation; and, in such event, the District may issue a local diploma to such student. The 55-64 passing score must be made available to students with disabilities and is no longer a District option. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law Sections 3202 or 4402(5).

Education Law Sections 3202 and 4402(5)
8 New York Code of Rules and Regulations (NYCRR)
Sections 100.5(a-f) and 100.9

Adopted: 7/16/08

2008

7223

Students

SUBJECT: RANK IN CLASS

The New Paltz Central School District provides for a dual ranking system. Such system provides for ranking of both students who are studying within their own grade levels and for students who are termed "accelerated." The process will be provided for accelerated students to be ranked outside the ranking procedure used for regular four (4) year graduates. All students will be listed in a chronological order from the highest scholastic average to the lowest scholastic average. Accelerated students will be ranked next to the identical scholastic average using the designation of "A" next to the accelerated student's name.

For purposes of ranking, Advanced Placement and college level courses will be weighted differently than Regents and school level courses. The weighting for GPA purposes will be as follows:

School/Regents Courses	1.00
Advanced Placement/College Level Courses	1.06

The weighted grades will be used to determine GPA's for students beginning in grade 10 during the 2000-01 school year and all students in subsequent graduating classes thereafter.

2008

7230

Students

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 enroll at any one (1) of the colleges that have cooperative agreement with our School District. Such opportunities may include early admission to college, collegiate-level learning offered in the high school, or other means of providing advanced learning opportunities. Review and approval by the Superintendent or his/her designee are necessary before any college courses may be taken during the school day.

Prior approval is also required for students enrolling in enrichment college courses where high school credit is requested. A listing of generic college course listings, approved colleges and the enrichment prior approval form will be available in the High School Guidance Office, High School Main Office and on the District's Web Site.

The Board shall not be required to pay tuition and other related costs for those high school students enrolled in college courses.

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE**Student Records**

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 official records, files, and data, including all material that is incorporated into each student's cumulative record folder and intended for school use or to be available to parties outside the school or School System and specifically including, but not necessarily limited to, identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health data; family background information; teacher or counselor ratings and observations; and verified reports of serious or recurrent behavior patterns."

Access to Student Records

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older or who are attending an institution of post-secondary education, student records, and files on students, and to ensure the confidentiality of such records with respect to third parties.

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

- a) Identifies and authenticates a particular person as the source of the electronic consent; and
- b) Indicates such person's approval of the information contained in the electronic consent.

Challenge to Student Records

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, shall have an opportunity for a hearing to challenge the content of the school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**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) Use only as a memory aid.

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded.

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. Parental consent is not required for transferring education records; however, the school's annual FERPA notification should indicate that such disclosures have been 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

Adopted: 7/16/08

Students

SUBJECT: RELEASE OF INFORMATION TO THE NONCUSTODIAL PARENT

The District may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

Family Educational Rights and Privacy Act of 1974
20 United States Code (USC) 1232(g)(b)(4)(A)
34 Code of Federal Regulations (CFR) Part 99

Adopted: 7/16/08

Students

SUBJECT: STUDENT PRIVACY PROTECTION UNDER ESSA AND PPRA AND FERPA

In compliance with the Protection of Pupil Rights Amendment (PPRA), the Every Student Succeeds Act (ESSA) the Family Educational Rights and Privacy Act (FERPA) and any and all other such state and federal mandates concerning student privacy, the School District is committed to protecting the rights and privacy interests of parents/guardians and students to the fullest extent possible.

The Superintendent of Schools is charged with administering such mandates in a manner that achieves compliance while fully empowering parents/guardians and students to protect their privacy and in a manner least disruptive or burdensome to effective administration of District schools.

Military Recruitment and Institutions of Higher Education

Pursuant to mandates of the Every Student Succeeds Act (ESSA), the School District is required, under penalty of losing federal aid, to disclose to Military Recruiters and institutions of higher learning, upon request, the names, addresses, and telephone numbers of high school students. The mandate requires the District to notify parents of their right and the right of their child to request that the District not release such information without prior written consent.

It is the objective of the Board of Education to ensure that the parents and students fully understand the responsibility placed upon them to affirmatively act, in a timely fashion, to protect their right to privacy, if they so choose.

The Superintendent of Schools is charged with the responsibility to comply with this mandate in a manner designed to fully empower parents/guardians and students. Such compliance program shall be designed to:

- a) Clearly articulate that personal information will be released to Military Recruiters and/or institutions of higher education unless parents and/or students affirmatively choose to "opt out" in writing;
- b) Clearly articulate that privacy protection requires timely action and highlight language which informs that private information will be shared unless the form is returned by the stated date;
- c) Provide specific check-off opportunities for opting out (personal information will NOT be shared) in each category of (1) institutions of higher education of higher learning and (2) Military Recruiters;
- d) Provide for both parent and student signatures;
- e) Include a copy of this policy with notice.

(Continued)

Students

**SUBJECT: STUDENT PRIVACY PROTECTION UNDER ESSA AND PPRA AND FERPA
(Cont'd.)****Surveys, Physical Exams, and other Disclosure Options**

The Superintendent of School shall establish regulations consistent with PPRA and this policy for the administration of surveys funded by the USDOE and other sources.

Unless mandated/authorized in accordance with Federal or State law and/or regulations, 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; social security number; email address(es); health information; test scores; evaluations; academic records; or student directory information defined under FERPA) 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*. 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.

No third party in authorized possession of personal information may use those data for any purpose beyond those expressly enumerated by the Superintendent/designee or defined by law. Requests for additional usage of those data must be approved by the Superintendent/designee.

The Protections of Pupil Rights Amendment (PPRA) governs the administration to students for 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). Parental Authorization Required for Participation PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

(Continued)

Students

**SUBJECT: STUDENT PRIVACY PROTECTION UNDER ESSA AND PPRA AND FERPA
(Cont'd.)**

If a child's participation is sought in any of these activities, the District shall notify the parents/guardians and obtain written authorization for each such participation in the eight protected areas listed above.

Annual Parental Notification of Policies

The School District shall provide for reasonable notice of the adoption or continued use of this policy directly to the parents/guardians of students enrolled in the District. At a minimum, the District shall provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

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) Book clubs, magazines, and programs providing access to low-cost literary products;
- b) Curriculum and instructional materials used by elementary schools and secondary schools;
- c) 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;
- d) The sale by students of products or services to raise funds for school-related educational related activities;
- e) Student recognition programs.

Student Directory Information

The District shall 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 their response. Following such public notice and a reasonable response period, the District may, in accordance with stipulations set forth in this policy, release such information to an outside group without individual consent.

In accordance with the Family Educational Rights and Privacy Act (FERPA), the District defines student directory information as the following: name; address; telephone listing; date and place of birth, enrollment status; major field of study; grade level; participation in officially recognized activities and sports; weight and height (if members of athletic teams), dates of attendance; honors, degrees and awards received; electronic mail address; photograph; the name of the education agency or institution most recently previously attended by the student; and photographic/digital images, voiceprints, video and streaming video for instructional and school purposes.

2020

7250
4 of 4

Students

Family Educational Rights and Privacy Act of 1974
20 United States Code USC Section 1232 (g)
34 Code of Federal Regulations (CFR) Part 99
Every Student Succeeds Act (ESSA) of 2015

NOTE: Refer also to Policies #7121 -- Diagnostic Screening of Students
#7243 -- Student Privacy
#7511 -- Immunization of Students
#7512 -- Student Physicals
#7513 -- Administration of Medication

Adopted: 7/16/08
Revised: 3/2/16
Revised: 10/21/20

Students

SUBJECT: CODE OF CONDUCT

The Board of Education is committed to providing a safe, supportive, nurturing and fulfilling school environment where all members of the school community can learn and grow socially, emotionally and educationally. In accordance with law, the Board of Education will annually adopt a Code of Conduct. The District's Code of Conduct is applicable to all members of the school community - students, staff and guests - on school property and/or at school functions

By highlighting positive behaviors and recognizing the importance of sustaining students' connections to the classroom and by involving staff, parents and community, we can support the learning process and strengthen school-community-family bonds.

The Code of Conduct shall take a systemic and comprehensive approach to developing a learning environment built on the principles of mutual respect, citizenship, character, tolerance, civility, honesty and integrity.

The Code of Conduct will promote a system-wide school ethos that violence is not acceptable and is not tolerated in our school community.

The Code of Conduct will be based on the principle that everyone has an obligation to respect and protect the rights of others.

The Code of Conduct will focus on prevention and intervention, but will also include a bill of rights and responsibilities for students, penalties for code violations, alternative educational programs appropriate to individual student needs and other elements as required by law.

For purposes of this policy and for the Code of Conduct, the following definitions apply:

- a) "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 a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law Section 142.
- b) "School Function" means any school-sponsored extra-curricular event or activity whether on or off school property.
- c) "School Community" consists of students, parents/guardians, school personnel including administrators, teachers and non-instructional staff, involved members of the community and the Board of Education. All are essential partners in the education of the District's students. All are expected to cooperate and contribute to a safe, orderly, respectful, tolerant and effective educational environment in which children can learn and grow.
- d) "Violence" occurs whenever anyone inflicts or threatens to inflict physical or emotional injury or discomfort upon another person's body feelings, or possessions.

(Continued)

2008

7310
2 of 2

Students

SUBJECT: CODE OF CONDUCT (Cont'd.)

Dress Code

Healthy and respectful attention to personal cleanliness and dress is expected. The Code of Conduct shall provide direction as may be necessary to assure that dress does not adversely impact on the educational environment and well-being of others. While all members of the school community are responsible for compliance with the dress code, adults should exemplify and reinforce acceptable dress as role models for students.

The school administration may require students and teachers participating in specialized classes (i.e., physical education) to wear certain types of clothing, but they may not prescribe a specific brand.

Annual Review and Public Comment

The Board of Education will review, and when necessary, update the Code of Conduct annually. To fulfill, in part, the Board's legal responsibility to assess whether the code has been effective and whether it has been applied fairly and consistently, the Code of Conduct will be disseminated to students, staff and parents at the beginning of the school year or upon the registration of a student or hiring of staff. In each instance an invitation to comment on the Code of Conduct shall be included on the acknowledgement form to be returned to the District.

The Board welcomes comment, advice, and research on the topic of school safety throughout the year. Each year before the Board adopts the Code of Conduct for the ensuing year, at least one public hearing shall be held for the purposes of seeking input from the school community

Education Law Sections 2801 and 3214
8 New York Code of Rules and Regulations (NYCRR)
Section 100.2(1)(2)

NOTE: Refer also to Policy #3410 -- Code of Conduct on School Property
District Code of Conduct on School Property

Adopted: 7/16/08

Students

SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of the District; or
- b) Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

In instances where the District has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed five thousand dollars (\$5,000). Under certain circumstances, prior to the entering of a judgment in the sum total of five hundred dollars (\$500) or more, a court may consider the parent's or guardian's financial inability to pay any portion or all of the amount of damages which are in excess of five hundred dollars (\$500), and enter a judgment in an amount within the financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than five hundred dollars (\$500).

False Reporting of an Incident and/or Placing a False Bomb

A School District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has falsely reported an incident; or
- b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the School District in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, the School District shall file with the court, the County District Attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

General Obligations Law Section 3-112
Penal Law Sections 60.27, 240.50, 240.55, 240.60 and
240.61

2008

7313

Students

SUBJECT: SUSPENSION OF STUDENTS

Policy 7313 was repealed on October 7, 2009 by the Board of Education. If you have any questions about suspension of students please consult the Code of Conduct.

Students

SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES

The parent of a student who has violated any rule or code of conduct of the School District and who was not identified as a student with a disability at the time of such behavior may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and State regulations *if the School District is deemed to have had knowledge (as determined in accordance with law and/or regulations and referenced below) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.*

Basis of Knowledge

The School District shall be deemed to have knowledge that the student had a disability if prior to the time the behavior occurred:

- a) The parent of the student has expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services. However, expressions of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;
- b) The parent of the student has requested an evaluation of the student 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)

Students

**SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE
PURPOSES (Cont'd.)****Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability**

If it is claimed by the parent of the student or by School District personnel that the District had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the Superintendent of Schools, Building Principal or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

Conditions That Apply if There is No Basis of Knowledge

If it is determined that there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made during the time period in which such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the District shall provide special education and related services in accordance with law and/or regulations.

Individuals with Disabilities Education Improvement Act of
2004 [Public Law 108-446, Section 615(k)(5)]
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
8 New York Code of Rules and Regulations (NYCRR)
Section 201.5

Students

SUBJECT: STUDENT COMPUTER NETWORK AND INTERNET ACCEPTABLE USE POLICY (AUP)

The New Paltz Central School District recognizes the value of electronic resources to enhance student learning and the overall operation of our schools. To this end, the District encourages the responsible use of computers, the District Network, the Internet, and other electronic resources to support the mission and vision of the New Paltz Central School District. This policy is designed to protect and provide guidance for our students and staff that will have access to these resources.

The Network and Internet are provided to students and staff for educational purposes. Access to the Network and Internet will be provided to users who act in accordance with this policy. The smooth operation of the Network and Internet relies upon the responsible conduct of the end users and requires efficient, ethical, and legal utilization of the Network and Internet resources.

Digital Citizenship and Personal Accountability

The District advocates for equal digital rights and access for all. Through this process it is imperative that all students and staff understand the importance of being responsible, ethical digital citizens. This includes, but is not limited to:

- (a) Treating all others with respect online;
- (b) Refraining from participating in cyberbullying and reporting any harassing activities you witness;
- (c) Making appropriate decisions while communicating online through any digital channels;
- (d) Respecting others' digital work. Do not steal or damage anyone's digital property;
- (e) Effective use of using network and online tools effectively to empower and enhance your learning experience.
- (f) Limiting screen time and the understanding the health risks of technology. Technology is a learning tool, but should not be used exclusively in the learning environment. Maintaining awareness of the physical and psychological risks.

Internet Safety/Managing Your Digital Footprint

In addition to being a good digital citizen, users must also be aware of their own digital footprint. Developing a positive digital footprint is essential. It can be harmful to the user or District's reputation if mismanaged, or in the event a user's account has been compromised. Good management includes, but is not limited to:

Students

SUBJECT: STUDENT COMPUTER NETWORK AND INTERNET ACCEPTABLE USE POLICY (AUP)

- (a) Protecting the user: Users may not give out any personal identifiable information online (name, age, ID numbers, address, etc.);
- (b) Protection of passwords: Passwords are confidential. If a user believes their password has been compromised, it should be changed immediately and an administrator alerted. Each user is responsible for keeping their password secure;
- (c) Privacy on the District network: District email, files, and anything else created and stored on local or cloud-based servers are not private. The network administrator may monitor any account at any time for subject, content, and appropriateness. Users are responsible for their actions on the District network and any violations of this policy will be reported to the school administrator;
- (d) Internet etiquette and social media: Users must follow the District Code of Conduct for guidelines on accepted behaviors both online and in our schools. Each user is responsible for what they say online. Social media platforms or other online programs may not be used to create, send, display, or distribute anti-social, harassing or threatening messages, pictures, icons, avatars, or other media, including that which is defamatory, abusive, obscene, profane, racially offensive, or offensive to human dignity;
- (e) Videos and photographs: No user is permitted to take photos or videos of any staff member or student without their explicit consent;
- (f) Proxy use: Users are not permitted to employ the use of proxies to circumvent the content filtering put in place by the District;
- (g) Refraining from plagiarism and adhering to copyright laws.

Additional Responsibilities

- a) Each user must use the school Network and Internet primarily for educational purposes.
- b) Each user is responsible for all material retrieved via the Internet.
- c) Each user may NOT:
 - 1. Attempt to circumvent Network and Internet security measures;
 - 2. Tamper with or in any way adjust default or teacher-created settings;
 - 3. Create a computer virus or place a virus onto any computer;

Students

SUBJECT: STUDENT COMPUTER NETWORK AND INTERNET ACCEPTABLE USE POLICY (AUP)

4. Trespass in another-user's folder, work, or files;
 5. Share their own ID or password with others;
 6. Log in using another user's account;
 7. Reveal personal information about themselves or others on Websites, including last names, addresses, and/or phone numbers;
 8. Receive or transmit information pertaining to dangerous instrumentalities such as bombs, automatic weapons, or other illicit firearms, weaponry, or explosive devices;
 9. Create, send, or display hate mail, discriminatory or other antisocial remarks, or information which is intended to harass;
 10. Damage, dismantle, detach, or remove computers, mobile devices, network equipment, computer peripherals, printers, scanners, or cameras;
 11. Remove keys from keyboards;
 12. Disconnect or alter cables;
 13. Intentionally waste limited resources (paper, ink and toner, storage space, etc.);
 14. Employ the Network or Internet for commercial purposes;
 15. Bring gum, food, or drink into computer equipment areas;
 16. Access the Network to play non-educational games or for other non-academic activities;
 17. Delete, rename, move, copy, any file or its properties, other than your personally owned data files;
 18. Violate federal copyright laws or software license agreements;
 19. Load, run, or copy software or executable files of any kind onto any of the District's computers or network servers;
- d) User's access and system rights will be assigned by the network administrator.
- e) The user will be responsible for any cost to the District due to user negligence or misuse.

Students

SUBJECT: STUDENT COMPUTER NETWORK AND INTERNET ACCEPTABLE USE POLICY (AUP)

Users must also conform to any additional site restrictions that may be in effect. All Board policies and school regulations apply to the use of the Network and Internet.

Consequences

It is the user's responsibility to abide by the rules set forth in this policy. Violations will result in the user's account being removed from the Network or Internet for a period of one week, one month, one semester, or one year depending on the gravity of the offense.

Depending on the gravity of the offense, other administrative and/or legal action may occur.

Attempts to log in to the system as a system administrator will result in immediate cancellation of user privileges.

The network administrator, school administrators, Superintendent, or School Board may request specific accounts to be denied, revoked, or suspended.

Adopted: 7/16/08

Revised: 2/1/12

Revised: 4/24/2019

Revised: 5/5/2021

SUBJECT: STATE AND LOCAL ASSESSMENTS

The Board of Education is committed to providing a quality educational program for the students of the District. The Board believes that standardized testing programs, when used properly, can provide one meaningful source of information about the District’s curriculum and overall student achievement. While the Board is opposed to the over-testing of students, particularly when tests are given for non-pedagogical reasons, the Board recognizes its responsibility to comply with the laws and regulations governing public school districts. Therefore, it is the policy of this District that students must complete the requirements of the public school program, which includes taking quizzes, tests, as well as other state and local assessments, to help accomplish the following objectives:

- To provide one means to evaluate student growth through individual, inter-district and intra-district comparison;
- To provide teachers with diagnostic information which will enable them to better address the instructional needs of their students and to differentiate instruction, and
- To evaluate strengths and weaknesses of the curriculum and methods of instruction.

The Education Law and Commissioner’s Regulations do not provide parents with the opportunity to “opt-out” their child from required local or state assessments.

State Assessments

All public school students are required by Commissioner’s Regulations to participate in state assessments that reflect the knowledge, skills and understandings that all students are expected to know and are able to perform at certain specified grade levels. If a student is in attendance at school on mandated test days, tests will be administered to him/her. If a student is legally absent on these days in accordance with the District’s Comprehensive Student Attendance Policy, he/she will be marked “absent” and the test will be administered on the make-up day. If the student refuses to take the test:

- At the Elementary level, the student will be provided with an alternative location and is expected to read, draw or write.
- At the Middle and Secondary level, the student will remain in the room quietly, and be allowed to read or write, but will not be allowed to do homework.

All students will be accounted for and reported to the State Education Department (SED) in accordance with SED’s Validity Rules.

SUBJECT: STATE AND LOCAL ASSESSMENTS (Cont'd.)

Local Assessments

All District students are required to take local tests and assessments. Local assessments are intended to test students on their knowledge of the curriculum, monitor their progress and enable the District to modify existing programs and develop new programs aligned with specific student needs. Student grades will reflect, in part, the results of these tests and assessments. If a student is legally absent on the day of an assessment, he/she will be given a make-up test upon return to school. If the student refuses to take the test or a make-up test, the student will be given an "Incomplete" for the class.

Ref: No Child Left Behind Act
8 NYCRR §§100.3, 100.4, 100.5
SED Memo to Superintendents of Public Schools,
"Information on Student Participation in State Assessments" dated
January 2013.

Students

SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)

The misuse of drugs, alcohol and/or tobacco is a serious societal 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 and/or the inappropriate use of prescription or over-the-counter drugs, is prohibited at any school-sponsored event or on school property at all times. Students shall be banned from entering school grounds or school sponsored events when exhibiting characteristics indicative of having used or consumed alcohol or other substances.

The Board of Education recognizes that the collaborative efforts of staff, students, parents/guardians and the entire community, are essential to any comprehensive initiative to protect our students. As one part of a community initiative, a program shall be developed addressing alcohol, tobacco, drugs, and other substance use/abuse.

It is the objective of the Board of Education to facilitate student health, safety and success by developing through the collaborative efforts of staff, students, parents/legal guardians and the community as a whole, a comprehensive program addressing alcohol, tobacco, drugs, and other substances to include the following elements:

- a) An age-appropriate drug and alcohol prevention education program for students in all grades from early childhood level through grade 12;
- b) Standards of conduct and appropriate disciplinary measures for both students and staff within the framework of the District Code of Conduct and applicable New York State Law;
- c) Ongoing training of District staff about the components of an effective program including identification of a problem and staff responsibility thereunder;
- d) Implementation, dissemination and monitoring of District policy and regulation on Alcohol and Other Substances; and
- e) Cessation resource information available for students and staff in the community such as the New York State Smokers Quitline for tobacco smokers seeking assistance.

Students found to be in violation of this policy shall be subject to disciplinary action in accordance with Board Policy and the Student Disciplinary Code.

(Continued)

2010

7320
2 of 2

Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)
(Cont'd.)**

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)
Vehicle and Traffic Law Section 142
Penal Law Sections 70.70 (2)(a)(i) and 220.00 (17)

NOTE: Refer also to Policies #3280 -- Community Use of School Facilities, Materials and Equipment
#3410 -- Code of Conduct on School Property
#5640 -- Smoking And Tobacco Use
#7310 -- Code of Conduct
#8210 -- Prevention Instruction
District Code of Conduct on School Property

Adopted: 7/16/08
Revised: 10/20/10

Students

SUBJECT: SEARCHES AND INTERROGATIONS

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband seized on school grounds or in a school building by a School District employee only when the School District employee has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

- a) The age of the student;
- b) The student's record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed; and
- d) The urgency to conduct the search without delay.

If reasonable suspicion exists to believe that a student possesses a weapon, it is permissible for a School District employee to search that student.

Lockers

Lockers are provided by the school for student use and the administration has the right to search lockers. A student may have exclusive use of a locker as far as other students are concerned but he/she does not have such exclusivity over the locker as it relates to the school authorities.

Questioning of Students by School Officials

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

(Continued)

Students

SUBJECT: SEARCHES AND INTERROGATIONS (Cont'd.)

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

Law Enforcement Officials

It shall be the policy of the New Paltz Central School District that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. The School District's administrators shall at all times act in a manner that protects and guarantees the rights of students and parents.

Interrogation of Students by Law Enforcement Officials

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations, general questions regarding crimes committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the student's parent/guardian.

(Continued)

2008

7330
3 of 3

Students

SUBJECT: SEARCHES AND INTERROGATIONS (Cont'd.)

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 interview of students on school property. Such interviews generally pertain to allegations of suspected child abuse, maltreatment or neglect. A school official should be present during the interview unless it is decided that the presence of the school official is not essential to protect the interests of the pupil and that the Department of Social Services worker's job can best be accomplished by conducting the interview without the school official present.

The Superintendent of Schools shall establish regulations regarding personal searches and interrogations of students, with due regard for the needs of parental knowledge and involvement, in accordance with this policy and the 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)

Adopted: 7/16/08

2008

7340

Students

SUBJECT: BUS RULES AND REGULATIONS

The New Paltz Central 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 Education Act (IDEA)
20 United States Code (USC) Sections 1400-1485
8 New York Code of Rules and Regulations (NYCRR)
Section 156

Adopted: 7/16/08

Students

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 New Paltz Central 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)

2008

7350

2 of 2

Students

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(1)(3), 200.15(f)(1) and 200.22(d)

Adopted: 7/16/08

Students

SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT**Weapons in School**

The possession of a weapon on school property, in District vehicles, in school buildings, or at school sponsored activities or settings under the control and supervision of the District regardless of location, is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any school building must have written authorization of the Superintendent of Schools or his/her designee.

The Penal Code of the State of New York shall be used to determine what is considered a weapon.

Penal Law Sections 265.01-265.06

Specific Penalties Imposed by the Gun-Free Schools Act

No student shall bring or possess any "firearm" as defined in federal law on school premises (including school buildings and grounds, District vehicles, school settings and/or school sponsored activities under the control and supervision of the District regardless of location). For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices). The term does not include a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks.

In accordance with the Gun-Free Schools Act and Education Law Section 3214(3)(d), any student who brings or possesses a dangerous weapon or firearm, as defined in federal law, on school property, will be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Family Court Act Article 3 when the student is under the age of sixteen (16) except for a student fourteen (14) or fifteen (15) years of age who qualifies for juvenile offender status under the Criminal Procedure Law, and will be referred by the Superintendent to the appropriate law enforcement officials when the student is sixteen (16) years of age or older or when the student is fourteen (14) or fifteen (15) years of age and qualifies for juvenile offender status under the Criminal Procedure Law. For purposes of this policy, the term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches (2 1/2") in length.

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)

Students

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.

However, a student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the Individuals with Disabilities Education Act (IDEA), determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the Superintendent must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

The District may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.

(Continued)

Students

SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont'd.)

The District may also seek a court order to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

Students with disabilities continue to be entitled to all rights enumerated in the Individuals with Disabilities Act and Education Law Article 89; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

This policy does not prohibit the District from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of five days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school. Additionally, this policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

The District will continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001

18 United States Code (USC) Sections 921(a) and 930
Individuals with Disabilities Education Act (IDEA), 20
United States Code (USC)

Sections 1400-1485 and 7151
Criminal Procedure Law Section 1.20(42)
Education Law Sections 310, 809-a, 3214 and Article 89
Family Court Act Article 3
8 New York Code of Rules and Regulations (NYCRR)
Section 100.2 and Part 200

NOTE: Refer also to Policies #3411 -- Unlawful Possession of a Weapon Upon School Grounds

Adopted: 7/16/08

Students

SUBJECT: DIGNITY FOR ALL STUDENTS

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a person's race, color, weight, body type, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender, and gender presentation by school employees or other students. In addition, other acts of harassment, bullying, or discrimination that can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline or other corrective action.

Dignity Act Coordinators

In each of its schools, the District will designate at least one employee holding licenses or certifications as required by the Commissioner of Education to serve as the Dignity Act Coordinator (DAC). Each DAC will be thoroughly trained to handle human relations in the areas of race, color, weight, body type, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sex, gender, and gender presentation, and sex. Training will also be provided for DACs which addresses: the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based on a person's race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender, and gender presentation; the identification and mitigation of harassment, bullying, and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. All DAC appointments will be approved by the Board.

The District will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

- a) Listing it in the *Code of Conduct*, with updates posted on the District's website; and
- b) Including it in the *Code of Conduct's* plain language summary provided to all parents or persons in parental relation to students before the beginning of each school year; and
- c) Providing it to parents or persons in parental relation in at least one District or school mailing or other method of distribution, including, but not limited to, electronic communication and/or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other method of distribution as soon as practicable thereafter; and
- d) Posting it in highly visible areas of school buildings; and
- e) Making it available at the District and school-level administrative offices.

(Continued)

Students

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

If a DAC vacates their position, the District will immediately designate an interim DAC, pending approval from the Board within thirty (30) days. In the event a DAC is unable to perform their duties for an extended period of time, the District will immediately designate an interim DAC, pending the return of the previous individual to the position.

Training and Awareness

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and discrimination, and to discourage and respond to incidents of harassment, bullying, and discrimination. This training may be provided in conjunction with existing professional development, will be conducted consistent with guidelines approved by the Board, and will:

- a) Raise awareness and sensitivity to potential acts of harassment, bullying, and/or discrimination;
- b) Address social patterns of harassment, bullying, and discrimination and the effects on students;
- c) Inform employees on the identification and mitigation of harassment, bullying, and discrimination;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, and/or discrimination;
- e) Make school employees aware of the effects of harassment, bullying, cyberbullying, and/or discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias, and aggression;
- g) Include safe and supportive school climate concepts in curriculum and classroom management; and
- h) Ensure the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the *Code of Conduct*, publicized District-wide, and disseminated to all staff and parents or persons in parental relation. Any amendments to the *Code of Conduct* will be disseminated as soon as practicable following their adoption. The District will provide new employees with a complete copy of the current *Code of Conduct* upon beginning their employment, and distribute an age-appropriate summary to all students at a school assembly at the beginning of each school year.

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

Reports and Investigations of Harassment, Bullying, and/or Discrimination

The District encourages and expects students who have been subjected to harassment, bullying, or discrimination; parents or persons in parental relation whose children have been subjected to this behavior; other students who observe or are told of this behavior; and all District staff who become aware of this behavior to timely report it to the principal, Superintendent, DAC, or designee.

The principal, Superintendent, DAC, or designee will lead or supervise a timely and thorough investigation of all reports of harassment, bullying, and discrimination. The DAC or other individual conducting the investigation, may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remedying complaints. The findings of the initial investigation may be appealed to the Superintendent in writing, by either the target or the accused within ten (10) days of receipt of the findings. If the Superintendent conducted the initial investigation the findings may be appealed to the Board of Education. The Superintendent's findings may be appealed to the Board of Education, by either the target or the accused within ten (10) days of receipt of the Superintendent's findings. The Board's findings may be appealed to the Commissioner of Education by either the target or the accused within thirty (30) days of receipt of the Board's findings.

Where necessary, the District will take immediate steps to protect complainants pending the final outcome of an investigation, including academic accommodations and other interim measures. These measures may include altering academic or bus schedules for either the complainant or the alleged perpetrator, changing locker locations, allowing the complainant to withdraw from or retake a class without penalty, providing an escort to ensure that the complainant can move safely between classes or other activities, and providing academic support (eg., tutoring).

In the event any investigation verifies that harassment, bullying, and/or discrimination occurred, the District will take prompt action reasonably calculated to end it, to eliminate any hostile environment, to create a more positive school culture and climate, to prevent recurrence of the behavior, and to ensure the safety of the student or students against whom the harassment, bullying, or discrimination was directed.

The Superintendent, Principal, DAC, or designee will notify the appropriate local law enforcement agency when there is a reasonable belief that an incident of harassment, bullying, or discrimination constitutes criminal conduct.

The District will timely collect information related to incidents involving harassment, bullying, and discrimination; provide required internal reports; and complete and submit any required report to the State Education Department in the manner and within the timeframe specified by the Commissioner.

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

Prohibition of Retaliatory Behavior (Whistle-Blower Protection)

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, or discrimination.

Publication of District Policy

At least once during each school year, all District employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and District employees may report harassment, bullying, or discrimination. Additionally, the District will maintain a current version of this policy on its website at all times.

Application

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Education Law §§ 10-18, 801-a, 2801 and 3214
8 NYCRR § 100.2

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board
#3410 -- Code of Conduct
#3420 -- Non-Discrimination and Anti-Harassment in the District
#5670 -- Records Management
#6411 -- Use of Email in the District
#7550 -- Sexual Harassment of Students
#7552 -- Student Gender Identity
#7553 -- Hazing of Students
#8242 -- Civility, Citizenship and Character Education/Interpersonal
Violence Prevention Education

Adopted: 7/11/12
Revised: 12/19/12
Revised: 11/06/13
Revised: 4/10/19

Students

SUBJECT: EXTRACURRICULAR ACTIVITIES

The Board of Education considers extracurricular activities to be a valuable part of the program of the school and shall support these activities within the financial means of the District.

Limited Open Forum

The Board of Education maintains a limited open forum where secondary students may meet for voluntary student-initiated activities unrelated directly to the instructional program, regardless of religious, political or philosophical content.

To provide "a fair opportunity" to students who wish to conduct a meeting, the Board of Education, in accordance with the provisions of the Equal Access Act, shall ensure that:

- a) The meeting is voluntary and student-initiated;
- b) There is no sponsorship of the meeting by the school, the government, or its agents or employees;
- c) Employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;
- d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- e) Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups (20 USC Section 4071[c]).

The Board prohibits student organizations whose activities may be unlawful or may cause disruption or interference with the orderly conduct of the educational process.

Administration is responsible for establishing regulations governing the use of school facilities by student organizations.

Eligibility for Attendance

- a) Students who are suspended from school on a day of an athletic game or practice session, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.
- b) In order for students to attend a school-sponsored function, it is necessary that students attend classes for at least one half (1/2) of the school day on the day of the activity, unless otherwise excused by the building administrator. One-half (1/2) of the school day is defined as follows: from 8:30 a.m. until noon or from noon until the end of the school day.

(Continued)

Students

SUBJECT: EXTRACURRICULAR ACTIVITIES (Cont'd.)

Equal Access Act, 20 United States Code (USC)
Sections 4071-4074
Education Law Sections 1709 and 1709-a, 2503-a
and 2554-a
Vehicle and Traffic Law Section 142
8 New York Code of Rules and Regulations (NYCRR)
Part 172

Adopted: 7/16/08

2008

7411

Students

SUBJECT: CENSORSHIP OF SCHOOL SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES

The District may exercise editorial control over the style and content of student speech in school sponsored publications and activities that are part of the educational curriculum.

Adopted: 7/16/08

Students

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 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.

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/physician's assistant or the student's personal physician/nurse practitioner/physician's assistant who is licensed to practice in the State of New York. The school physician/nurse practitioner retains final approval on all physicals performed by the student's personal physician; and
- c) Meet the requirements for interscholastic competition as set forth by the Commissioner's Regulations and the New York State Public High School Athletic Association.

ATHLETIC PLACEMENT PROCESS

New York State Athletic Placement Process is a model program under Commissioner's Regulation Section 135.4(c)(7)(ii)(a)(4) that may be implemented at the discretion of all local school districts. It is not mandated. The Board chooses to make available the State Education Department's Athletic Placement Process for students, including the following district requirements:

The Board recognizes that the New York State Education Department (NYSED)/ New York Public High School Athletic Association's (NYSPHSAA) Athletic Placement Process was designed for mature and exceptionally skilled students to advance to a higher level of competition. The program is not to be used to fill positions on teams. It is aimed at the very few select students who can benefit from such placement because of their level of Physical and Emotional readiness and expertise. Only the exceptional athlete is permitted for classification to a higher level of competition. Based on this purpose the district's policy for eligibility to advance to a higher level of competition is as follows:

1. Students in seventh grade may not classify up to a high school team at any time if a Modified Program is offered in a given sport. Eighth graders who have successfully completed a year in a modified sport may attempt to classify up to JV in that same sport.

(Continued)

Students

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

2. If no JV level is offered only then may students attempt to qualify for the Varsity level.
3. Requests for the Athletic Placement Process may be generated from one or more of the following: Director of Athletics, Physical Education teacher, coach or member of the family in question.
4. In order to be eligible for advanced level of competition students must:
 - a. Be in good academic standing
 - b. Pass all components of the fitness and maturity assessment.
5. Students who satisfy the requirements of the Athletic Placement Process in a particular sport may have to satisfy additional physical skills testing and/or maturity level ratings if they elect to participate in the Athletic Placement Process for another sport. Physical skills testing and maturity level are Athletic Placement Process sport specific. Athletic Placement results are valid for the duration of a student's enrollment in the 7th and 8th grade for that particular sport.
6. A student who does not meet the criteria as a 7th grader to selectively classify to a higher level may try again as an 8th grader for that particular sport. A student who does not qualify as a 7th or 8th grader may still try out for any of these teams when he/she reaches 9th grade, the age/grade appropriate level for Junior Varsity (JV) and Varsity, without taking the Athletic Placement Test.
7. A student may attempt to classify for one sport per season, Fall, Winter, Spring. Inability to qualify during one season does not preclude attempting to qualify during a subsequent season.
8. The Board directs the Superintendent to implement the procedures and maintain a file of those students deemed eligible as a result of the Athletic Placement Process and 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 players injured during a practice or competition are given prompt and competent medical attention, a parent/guardian is notified, an incident report is filed with the respective health office, 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.

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

A physician's certificate may be required before an athlete is permitted to return to practice or competition.

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 persons to coach all varsity, junior varsity, and modified games; and
- c) Ensuring that equipment is both safe and operative within approved guidelines.

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: 7/16/08
Revised: 2/3/10
11/3/10
2/20/13
6/3/15
6/15/16

2008

7430

Students

SUBJECT: CONTESTS FOR STUDENTS, STUDENT AWARDS AND SCHOLARSHIPS

Contests for Students

Distribution of educational material, essay contests, and poster contests must be approved in advance by the Building Principals if the sponsoring organization wishes to involve students in the project on school time. Samples of informational material should accompany the request. Upon the judgment of the Principal, the request may be forwarded to the Superintendent and the Board of Education for approval.

Student Awards and Scholarships

The School District may obtain and award to its students awards and scholarships. The Board of Education, having been entrusted by law, will hold in trust gifts, grants, bequests and legacies given or bequeathed to the New Paltz Central School District and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

Education Law Sections 1604(30), 1709(12-a) and 2503(1)

Adopted: 7/16/08

2008

7440

Students

SUBJECT: MUSICAL INSTRUMENTS

- a) All instrumental music students shall be expected to own or rent their instrument - particularly the common and less expensive instruments (flute, clarinet, trumpet, saxophone, etc.).
- b) Students will not be required to own or rent the less common and more expensive instruments. Instruments in this category are as follows: oboe, bassoon, tuba, French horn, trombone, baritone horn, tenor and baritone saxophones, bass trombone and percussion instruments. School-owned instruments in this classification will be disbursed upon decisions by the instrumental music staff. Decisions will be dependent upon the individual student's talent and merit and the need for a balanced instrumentation at each grade level.
- c) Students and parents/guardians will assume responsibility for proper care of school-owned instruments and will pay for damages to same.
- d) The District will only transport in its vehicles those instruments meeting certain safety standards as indicated in the New York State Department of Transportation Regulations.

17 New York Code of Rules and Regulations (NYCRR)
Section 720.22

Adopted: 7/16/08

Students

SUBJECT: ADVERTISING, SPONSORSHIP AND FUND RAISING BY STUDENTS

School-business relationships based on sound principles can contribute to high quality education such as additional academic programs for students, extracurricular opportunities for students, professional development for staff, and scholarships. However, compulsory student attendance confers on educators an obligation to protect the welfare of their students and the integrity of the learning environment. Positive school-business relationships should be ethical and structured in accordance with the principle that “Selling or providing access to a captive audience during the mandatory school day for commercial purposes is exploitation and a violation of the public trust.”

The sale of advertising or sponsorship tag lines as well as other forms of fundraising by students shall be limited to approved, recognized student clubs involving publishing and/or production **and must** be directly related to the educational purpose of such clubs which serve as training grounds for future journalists, marketing specialists, and the like. For example, Yearbook Club, Media Arts Club, etc.

For purposes of this policy the following definitions apply:

Advertising is the written or graphic statement made by a seller which calls for the public’s attention to it by emphasizing the desirable qualities of the product or service so as to arouse a desire to buy or patronize the advertiser’s product or service.

Sponsorship provides financial or resource support in exchange for ‘tag line’ recognition spoken by a program announcer or printed in a font comparable to those used in the educational production.

Tag lines are simple statements such as “This [program, segment, publication] is sponsored by [name of sponsor]” and do not include statements made by a seller.

In accordance with this policy, advertising shall be limited to print materials while sponsorships may be employed in both print and visual media.

All club activities involving advertising and/or sponsorships shall be directly overseen by the school principal who is authorized to assure that compliance with this policy protects students from unwarranted commercialism. The Superintendent of Schools is given full discretion to approve or disapprove club actions whenever questionable.

All funds or other donations provided by sponsors and advertisers shall be managed in accordance with District Policy #5520 Extra Classroom Activity Fund. Club faculty advisers, club leadership and any club member involved in advertising and/or sponsorships and/or finances shall participate in a financial management and fiduciary training program provided by the District. Such program shall be developed and administered by the Superintendent of Schools or her/his designee.

(Continued)

2011

7450

2 of 2

Students

SUBJECT: ADVERTISING, SPONSORSHIP AND FUND RAISING BY STUDENT(Cont'd.)

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 merchandise used in fundraising will conform to Board of Education standards as outlined in Policy 5410 section M.

All participation shall be voluntary, with written parent/legal guardian consent for children in grades K through 8. No student under the age of 18 shall operate, purchase or be involved with any raffle or other game of chance.

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

NPCSD Policy 5410 Section M

Adopted: 7/16/08
Revised: 3/4/09
Revised: 6/15/11

2019 7460

Students

SUBJECT: STUDENT VOTER REGISTRATION AND PRE-REGISTRATION

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

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

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

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

Election Law § 5-507

Adopted: 12/18/2019

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, 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, work permits; 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

Adopted: 7/16/08

Revised: 1/27/11

SUBJECT: IMMUNIZATION OF STUDENTS**Immunizations**

In order to safeguard the school community from the spread of certain communicable diseases and in recognition that prevention is a means of combating the spread of disease, the Board requires all students to be immunized against certain diseases in accordance with State statutes and rules of the New York State Department of Health.

Upon registration, all new students are required to present a record of required immunizations from a licensed health care provider (physician, physician assistant or nurse practitioner) as set forth in Section 2164 of the Public Health Law.

Parents and guardians of all children who do not have their required immunizations are encouraged to have them receive the first dose as soon as possible but by no later than the first day of school. The deadline for obtaining all overdue doses of e vaccinations for children attending school in the fall is fourteen (14) calendar days from the first day of school. This period may be extended to thirty (30) days from the first day of school for students transferring from another state or country as long as they show a good faith effort to obtain the necessary documentation or other evidence of the immunizations.

The District shall provide the Ulster County Health Department with the name and address of any child denied admission or attendance due to lack of immunization.

Notwithstanding the above, students may be admitted to school or continue attendance without proof of the required immunizations if:

- a) A parent submits documentation that the student is in process of receiving immunizations in accordance with the ACIP catch-up schedule or obtaining blood tests;
- b) A physician licensed to practice medicine in New York State certifies in writing that administering a vaccine or vaccines to a specific student will be detrimental to that student's health. A NYS medical waiver form needs to be completed and approved by the District's medical director. A medical exemption is only valid for one year and must be renewed annually;
- c) For varicella only, a health care provider certifies in writing that the student has had varicella or provides written results of an antibody test that shows immunity.
- d) For measles, mumps, rubella, and hepatitis B, a health care provider provides written results of an antibody test which shows immunity;

2021

7511

2 of 2

Students

- e) The student is designated as a student experiencing homelessness, a student with refugee status, or a student in foster care. Such students will be admitted to school without the required immunization records.

Education Law Sections 310, 912, and 914

Public Health Law Section 2164

8 New York Code of Rules and Regulations (NYCRR), Part 136 and Sections 135.4 and 136

10 New York Code of Rules and Regulations (NYCRR) Subpart 66-1

<https://www.health.ny.gov/publications/2370.pdf>

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 7/16/08

Revised: 1/27/11

Revised: 7/10/19

Revised: 10/21/20

Revised : 9/01/2021

SUBJECT: STUDENT PHYSICALS**Health Examination**

Each student enrolled in District schools must have a satisfactory health examination conducted by a New York State licensed physician, physician assistant or nurse practitioner within twelve (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.

In addition, the District requires a certificate of physical fitness for:

- a) all athletes prior to their first sport of the school year, then only those who were injured or ill during their first sport before participating in a second sport during the school year; and
- b) all students who need work permits.

Health Certificate

Each student must submit a health certificate attesting to the health examination within thirty (30) calendar days after their 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 thirty (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;
- b) describe the condition of the student when the examination was given, provided that such examination was not given more than twelve (12) months prior to the commencement of the school year in which the examination is required;

(continued)

Students

SUBJECT: STUDENT PHYSICALS (cont'd)

- 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 their 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 within thirty (30) calendar days after their entrance into:

- a) a District school at any grade level; and
- b) 1st, 3rd, 5th, 7th, and 9th grades.

The District may also request an assessment and dental health history of a student when it is determined by the District that it would promote the educational interests of the student.

A notice of request for a dental health certificate will be distributed at the same time that the parent or person in parental relation is notified of health examination requirements. The notice of request for a dental health certificate will list dental practices, dentists, and registered dental hygienists to which students may be referred for dental services on a free or reduced-cost basis upon request of the student's school.

The dental health certificate will be filed in the student's cumulative record. The dental health certificate must:

- a) describe the dental health condition of the student when the assessment was given, provided that the assessment was not given more than twelve (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 their attendance at a District school; and

(continued)

SUBJECT: STUDENT PHYSICALS (cont'd)

- 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

If a student is unable to furnish the required health certificate, the District will provide a physical examination by the Director of School Health Services or other licensed healthcare provider. The Director of School Health Services may also be requested to appraise the health of students with disabilities to ascertain whether a student has a physical disability which may prevent the student from receiving the full benefit of a public education or which may require modification 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.

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.

SUBJECT: STUDENT PHYSICALS (cont'd)**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 ninety (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.

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 they may require supporting documents.

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2019

7512
5 of 5

Students

SUBJECT: STUDENT PHYSICALS (cont'd)

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

Adopted: 7/16/08
Revised: 1/27/11
Revised: 10/16/2019

Students

SUBJECT: ADMINISTRATION OF MEDICATION

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.

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," glucagon, and/or oral) to a student for extreme hypersensitivity or diabetic emergency 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," glucagon) and given him/her approval to assist the student in the event of an emergency anaphylactic reaction, or diabetic incident. 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

(Continued)

2011 7513
2 of 2
Students

SUBJECT: ADMINISTRATION OF MEDICATION (Cont'd.)

student's physician'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.

Use Of Epinephrine Auto Injector Devices

The New Paltz Central School District recognizes that early use of Epinephrine can enhance the survival rate of individuals from incidents of anaphylaxis. Therefore, it is the policy of the Board of Education to make Epinephrine Auto Injectors (commonly known as Epi-pens) available to Registered Nurses and substitute Registered Nurses, employed by the District and to authorize their use in accordance with the Medical Practice Act (Section 6527[4][a] Education Law), the Nurse Practice Act (Section 6908[1][a][iv], Education Law) and Section 3000-c of the Public Health Law. Other District employees (such as coaches) may also be authorized to use Epinephrine Auto Injectors upon successful completion of an approved training course in the use of such devices for patient specific physician's orders. An Emergency Health Care Provider, as defined in Section 3000-c of the Public Health Law, shall be appointed to provide medical oversight for the use of Epinephrine Auto Injectors by District employees.

The Superintendent, in collaboration with the School Physician and Emergency Health Care Provider, shall develop regulations and protocols governing the use of the Epinephrine Auto Injectors by employees of the District. These regulations and protocols shall be incorporated within the District's School Safety Plan.

Education Law Sections 902(b), 916, 6527(4)(a) and
6908(1)(a)(iv)
Public Health Law Section 3000-a

Adopted: 7/16/08
Revised: 1/27/11

Students

SUBJECT: HEALTH RECORDS

The school shall keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they shall be kept confidential.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy interests of students. 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" and subject to FERPA because they are:

- a) Directly related to the student;
- b) Maintained by an education agency or institution, or a party acting for the agency or institution; and
- c) Not excluded from the definition of education records as treatment or sole-possession records, or on some other basis.

Health records and immunization records that are considered "education records" under FERPA are not subject to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy requirements. In addition, school nurse or other health records maintained on students receiving services under the Individuals with Disabilities Act (IDEA) are considered "education records" and also subject to that Act's confidentiality provisions. Consequently, these records are subject to FERPA and not the HIPAA Privacy Rule.

Individual records may be interpreted by the school's registered professional nurse to administrators, teachers, and counselors, consistent with law.

Education Law Sections 902(b) and 905
8 New York Code of Rules and Regulations (NYCRR)
Part 136
34 Code of Federal Regulation (CFR) Section 99

Students

SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES

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 emergent illness or injury to a student, an ambulance may be called if warranted. Parent/person in parental relation shall be contacted. If a parent is unavailable, an employee shall accompany the student to the treatment center in the ambulance. A District employee will remain at the treatment center until a parent/person in parental relation arrives.

Insurance

The Board of Education shall approve provisions for all students to be covered by group insurance.

Such student accident insurance policies are to be a co-insurance with family coverage(s) as primary.

Accident Reports

The Board of Education directs the Superintendent of Schools to ensure that all injuries or accidents occurring on school property are immediately reported to the school authorities in charge at the time of the occurrence. Proper safety management requires that all accidents or injuries be reported as soon as possible after they occur.

The Board of Education directs the Superintendent of Schools to prepare a standard form to be used by all schools within the District. Reports should be completed by the authority in charge at the time of the accident. Copies of each report shall be kept on file with the reporting school nurse. Accidents shall be reported to:

(Continued)

2011

7520
2 of 2

Students

SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES (Cont'd.)

- a) Superintendent of Schools
- b) Building Principal
- c) Director of School Health Services
- d) Assistant Superintendent for Business

The Superintendent of Schools or Superintendent's designee, is responsible for insuring that reports of accidents of a serious nature are given immediately to the school attorney and insurance carrier. A copy shall be kept in the student's permanent health record.

Education Law Sections 1604(7-a), 1604(7-b), 1709(8-a)
and 1709(8-b)

Adopted: 7/16/08
Revised: 1/27/11

Students

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 Administrators;
- 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;
- l) Coordinators for Special Education
- m) Director of Health Services

(Continued)

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)**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.

(Continued)

Students

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)

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.

(Continued)

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)**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).

Use of Naloxone

The New Paltz Central School District recognizes that early use of Naloxone can enhance the survival rate of individuals from incidents of opioid overdose. Therefore, it is the policy of the Board of Education to make Naloxone (commonly known as Narcan) available to Registered Nurses, substitute Registered Nurses, and all trained staff employed by the District, and to authorize their use in accordance with the Education Law 922, 6427 and 6909 and Public Health Law 3309. Other District employees (such as coaches) may also be authorized to use Naloxone upon successful completion of an approved training course in the use of such devices. An Emergency Health Care Provider, as defined in Section 3000-c of the Public Health Law, shall be appointed to provide medical oversight for the use of Naloxone by District employees.

The Superintendent, in collaboration with the District Medical Director and Emergency Health Care Provider, shall develop regulations and protocols governing the use of Naloxone by employees of the District. These regulations and protocols shall be incorporated within the District's School Safety Plan.

Chronic Health Condition 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;

(Continued)

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)

- 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: 07/16/08
Revised: 10/21/09
Revised: 02/17/16

Students

SUBJECT: CONCUSSION MANAGEMENT POLICY

New Paltz Central School District has always taken the approach that student safety is of the highest priority.

The Board of Education and the New Paltz School District recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and recreational activities and can have serious consequences if not managed carefully. Therefore, the District adopts the following policy to support the proper evaluation and management of head injuries.

Concussion is a mild traumatic brain injury. Concussion occurs when normal brain functioning is disrupted by a blow or jolt to the head. Recovery from a concussion will vary. Avoiding re-injury until fully recovered are the cornerstones of proper concussion management.

While district staff will exercise reasonable care to protect students, head injuries may still occur. Physical education teachers, coaches, nurses, and other appropriate staff will receive training to recognize the signs, symptoms and behaviors consistent with a concussion. Any student exhibiting those signs, symptoms, or behaviors while participating in a school sponsored class, recess, extracurricular activity, or intramural/interscholastic athletic activity **shall be immediately removed** from the game or activity and be evaluated as soon as possible by an appropriate health care professional. The coach, school nurse, or other District employee in charge of or supervising the activity will notify the student's parents or guardians.

If a student sustains a concussion at a time other than when engaged in a school-sponsored activity, the district requires the parent/legal guardian to report the condition to the appropriate school nurse so that the district can support the proper management of the condition.

In the event of any concussion, regardless of where it was sustained, **the student shall not return to school or activity until he/she is symptom free for at least 24 hours**, has been evaluated by and provides written authorization from an appropriate health care professional. The school's chief medical officer or their designee will have the final decision on return to activity including recess, physical education class and after-school sports. Any student who continues to exhibit signs or symptoms upon return to activity must be removed from play and reevaluated by his/her health care provider.

The district will establish a concussion management team which may consist of, but not be limited to the Athletic Director, School Physician, School Nurse, and representatives from the administration, faculty and coaching staff. Any changes or modifications to the policy and procedures will be reviewed with the athletic department staff and appropriate school personnel verbally and in writing.

Those who come in contact with our students including but not limited to school nurses, physical education teachers, coaches, and athletic trainers will be required to complete biennially a course related to recognizing the symptoms of a mild traumatic brain injury, and monitoring and seeking proper medical treatment for pupils who suffer one. The school district will provide education to the public on mild traumatic brain injury in student handbooks, athletic codes of conduct and on the website.

The Superintendent, in consultation with appropriate district staff, including the chief school medical officer, will develop regulations and protocols to guide the return to activity.

Approved: 7/11/12

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT**Familial Child Abuse**

The School District subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law Sections 411-428. Our purpose is to provide protective services to abused and neglected/maltreated children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or neglect/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 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 shall be established and implemented to enable such staff to carry out their reporting responsibilities.

School Officials Required to Report

The definition of a "school official" who is mandated to report cases of child abuse or neglect/maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes, but is 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.

All mandated reporters shall make the report themselves and then immediately notify the Building Principal or his/her designee. The Building Principal or his/her designee shall be responsible for all subsequent administration necessitated by the report.

(Continued)

Students

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

Any report shall 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

Social Services Law Section 413(1) also prohibits a school from taking any retaliatory personnel action against an employee because such employee believes that he/she has reasonable cause to suspect that a child is an abused or neglected/maltreated child and that employee makes a report to SCR pursuant to Social Services Law. Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

Pursuant to Labor Law Section 740(1)(e), "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 Revised May 2007 New York State Office of Children and Family Services "**Report of Suspected Child Abuse or Maltreatment**" Form LDSS-2221A may be accessed at website: <http://www.ocfs.state.ny.us/main/cps/>

Education Law Section 3209-a
Family Court Act Section 1012
Labor Law Section 740(1)(e)
Social Services Law Sections 411-428

Child Abuse in an Educational Setting

The School District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law.

"Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:

- a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or

(Continued)

Students

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

- 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 pursuant to Penal Law Article 235.

"Educational setting" shall mean the building(s) and grounds of the School District; the vehicles provided by the School District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off School District grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

In any case where an oral or written allegation is made to a teacher, school's registered professional nurse, school guidance counselor, school psychologist, school social worker, school administrator, school Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (defined in the law as a person under the age of twenty-one (21) years enrolled in a school district in this state) has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

- a) Promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be completed on a form as prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving such an oral or written allegation, the employee completing the written report must promptly *personally deliver* a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred (subject to the following paragraph).

In any case where it is alleged the child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of such allegations shall be promptly forwarded to the Superintendent of Schools of the school district of the child's attendance and the school district where the abuse allegedly occurred.

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law shall have immunity from civil liability which might otherwise result by reason of such actions.

(Continued)

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

Upon receipt of a written report alleging child abuse in an educational setting, the school administrator or Superintendent must then determine whether there is "reasonable suspicion" to believe that such an act of child abuse has occurred. Where there has been a determination as to the existence of such reasonable suspicion, the school administrator or Superintendent must follow the notification/reporting procedures mandated in law and further enumerated in administrative regulations including parental notification. When the school administrator receives a written report, he/she shall promptly provide a copy of such report to the Superintendent.

Where the school administrator or Superintendent has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent shall also refer such report to the Commissioner of Education where the employee or volunteer alleged to have committed such an act of child abuse holds a certification or license issued by the State Education Department.

Any school administrator or Superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits such a report to a person or agency as required by law, shall have immunity from civil liability which might otherwise result by reason of such actions.

Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive such information, *shall be confidential and shall not be redisclosed except* to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. School administrators and the Superintendent shall exercise reasonable care in preventing such unauthorized disclosure.

Additionally, teachers and all other school officials shall be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education shall furnish the District with required information, including rules and regulations for training necessary to implement District/staff responsibilities under the law.

Prohibition of "Silent" (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner of Education, where appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his/her position.

2008

7530
5 of 5

Students

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

Superintendents (or a designated administrator) who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

Education Law Article 23-B and Sections 902(b) and 3028-b
Penal Law Articles 130, 235 and 263
Social Services Law Section 413
8 New York Code of Rules and Regulations (NYCRR)
Part 83

Adopted: 7/16/08

2008

7540

Students

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 #5730 -- Transportation of Students: Transportation to School Sponsored Events

Adopted: 7/16/08

SUBJECT: STUDENT SEXUAL HARASSMENT

It is District policy to prohibit sexual harassment and student gender discrimination in the schools, at school activities, and at events sponsored by the District. To that end, all students of the District shall be given a copy of this policy and education regarding its terms, procedures, protections and penalties.

Prohibited Conduct

The two forms of prohibited conduct below cover both sex-based harassment, including but not limited to sexual harassment, sexual assault, and sexual exploitation, as well as harassment based on gender identity, gender expression, and nonconformity with gender stereotypes.

1. No person may engage in sexual or sex-based harassment that creates a hostile learning environment in or under any program or activity of this District.
2. No person may condition a decision or benefit on a student's submission to sexual or sex-based harassment (regardless of whether the student resists and suffers the threatened harm or submits and avoids the threatened harm).

Sexual harassment that creates a hostile learning environment is either pervasive or severe conduct that involves unwelcome: sexual advances; sexual conduct that constitutes a crime; sexual touching; indecent exposure of a sexual nature; pervasive sexual remarks, comments, displayed materials, printed materials, electronic media, or jokes.

Sexual harassment is defined as discrimination against a person based on their sex or gender identity, which creates a hostile learning or school environment.

The determination of a hostile learning or school environment shall be objective, based upon the viewpoint of a reasonable person and subjectively perceived to be so by the complainant.

Gender discrimination is defined as pervasive or severe conduct intended to intimidate, demean, or dominate a person or conduct which adversely treats a person differently in the learning environment based on their gender or gender presentation.

Procedure

Any student who believes that they have been subjected to sexual harassment or sex-based harassment by an officer, employee, student, parent, chaperone, guest, or visitor is encouraged to address the matter with any District Title IX Officer *who shall promptly conduct an intake interview and explain the following options for resolution:

1. Registering an informal complaint verbally or in writing; or
2. Registering a formal complaint verbally or in writing; or
3. Engaging in mediation to arrive at a resolution of the matter, except in cases of sexual assault; or
4. Placing the district on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

(Continued)

SUBJECT: STUDENT SEXUAL HARASSMENT (cont'd)

The Title IX Officer shall not recommend, coerce, or otherwise encourage the student complainant to choose a specific pathway unless the complainant affirmatively requests such counsel.

The Title IX Officer shall be authorized to proceed with a matter raised in number 4 as if it had been filed as an informal complaint or a formal complaint at their discretion.

The Title IX Officer will also explain that the student complainant shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

Interim Measures

Where necessary, the District will take immediate steps to protect the complainants pending the final outcome of an investigation, including academic accommodations and other interim measures. These measures may include altering the academic or bus schedules for either the complainant or the alleged perpetrator, changing locker locations, allowing the complainant to withdraw from or retake a class without penalty, providing an escort to ensure that the complainant can move safely between classes or other activities, and providing academic support (e.g., tutoring).

Informal and Formal Complaints

All complaints shall be received in writing or reduced to writing by an intake Title IX Officer, who shall personally, or by referral to the Title IX Officer, or a person of authority, conduct a full and fair investigation of the complaint, make written findings of fact and, where warranted, recommend a resolution to the Superintendent of Schools. The Superintendent of Schools shall advise the complainant and the subject of the complaint of the disposition of the complaint, which may include:

1. A finding that this policy has not been violated; or
2. A finding that this policy has been violated and a critical evaluative letter has been issued with a requirement of corrective training for the subject of the complaint if the subject is an employee;
or
3. That disciplinary action has been taken, or where pre-disciplinary charges must be preferred, that they have been preferred in order to convene a disciplinary hearing if the subject is a student.

Persons of authority include the Assistant Principal, Building Principal, Deputy Superintendent, Assistant Superintendent, or Board-approved investigator(s).

Alternates

The Board shall appoint one (1) Title IX Officer and several designated Title IX formal complaint investigators. If the complaint is about the Superintendent of Schools, the Board shall stand in the Superintendent's place for review activities.

(Continued)

SUBJECT: STUDENT SEXUAL HARASSMENT (cont'd)

Appeal of Formal Complaints

If a formal complaint has not been resolved by the Superintendent within thirty (30) school days, unless extended with the written consent of the complainant, the complainant may appeal in writing to the Board to address the failure. The Board will then direct the Superintendent to conduct an expedited investigation with a report back to the Board within fifteen (15) school days.

An appeal to the Board may be taken by the complainant or the subject of the complaint within thirty (30) school days of being informed of the findings upon the allegations in the complaint.

Confidentiality

The District's Title IX Officer, the Superintendent of Schools, and the Board shall, to the maximum extent possible, maintain as confidential the transactions underlying the proceedings or complaint, the outcome of a mediated agreement and action taken, including formal discipline. The subject of the proceedings or complainant, however, shall be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process. Both the complainant and the subject of the complaint shall be given a copy of the findings in the matter of a formal complaint.

Consequences

Any officer, supervisor, or employee who violates this policy shall be subject to corrective action up to and including termination of office or employment, with due process provided as necessary. Students who violate this policy shall be subject to disciplinary or other corrective action.

Any complaint that is determined to have been processed maliciously or in bad faith shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the complainant.

District Title IX Officer

Contact information may be found on the District website or by calling the Pupil Personnel Services Office at (845) 256-4040.

Adopted: 05/22/2019

2008

7610

Students

SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN

A District plan shall be developed and updated every two (2) years describing the Special Education program in the New Paltz Central School District. The District plan shall include the following:

- a) A description of the nature and scope of special education programs and services currently available to students residing in the District, including but not limited to descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition.
- b) Identification of the number and age span of students (school age and preschool) to be served by type of disability and recommended setting.
- c) The method to be used to evaluate the extent to which the objectives of the program have been achieved.
- d) A description of the policies and practices of the Board of Education to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities.
- e) 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)

Adopted: 7/16/08

Students

SUBJECT: CHILDREN WITH DISABILITIES

A child with a disability means a student under the age of twenty-one who is entitled to attend public 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, a NYS approved special school, home instruction and education in a residential setting.
- c) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.
- d) Taking the following measurable steps to recruit, hire, train and retain highly qualified personnel to provide special education programs and services:
 1. Utilize established procedures for publication of all potential job openings;
 2. Check credentials, references and requirements listed on applications;
 3. Provide training sessions for interview committee;
 4. Special Education teachers are required to have subject matter knowledge appropriate to the level of instruction being provided; when teaching two (2) or more core academic subjects exclusively to children with disabilities, the teacher will meet the requirements of "highly qualified" per the No Child Left Behind Act (NCLB) and the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) or demonstrate competence in all the core academic subjects taught per state regulations.

(Continued)

Students

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

- 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.
- 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, Instructional Technology 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.
- 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.

(Continued)

2008

7611
3 of 4

Students

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

- 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.

Parental consent must be obtained by the school district of location before any personally identifiable information about the student is shared between officials in the public school district of residence and officials in the public school district of location.

The school district of location must consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the school district. The school district must engage in consultation regarding the child find process and services generally; consultation is not specific to individual students. Individual services are determined by the CSE.

The consultation process must be timely and meaningful and include discussion of:

- 1) Child Find;
- 2) Provision of Special Education Services; and
- 3) Use of Federal Funds.

The school district of location must provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out-of state students must be documented on a services plan that is developed by the CSE of the district of location. The services plan is the written plan that describes the specific special education and related service that the district of location

(Continued)

2008

7611
4 of 4

Students

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

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.

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 3208, 3242, 3602-c, 4401-4407
and 4410-6
8 New York Code of Rules and Regulations (NYCRR)
Sections 100.5, 100.9, 200.2(b), 200.2(c)(2)(v),
200.4(e)(9) and 200.6(a)(1)

NOTE: Refer also to Policies #7615 -- Least Restrictive Environment

Adopted: 7/16/08

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.

(Continued)

2008

7612
2 of 2

Students

SUBJECT: GROUPING BY SIMILARITY OF NEEDS (Cont'd.)

8 New York Code of Rules and Regulations (NYCRR)
Sections 200.1(w), 200.2(b)(3), 200.4(d) and
200.6(a)(3)

Adopted: 7/16/08

**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 or

(Continued)

Students

**SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S
INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

concerns. The second CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parents/guardians with written notice and a copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

Committee on Preschool Special Education

Upon receipt of the recommendation of the Committee on Preschool Special Education (CPSE), the Board of Education shall arrange for the preschool student with a disability to receive such appropriate programs and services in accordance with the student's IEP, commencing with the July, September or January starting date for the approved program, unless such services are recommended by the CPSE less than thirty (30) school days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, such services shall be provided no later than thirty (30) days from the recommendation of the CPSE.

If the Board disagrees with the recommendation of the CPSE, the Board shall send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board of Education shall provide such notice as required by federal and state law and regulations.

Subcommittee on Special Education

The number of Subcommittees on Special Education will be determined by the CSE and the CSE will be responsible for the oversight and monitoring of the activities of each subcommittee to assure compliance with the requirements of applicable state and federal laws and regulations.

Each Subcommittee may perform the functions for which the CSE is responsible, except:

- a) When a student is considered for initial placement in a special class; or
- b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or

(Continued)

**SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S
INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

- c) When a student is considered for placements in a school primarily serving students with disabilities or a school outside the District.

Subcommittees shall report annually to the CSE regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relation to a student, the Subcommittee shall refer to the CSE any matter in which the parent disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate education to the student.

Education Law Sections 4402 and 4410
8 New York Code of Rules and Regulations (NYCRR)
Sections 200.2(d)(1), 200.4(c), 200.4(d), 200.5 and
200.16(e)

NOTE: Refer also to Policies #7631 -- Appointment and Training of Committee on Special Education (CSE)/Subcommittee on Special Education Members
#7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Students

SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM

The Board recognizes the need for educational programs for three (3) and four (4) year old children with disabilities and directs that administrative practices and procedures be developed to:

- a) Ensure the provision of special education services and programs for each preschool child with a disability residing in the District.
- b) Establish a Committee on Preschool Special Education (CPSE) which shall be comprised in accordance with applicable federal and state law and regulation.
- c) Ensure that parents have received and understand the request for consent for evaluation and re-evaluation of a preschool aged child.

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.

State Reporting Requirements

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 to 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).

Eligibility

- a) A child with a disability who is three (3) years of age on or before December 31 will be eligible for services beginning September 1 of the calendar year in which the child becomes three.
- b) A child with a disability who becomes three (3) years of age on or before August 1 is eligible for services beginning January 2, unless the child is already receiving services under Section 236 of the Family Court Act.
- c) All students attending pre-school programs in July and August must meet the District's criteria for twelve month programming and twelve month programming must be recommended on the IEP'S.

(Continued)

Students

SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM (Cont'd.)

- d) All students attending pre-school programs must be classified as having an educational disability in accordance with Part 200 of the Regulations of the Commissioner of Education.

Evaluation

- a) The Board of Education will provide parents of a pre-school child suspected of having a disability with a list of State Education Department approved programs.
- b) Upon consent of the parents, the Board will arrange for the program provider which the parent has selected to conduct an evaluation in accordance with law.
- c) If consent to evaluate is not received by the Committee on Pre-school Special Education (CPSE) Chairperson, a second consent will be sent to the parent/guardian and, if necessary, a follow-up telephone call.
- d) If a parent disagrees with the evaluation, the parent may obtain an additional evaluation at public expense to the extent authorized by regulation.

Placement

- a) Within thirty (30) days of obtaining parental consent, the CPSE will meet and make a recommendation to the Board of Education.
- b) If a pre-school child is found to be eligible for service, the Board of Education will arrange for those services by a State Education Department approved provider.
- c) The Board will notify the parent, the designated county program, and the Commissioner of its decision.
- d) The Board will ensure that each pre-school child with a disability residing in the District has the opportunity to participate in pre-school programs and services.

Annual Review

In accordance with Part 200 of the Commissioner's Regulations, the CPSE will review, at least annually, the status of each pre-school child.

Appeal

- a) If the determination of the Board of Education is not acceptable to the parent(s) or if the CPSE or Board of Education fails to make or effectuate its recommendation within the time period required by regulation, the parent(s) may file a written request with the Board of Education for an impartial hearing.

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2008

7614
3 of 3

Students

SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM (Cont'd.)

- b) Upon receipt of such request, the Board shall provide for a hearing to be conducted in accordance with law and regulation.

Individuals With Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
Education Law Section 4410
8 New York Code of Rules and Regulations (NYCRR)
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

Adopted: 7/16/08
Revised: 12/3/08

Students

SUBJECT: LEAST RESTRICTIVE ENVIRONMENT

Least restrictive environment means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with use of supplementary aids and services, education in regular classes cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment 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, resource room programs and special class programs within the general education classroom.

(Continued)

2008

7615
2 of 2

Students

SUBJECT: LEAST RESTRICTIVE ENVIRONMENT (Cont'd.)

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

Adopted: 7/16/08

Students

**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 Instructional Support Teams (IST) will be formed in accordance with law and/or regulations as may be applicable as well as District guidelines. The IST will include representatives from general and special education as well as other disciplines and include individuals with classroom experience. 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 IST.

(Continued)

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

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.

(Continued)

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

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

Students

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 (www.vesid.nysed.gov/specialed/idea/studentexit.htm) to students exiting with a High School Equivalency Diploma.

(Continued)

Students

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

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 before he/she receives an Individualized Education Program (IEP) diploma. If the student will be graduating with an IEP diploma, 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.

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

When appropriate, the District shall provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

Declassification support services means those services provided by persons appropriately certified pursuant to Part 80 of Commissioner's Regulations, or holding a valid teaching license in the appropriate area of service, to a student or the student's teacher to aid in the student's move from special education to full-time regular education, including:

- a) For the student, psychological services, social work services, speech and language improvement services, noncareer counseling, and other appropriate support services; and
- b) For the student's teacher, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

Procedural Safeguards Notice

The District shall use the procedural safeguards notice prescribed by the Commissioner of Education. The District will further ensure that the procedural safeguards notice is provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly

(Continued)

2008

7617
3 of 3

Students

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

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 Section 614(a)]
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4401-4410-a
8 New York Code of Rules and Regulations (NYCRR)
Sections 100.1(q), 100.2(u), 200.2(b)(8), 200.4(b)(4),
200.4(b)(5), 200.4(c)(3), 200.4(c)(4), 200.4(d)(1) and
200.5(a)

NOTE: Refer also to Policy #7641 – Transition Services

Adopted: 7/16/08

2008

7620

Students

SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT PROGRAMS

All students with disabilities residing in the District, including those of preschool age, shall be provided with full access and opportunity to participate in School District programs, including 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.

8 New York Code of Rules and Regulations (NYCRR)
Sections 200.2(b)(1) and 200.2(b)(2)

Adopted: 7/16/08

Students

SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973

It is the policy of the New Paltz Central School District to prohibit discrimination and harassment of students with disabilities as defined in Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. This policy covers school programs, activities, and events sponsored by the School District. To that end, all officers, supervisory personnel, employees and students of the School District shall be given a copy of the District policy and training regarding its terms, procedures, protections and penalties.

I. STATEMENT OF POLICY

- 1) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the School District, or be subjected to discrimination by the School District.
- 2) No qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any service, program, or activity conducted by the School District.
- 3) The School District shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.
- 4) The School District shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity.
- 5) The School District shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual is known to have a relationship or association.

All employees, teachers and administrative personnel are required to report any instance of alleged discrimination or harassment on the basis of disability immediately to the Director of Pupil Personnel Services. This will enable the School District to investigate and resolve any problems promptly and effectively. Investigations of disability discrimination, harassment, or other wrongful conduct will be treated with confidentiality appropriate under the circumstances, in light of the personal nature of these matters and the important privacy interests of all concerned. The School District will not permit anyone who objects to discrimination, harassment, makes a complaint, opposes any unlawful act, or assists in any investigation to be subjected to coercion, intimidation, interference, or retaliation.

(Continued)

Students

SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973 (cont'd)

The School District designates the Director of Pupil Personnel Services to coordinate all compliance and investigative matters arising under this policy and the corresponding implementing regulations. 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. In addition, Section 504 Regulations will be distributed to all Building level Administrators on an annual basis by the Director of Pupil Personnel Services.

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

NOTE: Refer also to Policy #3231 – Americans with Disabilities Act (ADA)/Section 504 Rehabilitation Act

Adopted: 7/16/08
Revised: 4/6/16

Students

SUBJECT: DISTRICT POLICY REGARDING RESPONSE TO INTERVENTION (RTI) PROCESS

In accordance with Commissioner's Regulations, the School District has established administrative practices and procedures for implementing District-wide initiatives that address a Response to Intervention (RTI) process applicable to all students. For students suspected of having a potential learning disability, the District will provide appropriate RTI and AIS (Academic Intervention Services) prior to a referral to the Committee on Special Education (CSE) for evaluation.

The District's RTI process shall include the following minimum requirements:

- a) Scientific, research-based instruction in reading and mathematics provided to all students in the general education class by qualified personnel;
- b) Screenings shall be provided to all students in the class to identify those students who are not making academic progress at expected rates;
- c) Scientific, research-based instruction matched to student need with increasingly intensive levels of targeted interventions for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards;
- d) Repeated assessments of student achievement will be implemented to determine if interventions are resulting in student progress toward age or grade level standards; and
- e) The application of information about the student's response to intervention to make educational decisions about changes in goals, instruction and/or services and the decision to make a referral for academic intervention services or special education programs and/or services.

The District's RTI program consists of multiple tiers of instruction/assessments to address increasingly intensive levels of targeted intervention to promote early identification of student performance needs and/or rate of learning, and to help raise achievement levels for all students.

Instructional Support Teams, whose members may include, but are not limited to, regular education teachers, special education personnel, the school psychologist, designated administrators, and other individuals deemed appropriate by the District, will be available for each building to address the needs of students not making academic progress at expected rates.

(Continued)

Students

SUBJECT: DISTRICT POLICY REGARDING RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

The Instructional Support Team's responsibilities shall include, but are not limited to, the following:

- a) Analyzing information/assessments concerning a student's response to intervention and making educational decisions about changes in goals, instruction and/or services;
- b) Determining whether to make a referral for special education programs and/or services.

Parent Notification

Written notification shall be provided to parents when their child requires an intervention beyond the teacher's differentiation of instruction that is provided to all students in the general education classroom and requires more intensive academic intervention services. Such written notice shall include the following information:

- a) The amount and nature of the student performance data that will be collected and the general education services that will be provided as part of the RTI process;
- b) Strategies for increasing the child's success in learning; and
- c) The parents' right to request an evaluation for special education programs and/or services.

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)

NOTE: Previous Policy 7622 was repealed on 9/17/08. This Policy was adopted as a New Policy on 12/3/08.

Adopted: 12/3/08
Revised: 2/3/10 (punctuation only)

Students

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS

Committee on Special Education (CSE) Membership

The Board of Education shall appoint a Committee on Special Education (CSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) or persons in parental relationship of the student. To ensure that one or both parents are present at each CSE meeting, the District and the parent(s) may agree to use alternative means of participation such as videoconferences or conference phone calls.
- b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher of the student, or, where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District;
- e) An individual who can interpret the instructional implications of evaluation results, who may be a CSE member selected from the regular education teacher, the special education teacher or provider, the school psychologist, or the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) A member as described in letters b) through e) of this subheading is not required to attend the CSE meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:
 1. The member's area of the curriculum or related services is not being modified or discussed in the meeting; or
 2. The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

(Continued)

Students

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)

3. The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in 2. above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation;
 - g) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;
 - h) Whenever appropriate, the student with a disability. The District must invite a child with a disability to attend the child's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. If the child does not attend the CSE meeting, the District must take other steps to ensure that the child's preference and interests are considered. To the extent appropriate, with the consent of the parent or a student eighteen (18) years or older, the District must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services;
 - i) A school psychologist;
 - j) A school physician, if requested in writing at least seventy-two (72) hours prior to the meeting by the parents of the student or the School District; and
 - k) An additional parent residing in the District or a neighboring school district who is a parent of a student with a disability, a parent of a student who has been declassified and is no longer eligible for an individualized education program (IEP), or a parent of a disabled child who has graduated. This parent member may serve for a period of five years beyond the student's declassification or graduation, provided that the parent shall not be employed by or under contract with the School District. Such parent is not a required member if the parents of the student request, in writing, that the additional parent member not participate in the meeting.

Subcommittee on Special Education Membership

The Board of Education shall appoint, as necessary, a Subcommittee on Special Education whose membership shall include, but not be limited to, the following members:

(Continued)

Students

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)

- a) The parent(s) of the student;
- b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher, of the student, or where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District;
- e) A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, as set forth in Section 200.6(f)(4) of the Regulations of the Commissioner, is considered;
- f) A member as described in letters b) through e) of this subheading is not required to attend the subcommittee meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:
 - 1. The member's area of the curriculum or related services is not being modified or discussed in the meeting; or
 - 2. The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or
 - 3. The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in 2. above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation;
- 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;

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Students

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)

- h) An individual who can interpret the instructional implications of evaluation results, who may be a member described in letters "b" through "f" of this subheading; and
- 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

Adopted: 7/16/08

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL
SPECIAL EDUCATION (CPSE) MEMBERS**

Committee on Preschool Special Education (CPSE) Membership

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the preschool child. 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) An additional parent of a child with a disability who resides in the School District or a neighboring school district, and whose child is enrolled in a preschool or elementary level education program provided that such parent shall not be employed by or under contract with the School District or municipality; and provided further that such parent shall not be a required member if the parents of the child request, in writing, that the additional parent member not participate in the meeting;

(Continued)

Students

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)

- h) For a child's 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. This professional must attend all meetings of the CPSE conducted prior to the child's initial receipt of services; and
- i) A representative from the municipality of the preschool child's residence. Attendance of the appointee of the municipality is not required for a quorum.

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.

(Continued)

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL
SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)****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

Adopted: 7/16/08

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION****Development of Individualized Education Program**

The Board of Education directs that the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) shall have prepared a written statement (program) for each child with a disability.

Such an Individualized Education Program (IEP) will be developed by the CSE or CPSE upon referral, and reviewed or revised, whichever is appropriate, for every child with a disability at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

The District shall ensure that each student with a disability has an IEP in effect at the beginning of each school year.

IEPs developed on or after January 1, 2009 will be on the form prescribed by the Commissioner.

Individual Evaluations

Parental consent must be provided for an initial evaluation. If such consent is not received within thirty (30) calendar days of receipt of the referral, the CSE/CPSE Chairperson will document all attempts made to obtain the consent and, if appropriate, advise the Board of its right to utilize the due process procedures to conduct an evaluation without parental consent.

Unless a referral is withdrawn, an individual evaluation at no cost to the parent will be completed by the CSE/CPSE within sixty (60) calendar days after written parental consent, has been obtained or a parental refusal to consent is overridden, unless:

- a) An extension is mutually agreed to by the parent and the CSE/CPSE for the following situations:
 1. Transfer students: A student enrolls in the District after sixty (60) days and prior to a determination by the student's previous school district as to whether the student has a disability, but only if the new school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent and the new district agree to a specific timeframe for completion; or
 2. Students suspected of having learning disabilities; or
- b) The parent or student repeatedly fails or refuses to produce the student for evaluation.

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

No student shall be required to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving an evaluation.

The individual evaluation will include a variety of assessment tools and strategies, including information provided by the parent. The purpose of the evaluation is to gather relevant functional, developmental and academic information that may assist in determining whether the student is a student with a disability and the content of the student's IEP. This shall include information relating to enabling the student to participate and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities.)

As part of any evaluation, a group that includes the CSE/CPSE and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments, local or state assessments, classroom-based observations, and observations by teachers and related services providers. In addition, the group will consider information about the student's physical condition, social or cultural background, and adaptive behavior.

On the basis of that review, and input from the student's parents, the group shall identify what additional data, if any, are needed to determine:

- a) Whether the student has or continues to have a disability;
- b) The present levels of academic achievement and related developmental needs of the student, including:
 1. Academic achievement, functional performance, and learning characteristics;
 2. Social development;
 3. Physical development; and
 4. Management needs.
- c) In the case of a reevaluation of a student, whether the student continues to need special education; and
- d) Whether any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

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 the Commissioner's Regulations.

Individual Re-evaluations

A CSE/CPSE shall arrange for an appropriate re-evaluation of each student with a disability:

- a) If the District determines that the educational or related services needs, including improved academic achievement and functional performance of the student warrant re-evaluation;
- b) If the student's parent or teacher request a re-evaluation;
- c) The District and the parent may agree in writing that a re-evaluation is unnecessary.

A re-evaluation shall not be conducted more frequently than once a year unless the parent and the District representative appointed to the CSE/CPSE agree otherwise.

The re-evaluation will be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation shall be sufficient to determine the student's individual needs, 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.

Functional Behavioral Assessments/Behavioral Intervention Plans

A functional behavioral assessment (FBA) is an integral part of the evaluation and reevaluation of a student with a disability which should be used throughout the process of developing, reviewing and revising a student's IEP when the student's behavior impedes learning of the child or others. The FBA is the process of determining why a student engages in challenging behavior and how the student's behavior relates to the environment.

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

The FBA provides a baseline of the student's problem behaviors with regard to frequency, duration, intensity and/or latency across activities, settings, people and times of the day and includes:

- a) The identification of the problem behavior;
- b) The definition of the behavior in concrete terms;
- c) The identification of the contextual factors that contribute to the behavior (including cognitive and affective factors); and
- d) The formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

The CSE/CPSE will ensure that functional behavioral assessments, when appropriate, are conducted and reviewed to:

- a) Identify supplementary aids and services, modifications and/or related services appropriate to address the identified behaviors to promote the student's involvement and progress in the general curriculum;
- b) Develop the IEP which includes behavioral goals and objectives and positive behavioral supports and strategies.

In the case of a student whose behavior impedes his/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.

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, provided that:

- a) The parents/persons in parental relation request an amendment to the IEP and the District and parents/persons in parental relation agree to the amendment in writing; or
- b) The parent and the District agree in writing to any proposed changes.

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

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 audio recording equipment to be used at meetings regarding individualized education programs for students with disabilities, with prior notice.

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,

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

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.

Individuals with Disabilities Education Improvement Act of
2004 [Public Law 108-446 Section 615(k)(1)]
Individuals with Disabilities Education Act (IDEA), 20
United States Code (USC) Section 1400 et seq.
21 United States Code (USC) Section 812(c)
Education Law Articles 81, 85 and 89 and Sections 3208 and
4402(7)
8 New York Code of Rules and Regulations (NYCRR)
Sections 200.1(hh), 200.2(b)(11), 200.4(b)(4),
200.4(d)(3)(i), 200.4(e)(3), 200.4(f), 200.16(e)(6) and
200.22

Adopted: 7/16/08

Students

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;

(Continued)

Students

SUBJECT: TRANSITION SERVICES (Cont'd.)

- 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

Adopted: 7/16/08

Students

SUBJECT: EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS

The School District shall provide, directly or by contract, special services and/or programs during July and August (i.e., extended school year) to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE). Written consent of the parent is required prior to initial provision of special education services in a twelve (12) month special service and/or program.

The CSE/CPSE must determine whether a student requires extended school year special education services and/or programs in order to prevent substantial regression. Substantial regression would be indicated by a student's inability to maintain developmental levels due to a loss of skill, set of skill competencies or knowledge during the months of July and August. In accordance with Commissioner's Regulations, students must be considered for twelve (12) month special services and/or programs to prevent substantial regression if they are:

- a) Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes; or,

Preschool students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention;
- b) Students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment and are placed in special classes; or

Preschool students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment;
- c) Students who are recommended for home and/or hospital instruction whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment; or

Preschool students whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment in the home; or
- d) Students, including preschool students, whose needs are so severe that they can be met only in a seven (7) day residential program; or

(Continued)

Students

SUBJECT: EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS (Cont'd.)

- e) Students who are not in programs as described in subparagraphs (a) through (d) above during the period from September through June and who, because of their disabilities, exhibit the need for a twelve (12) month special service and/or program provided in a structured learning environment of up to twelve (12) months duration in order to prevent substantial regression as determined by the CSE; or

Preschool students who are not described in subparagraphs (a) through (d) above whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration to prevent substantial regression as determined by the Preschool Committee on Special Education (CPSE).

For students eligible for twelve (12) month service and/or program, per Commissioner's Regulations Section 200.4(d)(2)(x), the student's 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)

Adopted: 7/16/08

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

Adopted: 7/16/08

**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)

2008 7650
2 of 2

Students

**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 Policy #7130 -- Entitlement to Attend -Age and Residency

Adopted: 7/16/08

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.

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 within 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.

Effective January 1, 2009 the prior written notice will be on the form prescribed by the Commissioner.

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 (CSPE) 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.

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

Additionally, the School District must take whatever action is necessary to ensure the parent understands the proceedings of this meeting including arranging for an interpreter for parents with deafness or whose native language is other than English.

Parental Consent

In accordance with due process, a parent (as defined in Commissioner's Regulations Section 200.1(l)) of a special education student or a student suspected of having a disability must provide informed consent before the School District can take certain actions. The District will make reasonable efforts to obtain written informed consent and will maintain a detailed record of its attempts and the results of the attempts.

Consent for Evaluations

The parent or guardian must provide informed consent to the initial evaluation, or reevaluations in accordance with law and/or regulations. If a parent does not provide consent for an initial evaluation, the School District *may* pursue the evaluation by commencing a due process hearing to override the refusal to provide consent.

Parental consent for a reevaluation is not needed if the District can demonstrate that it has taken reasonable measures to obtain consent, but the parents or guardians have failed to respond.

Consent for the Initial Provision of Services

Parental consent is also required for the initial provision of special education services. Consent for an initial evaluation does not constitute consent for the initial provision of services. If a parent does not provide consent for the initial provision of services, the School District *shall not* provide the special education program and services to the student and shall not use the due process procedures to challenge the parent's refusal to consent. The School District shall not be considered to be in violation of the requirements to provide a free appropriate public education (FAPE), shall not be required to convene a meeting of the committee on special education or develop an individualized education program (IEP).

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.

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)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
- 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

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

using the due process procedures and the District is not required to consider the student as eligible for special education services.

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 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

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS

The parent/person in parental relation of a student with a disability may file a written request with the Board for an impartial due process hearing with respect to any matter relating to the identification, evaluation, educational placement, provision of a free appropriate public education, manifestation determination or other matter relating to discipline. The Board may also initiate such hearing.

The School District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. Mediation will be available to resolve disputes involving any matter, including matters arising prior to the filing of a request for an impartial due process hearing. In addition, the District may establish procedures providing the opportunity to meet with a disinterested party from a community dispute resolution center for an explanation of the benefits of the mediation process.

For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The Impartial Hearing Officer (IHO) renders a written decision after the parties present and refute evidence before him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Impartial Due Process Hearing Process

The request for an impartial due process hearing must be submitted within two (2) years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. However, the two (2) year timeline does not apply if the parent was prevented from requesting the hearing due to specific misrepresentations by the District that it had resolved the problem or the District's withholding of information from the parent that is required by Commissioner's Regulations.

The following is an overview of the impartial due process hearing process/prehearing conference:

Due Process Complaint Notification

- a) The parent or the School District may request an impartial due process hearing by first submitting a due process complaint notice.
A hearing may not be held until a due process complaint notice is filed. Either the parent, the District, or the attorney representing either party may present a complaint with respect to any matter relating to the identification, evaluation or educational placement of a student with a disability or a student suspected of having a disability, or the provision of a free appropriate public education to such student.

(Continued)

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

This written due process complaint notice must include:

1. The name of the student;
 2. The address of the student's residence or, in the case of a homeless student, available contact information;
 3. The name of the school the child is attending;
 4. A description of the nature of the problem of the student relating to the proposed or refused initiation or change, including facts relating to the problem; and
 5. A proposed resolution of the problem to the extent known and available to the party at the time.
- b) The due process complaint notice will be deemed sufficient unless the party receiving the notice notifies the other party and the IHO in writing within fifteen (15) days of receiving the notice that they believe the notice requirements have not been met.
- c) Within five (5) days of the receipt of the notice of insufficiency, the IHO shall make a determination on the face of the notice of whether the notification meets the notice requirements and shall immediately notify the parties in writing of the determination.
- d) If the District has not sent a prior written notice (notice of recommendation) to the parent regarding the subject matter of the complaint notice, the District will send a response to the parent within ten (10) days of receiving the complaint which includes:
1. An explanation of why the District proposed or refused to take the action raised in the complaint;
 2. A description of other options the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) considered and why those options were rejected;
 3. A description of each evaluation procedure, assessment, record, or report the District used as a basis for the proposed or refused action; and
 4. A description of the factors relevant to the District's proposal or refusal.
- e) Upon receipt or filing of the due process complaint notice, the District will provide the procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and of any free or low-cost legal and other relevant services available in the area.
- f) Within ten (10) days of receiving the complaint notice, the non-complaining party must send a response specifically addressing the issues raised in the notice.

(Continued)

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

- g) A party may amend its due process complaint notice only if:
1. The other party consents in writing and is given the opportunity to resolve the complaint through a resolution process;
 2. The IHO grants permission, but not later than five (5) days before the impartial due process hearing commences.

Applicable timelines for the impartial due process hearing will recommence at the time of the filing of the amended notice.

- h) No issues may be raised at the impartial due process hearing that were not raised in the due process complaint notice.

Resolution Process

- a) Within fifteen (15) days of receiving the due process complaint notice from the parent and prior to the due process hearing itself, the District shall convene a meeting with the parents and relevant members of the CSE/CPSE, as determined by the District and the parent, who have specific knowledge of the facts identified in the complaint. A representative of the District who has decision-making authority must attend. The attorney for the District may not attend unless the parent is accompanied by an attorney. At this resolution meeting, the District has the opportunity to resolve the complaint after the parents discuss their complaint and the facts forming its basis.

The District will take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, including notifying parents of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the resolution meeting at a mutually agreed on time and place and in a location that is physically accessible to the parents.

- b) When conducting meetings and carrying out administrative matters (such as scheduling), the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.
- c) The parent and District may agree in writing to waive the resolution process or agree to use the mediation process to resolve the dispute.
- d) If a settlement is reached, the parties shall execute a legally binding agreement signed by the parent and the representative of the District who has authority to bind the District. This agreement is enforceable in court. However, either party may void the agreement within three (3) business days of the agreement's execution.
- e) If the District has not resolved the due process complaint to the satisfaction of the parents within thirty (30) days of receipt of the complaint notice, the impartial hearing process may begin.

(Continued)

: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

- f) Except where the parties have jointly agreed to waive the resolution process or use mediation, the failure of a parent filing a due process complaint to participate in the resolution meeting will delay the timeline for the resolution process and due process hearing until the meeting is held:
1. If the District is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented), the District may, at the conclusion of the thirty-day period, request that an IHO dismiss the parents' due process complaint.
 2. If the District fails to hold the resolution meeting within fifteen (15) days of receipt of the parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of the IHO to begin the due process hearing timeline.

Pre-Hearing Conference

A pre-hearing conference (which may take place via telephone) may be scheduled by the IHO to simplify or clarify issues; establish dates for the completion of the hearing; identify evidence to be entered into the record; identify witnesses expected to provide testimony; and/or address other administrative issues. A transcript or written summary shall be entered into record by the IHO.

Impartial Due Process Hearing

In the event the complaint is not resolved in a resolution process, the Board will arrange for an impartial due process hearing to be conducted. When carrying out administrative matters relating to an impartial due process hearing, such as scheduling, exchange of witness lists and status conferences, the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.

- a) The District must immediately (but not later than two (2) business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent) initiate the process to select an IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The Superintendent's Secretary/District Clerk will be responsible for contacting IHOs and maintaining appropriate records.
- b) The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board of Education must immediately appoint him/her. To expedite this process, the Board shall designate the President or Vice President of the Board the authority to formally appoint a hearing officer by signing a letter of appointment.
- c) The IHO may not accept appointment unless he/she is available to make a determination of sufficiency of a due process complaint notice within five (5) days of receiving such a request and (unless an extension is granted) to initiate the hearing in a timely fashion.

(Continued)

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

1. When the District files the due process complaint notice, the hearing or pre-hearing conference must commence within the first fourteen (14) days after the date the IHO is appointed;
2. When a parent files the due process complaint notice, the hearing or pre-hearing conference must commence within the first fourteen (14) days after whichever of the following occurs first:
 - (a) The date the IHO receives the parties' written waiver of the resolution meeting; or
 - (b) The IHO receives the parties' written confirmation that a mediation or resolution meeting was held but no agreement could be reached; or
 - (c) The expiration of the thirty-day resolution period unless the parties agree in writing to continue mediation at the end of the thirty-day resolution period. In such case, the hearing or pre-hearing conference will commence within the first fourteen (14) days after the IHO is notified in writing that either party withdrew from mediation.
- d) The hearing, or a prehearing conference, shall commence within the timeframe specified in c) above, unless an extension is granted pursuant to Commissioner's Regulations.
- e) Each party must disclose to all parties all evaluations completed by that date and recommendations based on the offering party's evaluation that they intend to use at the hearing not less than five (5) days prior to the hearing. The IHO may bar any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.
- f) The hearing will be conducted at a time and location that is reasonable and convenient to the parent and the student involved. The hearing shall be closed to the public unless the parent requests an open hearing.
- g) The role and responsibilities of the IHO will be as enumerated in Commissioner's Regulations.
- h) The student shall remain in his/her current placement during the pendency of the impartial due process hearing unless both parties agree or except as otherwise provided for expedited impartial due process hearings for certain disciplinary suspensions or removals of a student. For a preschool child not currently receiving special education services and programs, he/she may, during any impartial due process hearings or appeals, receive special education services and programs if the parent/person in parental relation and the District agree. However, during the pendency of an appeal for a preschool child who is transitioning from an Early Intervention (EI) program and is no longer eligible for the EI program due to age, the District is not required to provide the services the child had been receiving under EI. If found eligible for special education as a preschool student with a disability, and if the parent consents to the initial provision of services, the District will provide those programs and services that are not in dispute.

(Continued)

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

- i) The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory timelines but not later than forty-five (45) days from the date required for commencement of the impartial due process hearing specified in c) above. For expedited hearings the deadline is within ten (10) school days after the hearing; for preschool hearings the timeframe is thirty (30) days after the receipt by the Board of a request for a hearing or after the initiation of such hearing by the Board.
- j) The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Burden of Proof

In accordance with New York State law, the burden of proof and persuasion in an impartial due process hearing dispute relative to a student's special education placement rests upon the School District. However, a parent/person in parental relation seeking tuition reimbursement for a unilateral parental placement shall have the burden of persuasion as to the appropriateness of the placement.

Recordkeeping and Reporting

The District will utilize the New York State Education Department's Impartial Hearing Reporting System (IHRS) to access the alphabetical list of the names of each IHO who is certified in New York State and available to serve in the District. The District will record and report to the State Education Department required information relating to the selection of IHOs and the conduct of impartial due process hearings according to the manner and schedule specified by the Department. The Superintendent shall designate a staff member(s) who will be responsible for reporting such information as required relating to the impartial hearing process into the State Education Department's web-based reporting system.

Compensation of Impartial Hearing Officers

A. Selection and Appointment

1. The District shall utilize the most recent rotational list of impartial hearing officers established by the State Education Department. Additional qualified impartial hearing officers requesting to serve in the District shall have their names inserted into such rotational list in alphabetical order.
2. Within two (2) business days after the District receives a written request for an impartial hearing, the District Clerk shall initiate attempts to contact that hearing officer whose name next follows the last hearing officer appointed by the Board of Education from the rotational list. The District Clerk shall first attempt contact by telephone call. If unsuccessful at reaching the hearing officer, the District Clerk shall leave a message (if voice mail is available) and send a letter by overnight mail, informing the hearing officer that:

(Continued)

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

- a. a hearing has been requested concerning a student (identify the student only by number) and the name of the school district;
 - b. the hearing officer's name is the next one on the rotational list; and
 - c. the hearing officer must contact the District Clerk (leave telephone number) no later than 24 hours from the date the telephone message is left and/or the date of the correspondence.
3. If the hearing officer declines appointment, or fails to respond within 24 hours after being telephoned or sent a letter by overnight mail, the District Clerk will, according to the procedures outlined above, offer the appointment to each successive hearing officer whose name appears on the rotational list, until it is accepted.
 4. No appointment may be accepted unless the hearing officer is available to initiate the hearing within 14 days after being contacted by the District Clerk.
 5. Once an appointment is accepted, the hearing officer shall be formally appointed by:
 - a. resolution adopted by the Board of Education; or
 - b. a letter signed by the President or Vice President of the Board of Education.
 6. The President and/or Vice President of the Board of Education are hereby delegated with the authority to immediately appoint impartial hearing officers who are selected in accordance with these procedures.
 7. Once appointed, the District Clerk shall provide the Impartial Hearing Officer with the relevant contact information for the District's legal counsel and contact information for the Parent(s) and Student and/or their legal counsel.
 8. The District Clerk shall maintain a log detailing any actions taken pursuant to this policy relating to the appointment of impartial hearing officers. In addition, the District Clerk shall comply with any applicable reporting provisions contained in Section 200.5 of the Commissioner's Regulations relating to the appointment of impartial hearing officers.

(Continued)

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

B. Compensation

Impartial hearing officers appointed to conduct hearings under the provisions of Article 89 of the Education Law shall submit statements to the School District for fees and expenses in accordance with the following guidelines:

1. A statement for fees and expenses shall be submitted at the conclusion of the hearing and receipt of the impartial hearing officer's final decision or other determination having the effect of terminating the impartial hearing officer's involvement in the hearing.
2. All statements for fees and expenses shall separately list each individual item of service or expense, the date it occurred and the time spent, by hour or fraction thereof in increments of one-tenth of an hour (e.g., .1, .2, .3, ...). Time charges must be appropriate. The District reserves the right to request additional information concerning the appropriateness of any time charges and to withhold payment for time charges deemed to be inappropriate and/or inconsistent with applicable Board policy. All statements for fees and expenses shall be submitted by the Impartial Hearing Officer within 30 days of the performance of services.
3. Compensation will be made at the rate of \$100 per hour for authorized activities.
4. The District will not reimburse impartial hearing officers for travel time, administrative assistance, secretarial or other overhead expenses.
5. The District will, upon review and approval of properly submitted receipts, reimburse impartial hearing officers for automobile travel at the I.R.S. approved rate and for tolls reasonably and necessarily incurred as a result of the hearing.
6. In addition to hearing time itself, the Board will reimburse, at the hourly rate, for time actually expended by the impartial hearing officer for:
 - a. Scheduling the hearing;
 - b. Pre-hearing conference calls (if necessary);
 - c. Scheduling letters;
 - d. For time necessarily and actually spent preparing the Decision, including any Interim Decisions.

(Continued)

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

7. Absent extraordinary circumstances, as determined in advance by the District, impartial hearing officers will not be reimbursed for any other expenses associated with their appointment and service as impartial hearing officers.

C. Notice

1. A copy of this policy will be forwarded to the impartial hearing officer within two business days of appointment by the District Clerk.

Mediation

The District will inform the parent in writing of the availability of mediation and any free or low-cost legal and other relevant services available in the area at the request of the parent or when an impartial due process hearing is requested.

Mediation is voluntary and does not deny or delay a parent's right to an impartial due process hearing. If mediation is initiated after a request for an impartial due process hearing has been received, the impartial due process hearing must continue unless the request for the impartial due process hearing is withdrawn. However, a party may request an extension to an impartial due process hearing in order to pursue mediation.

Guardians ad Litem at Impartial Due Process Hearings

Unless a surrogate parent has been previously appointed, the IHO must appoint a guardian ad litem when he/she determines that the interests of the parent(s) are opposed to or are inconsistent with those of the student or whenever the interests of the student would be best protected by such appointment.

Confidentiality

All issues relating to a request for and conduct of an impartial due process hearing must be kept confidential by all District staff.

Administrative Procedures

Administrative procedures will be developed for the selection and appointment of an IHO consistent with regulatory requirements.

(Continued)

2011 7670
Students 10 of 616

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

Individuals with Disabilities Education Act (IDEA),
20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4005, 4202, 4404(1) and 4410(7)
8 New York Code of Rules and Regulations (NYCRR)
Sections 200.1, 200.2, 200.5, 200.16, 200.21 and 201.11

NOTE: Refer also to Policy #7690 -- Special Education Mediation

Adopted: 7/16/08
Revised: 10/1/08
Revised: 10/20/10
Revised: 1/5/11

Students

SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS

An Independent Educational Evaluation is an individual evaluation of a student thought to have a disability, conducted by a qualified examiner who is not employed by the New Paltz Central School District or any public agency responsible for educating the student.

If a parent disagrees with the initial evaluation or re-evaluation conducted by the school district, the parent should explain, in writing, to the Director of Pupil Personnel Services(PPS) and Special Education, the reason(s) why they disagree with the district's evaluation. The Director of PPS and Special Education will promptly make a decision as to whether the request for an independent educational evaluation at public expense will be granted. If such a request is denied, the district will, without unnecessary delay, commence an impartial hearing to demonstrate the appropriateness of the challenged evaluation(s). If the hearing officer's decision is that the challenged evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense. The results of any independent educational evaluation will be considered by the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE) in any decision made with respect to the student's educational program.

Whenever an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be comparable to the criteria that the district uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent education evaluation. Thus, whenever approval of a parent's request for an independent evaluation is granted, the independent evaluator must possess licensure and qualifications comparable to district personnel.

The Board hereby directs the Superintendent of Schools to develop regulations which ensure that information regarding independent educational evaluations are made available to parents who request the same. Such information should include the minimum qualifications required of independent evaluators and provide a schedule of the fees that the District will pay for independent educational evaluations in a variety of disciplines. The fee schedule shall be reflective of community standard rates in each discipline. In exceptional circumstances (e.g., if an unusual evaluation is needed, or if no appropriately certified independent evaluators can be found whose rates meet those set by the District), the Director of PPS and Special Education may authorize an independent evaluation for which the fee charged will exceed the allowable fee which may be paid for a particular type of independent evaluation.

Adopted: 7/16/08

Revised: 6/2/2021

Students

SUBJECT: SPECIAL EDUCATION MEDIATION

The District will offer mediation to resolve any disputes involving any matter for which an impartial due process hearing may be brought, including matters arising prior to the filing of a request for 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 due process 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 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 a due process without having first utilized mediation procedures set forth in Education Law.

(Continued)

2008

7690
2 of 2

Students

SUBJECT: SPECIAL EDUCATION MEDIATION (Cont'd.)

Individuals with Disabilities Education Improvement Act of
2004 (Public Law 108-446) Section 614(a)
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4005, 4202 and 4404-a
Judiciary Law Section 849a
8 New York Code of Rules and Regulations (NYCRR)
Sections 200.1 and 200.5

Adopted: 7/16/08

Instruction

New Paltz Central School District

NUMBER

CURRICULUM (GENERAL)

1.1	Curriculum Development, Resources and Evaluation.....	8110
1.3	Equal Educational Opportunities.....	8120

ELEMENTARY AND SECONDARY INSTRUCTION

2.1	Prevention Instruction.....	8210
2.2	Career and Technical (Occupational) Education.....	8220
2.3	Guidance Program.....	8230
2.4	Patriotism, Citizenship and Human Rights Education.....	8240
2.4.1	Civility, Citizenship and Character Education.....	8241
2.5	Animals in the Schools.....	8250
2.6	Title I Parent Involvement Policy.....	8260
2.7	Instructional Technology.....	8270
2.7.1	Children's Internet Protection Act: Internet Content Filtering/ Safety Policy.....	8271
2.8	Instruction for English Language Learners or Students with Limited English Proficiency.....	8280

INSTRUCTIONAL MATERIALS

3.2	Selection of Library and Multimedia Materials.....	8320
3.3	Objection to Instructional Materials.....	8330
3.3.1	Controversial Issues.....	8331
3.4	Textbooks/Calculators/Instructional Computer Hardware.....	8340
3.5	Use of Copyrighted Materials.....	8350
3.6	Religious Expression in the Instructional Program.....	8360

INSTRUCTIONAL ARRANGEMENTS

4.1	School Calendar and School Day.....	8410
4.2	Opening Exercises.....	8420
4.3	Independent Study for Transfer Credit.....	8430
4.4	Homework.....	8440
4.5	Home Tutoring (Homebound Instruction).....	8450
4.6	Field Trips.....	8460

4.7	Home Instruction (Home Schooling).....	8470
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Instruction

SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES AND EVALUATION

The Board of Education supports and encourages development of a District-wide, articulated curriculum that conforms to state mandates and 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 continuous improvement of the learning program. Each teacher has the privilege of being an initiator of improvement, as well as a reactor to changing conditions.

The Superintendent may appoint curriculum study committees, involving school personnel, students and others as appropriate. 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 directs a continuing evaluation of the curriculum as part of a program of instructional improvement.

To improve the learning and growth of students and teachers, all aspects of the curriculum will be critically analyzed and evaluated.

The administrative staff shall make periodic recommendations for action by the Board. The Board of Education from time to time may invite teachers or others to discuss the curriculum.

Adopted: 7/16/08

Instruction

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.

No entity that discriminates on the above stated basis will be permitted access to school facilities, programs or activities.

Prohibition of Retaliatory Behavior

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.

(Continued)

2008

8120
2 of 2

Instruction

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)

Title IX of the Education Amendments of 1972,
20 United States Code (USC) Section 1681 et seq.
Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed, color,
national origin, sex, marital status, sexual
orientation or disability.

Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed,
color, national origin, sex, sexual orientation,
disability, military status, marital status, or use of a
recognized guide dog, hearing dog or service dog.

Adopted: 7/16/08

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.

The Health Advisory Committee (HAC) may make recommendations for curriculum content, implementation, and evaluation of an AIDS instructional program. Appropriate training will be provided for instructional staff.

No student shall be required to receive instruction concerning the methods of prevention of AIDS if the parent or legal guardian has filed with the Principal a written request that the student not participate in such instruction, with an assurance that the student will receive this instruction at home.

AIDS instruction in the elementary grades shall be taught by the regular classroom teachers, while such instruction in the middle and high school grades shall be a part of the required health education curriculum.

Automated External Defibrillator Instruction

Instructions regarding cardiopulmonary resuscitation may be offered for voluntary admission as a part of the health education curriculum in all senior high schools.

Commencing with the 2006-2007 school year, in addition to the requirement that all teachers of health education shall be certified to teach health, persons instructing pupils in the correct use of automated external defibrillators shall possess valid certification by a nationally recognized organization (e.g., American Heart Association, American Red Cross) or the state emergency medical services council offering certification in the operation of an automated external defibrillator and in its instruction.

School authorities that choose to offer such course of instruction shall provide the needed facilities, time and place for the instruction and shall provide learning aids and curriculum resource materials to support the course of study.

Substance Abuse - Prevention Instruction

The Board of Education recognizes the need to educate students on the hazards of alcohol, tobacco and/or drug abuse. An educationally sequential health prevention program, utilizing as appropriate community, staff and student input, will be developed to inform students of:

(Continued)

Instruction

SUBJECT: PREVENTION INSTRUCTION (Cont'd.)

- a) Causes for substance abuse;
- b) Physical and psychological damage associated with substance abuse;
- c) Avoidance of alcohol, tobacco and drugs;
- d) Dangers of driving while under the influence of alcohol or drugs.

Environmental Conservation Instruction

The Board of Education supports and encourages the development of a District-wide, articulated curriculum of environmental conservation integrated into other program disciplines.

Fire and Arson Prevention/Injury Prevention/Life Safety Education

The Board of Education directs the administration to provide instruction in fire and arson prevention, injury prevention and life safety education relating to protection against injury or death and property loss or damage as a result of criminally initiated or other preventable fire.

Such instruction shall include materials to educate children on the dangers of falsely reporting a criminal incident, an impending explosion or fire emergency involving danger to life or property, an impending catastrophe, or a life safety emergency.

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)

Instruction

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.

Instruction on Child Development and Parenting Skills

Instruction regarding child development and parenting skills may be offered by the District.

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

Prevention of Child Abduction:

Education Law Section 803-a
8 New York Code of Rules and Regulations (NYCRR)
Section 100.2(c)(5)

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)

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#5640 -- Smoking And Tobacco Use

#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)
District Code of Conduct on School Property

Adopted: 7/16/08

Instruction

SUBJECT: CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION

The Board of Education recognizes the value of career and technical education and is committed to 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.

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 as per Policy #3230 -- Complaints and Grievances 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.

Adopted: 7/16/08

Instruction

SUBJECT: GUIDANCE PROGRAM

A District plan for the Pre-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 and reporting to the Board of Education.

Guidance Program (K through 5)

A coordinated guidance program in grades K through 5 shall be developed and implemented to:

- a) Prepare students for effective participation in their current and future learning plan;
- b) Help support those students considered at risk due to attendance, academic, behavioral or adjustment problems;
- c) Educate and empower students concerning avoidance of child sexual abuse; and
- d) Encourage and facilitate parental involvement.

Guidance Program (6 through 12)

A coordinated guidance program in grades 6 through 12 shall be developed and implemented including the following activities and services:

- a) Instruction at each grade level to help students learn about various careers and career planning skills;
- b) Each student's learning plan shall be reviewed at least annually, more often as needed;
- 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 considered at risk due to attendance, academic, behavioral or adjustment problems; and encouraging parental involvement;
- d) Employment of personnel certified or licensed as school counselors.

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

Adopted: 7/16/08

Instruction

SUBJECT: PATRIOTISM, CITIZENSHIP AND HUMAN RIGHTS EDUCATION

In order to promote a spirit of patriotic and civil service and obligation, as well as to foster in students of the District moral and intellectual qualities which are essential in preparing them to meet the obligations of citizenship, the Board requires students attending District schools, over the age of eight (8) years, to attend instructional courses in patriotism, citizenship, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery (including the freedom trail and underground railroad), the Holocaust, the mass starvation in Ireland from 1845 to 1850, mass murder and genocide in Darfur and Rawanda, and ethnic cleansing in the former Yugoslavia.

The Board also directs that all students attending District schools in grades 8 through 12 receive instruction in the history, meaning, significance and effect of the United States Constitution, the New York State Constitution, and the Declaration of Independence.

The curricula for such courses must include the subjects specified by the Board of Regents and be for the period of instruction, as mandated by the Regents, which is necessary in these subjects in each of the appropriate grades.

One (1) week during each school year a uniform course of exercises shall be provided to teach students, in an age appropriate manner, the purpose, meaning and importance of the Bill of Rights Articles in the United States and New York State Constitutions. These exercises shall be in addition to the above required courses.

In addition, each School District that receives Federal Funds for a fiscal year shall hold an educational program on the United States Constitution on September 17th of each year for the students in the District to commemorate the September 17, 1787 signing of the Constitution, known as Constitution Day and Citizenship Day. However, when September 17 falls on a Saturday, Sunday, or holiday, this day shall be held during the preceding or following week.

The Board directs that the above named subjects, as mandated by law, be addressed in the instructional curricula provided by the District.

Education Law Section 801
Public Law 108-477 Section 111(b)

NOTE: Refer also to Policy #8241 -- Civility, Citizenship and Character Education

Adopted: 7/16/08

SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION**Civility, Citizenship and Character Education**

The Board of Education recognizes the value and significance of civility and understanding toward others. The practice and reinforcement of behavior and attitudes that embody civility and citizenship are important to healthy society as modeled by district staff.

The School District wishes to foster an environment where students and staff exhibit behavior that promotes positive educational practices, allows students to grow socially and academically, and encourages healthy dialogue in respectful ways. By presenting teachers and staff as positive role models, the District stresses positive communication and respectful treatment of all individuals in all situations. This policy is not intended to deprive and/or restrict any student of his/her right to freedom of expression but, rather, seeks to maintain, to the extent possible and reasonable, a safe, harassment free and educationally conducive environment for our students and staff.

Furthermore, the District shall ensure that the course of instruction in grades K through 12 includes a component on civility, citizenship and character education in accordance with Education Law. Character education is the deliberate effort to help all members of the school community understand, care about, and act upon core ethical values.

Character education shall instruct students on the principles of:

- a) Honesty,
- b) Tolerance,
- c) Personal responsibility,
- d) Respect for others,
- e) Observance of laws and rules,
- f) Courtesy,
- g) Dignity, and other traits which will enhance the quality of students' experiences in, and contributions to, the community.

As determined by the Board of Regents, and as further enumerated in Commissioner's Regulations, the components of character education shall be incorporated in existing School District curricula as applicable.

(Continued)

2008

8241
2 of 2

Instruction

SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION (Cont'd.)

The District encourages the involvement of staff, students, parents and community members in the implementation and reinforcement of character education in the schools.

Education Law Sections 801 and 801-a

Adopted: 7/16/08

SUBJECT: ANIMALS IN THE SCHOOLS**Animals and Pets on School Property:**

It is the policy of the Board of Education, for health and safety reasons, to prohibit animals and pets of any kind in school buildings and on school district property (including playing fields, school buses) except:

- For purposes of the instructional program with the prior approval of the building administrator;
- Animals under the control of public safety officers with the prior approval of the Superintendent of Schools or designee; and
- Animals trained to assist individuals with disabilities (e.g., service dogs) in compliance with federal and state law.

If the Building Principal or designee determines that this policy has been violated, he/she is authorized to contact the Superintendent of Schools, the County Health Department, Animal Control and/or the Police Department to request assistance to enforce this policy.

Animal Dissection:

The Board of Education recognizes that animal dissection is an integral part of the study of living things and instruction in the life sciences. The Board also recognizes that some students have a moral or religious objection to dissection or otherwise harming or destroying animals. In accordance with Section 809 of the Education Law, any student who objects to dissecting animals may opt-out of dissection activities, provided that the student performs an alternative project through which he or she can learn and be assessed on material required by the course. An alternative project may include but is not limited to computer programs, internet simulations, plastic models, videotapes, and digital videodiscs, and is subject to approval by the student's teacher. The student's objection must be substantiated in writing by the student's parent/guardian.

At the start of each year, teachers of courses that include animal dissection shall give written notice to the students in those classes and their parents/guardians of the right to opt-out of animal dissection and to perform an alternative activity.

No student shall be discriminated against based upon his or her decision to exercise the right to opt-out of animal dissection.

Ref: Section 809, Education Law

Adopted: 10/19/11

Instruction

SUBJECT: TITLE I PARENT INVOLVEMENT POLICY

The Board of Education recognizes the rights of parents/persons in parental relation to be fully informed of all information relevant to their children, including children who participate in programs and projects funded by Title I. Therefore, the Board of Education encourages the participation of parents of students eligible for Title I services in all aspects of their child's education, including the development and implementation of district programs, as well as activities and procedures that are designed to carry out No Child Left Behind (NCLB) parent involvement goals.

District-Wide Parent Involvement Policy

In order to facilitate parental participation, in accordance with NCLB requirements, as outlined in the Elementary and Secondary Education Act Section 6318(a)(2), the District will:

- a) Involve parents in the joint development of the Title I Plan. If the plan is not satisfactory to the parents of children participating in Title I programs, the District will submit any parent comments to the State Education Department along with the District's plan;
- b) Provide the coordination, technical assistance, and support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;
- c) Build the schools' and parents' capacity for strong parental involvement through implementing and encouraging participation in appropriate parental involvement activities;
- d) Conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the Title I schools. The evaluation shall include identifying barriers to greater participation by parents in activities under the policy and use the findings of the evaluation to design strategies for more effective parental involvement and, to revise, if necessary, the parental involvement policies at the District and school levels;
- e) Involve parents in the activities of the Title I schools;
- f) Involve parents of children in Title I programs in decisions regarding how funds reserved for parental involvement activities are spent.

School-Level Parent Involvement Policy

In accordance with Section 6318(c), the Board of Education directs each school receiving Title I funds to ensure that a building level parental involvement plan is developed with the participation of that school's parents. In addition to the goals stated above, each school building level plan will describe the details to:

(Continued)

Instruction

SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)

- a) Convene an annual meeting, at a convenient time, to inform parents of their school's participation in Title I programs and to explain Title I requirements and the right of the parents to be involved. All parents of children participating in Title I programs will be invited and encouraged to attend the meeting;
- b) Offer a flexible number of meetings, such as meetings in the morning or evening; and may provide (with funds provided under this provision of law) transportation, child care, or home visits, as such services relate to parental involvement;
- c) Involve parents in an organized, ongoing, and timely way in the planning, review, and improvement of Title I programs, including the planning, review, and improvement of the school parental involvement policy;
- d) Provide parents of participating children with timely information about programs, a description and explanation of the curriculum in use in Title I programs, the forms of academic assessment used to measure student progress, the proficiency levels students are expected to meet, and if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children and respond to any such suggestions as soon as practicably possible; and
- e) Develop a school-parent compact jointly with parents that outlines how the parents, school staff and students will share the responsibility for improved student academic achievement and detail the means by which the school and parents will build and develop a partnership to help all children achieve the state's standards.
- f) The compact must include:
 - 1. A description of the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served in Title I schools to meet the State's student academic achievement standards;
 - 2. A description of the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, television watching, volunteering in their child's classroom and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and

(Continued)

Instruction

SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)

3. Address the importance of communication between teachers and parents on an ongoing basis including, but not limited to:
 - (a) Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;
 - (b) Frequent reports to parents on their children's progress; and
 - (c) Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities.

To ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community in order to improve student academic achievement, the District and each school shall:

- a) Provide assistance to parents of children served by the District or school, in understanding such topics as the State's academic content standards and State student academic achievement standards, State and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of their children;
- b) Provide materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement;
- c) Educate teachers, pupil services personnel, Principals, and other staff, with the assistance of parents, in the value and utility of contribution of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;
- d) Ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand.

In addition to the above activities which are required for the District and each school, the District and each school:

- a) May involve parents in the development of training for teachers, Principals, and other educators to improve the effectiveness of such training;

(Continued)

Instruction

SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)

- b) May provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such training;
- c) May pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;
- d) May train parents to enhance the involvement of other parents;
- e) May 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 who are unable to attend such conferences at school, in order to maximize parental involvement and participation;
- f) May adopt and implement model approaches to improving parental involvement;
- g) May establish a District-wide parent advisory council to provide advice on all matters related to parental involvement in programs supported under this section;
- h) May develop appropriate roles for community-based organizations and businesses in parent involvement activities; and
- i) Shall provide such other reasonable support for parental involvement activities under this section as parents may request.

In carrying out the parental involvement requirements, the District and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under Section 6311 of the Elementary and Secondary Education Act in a format and, to the extent practicable, in a language such parents understand.

Procedures for Filing Complaints/Appeals

The District will disseminate free of charge to parents 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 issues of violation(s) of a Federal statute or regulation that applies to Title I, Part A programs.

(Continued)

2008

8260
5 of 5

Instruction

SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)

Title I of the Elementary and Secondary Education Act of
1965 (ESEA), as amended by the No Child Left Behind
Act of 2001

20 United States Code (USC) Sections 6318 and 6321

34 Code of Federal Regulations (CFR) Parts 74-86 and 97-
99, and 200

Adopted: 7/16/08

Instruction

SUBJECT: INSTRUCTIONAL TECHNOLOGY

The Board of Education recognizes its responsibility to support 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, as appropriate.
- 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.

Adopted: 7/16/08

Instruction

**SUBJECT: CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT
FILTERING/SAFETY POLICY**

In compliance with the Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the District has adopted and will enforce this Internet safety policy that ensures the use of technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) on all District computers with Internet access. Such technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, child pornography, or, with respect to the use of computers by minors, considered harmful to such students. The District will provide for the education of students regarding appropriate online behavior including interacting with other individuals on social networking websites and regarding cyberbullying awareness and response. Further, appropriate monitoring of online activities of minors, as determined by the building/program supervisor, will also be enforced to ensure the safety of students when accessing the Internet.

Further, the Board of Education's decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the schools including the selection of appropriate teaching/instructional materials and activities to enhance the schools' programs; and to help ensure the safety of personnel and students while online.

However, no filtering technology can guarantee that staff and students will be prevented from accessing all inappropriate locations. Proper safety procedures, as deemed appropriate by the applicable administrator/program supervisor, will be provided to ensure compliance with the CIPA.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet and World Wide Web *may* include, but shall not be limited to, the following guidelines:

- a) Ensuring the presence of a teacher and/or other appropriate District personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using electronic mail, chat rooms, instant messaging and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of e-mail, and social networking websites, 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 Responsible 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.

(Continued)

**SUBJECT: CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT
FILTERING/SAFETY POLICY (Cont'd.)**

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

In accordance with New York State Education Law, the School District may provide, to students in grades K through 12, instruction designed to promote the proper and safe use of the Internet. The Commissioner shall provide technical assistance to assist in the development of curricula for such course of study which shall be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the Internet.

Under the *Protecting Children in the 21st Century Act*, students will also be educated on appropriate interactions with other individuals on social networking websites and cyberbullying awareness and response.

The District shall also provide age appropriate instruction to students regarding appropriate online behavior including but not limited to interacting on social networks, websites and instant messaging, and cyberbullying awareness and response. Such instruction will be provided even if the District prohibits students from accessing social networking sites and instant messaging on District technology.

Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices

Despite the existence of District policy, regulations and guidelines, it is impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events.

(Continued)

Instruction

**SUBJECT: CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT
FILTERING/SAFETY POLICY (Cont'd.)**

The District is not responsible for inappropriate content or material accessed via a student's own personal technology or electronic device or via an unfiltered Internet connection received through a student's own personal technology or electronic device.

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 responsible use of the DCS. All such agreements shall be kept on file in the District Office.

Notification/Authorization

The District's Responsible 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.

The District's Internet Safety/Internet Content Filtering Policy must be made available to the FCC upon request. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of this policy as well as any other District policies relating to the use of technology.

47 United States Code (USC) Sections 254(h) and 254(i)
47 Code of Federal Regulations (CFR) Part 54
Education Law Section 814

NOTE: Refer also to Policy #7315 - Student Computer Network and Internet Acceptable Use Policy (AUP)
District Code of Conduct on School Property

Adopted: 7/16/08
Revised: 2/01/12
Revised: 7/11/12
Revised: 12/19/12

Instruction

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 free-standing program of English as a Second Language (ESL).

The instructional programs and services available to limited English proficient pupils to help them acquire English proficiency may include, pursuant to Commissioner's Regulations, 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: 7/16/08
Revised: 10/21/09
10/05/11

SUBJECT: SELECTION OF LIBRARY AND MULTIMEDIA MATERIALS

The Board of Education agrees that the responsibility of the school library is:

- a) To provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities and maturity levels of the students served.
- b) To provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards.
- c) To provide a background of information that will enable students to make intelligent judgments in their daily lives.
- d) To provide materials on opposing sides of controversial issues so that young citizens may develop, under guidance, the practice of critical reading and thinking.
- e) To provide materials representative of the many religious, ethnic, and cultural groups and their contribution to our American heritage.
- f) To place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

In interpreting these principles, the following will apply:

- a) Broad and varied collections will be developed systematically by the 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.

Removal of Library Books upon Complaint

All objections to the placement and circulation of a book or books in the libraries of the School District shall be made in writing and directed to the Superintendent of Schools, who shall establish a review committee comprised of the Building Principal, librarian, teacher(s) and others deemed

(Continued)

Instruction

SUBJECT: SELECTION OF LIBRARY AND MULTIMEDIA MATERIALS (Cont'd.)

appropriate by the Superintendent, who will review the objection and report its findings, with recommendation, to the Superintendent within two (2) weeks of receipt, based upon the following criteria:

- a) Is the book pervasively vulgar and/or obscene?
- b) Is the book libelous?
- c) Is the book educationally suitable (e.g., age appropriate) to at least some students at the building where the book is shelved?

The committee, in making its review, should be guided by the notion that authors should expect that their rights to have their works, once shelved, received by their reading audience will not be abridged based upon personal partisan views, personal political views, personal tastes or personal morals. The right to receive ideas must not be unduly suppressed.

Upon receipt of the committee's report, the Superintendent shall, within five (5) calendar days, issue his/her decision, in writing, regarding the disposition of the object. The Superintendent shall apply the criteria of this Policy to his/her decision making.

If the objecting party wishes to appeal the Superintendent's determination, he/she may do so, in writing, to the Board of Education within two (2) weeks of the receipt of the Superintendent's determination. The Board shall rule upon the appeal, in writing, within twenty (20) days of the receipt of the same, by applying the criteria of this Policy.

Adopted: 7/16/08

2008

8330

Instruction

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.

Curriculum Areas In Conflict With Religious Beliefs

In accordance with applicable law and regulation, a student may be excused from the study of specific materials relating to health and hygiene if these materials are in conflict with the religion of his/her parents/guardians. Alternatives may be provided that are of comparable instructional value.

Education Law Section 3204(5)
8 New York Code of Rules and Regulations (NYCRR)
Section 135.3

NOTE: Refer also to Policies #8320 -- Selection of Library and Multimedia Materials
#8360 -- Religious Expression in the Instructional Program

Adopted: 7/16/08

Instruction

SUBJECT: CONTROVERSIAL ISSUES

The Board of Education believes that the consideration of controversial issues may have legitimate place in the instructional program of the schools. A controversial issue is a topic on which opposing points of view have been promulgated by responsible opinion, or one subject to interpretation as obscene, profane, doctrinaire or grossly inappropriate, each in relation to the age and level of maturity of the students.

The Board will permit the introduction and appropriate educational use of controversial issues, provided that their use in the instructional program:

- a) Is approved in the appropriate course guide;
- b) Is related to the instructional goals of the course of study and level of maturity of the students;
- c) Does not tend to indoctrinate or persuade students to a particular point of view;
- d) Is conducted in the spirit of scholarly inquiry.

When controversial issues have not been specified in the curriculum guide, the Board will permit the instructional use of only those issues which have been recommended by the Superintendent.

When controversial issues are discussed in the classroom, such discussion shall be conducted in an objective and dispassionate manner, presenting the varying opinions on the controversial topic and shall not disrupt the educational process. The age and maturity of the students, as well as the goals of the Board and the appropriate curriculum guide, shall be taken into account when introducing controversial topics and related materials in the classroom.

During the presentation of a controversial topic, a teacher may express a personal opinion, but should identify it as such, and must acknowledge the rights and privileges of others to hold and express differing opinions.

Before a guest speaker is permitted to address the students, approval must be granted by the Building Principal, who must be informed of the scheduling of all guest speakers, including the materials to be used in the presentation (including, but not limited to pamphlets, books, films), at least three (3) days prior to the presentation. The Building Principal may request a sample of any such material prior to making a decision regarding use in the classroom.

Adopted: 7/16/08

**SUBJECT: TEXTBOOKS/CALCULATORS/INSTRUCTIONAL COMPUTER
HARDWARE**

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.

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. To facilitate this process, the District will participate in the National Instructional Materials Access Center (NIMAC) and will require that all contracts with publishers for textbooks and other printed core materials executed after December 2006 include a provision requiring the publisher to produce NIMAS files and send them to NIMAC.

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.

Textbook Loan Policy

In order to fulfill its obligations to afford an education appropriate for school-age children, whether such children attend school in the public schools, private schools or are home instructed, it is the policy of the District to lend textbooks in accordance with the requirements of Section 701 of the New York State Education Law, to all resident students who are entitled to a free public education.

The Superintendent of Schools is hereby directed to establish regulations for carrying out an equitable loan program regarding the textbooks of the District.

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

(Continued)

**SUBJECT: TEXTBOOKS/CALCULATORS/INSTRUCTIONAL COMPUTER
HARDWARE (Cont'd.)**

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.

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

(Continued)

2008

8340
3 of 3

Instruction

**SUBJECT: TEXTBOOKS/CALCULATORS/INSTRUCTIONAL COMPUTER
HARDWARE (Cont'd.)**

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.

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

Adopted: 7/16/08

Instruction

SUBJECT: USE OF COPYRIGHTED MATERIALS

It is the intent of the Board of Education to abide by the provisions of the United States Copyright Law (Title 17 United States Code Section 101 et seq.).

All employees and students are prohibited from copying materials not specifically allowed by the copyright law, fair use guidelines, licenses or contractual agreements, or the permission of the copyright proprietor.

Any person who willfully disregards the copyright policy shall be in violation of Federal Copyright Laws and District policy and shall assume all liability.

A copyright officer may be appointed by the Superintendent to provide information for all personnel regarding current copyright law and to maintain copyright records. The copyright officer will also serve as the designated agent registered with the U.S. Copyright Office to expeditiously respond to any notices of claimed copyright infringement.

Regulations and procedures shall be developed by the administration detailing what can and cannot be copied. Appropriate copyright notices will be placed on or near all equipment used for duplication.

Digital Millennium Copyright Act (DMCA)
17 United States Code (USC) Sections 101 et seq., 512 and
1201 et seq.

Adopted: 7/16/08

Instruction

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.

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.

(Continued)

SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM (Cont'd.)**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 Policy #8330 -- Objection to Instructional Materials

Adopted: 7/16/08

2008

8410

Instruction

SUBJECT: SCHOOL CALENDAR AND SCHOOL DAY

School Calendar

The school calendar for the succeeding school year will be presented to the Board of Education for adoption no later than the regular May Board meeting. In constructing the recommended calendar, consideration will be given to the following:

- a) New York State Education Department's recommended calendar;
- b) Ulster County BOCES adopted calendar;
- c) Adopted calendars of the surrounding schools/colleges; and
- d) Religious holidays observed by members of the major religious groups of the New Paltz Central School District community.

School Day

The school day shall be set by the Superintendent with approval of the Board and shall be in accordance with any applicable collectively negotiated agreements.

Education Law Sections 3204(4) and 3604(7)(8)
8 New York Code of Rules and Regulations (NYCRR)
Section 175.5

Adopted: 7/16/08

2008

8420

Instruction

SUBJECT: OPENING EXERCISES

The Board directs the administration to include the Pledge of Allegiance as part of the opening exercises in all the schools. Under certain circumstances, such as religious conviction, 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

Adopted: 7/16/08

Instruction

SUBJECT: INDEPENDENT STUDY

The New Paltz Central School District will offer independent study for the purpose of providing alternative educational experiences for students. The Superintendent or his/her designee shall develop and implement procedures, including criteria for high school credit, which will facilitate quality student achievement.

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 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.

Independent Study/Athletic Exemption for Physical Education

The New Paltz Central School District will offer each semester, for the purpose of providing an alternative physical education experience, and an independent study to students in Grades 11 and 12 who obtain the approval of the Superintendent or his/her designee. This Independent Study program must contain an educational component.

The Superintendent or his/her designee shall develop and implement appropriate procedures such that the student will demonstrate acceptable levels of physical fitness, physical skills, and knowledge of physical education activities. The procedures are subject to Board of Education approval.

8 New York Code of Rules and Regulations (NYCRR)
Section 100.5(d)(5)(i)(b)

2008

8440

Instruction

SUBJECT: HOMEWORK

The Board of Education recognizes that homework has value when it is meaningful, relevant to the course of study and focuses on student learning. "Homework" shall refer to those assignments to be prepared by the student in addition to regular classroom activities.

Adopted: 7/16/08

2008

8450

Instruction

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

Adopted: 7/16/08

SUBJECT: FIELD TRIPS

The Board of Education recognizes that field trips properly planned and integrated into the curriculum, not merely recreational, are an educationally sound and important part of the program of the schools that can supplement and enrich classroom instruction by providing learning experiences in an environment outside of the schools which address the State standards.

For purposes of this policy, a field trip shall be generally defined as any journey by a group of students away from the school premises, under the supervision of a teacher. Field trips may be classified as follows:

- a) Educational field trips which are directly related to the curriculum.
- b) Trips by school organizations, such as interscholastic athletic teams, performing groups and/or student clubs, when approved by the District.
- c) Approved excursions by student groups, such as the senior class trip.
- d) Approved exchange programs.

The Superintendent of Schools shall be responsible for reviewing and approving all proposed field trips which are planned to keep students out of the District overnight or longer. The Superintendent or designee shall be responsible for reviewing and approving all other field trips. The Superintendent shall inform the Board of all approved field trips.

The costs of transportation, as well as the related costs of a field trip are to be paid in advance of the field trip. Provision will be made by the Superintendent to insure that no student is denied participation because of financial conditions.

It is the policy of the Board not to endorse or support field trips which require travel out of the country, except where such field trip is directly related to the curriculum, of significant educational value and the students are required to attend classroom instruction (e.g., exchange programs).

No staff member or other individual shall announce any non-school sponsored trip, nor solicit students of this District for such trips within the facilities or on the school grounds of the District. In addition, no individual shall use the name of the District or any of its organizations in conjunction with such trip. The Board does not endorse, support or assume liability in any way for any staff member of this District who takes students on trips not approved by the Board or Superintendent, as required by this policy.

Any staff member who leads, sponsors, or participates in a non-school sponsored trip involving District students shall in advance and in writing inform the participating students and their

parents/guardians that the trip is not sponsored by the District and the District bears no responsibility for such trip.

(Continued)

Instruction

SUBJECT: FIELD TRIPS (Cont'd.)

The Superintendent shall prepare regulations for the operation of field trips, which shall insure that:

- a) Students on approved field trips remain under the supervision of this Board and are subject to its rules and regulations, including the Student Code of Discipline. The safety and well-being of students shall be protected at all times.
- b) A so-called educational trip, initiated by the parent and not sponsored by the school, is by attendance regulation, an illegal absence.
- c) Private transportation will not be used for school sponsored trips unless approved by the Superintendent of Schools or designee.
- d) A permission slip completed by the student's parents/guardians is obtained for every participating student prior to participation in a field trip which involves travel beyond the school grounds to which a student is assigned. No student will be permitted to participate without such completed form.

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#5730 -- Transportation of Students
#7310 -- School Conduct and Discipline
District Code of Conduct on School Property

Adopted: 7/16/08

Instruction

SUBJECT: HOME SCHOOLED STUDENTS

New York State law does not recognize home schools as private elementary or secondary schools, the School District will attempt to cooperate with parents who wish to provide home schooling for their children. The child who is home-schooled 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 Schooled Students

Home-schooled students are not awarded a high school diploma. A high school diploma may only be awarded to a student enrolled in a registered secondary school who has completed all program requirements set by the Board of Regents, the school or the District.

a) Extracurricular Participation

Home-schooled students 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. However, the School District *does* permit home-schooled students to participate in intramural and other school-sponsored extracurricular activities that are held after the academic school day. Home-schooled students participating in any school-sponsored intramural or extracurricular activity will not be able to attend any meetings, practices or other gatherings during the academic school day.

b) Textbooks and Materials

The District *shall not* provide textbooks and other materials to home-schooled students.

c) Health Services

The School District is *not required* to furnish health services to home-schooled students.

d) Remedial Programs

The District *is not responsible* for providing remedial programs to home-schooled students.

e) Occupational and Vocational Education Programs

The District is not authorized to provide, by law, Occupational and Vocational Education programs or programs for the gifted to home-schooled students.

(Continued)

SUBJECT: HOME SCHOOLED STUDENTS (Cont'd.)f) Special Education Services

Home-schooled students *may not participate* in the instructional program of the School District except for special education programs and services the District is required to offer.

The District *shall offer* a home-schooled student with disabilities the special education services as addressed in the approved Individualized Education Program (IEP) by the Committee on Special Education. *However, there is no requirement that such services be provided in the student's home.* Further, the District shall conduct a census and register of students with disabilities who reside in the District in accordance with Education Law and Commissioner's Regulations.

For school age home-schooled students with individualized home instruction plans (IHIP) determined to be in compliance with the Commissioner's Regulation who are students with disabilities, the Committee on Special Education (CSE) will develop an individualized education services program (IESP) for the home-schooled student. The IESP will be developed in the same manner and have the same contents as an individualized education program (IEP). An IESP is developed in consideration of the parents' decision to home school their child.

In order to receive services, the parent must request special education services in writing to the board of education of the school district of location by June 1 preceding the school year for which the request for services is made. However, for a home-schooled student who is first identified as a student with a disability after the first day of June preceding the school year for which the request is made and prior to the first day of April of such current school year, the parent must submit the written request for services within 30 days after the home-schooled student was first identified. A request may also be submitted within 30 days of a change in the home-schooled student's school district of residence. Home-schooled students may receive such services during the regular school year only.

Special education services will be provided to home-schooled students on an equitable basis as compared to special education programs and services provided to other students with disabilities attending public or nonpublic schools within the district.

(Continued)

SUBJECT: HOME SCHOOLED STUDENTS (Cont'd.)

Parents of home-schooled students who disagree with the IESP recommendation of the CSE will be entitled to due process pursuant to Education Law section 4404.

The location where special education services are delivered will be determined by the CSE/CPSE and could include the site of home schooling.

g) Use of School Facilities

Home-schooled students shall not be allowed to use school facilities, except as provided for community organizations in Policy #3280 -- Community Use of School Facilities, Materials and Equipment.

Ref: Chapter 217 of the laws of 2008 8NYCRR 100.10
Education Law Sections 3204, 3205, 3210(2), 3212(2),
3240-42, 3602-c and 4402
8 New York Code of Rules and Regulations (NYCRR)
Sections 100.10, 135.4(c)(7)(ii)(b)(2) and 200.2(a)

Adopted: 7/16/08
Revised: 10/21/09
Revised: 3/1/17

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX

ABSENCES
 Family and Medical Leave Act6551
 Student Absences and Excuses7110

ACADEMIC INTERVENTION SERVICES (AIS)7616

ACCEPTANCE OF GIFTS AND BEQUESTS TO THE SCHOOL DISTRICT5230

ACCEPTING GIFTS5230, 6110

ACCESS TO RECORDS -- PUBLIC3310

ACCIDENTS AND MEDICAL EMERGENCIES.....7520

ACCOUNTABILITY2120, 5571-5573

ACCOUNTING OF FIXED ASSETS5621

ACCOUNTING OF FUNDS5510

ACQUIRED IMMUNE DEFICIENCY SYNDROME5692

ADMINISTRATION
 Administrative Authority During Absence of the Superintendent of Schools4230
 Administrative Latitude in the Absence of Board Policy.....4240
 Administrative Organization and Operation4210
 Administrative Organizational Chart4212
 Administrative Personnel4110
 Administrative Regulations.....1420
 Administrative Staff4330
 Administrative Staff-Evaluation4260

ADMINISTRATORS4310-4330

ADMISSION OF FOREIGN EXCHANGE STUDENTS.....7133

ADVERTISING, SPONSORSHIP AND FUND RAISING BY STUDENTS.....3272, 7450

**ADVERTISING, SPONSORSHIP AND FUND RAISING BY ADMINISTRATORS, FACULTY,
AND BOARD OF EDUCATION.....3272, 5260**

**ADVISORY COUNCILS (BOCES) – CAREER AND TECHNICAL (VOCATIONAL)
EDUCATION8220**

AEDs (AUTOMATED EXTERNAL DEFIBRILLATORS)3520

AGE OF SCHOOL ENTRANCE7120

AGES OF ATTENDANCE7130

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

AGENTS AND SALESPEOPLE	5412
AGING OUT.....	7617
AHERA (ABESTOS HAZARD EMERGENCY RESPONSE ACT)	1330, 5630
AIDES -- EMPLOYMENT OF	6320
AIDS -- ACQUIRED IMMUNE DEFICIENCY SYNDROME	5692
AIDS INSTRUCTION IN HEALTH EDUCATION	8210
ALCOHOL AND DRUG TESTING FOR SCHOOL BUS DRIVERS	5741
ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES.....	6150, 7320
ALLEGATIONS OF FRAUD	5571
ALLERGIES.....	7521
ALTERNATIVE FORMAT OF INSTRUCTIONAL MATERIALS.....	5410, 7610, 8310, 8340
ALTERNATIVE TESTING	7210
AMERICANS WITH DISABILITIES ACT (ADA).....	3231
ANIMALS IN THE SCHOOLS	8250
ANNUAL AUDIT	1334, 5570, 5572
ANNUAL DISTRICT ELECTION -- BUSINESS OF.....	1611
ANNUAL DISTRICT MEETING AND ELECTION/BUDGET VOTE.....	1610
ANNUAL FINANCIAL STATEMENT -- PUBLICATION OF	5540
ANNUAL ORGANIZATIONAL MEETING -- TIME.....	1620
ANNUAL PROFESSIONAL PERFORMANCE REVIEW (APPR).....	6130
ANTHRAX	5684
ANTI-DISCRIMINATION.....	6120, 7620, 7621, 8120, 8220
ANTI-SWEATSHOP LAW.....	5410

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

APPAREL AND SPORTS EQUIPMENT PURCHASES.....	5410
APPOINTMENT AND TRAINING OF CSE AND CPSE MEMBERS.....	7631, 7632
APPOINTMENT OF SUPPORT STAFF.....	6310
APPR (ANNUAL PROFESSIONAL PERFORMANCE REVIEW).....	6130, 6212
ASSIGNMENTS AND TRANSFERS OF CERTIFIED PERSONNEL.....	6210
ASSISTANT PRINCIPALS	4330
ATHLETIC PROGRAM	
Safety.....	7420
Student Injuries	7420
Supervision.....	7540
ATTENDANCE.....	7110, 7130, 7131, 7132
ATTENDANCE -- CHILDREN OF ACTIVATED RESERVE MILITARY PERSONNEL.....	7130
ATTENDANCE -- HOMELESS CHILDREN AND YOUTH	1330, 7130, 7131
ATTENDANCE -- NON-RESIDENT STUDENTS.....	7132
ATTENDANCE ENTITLEMENT -- AGE AND RESIDENCY	7130, 7131
ATTENDANCE OF THE BOARD OF EDUCATION.....	1510
ATTENDANCE RECORDS	7110
AUDIT COMMITTEE	2210, 5570, 5572
AUDITOR -- CLAIMS.....	1335
AUDITOR -- EXTERNAL (INDEPENDENT).....	1334
AUDITOR -- INTERNAL	1339
AUTHORIZED SIGNATURES	5511
AUTOMATED EXTERNAL DEFIBRILLATORS	3520
AVERSIVE INTERVENTIONS	7640
AWARDS AND SCHOLARSHIPS	7430

BAND INSTRUMENTS	7440
------------------------	------

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

BEHAVIORAL INTERVENTION PLANS.....	7350, 7640
BEQUESTS, GIFTS TO THE SCHOOL DISTRICT -- ACCEPTANCE OF.....	5230
BIDDING.....	5411
BIDS AND QUOTATIONS	5410
BIDS AND QUOTATIONS -- COMPETITIVE.....	5411
BIOLOGICAL TERRORISM	5684
BMI(BODY MASS INDEX).....	7512
BOARD	
Appointments and Designations by the Board of Education	1330
Attorney -- Duties of	1337
Audit Committee.....	5572
Board Member Attendance	1510
Board Member Authority and Membership.....	1120
Board Member Communications	1511
Board Member Nomination and Election	1220
Board Member Qualifications	1210
Board Member Removal From Office	1240
Board Member Resignation	1240
Board Member Term of Office	1130
Board Members - Powers and Duties.....	1310
Board Officers - Nominations and Election.....	1320
Board Self-Evaluation.....	2340
Board-Staff Communications.....	6111
Claims Auditor -- Duties of.....	1335
Committees of the Board	2210
Compensation and Expenses.....	2330
Defense and Indemnification	6540
District Clerk -- Duties of	1331
External (Independent) Auditor -- Duties of.....	1334
Meetings.....	1510
New Board Member Orientation.....	2110
Policy Execution: Administrative Regulations	1420
Policy Formulation, Adoption and Dissemination.....	1410
Policy Review and Evaluation	1410
President -- Duties of	1321
Recognition of Individual Accomplishments or Contributions	2130
Reporting of Expenditures	1230
Role of the Board in Implementing a Student's Individualized Education Program.....	7613
School Board Conferences, Conventions and Workshops.....	2320
School Board Meetings	1510
School Legal Status.....	1110
Tax Collector -- Duties of	1333
Training on Financial Oversight, Accountability and Fiduciary Responsibilities	2120

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

BOARD (Cont'd.)	
Treasurer -- Duties of	1332
Treasurer of Extraclassroom Activity Fund -- Duties of.....	1336
Vice President -- Duties of.....	1322
BOCES ADVISORY COUNCIL -- CAREER AND TECHNICAL (VOCATIONAL)	
EDUCATION	8220
BODY MASS INDEX (BMI).....	7512
BOMB THREATS	5683
BONDING OF EMPLOYEES AND SCHOOL BOARD MEMBERS.....	5310
BORROWING OF FUNDS	5340
BOY SCOUTS ACT	3280
BUDGET	
Absentee Ballots.....	1640
Administration of the Budget.....	5120
Budget Adoption	5110
Budget Hearing	5110
Budget Notice.....	5110
Budget Transfers	5330
Budget Vote	1610
Budgeting	5110
Contingency Budget.....	5130
Fiscal Management Goals	5100
Property Tax Report Card	5110
BULLYING	7370
BURDEN OF PROOF	7670
BUS DRIVERS -- DRUG AND ALCOHOL TESTING.....	5741
BUS DRIVERS QUALIFICATIONS.....	5760, 5741
BUS EMERGENCY DRILLS	5683
CALCULATORS.....	8340
CAPITAL FACILITIES PLAN	5630
CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES	3520
CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION	8220

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

CAREGIVER CONSENT	7260
CASH IN SCHOOL BUILDINGS	5530
CELL PHONES	5322
CENSORSHIP OF SCHOOL SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES	7411
CENSUS	7160, 7650
CERTIFICATES AND IEP DIPLOMAS FOR STUDENTS WITH DISABILITIES	7222
CERTIFICATION	6212
CERTIFIED PERSONNEL	6210
CERTIFIED PERSONNEL -- ASSIGNMENT AND TRANSFER.....	6210
CHANGE ORDERS FOR CAPITAL PROJECTS.....	5580
CHARACTER EDUCATION	8241
CHARGING MEALS	5660
CHARITABLE DONATIONS FROM SCHOOL CHILDREN -- SOLICITATION OF	3271
CHILD ABDUCTION (PREVENTION OF) -- INSTRUCTION ON	8210
CHILD ABUSE	7530
CHILD FIND	7650
CHILD NUTRITION PROGRAM	5660
CHILDREN OF ACTIVATED RESERVE MILITARY PERSONNEL	7130
CHILDREN WITH DISABILITIES.....	7611
CHILDREN'S INTERNET PROTECTION ACT	8271
CITIZENSHIP, PATRIOTISM AND HUMAN RIGHTS EDUCATION	8240
CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION	8241
CLAIMS AUDITOR.....	1330, 1335
CLOSING OF SCHOOL -- EMERGENCY	3510
CODE OF CONDUCT ON SCHOOL PROPERTY	3410, 7310
CODE OF ETHICS FOR ALL DISTRICT PERSONNEL	6110

COLLEGE COURSES -- DUAL CREDIT FOR.....7230

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

COMMITTEES	
Committee on Preschool Special Education	7632
Committee on Special Education	7631
Committees of the Board	2210
COMMUNICABLE DISEASES	5691
COMMUNITY USE OF SCHOOL FACILITIES.....	3280
COMPARABILITY OF SERVICES -- TITLE 1 PROGRAMS	8260
COMPLAINTS	
Complaints and Grievances.....	3230
COMPREHENSIVE PUBLIC SCHOOL BUILDING SAFETY PROGRAM (RESCUE)	5630
COMPREHENSIVE STUDENT ATTENDANCE POLICY	7110
COMPULSORY ATTENDANCE AGE	7130
COMPUTER	
Computer Filtering (Internet Content)	8271
Computer Hardware -- Loan of to Students Attending Nonpublic Schools in the District.....	8340
Staff Computer Network and Internet Acceptable Use Policy (AUP)	6471
Computer Technology.....	8270
Computerized Information -- Confidentiality of.....	3320, 5671, 5672
Computerized Information Resources -- Use of	5671, 5672, 6470, 6471, 7315
CONCUSSION MANAGEMENT	7522
CONDITIONAL APPOINTMENTS.....	6170
CONDUCT AND DISCIPLINE (STUDENT)	3410, 6410, 7310
CONDUCT ON SCHOOL PROPERTY	3410, 7310
CONFERENCES, CONVENTIONS AND WORKSHOPS -- ATTENDANCE AT	2320, 4410, 6160, 6161
CONFIDENTIALITY OF COMPUTERIZED INFORMATION	3320
CONFLICT OF INTEREST	5420, 6110
CONSENT FOR CAREGIVERS	7260
CONSERVATION AND RECYCLING	5650

CONSTRUCTION AND REMODELING OF SCHOOL FACILITIES5630

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

CONTESTS FOR STUDENTS	7430
CONTINGENCY BUDGET.....	5130
CONTRACTS FOR GOODS AND SERVICES.....	5410
CONTROLLED SUBSTANCES.....	7611, 7640
CONTROVERSIAL ISSUES	8331
COPYRIGHTED MATERIALS.....	8350
CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS	7350
CORRECTIVE ACTION PLAN	5572
COUNT OF IMMIGRANT CHILDREN AND YOUTH.....	7160
COURT CONTACT - DEO (DESIGNATED EDUCATIONAL OFFICIAL)	1330
CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES.....	7222
CREDIT CARD	5321
CURRICULUM	
Areas in Conflict with Religious Beliefs.....	8330, 8360
Development	8110
Evaluation	8110
Resources	8110
CUSTODIAL AND NON-CUSTODIAL PARENTS	7130, 7241
DAY-SCHOOL.....	8410
DECLASSIFICATION OF STUDENTS WITH DISABILITIES.....	7617
DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES	6540
DEFIBRILLATORS	3520
DENTAL HEALTH CERTIFICATES	7512
DEPOSITORIES OF FUNDS.....	5510
DESIGNATION OF PERSON IN PARENTAL RELATION	7260
DESIGNATIONS BY THE BOARD OF EDUCATION.....	1330
DESTRUCTION OR LOSS OF DISTRICT PROPERTY OR RESOURCES.....	7311

DIAGNOSTIC SCREENING OF STUDENTS7121

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

DIGNITY FOR ALL STUDENTS: PROHIBITING DISCRIMINATION AND HARASSMENT OF STUDENTS	7370
DIRECTORY INFORMATION	7242, 7243
DISCIPLINE	3410, 6410, 7310, 7314
DISCIPLINE AND CONDUCT -- MAINTAINING	6410
DISCIPLINE OF STUDENTS WITH DISABILITIES.....	3410, 7314
DISCRIMINATION	7370, 6120, 7620, 7621, 8120, 8220
DISPOSITION OF RECORDS.....	5670
DISSEMINATION OF INDIVIDUALIZED EDUCATION PROGRAM.....	7640
DISTRIBUTION OF MATERIALS THROUGH STUDENTS, INSTRUCTIONAL OR ADMINISTRATIVE STAFF.....	3240
DISTRICT	
Affiliated Organizations	3250
Cell Phone	5322
Credit Card	5321
Plan -- Special Education	7610
Property -- Code Of Conduct On	3410
Property -- Loss Or Destruction Of.....	7311
Property -- Sale And Disposal.....	5250
Wellness Policy	5661
DOGS -- GUIDE DOG, HEARING DOG OR SERVICE DOG.....	6120, 8120, 8220
DRESS CODE -- STUDENT.....	7310
DRUGS	
Alcohol, Tobacco, Drugs and Other Substances	6150, 7320
Drug and Alcohol Testing for School Bus Drivers	5741
Drug-Free Workplace.....	6151
DUAL CREDIT FOR COLLEGE COURSES	7230
EARLY GRADUATION.....	7221
EDUCATION OF HOMELESS CHILDREN AND YOUTH	1330, 7130, 7131

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

EDUCATIONAL SERVICES FOR STUDENTS WHO BECOME PREGNANT.....	7150
ELECTION OF BOARD OFFICERS	1320, 1640
ELECTIONEERING	1220
ELECTRONIC CONSENT -- RELEASE OF STUDENT INFORMATION	7240
ELIGIBILITY FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES	7410
E-MAIL RECORDS	3310
EMANCIPATED MINORS.....	7130
EMERGENCY	
Conditional Appointments	6170
Interventions.....	7350
Planning	5681
School Closings.....	3510
Service Volunteer.....	6551
Treatment -- Students.....	7520
EMPLOYEE	
Activities	5560, 6430
Forums	2140
Mentoring.....	6160
Personal Identifying Information	5673
Professional Research and Publishing.....	6431
Protection	5571, 6540
EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS	6217
ENERGY AND WATER CONSERVATION.....	5650
ENGLISH LANGUAGE LEARNERS.....	8280
ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY	7130
ENVIRONMENTAL CONSERVATION INSTRUCTION	8210
ENVIRONMENTALLY SENSITIVE CLEANING AND MAINTENANCE PRODUCTS	5410
EPINEPHRINE AUTO INJECTOR DEVICES	3530
EQUAL ACCESS ACT	7410
EQUAL EDUCATIONAL OPPORTUNITIES.....	8120
EQUAL EMPLOYMENT OPPORTUNITY.....	6120

EQUIPMENT AND MATERIALS (SCHOOL-OWNED) -- USE OF3280

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

ETHICS, CODE OF ETHICS FOR DISTRICT PERSONNEL	6110
EVALUATION	
Evaluation of Administrative Staff	4260
Evaluation of Curriculum.....	8110
Evaluation of Personnel	6130
Evaluation of the Superintendent	4260
Self-Evaluation -- Board of Education.....	2340
Student Evaluation	7210
EXAMS -- HEALTH.....	6140, 7512
EXCUSES FOR STUDENT ABSENCES.....	7110
EXECUTIVE SESSIONS -- BOARD MEETINGS	1520
EXIT SUMMARY	7617
EXPENDITURES OF SCHOOL DISTRICT FUNDS.....	5320
EXPENSE REIMBURSEMENT	2320, 5323, 6160, 6161
EXPOSURE CONTROL PROGRAM	5690
EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS.....	7642
EXTERNAL (INDEPENDENT) AUDITOR	1334, 5572
EXTRACLASSROOM ACTIVITY FUND	1336, 5520
EXTRACURRICULAR ACTIVITIES.....	7410
FACILITIES	
Capital Facilities Plan	5630
Community Use of School Facilities	3280
Comprehensive Public School Building Safety Program (RESCUE).....	5630
Construction and Remodeling.....	5630
Inspection, Operation and Maintenance.....	5630
School Facility Report Cards	5630
Structural Safety Inspections.....	5630
Utilization for Elections and Voting	1640
FALSE REPORTING OF AN INCIDENT AND/OR PLACING A FALSE BOMB	7311
FAMILY AND MEDICAL LEAVE ACT	6551
FEDERAL FUNDS -- USE OF FOR POLITICAL EXPENDITURES	5560
FEDERAL PREPAREDNESS FUNDS	5681

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

FERPA (FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT)	3320, 7121, 7240, 7242
FIDUCIARY RESPONSIBILITY	2120, 5570- 5573
FIELD TRIPS	
Field Trips	8460
Parental Permission for Field Trips.....	8460
FILTERING (INTERNET CONTENT)	8271
FINANCIAL ACCOUNTABILITY	2120, 5570- 5573
FINGERPRINTING.....	6170
FIRE AND ARSON PREVENTION INSTRUCTION	8210
FIRE DRILLS	5683
FIREARMS IN SCHOOL	3411, 7360
FISCAL EFFORT -- MAINTENANCE OF (TITLE I PROGRAMS)	5550
FISCAL MANAGEMENT GOALS	5100
FIXED ASSETS	5621
FLAG DISPLAY	3140
FOIL (FREEDOM OF INFORMATION LAW).....	3310
FOOD SERVICE PROGRAM	5660
FOREIGN EXCHANGE STUDENTS	7133
FRATERNIZATION	6180
FRAUD -- ALLEGATIONS OF.....	5571
FREE AND REDUCED LUNCH PROGRAM.....	5660
FUNCTIONAL BEHAVIORAL ASSESSMENT.....	7640
FUND RAISING.....	3271, 3273, 7450
FUND RAISING BY STUDENTS.....	3271, 7450

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

FUNDS

Accounting of Funds	5510
Fund Balance.....	5512
Borrowing of Funds	5340
Expenditures of School District Funds.....	5320
Extraclassroom Activity Fund.....	5520
GASB 34	5621
Petty Cash Funds.....	5530
School Activity Fund	5520
Use of Federal Funds For Political Expenditures.....	5560
Use of Surplus Funds	5510

GIFTS	5230, 6110
-------------	------------

GOODS AND SERVICES -- PROCUREMENT OF.....	5410
---	------

GRADUATION

Early Graduation	7221
Graduation Requirements	7220
IEP Diplomas for Students with Disabilities.....	7222

GREEN CLEANING PRODUCTS	5410
-------------------------------	------

GRIEVANCES	3230, 7621
------------------	------------

GROUPING BY SIMILARITY OF NEEDS -- CHILDREN WITH DISABILITIES	7612
---	------

GUARDIANS AD LITEM -- USE OF AT IMPARTIAL HEARINGS.....	7670
---	------

GUIDANCE PROGRAM	8230
------------------------	------

GUIDE DOG.....	6120, 8120, 8220
----------------	---------------------

GUN-FREE SCHOOLS.....	7360
-----------------------	------

HACCP (HAZARD ANALYSIS AND CRITICAL CONTROL POINT PRINCIPLES)	5660
---	------

HANDLING OF TOXIC SUBSTANCES BY EMPLOYEES.....	5631
--	------

HARASSMENT IN THE SCHOOL DISTRICT.....	3421, 7370
--	------------

HAZARD COMMUNICATION STANDARD	5685
-------------------------------------	------

HAZARDOUS WASTE MATERIALS -- STORAGE AND DISPOSAL.....	5631, 5685
--	------------

HAZING	7370
--------------	------

HEALTH

Examinations.....	6140, 7512
Records.....	7514

Services	7511-7514
Use of Epinephrine Auto Injector Devices	3530

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

HEALTH AND SAFETY COMMITTEE	5630
HEARING DOG	6120, 8120, 8220
HIGH SCHOOL GRADUATION REQUIREMENTS	7220
HIV-RELATED ILLNESSES	5692
HOME INSTRUCTION (HOME SCHOOLING).....	8470
HOME TUTORING (HOMEBOUND INSTRUCTION)	8450
HOMELESS CHILDREN AND YOUTH.....	1330, 7130, 7131
HOMEWORK.....	8440
HOUSSE (HIGH OBJECTIVE UNIFORM STATE STANDARD OF EVALUATION).....	6212
HUMAN IMMUNODEFICIENCY VIRUS (HIV)	5692
HUMAN RIGHTS, PATRIOTISM AND CITIZENSHIP EDUCATION	8240
IDENTIFICATION -- CHILDREN WITH DISABILITIES	7650
IEP DIPLOMAS FOR STUDENTS WITH DISABILITIES	7222
IMMUNIZATION OF STUDENTS.....	7511
IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS.....	7670
INCIDENT COMMAND SYSTEM (ICS).....	5681
INCIDENTAL TEACHING	6213
INDEMNIFICATION.....	6540
INDEPENDENT EDUCATIONAL EVALUATIONS	7680
INDEPENDENT STUDY FOR TRANSFER CREDIT	8430
INDIVIDUALIZED EDUCATION PROGRAM.....	7640
INDIVIDUALIZED EDUCATION PROGRAM -- ROLE OF BOARD IN IMPLEMENTING	7613
INDIVIDUALIZED EDUCATION PROGRAM DIPLOMAS FOR STUDENTS WITH DISABILITIES	7222

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

INFORMATION SECURITY BREACH	5672
INHALERS -- USE OF IN SCHOOLS	7513
INSPECTIONS OF FACILITIES	5630
INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS	8280
INSTRUCTION FOR STUDENTS WITH LIMITED ENGLISH PROFICIENCY	8280
INSTRUCTIONAL MATERIALS	
Alternative Format	5410
Instructional Computer Hardware	8340
Objection to Instructional Materials.....	8330
Selection of Library and Multimedia Materials	8320
INSTRUCTIONAL PROGRAMS	
AIDS Instruction	8210
Automated External Defibrillator Instruction	8211
Child Abduction Prevention.....	8211
Child Development and Parenting Skills	8211
Civility, Citizenship and Character Education.....	8241
Emergency Planning	8210
Environmental Conservation.....	8210
Fire and Arson/Injury Prevention.....	8211
Guidance Program.....	8230
Patriotism, Citizenship and Human Rights Education	8240
Prevention of Child Abduction	8210
Student Safety	8210
Substance Abuse/Prevention Instruction.....	8210
INSTRUCTIONAL TECHNOLOGY	8270
INSTRUMENTS.....	7440
INSURANCE.....	5610, 6540, 7520
INTERNAL AUDIT FUNCTION	5573
INTERNAL AUDITOR.....	1330, 1339, 5572, 5573
INTERNET	6470, 7315, 8271
INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED	7211
INTERPRETERS.....	7210, 7211

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

INTERROGATIONS AND SEARCHES	7330
INTERSCHOLASTIC ATHLETICS.....	7420
INTRAMURAL ATHLETICS	7420
INVENTORIES	5620, 5621
INVESTMENTS.....	5220
JURY DUTY.....	6460
JUVENILE DELINQUENCY	1330, 3410, 7360
LAW ENFORCEMENT OFFICIALS.....	7330
LEAST RESTRICTIVE ENVIRONMENT -- CHILDREN WITH DISABILITIES	7611, 7615
LEAVES OF ABSENCE	6551
LEGAL QUALIFICATIONS OF VOTERS AT SCHOOL DISTRICT MEETINGS	1630
LIBRARY MATERIALS	8320
LIFE THREATENING ALLERGIES (STUDENTS)	7521
LIMITED ENGLISH PROFICIENCY -- INSTRUCTION FOR STUDENTS.....	8280
LIMITED OPEN FORUM.....	7410
LOCKERS	7330
LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES.....	7311
LUNCH PROGRAM -- FREE/REDUCED	5660
MAIL HANDLING	5684
MAINTAINING DISCIPLINE AND CONDUCT.....	6410
MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS).....	5550
MAINTENANCE OF ORDER ON SCHOOL PROPERTY.....	3410
MARRIED STUDENTS.....	7150
MATERIALS AND EQUIPMENT (SCHOOL-OWNED) -- USE OF	3280

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

MATRICULATION POLICY	7230
MEAL EXPENSES.....	5323
MEDIA.....	3110
MEDIATION -- SPECIAL EDUCATION	7690
MEDICAL EMERGENCIES AND ACCIDENTS.....	7520
MEDICATIONS	7513
MEETINGS	
Annual District Meeting and Election/Budget Vote	1610
Annual Organization Meeting.....	1620
Business of the Annual District Election	1611
Committee Meetings of the Board	2210
Expenses.....	5323
Executive Sessions of the Board	1520
Notification of Regular Board Meetings.....	1510
Public Sessions.....	1510
Regular Board Meetings	1510
Special Board Meetings	1510
MENTORING FOR FIRST YEAR TEACHERS.....	6160
MERCURY	5650
METHAMPHETAMINE LABS.....	7530
MILITARY STATUS	6120, 6122, 7130, 8120, 8220
MULTIMEDIA MATERIALS SELECTION	8320
MUNICIPAL GOVERNMENTS -- RELATIONS WITH.....	3120
MUSICAL INSTRUMENTS.....	7440
NAMING AND DEDICATING SCHOOL DISTRICT PROPERTY	3160
NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS).....	5681
NATIONAL INSTRUCTIONAL MATERIALS ACCESSIBILITY STANDARD (NIMAS).....	5410, 7610, 8310, 8340
NEGOTIATIONS	6440
NEWS MEDIA RELATIONS	3110

NIMAS (NATIONAL INSTRUCTIONAL MATERIALS ACCESSIBILITY STANDARD).....5410, 7610,
6 8310, 8340

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

NIMS (NATIONAL INCIDENT MANAGEMENT SYSTEM).....	5681
NO CHILD LEFT BEHIND ACT (NCLB).....	1330, 3280, 5550, 5640, 6150, 6540, 7130, 7131, 7243, 7250, 7320, 7360, 8260, 8280, 8360
NONPUBLIC SCHOOLS.....	5730, 7611 7650, 8340
NON-RESIDENT STUDENTS.....	7132
NURSE PRACTITIONER.....	1338, 6140, 7121, 7420, 7512
NUTRITION ADVISORY COMMITTEE.....	5661
NYSESLAT (NYS ENGLISH AS A SECOND LANGUAGE ACHIEVEMENT TEST)	8280
OBJECTION TO INSTRUCTIONAL MATERIALS	8330
OATH OF OFFICE (BOARD)	1620
OCCUPATIONAL (CAREER AND TECHNICAL) EDUCATION	8220
OPEN FORUM	3280
OPENING EXERCISES	8420
OPERATION AND MAINTENANCE OF FACILITIES.....	5630
ORGANIZATIONAL CHART	4212
ORIENTING NEW BOARD MEMBERS	2110
PARENT	
Involvement Policy	7660, 8260
Involvement -- Children With Disabilities.....	7660
Involvement Policy -- Title I	8260
Access To Information/Parental Notice	7121, 7131, 7210, 7240, 7242, 7243, 7250, 7530, 7616
Parental Delegation Of Authority To Caregiver Of Minor Child	7260

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

PARENT (Cont'd.)	
Parental Permission For Field Trips.....	8460
Parentally Placed/Special Education/Nonpublic Schools	5730, 7611
	7650
Parents Organizations.....	3250
PATRIOTISM, CITIZENSHIP AND HUMAN RIGHTS EDUCATION	8240
PERSON IN PARENTAL RELATION	7260
PERSONNEL	
Certified Personnel.....	6210
Code of Ethics	6110
Evaluation of Personnel	6130
Recruitment and Hiring.....	6211
Safety of Personnel	5680
Support Staff -- Appointment.....	6310
Teacher Aides -- Employment of.....	6320
Temporary Personnel	6220
PETTY CASH FUNDS	5530
PHYSICAL EXAMINATIONS OF STUDENTS	7250, 7512
PLEDGE OF ALLEGIANCE	8420
POLICIES	
Execution of Policy: Administrative Regulations	1420
Formulation, Adoption and Dissemination of Policy.....	1410
Policy Review and Evaluation	1410
POLITICAL	
Staff Participation in Political Activities.....	6430
Use of Federal Funds For Political Expenditures.....	5560
POST INCIDENT RESPONSE.....	5681
PREGNANT STUDENTS	7150
PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION (PRIOR TO A REFERRAL FOR SPECIAL EDUCATION).....	7616
PRESCHOOL SPECIAL EDUCATION	7614
PRESCRIPTIVE MEDICATION	7513
PREVENTION INSTRUCTION	8210
PREVENTION OF CHILD ABDUCTION -- INSTRUCTION ON.....	8210

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

PRINCIPALS -- BUILDING.....4330

PRIVACY (STUDENT), PROTECTION OF PUPIL RIGHTS7250

PROBATION, CERTIFICATED STAFF PROBATION AND TENURE6214

PROCUREMENT OF GOODS AND SERVICES.....5410

PROFESSIONAL DEVELOPMENT OPPORTUNITIES4410, 6160

PROFESSIONAL STAFF

 Assignments and Transfers6210

 Certification.....6212

 Development Opportunities4410, 6160,

 Probation and Tenure6214

 Recruiting.....6211

 Research and Publishing6431

PROGRAM ACCESSIBILITY -- CHILDREN WITH DISABILITIES.....7621

DISTRICT POLICY REGARDING RESPONSE TO INTERVENTION PROCESS (RTI).....7622

PROGRAMS AND PROJECTS FUNDED BY TITLE I.....8260

PROHIBITION OF RETALIATION7370, 5571,
6120-6122,
7550-7552,
8130

PROJECT SAVE3410, 5681,
6170, 7530,
8241

PROMOTION, PLACEMENT AND RETENTION7210

PROPERTY TAX EXEMPTION FOR SENIOR CITIZENS5241

PROPERTY TAX REPORT CARD.....5110

PROPOSITIONS1650

PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA).....7250

PROVISION OF SPECIAL EDUCATION SERVICES TO NONPUBLIC SCHOOL WITH
DISABILITIES WHO ARE PARENTALLY PLACED5730, 7611
7650

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

PUBLIC	
Access to Records	3310
Complaints and Grievance	3230
Officers Law Section 18.....	6540
Order	3410
PUBLICATION OF DISTRICT'S FINANCIAL STATEMENT	5540
PUBLICATIONS -- STUDENT	7411
PUPIL PROOF OF AGE	7120
PURCHASING	5410
QUALIFICATIONS OF BUS DRIVERS	5741, 5760
QUALIFICATIONS OF TEACHERS.....	6212
QUORUM.....	1510
RANK IN CLASS.....	7223
RCT (REGENTS COMPETENCY TEST).....	7222
RECORDS	
Confidentiality of Computerized Information.....	3320
Health Records	7514
Military Recruiters Access to Student Records.....	7243
Public Access to Records	3310
Records Management.....	5670
Release of Information to the Noncustodial Parent.....	7240, 7241
Retention and Disposition of Records.....	5670
Student Records: Access and Challenge	7240
RECRUITING, CERTIFIED STAFF	6211
RECYCLING.....	5650
REFRESHMENTS.....	5323
REGENTS DIPLOMA	7220, 7222
REGISTER OF CHILDREN WITH DISABILITIES	7650
REIMBURSEMENT OF EXPENSES.....	2320, 5323, 6160, 6161
RELATED SERVICES.....	7611, 7615
RELATIVES OF THE BOARD OF EDUCATION.....	6217

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

RELEASE OF INFORMATION TO THE NONCUSTODIAL PARENT	7240, 7241
RELEASED TIME OF STUDENTS	7111
RELIGIOUS BELIEFS	8330, 8360
RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM.....	8360
REMODELING AND CONSTRUCTION OF SCHOOL FACILITIES.....	5630
REPORTING OF INFORMATION REGARDING ILLEGAL OR INAPPROPRIATE FINANCIAL PRACTICES.....	5571
REPORTING TO PARENTS	7210
REQUIREMENTS FOR NEW BUS DRIVERS	5760
RESCUE (COMPREHENSIVE PUBLIC SCHOOL BUILDING SAFETY PROGRAM)	5630
RESIDENCY (STUDENT)	7130
RESPONSIBLE USE OF COMPUTERIZED INFORMATION RESOURCES	6470, 6471, 7315
RESTRICTION OF SWEETS IN SCHOOL	5660
RETALIATION - PROHIBITION OF RETALIATORY BEHAVIOR.....	5571, 6120, 7550, 8120
RETENTION OF RECORDS.....	5670
REVENUES	
Revenues	5210
Revenues from District Investments	5220
Revenues from Sale of School Property	5250
School Tax Assessment and Collection	5240
"RIGHT-TO-KNOW" LAW.....	5680
SAFE SCHOOLS AGAINST VIOLENCE IN EDUCATION ACT	3410, 5681, 6170, 7530, 8241
SAFETY	
Anthrax and Biological Terrorism	5684
Athletic Program Safety	7420
Code of Conduct on School Property.....	3410
Defibrillators (AED)	3520
Internet Content Filtering/Safety Policy	8271
Internet Safety Instruction.....	8271
Safety and Security	5680-5684

Safety of Students (Conditional Appointments/Emergency Conditional Appointments).....6170

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

SAFETY (Cont'd.)	
School Bus Safety Program	5750
School Safety Plans	5681
Structural Safety Inspections.....	5630
Student Safety	5680, 6170
SAFETY NET FOR STUDENTS WITH DISABILITIES	7222
SALE AND DISPOSAL OF SCHOOL DISTRICT PROPERTY.....	5250
SCHEDULES, SCHOOL BUS SCHEDULING AND ROUTING	5720
SCHOLARSHIPS AND AWARDS	7430
SCHOOL	
Attorney.....	1337
Board Elections	1220
Bus Program.....	5710
Bus Safety Program.....	5750
Bus Scheduling And Routing	5720
Calendar	8410
Census	7650
Closings -- Emergency	3510
Community Relations With The Municipal Governments.....	3120
Conduct And Discipline	3410, 7310
Day	8410
District Legal Status	1110
District Report Card	5110
Food Service Program -- Lunch And Breakfast.....	5660
Health Services.....	7510-7514
Legal Status	1110
News Media Relations	3110
Physician	1338
Safety Plans	5681
Tax Assessment And Collection	5240
Trips	8460
Volunteers	3150
SCHOOL-BASED ELECTIONS AND VOTING: FACILITIES UTILIZATION	1640
SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING.....	3130
SCREENING OF NEW SCHOOL ENTRANTS	7121
SEARCHES AND INTERROGATIONS OF STUDENTS	7330
SECTION 504 OF THE REHABILITATION ACT OF 1973	3231, 7370, 6122, 7616, 7621

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

SECURITY BREACH OF INFORMATION	5672
SECURITY/SAFETY	5680, 5681
SELECTION/CLASSIFICATION PROCESS	7420
SELECTION OF LIBRARY AND MULTIMEDIA MATERIALS	8320
SENIOR CITIZENS	5241
SERVICE DOG	6120, 8120, 8220
SEXUAL HARASSMENT	3421
SEXUAL ORIENTATION	7370, 6120, 6122, 8120, 8220
SICK LEAVE TRANSFER UPON CHANGE IN BARGAINING UNIT	6560
SICKLE CELL ANEMIA	7512
SIGN INTERPRETATION FOR PARENTS WHO ARE HEARING IMPAIRED	7211
SILENT RESIGNATIONS	7530
SMOKING AND TOBACCO USE	3280, 5640, 7320, 8210
SOLICITATIONS	
Advertising in the Schools	3272
Solicitation of Charitable Donations From School Children	3271
Solicitations by Staff Personnel	6430
Soliciting Funds From School Personnel	3273
SPECIAL EDUCATION PROGRAMS AND SERVICES	
Aging Out	7617
Alternative Testing for Students with Disabilities	7210
Appointment and Training of CSE and CPSE Members	7631, 7632
Children with Disabilities	7611
Code of Conduct	7310
Credential Options for Students with Disabilities	7222
Declassification of Students with Disabilities	7617
District Plan	7610
Extended School Year (July/August) Services and/or Programs	7642
Facilities	5630, 7610
Graduation	7222, 7617
Grouping by Similarity of Needs	7612
Impartial Hearings/Selection of Impartial Hearing Officers	7670

Independent Educational Evaluations7680

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

SPECIAL EDUCATION PROGRAMS AND SERVICES (Cont'd.)	
Individualized Education Program (IEP)	7640
Least Restrictive Environment	7611, 7615
Mediation	7690
Parent Involvement	7660
Parentally Placed Nonpublic School Students with Disabilities	5730, 7611 7650
Prereferral Intervention Strategies in General Education (Prior to a Referral for Special Education).....	7616
Preschool Special Education Program	7614
Program Accessibility	7621
Provision of Individualized Education Program (IEP).....	7640
Register of Children with Disabilities (Child Find)	7650
Role of the Board In Implementing a Student's Individualized Education Program	7613
Safety Net for Students with Disabilities	7222
Section 504 of the Rehabilitation Act of 1973	7621
Student Exit Summary	7617
Student Identification	7650
Student Individualized Education Program.....	7640
Students Presumed to Have a Disability for Discipline Purposes	7314
Students with Disabilities Participating in School District Programs	7620
Surrogate Parents	7660
Transfer Students	7643
Transition Services.....	7641
Transportation of Students with Disabilities	5730
Transportation to Nonpublic Schools.....	5730
Use of Guardians Ad Litem at Impartial Hearings.....	7670
Use of Recording Equipment at IEP Meetings	7640
SPORTS AND THE ATHLETIC PROGRAM	7420
SPORTS EQUIPMENT AND APPAREL PURCHASES.....	5410
STAFF	
Development	6160
Health Examinations	6140
Participation In Political Activities	6430
Protection	6540
Safety.....	5680-5684
Student Relations	6180
STRUCTURAL SAFETY INSPECTIONS	5630
STUDENT	
Athletic Injuries.....	7420
Attendance.....	7110
Awards And Scholarships	7430
Contests.....	7430

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

STUDENT (Cont'd.)	
Discipline	3410, 6410, 7310, 7314
Distribution of Materials	3240
Dress Code	7310
Employment	7620
Evaluation.....	7210
Exit Summary.....	7617
Foreign Exchange.....	7133
Health Services.....	7510-7514
Identification -- Children With Disabilities	7650
Immunization	7511
Life Threatening Allergies	7521
Non-Resident.....	7132
Parental Access to Information	7250
Participation	3240
Photos	7242
Physicals/Physical Examinations	7250, 7512
Placement, Promotion And Retention	7210
Student Voter Registration and Pre-Registration	7460
Presumed to Have a Disability for Discipline Purposes.....	7314
Privacy Protection Under NCLB and PPRA and FERPA.....	7250
Rank in Class.....	7223
Records.....	7240-7243
Release Time	7111
Residency	7130
Safety.....	5680-5684, 6170
Transportation to Nonpublic School/Parentally Placed	5730
Vehicles On School Property	3290
With Disabilities Participating In School District Programs.....	7620
With Limited English Proficiency.....	8280
 STUDENT TEACHERS.....	 6220
 SUBJECT COORDINATORS.....	 4330
 SUBMISSION OF QUESTIONS AND PROPOSITIONS AT ANNUAL ELECTIONS/ SPECIAL DISTRICT MEETINGS.....	 1650
 SUBSTANCE ABUSE -- PREVENTION CURRICULUM	 8210
 SUBSTITUTE TEACHERS	 6220
 SUPERINTENDENT	
Board-Superintendent Relationship	4320
Evaluation of the Superintendent	4260
Superintendent.....	4310

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

SUPERVISION OF STUDENTS	5730, 7540
SUPPLEMENTARY SCHOOL PERSONNEL	6320, 7640
SUPPORT STAFF APPOINTMENT	6310
SURROGATE PARENTS -- CHILDREN WITH DISABILITIES	7660
SURVEYS -- STUDENT.....	7250
SUSPENSION	
SWEATSHOP LAW.....	5410
SWEETS IN SCHOOL.....	5660
TAX ASSESSMENT AND COLLECTION	5240
TAX COLLECTOR -- DUTIES OF	1333
TAX EXEMPTION FOR SENIOR CITIZENS.....	5241
TEACHER AIDES	6320
TEACHING ASSISTANTS.....	6320
TECHNICAL AND CAREER (OCCUPATIONAL) EDUCATION	8220
TEMPORARY PERSONNEL.....	6220
TESTING PROGRAM	7210
TEXTBOOKS/CALCULATORS/INSTRUCTIONAL COMPUTER HARDWARE	8340
TEXTBOOKS FOR RESIDENT STUDENTS ATTENDING PRIVATE SCHOOLS	8340
THEFT OF SERVICES OR PROPERTY	6450
THREATS OF VIOLENCE IN SCHOOL	3412
TITLE I PARENT INVOLVEMENT POLICY	8260
TITLE I PROGRAMS -- MAINTENANCE OF FISCAL EFFORT	5550
TITLE I PROGRAMS AND PROJECTS.....	8260, 8280
TITLE VII -- EQUAL EMPLOYMENT OPPORTUNITY	6120

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

TITLE IX -- ATHLETICS	7420
TITLE IX/SECTION 504/ADA COMPLAINTS	6122, 8220
TOBACCO USE/SMOKING	3280, 5640, 7320, 8210
TOXIC SUBSTANCES -- HANDLING OF	5631
TRANSFER CREDIT	8430
TRANSFER OF STUDENTS (INVOLUNTARY)	7140
TRANSFER STUDENTS	7643
TRANSITION SERVICES	7641
TRANSPORTATION	
Safety Program.....	5750
Scheduling and Routing	5720
School Buses Stopped on School Property	5750
Supervision of Students.....	5730
Transportation of Non-Resident Students	5730
Transportation of Parentally Placed Nonpublic School Students with Disabilities	5730
Transportation of Students	5730
Transportation of Students with Disabilities	5730
Transportation Program	5710
Transportation to School Sponsored Events	5730
Transporting an Ill or Injured Student.....	7520
Use of Buses by Community Groups.....	5740
TRAVEL EXPENSE/REIMBURSEMENT	2320, 6160, 6161
TRUANCY	7110
UNLAWFUL POSSESSION OF A WEAPON UPON SCHOOL GROUNDS.....	3411, 7360
USE OF	
Committees.....	3260
Copyrighted Materials.....	8350
Epinephrine Auto Injector Devices	3530
Recording Equipment At I.E.P. Meetings	7640
School Facilities	3280
School-Owned Materials And Equipment	3280
Surplus Funds.....	5510

NEW PALTZ CENTRAL SCHOOL DISTRICT POLICY INDEX (Cont'd.)

VANDALISM.....	7311
VEHICLES ON DISTRICT PROPERTY	3290
VENDOR RELATIONS/AGENTS AND SALESPEOPLE IN SCHOOL	5412
VIOLENCE PREVENTION.....	8241
VIOLENCE (THREATS OF) IN SCHOOL.....	3412
VISION SCREENING.....	7121
VISITORS TO THE SCHOOL.....	3210
VOCATIONAL (CAREER AND TECHNICAL) EDUCATION.....	8220
VOLUNTEER FIREMEN	5241
VOLUNTEERS -- SCHOOL.....	3150
VOTERS -- LEGAL QUALIFICATIONS OF (AT SCHOOL DISTRICT MEETINGS).....	1630
WARD OF STATE.....	7660
WEAPONS IN SCHOOL	3411, 7360
WEIGHT STATUS CATEGORY	7512
WELLNESS POLICY	5661
"WHISTLEBLOWER" PROTECTION	7370, 5571, 6120-6122 7550-7552 8130