

Sandy Creek Central School District



Board Policy Manual

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MISSION STATEMENT AND VISION

The Board of Education recognizes that to govern effectively, it must clearly define why the district exists and what it aspires to be. The Board therefore adopts the following mission statement to convey the district's purpose, and vision to set forth what the district should strive to become in the future.

Mission Statement

The mission of the Sandy Creek Central School District is to provide all students the knowledge and skills necessary to be self-directed, life-long learners by providing the highest quality education in partnership with parents, staff, and community.

Vision

The Sandy Creek Central School District will prepare students to become contributing members of their local community and global society.

Annual Review

The Board recognizes that while the vision is intended to be a long-range statement of the ideal future for the district, it still requires continual evaluation. Accordingly, the Board will review the vision statement annually in developing the district's annual goals.

Cross-ref:

0105, Equity, Inclusivity and Diversity in Education

0300, Accountability

4000, Student Learning Standards and Instructional Guidelines

Adopted: February 13, 2025

NON-DISCRIMINATION AND EQUAL OPPORTUNITY

The Board of Education, its officers and employees, will not discriminate in its programs and activities on the basis of legally protected classes, such as, but not limited to: race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, national origin, creed, religion (including religious practices), marital status, sex (including pregnancy, childbirth, or related medical condition), gender identity and expression (i.e., actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including but not limited to the status of being transgender), age, sexual orientation, disability (physical or mental), predisposing genetic characteristic, military work or status, domestic violence victim status, citizenship/immigration status, or use of a guide dog, hearing dog, or service dog, as applicable. The district will provide notice of this policy in accordance with federal and state law and regulation.

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

Employees also have protections under state law against discrimination on the basis of their familial status, reproductive healthcare decisions (their own or their dependents) and certain prior criminal history.

Specific protections for students under the Dignity for All Students Act are addressed in policy 0115, Student Bullying and Harassment Prevention and Intervention.

As a condition of participation in federal meal programs, the district will post the following statement: “In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.” Discrimination complaint information is available at <https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs>.

A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties in the manner prescribed by the district code of conduct, the law or applicable contract.

Nothing in this policy will be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

Website Accessibility

To promote the accessibility of the district's website and social media to persons with disabilities, and as required by federal regulations implementing the Americans With Disabilities Act, the district's website content and mobile apps will conform to the WCAG 2.1 Level AA standard for accessibility on or after April 26, 2027. If a technical or legal limitation prevents accessibility, conforming alternate versions of web content may be used. Exceptions to this requirement are outlined in federal regulations 28 CFR Part 35, and includes certain archived web content, certain preexisting electronic documents, certain third-party content, individualized secured electronic documents, and preexisting social media posts. The district's Director of Technology is responsible for addressing the accessibility of the district's website content and mobile apps.

Annual Notification

At the beginning of each school year, the district will publish a notice of the established grievance procedures for resolving complaints of discrimination to parents/guardians, employees, students and the community. The public notice will:

1. inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender;
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

Complaints of sex discrimination and sex-based harassment are addressed by the district's Title IX grievance procedure, and will also be addressed by other district policies if the conduct is not a violation of Title IX. Complaints of discrimination and harassment made by employees and applicants are addressed by the process outlined in policy 0110.2, Sexual Harassment in the Workplace. Complaints of discrimination and harassment by students are addressed by the

process outlined in policy 0115, Student Bullying and Harassment Prevention and Intervention.

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref:

0110.2, Sexual Harassment in the Workplace

0111, Sex Discrimination and Sex-Based Harassment Under Title IX

0115, Student Bullying and Harassment Prevention and Intervention

5030, Student Complaints and Grievances

5300, Code of Conduct

9140.1, Staff Complaints and Grievances

Ref:

Age Discrimination in Employment Act of 1967 29 U.S.C. §§621 *et seq.*

Americans with Disabilities Act, 42 U.S.C. §§12101 *et seq.*

Title VI, Civil Rights Act of 1964, 42 U.S.C. §§2000d *et seq.* (nondiscrimination based on race, color, and national origin in federally assisted programs)

Title VII, Civil Rights Act of 1964, 42 U.S.C. §§2000e *et seq.* (nondiscrimination based on race, color, and national origin in employment)

Title IX, Education Amendments of 1972, 20 U.S.C. §§1681 *et seq.* (nondiscrimination based on sex)

§504, Rehabilitation Act of 1973, 29 U.S.C. §794

Individuals with Disabilities Education Law, 20 U.S.C. §§1400 *et seq.*

Genetic Information Nondiscrimination Act of 2008 P.L. 110-233

34 C.F.R. §§ 100.6; 104.8; 106.9; 110.25

Executive Law §§290 *et seq.* (New York State Human Rights Law)

Education Law §§10-18 (The Dignity for All Students Act)

Education Law §§313(3); 3201; 3201-a

Creating a Safe, Supportive, and Affirming School Environment for Transgender and

Gender Expansive Students: 2023 Legal Update and Best Practices, <https://www.nysed.gov/sites/default/files/programs/student-support-services/creating-a-safe-supportive-and-affirming-school-environment-for-transgender-and-gender-expansive-students.pdf>

Adopted: February 13, 2025

GENDER NEUTRAL SINGLE-OCCUPANCY BATHROOMS

All single-occupancy bathroom facilities in the district are designated as gender neutral. Signs designating gender neutral single-occupancy bathrooms must be posted on the wall next to the door of that bathroom facility.

A “single-occupancy bathroom” is as defined in Public Buildings Law §145(d) as “a bathroom intended for use by no more than one occupant at a time or for family or assisted use and which has a door for entry into and egress from the bathroom that may be locked by the occupant to ensure privacy.”

The Superintendent of Schools or designee is directed to post appropriate signage to implement this policy consistent with applicable laws. Handbooks, directional signs, memos, safety plans, and maps will also be updated as necessary.

Ref:

Education Law §409-m (single-occupancy bathrooms designated gender neutral)

Public Buildings Law §145(d)

Building Code of New York State §§1111; 2902.4

Adopted: February 13, 2025

SEXUAL HARASSMENT IN THE WORKPLACE**Purpose and Goals**

The Sandy Creek School District (“the district”) is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the district recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, religion, citizenship/immigration status, military status, disability, pre-disposing genetic characteristics, familial status (including pregnancy, childbirth, or related medical condition), marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual’s race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual’s intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of the district’s commitment to a discrimination-free work environment.

A. Goals of this Policy

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with the district. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

The district is also required under the federal Title IX law and its implementing regulations to adopt a grievance procedure for addressing complaints of sex discrimination and sex-based harassment. The Title IX regulations contain a definition of sex discrimination and sex-based harassment, and a standard under which complaints must be assessed, that is different from the one in state law and this policy. The district is required to address complaints that might constitute sex discrimination and sex-based harassment prohibited under Title IX.

Sexual Harassment and Discrimination Prevention Policy

1. The district's policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the district. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with the district. For the remainder of this policy, we will use the term "covered individual" to refer to these individuals who are not direct employees of the district.

2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.

3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of the district who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or Business Administrator. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on Legal Protections.

4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject the district to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every

level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.

5. The district will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. The district will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, the district will act as required. In addition to any required discipline, the district will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.

6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency.

Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to Business Administrator. This person must also notify the Title IX Coordinator to determine whether a Title IX complaint is warranted. If this person is also designated as the Title IX Coordinator, they must determine whether to proceed under Title IX either instead of or in addition to this policy.

7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations.

For those offices operating remotely, in addition to sending the policy through email, it will also be available on the organization's shared network.

What Is Sexual Harassment?

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

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

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the district's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a hostile work environment include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an
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employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.

- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called quid pro quo harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

A. Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. This list is just a sample of behaviors and should not be considered exhaustive. Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
 - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits.
 - Subtle or obvious pressure for unwelcome sexual activities; or
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.

- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
- Sexual or discriminatory displays or publications anywhere in the workplace. Such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression

B. Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described earlier in the policy. Harassers can be anyone in the workplace. A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, student, volunteer, parent, community member, board member, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

C. Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

Retaliation

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment. Intentionally false or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

Reporting Sexual Harassment

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is encouraged to report harassing or discriminatory behavior to a supervisor, manager or Business Administrator. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or Business Administrator.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to the Business Administrator. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

Complaints and Investigations of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The district will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

The district recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the regulation 0111-R which establishes a unified grievance process for addressing complaints of discrimination, harassment, and retaliation under Title IX, other federal statutes, and applicable state laws. The purpose of this streamlined approach is to ensure fairness, consistency, and compliance with all legal requirements, while providing all parties with a clear, equitable process to resolve concerns. When specific definitions or provisions relate to a particular law, such as Title IX, a clear reference will be made to ensure accurate application. This grievance process applies uniformly, regardless of the source of the claim, ensuring all complaints are handled with the same standards of integrity, due process, and accountability.

While the grievance process is uniform, determinations are made based on the specific federal or state laws and/or District policies applicable to each complaint. For example, a claim of discrimination and/or harassment may not be sustained under Title IX but could be sustained under state laws, or under the district's policies such as the Code of Conduct. This approach ensures that each complaint is evaluated in accordance with the applicable legal or policy framework while maintaining continuity in the grievance process for all investigations.

Record Keeping

Records will be kept consistent with the provisions outlined in Policy 0111.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the district, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

A. New York State Division of Human Rights

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time within three years of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, within

three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

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

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

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

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

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

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

B. The United States Equal Employment Opportunity Commission

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

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

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

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

C. Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

D. Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

E. Contact the District's Title IX Coordinator

The district is required to address instances of sex discrimination and sex-based harassment which could be prohibited under Title IX and its regulations. Employees are encouraged to contact the district's Title IX Coordinator with complaints of sex discrimination and sex-based harassment.

Notice and Training

The district will provide all existing employees with either a paper or electronic copy of the district's sexual harassment policy and regulation, and will provide the same to new employees before the employee starts their job. These materials will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided a translated template policy.

All new employees will receive training on this policy and regulation at new employee orientation or as soon as possible after starting their job, unless they can

demonstrate that they have received equivalent training within the past year from a previous employer. All other employees will be provided training at least once a year regarding this policy and the district's commitment to a harassment-free working environment. Principals and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment will receive yearly training on this policy, regulation and related legal developments. Training will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided translated model training.

Annual employee training programs will be interactive and include: (i) an explanation of sexual harassment consistent with guidance issued by the NYS Department of Labor and the NYS Division of Human Rights; (ii) examples of conduct that is unlawful sexual harassment; (iii) information on federal and state laws about sexual harassment and remedies available to victims of sexual harassment; (iv) information concerning employees' right to make complaints and all available forums for investigating complaints; and (v) address the conduct and responsibilities of supervisors.

Conclusion

The policy outlined above is aimed at providing district employees and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status.

The prevention policies outlined above should be considered applicable to all protected classes.

Cross-ref:

0111, Sex Discrimination and Sex-Based Harassment Under Title IX

Ref:

Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 et seq.

Executive Law §296

Executive Law §296-d (prohibition of sexual harassment of employees and non-employees)

Labor Law §201-g (required workplace 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)

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)

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Adopted: February 13, 2025

SEXUAL HARASSMENT IN THE WORKPLACE EXHIBIT

Complaint Form for Reporting Sexual Harassment

COMPLAINANT INFORMATION

Work Address: _____ Work Phone: _____
Job Title: _____ Email: _____

Select Preferred Communication Method: Email, Phone, In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____
Title: _____

Work Phone: _____ Work Address: _____

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name: _____ Title /Position: _____
Address: _____ Phone: _____
Relationship to you: Supervisor Subordinate
 Co-Worker Other:

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) and location(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the district's investigation.

5. Have you previously complained about or provided information (verbal or written) about sexual harassment or related incidents to the district?
 Yes No

If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ Date: _____

Instructions for the District

If you receive a complaint about alleged sexual harassment, follow the district's sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document findings of the investigation and basis for your decision along with any corrective actions taken, and notify the employee and the individual(s) against whom the complaint was made (if the alleged harasser is a student, also notify the parent/guardian). This may be done via email.

Adopted: February 13, 2025

SEXUAL HARASSMENT GRIEVANCES UNDER TITLE IX

The Sandy Creek Central School District (“district”) has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity.

Title IX Sexual Harassment

1. Under federal regulations implementing Title IX, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
 - a. A district employee conditioning the provision of an aid, benefit, or service of the district on an individual’s participation in unwelcome sexual conduct;
 - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district’s education program or activity; or
 - c. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).
2. Federal Title IX regulations only address complaints of discrimination or harassment occurring against a person in the United States.

Notice of Allegations

1. Upon initiation of the district’s grievance procedures, the district will notify the parties of the following:
 - a. The district’s grievance procedures.
 - b. Sufficient information available at the time to allow the Respondent to respond to the allegations, including the identities of the parties involved in the incident(s) if required by the underlying law or policy, the conduct alleged to constitute discrimination and/or harassment, and the date(s) and location(s) of the alleged incident(s); and
 - c. Retaliation is prohibited.
2. If, in the course of an investigation, the district decides to investigate additional allegations that are not included in the notice provided the district will notify the parties of the additional allegations.
3. If any district employee is notified of alleged sexual harassment, they must inform the Title IX Coordinator.
4. Complaints of discrimination on the basis of sex under federal Title IX regulations are addressed in the manner provided by policy 0100, Non-Discrimination and Equal Opportunity. If alleged discrimination or sexual harassment is not covered by Title IX regulations, it may be covered by state laws, addressed in district policies 0100, Non-

Discrimination and Equal Opportunity; 0110.2, Sexual Harassment in the Workplace; 0115, Student Harassment and Bullying Prevention and Intervention; and 5300, Code of Conduct.

Supportive Measures

1. The district will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the district's education program or activity or provide support during the district's grievance procedures.
2. These supportive measures will be provided by the district in its sole discretion and may include:
 - a. Counseling;
 - b. Extensions of deadlines and other course-related adjustments;
 - c. Increased security and monitoring of certain areas of the district;
 - d. Restrictions on contact applied to one or more parties;
 - e. Leaves of absence;
 - f. Changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and
 - g. Training and education programs related to discrimination and/or harassment.

Grievance Procedures in General

1. The district may consolidate complaints of discrimination and/or harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of discrimination and/or harassment arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.
2. The district will treat complainants and respondents equitably.
3. The district requires that any Title IX Coordinator, investigator, decisionmaker, or Appeal decision maker to not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator. The district may seek help from outside the district if there is a conflict, or it needs additional assistance at any stage in the grievance process.
4. The roles of Title IX Coordinator, investigator, and decision-maker will be held by different persons.
5. The district presumes that the respondent is not responsible for the alleged discrimination and/or harassment until a determination is made at the conclusion of its grievance procedures.
6. The district has established the following approximate timeframes for the major stages of the grievance procedures, unless extended as described below:

- a. Evaluations (whether to dismiss or investigate a complaint) will conclude approximately 10 working days following receipt of complaint.
 - b. Investigations of complaints that have not been dismissed will begin approximately 30 working days following receipt of complaint.
 - c. Determinations will be made approximately 60 working days following receipt of complaint.
7. The district has also established for reasonable extension of time frames on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay in the above timelines will be made on a case-by-case basis for unavailability of parties to the investigation, including fact witnesses, complainant, respondent, and investigators; summer and school vacations; and such other delays for which the District does not have control, such as emergency closures or health related concerns.
 8. The District will take reasonable steps to protect the privacy of the parties and witnesses during the pendency of the grievance procedures while ensuring the parties' right to obtain and present evidence, including speaking to witnesses in the presence of the Title IX Coordinator, consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance process. Retaliation, including peer retaliation, is strictly prohibited. If the District receives a complaint or suspects retaliation, it will promptly initiate its grievance process to investigate the suspected retaliation.

Investigation

1. The district will provide for adequate, reliable, and impartial investigation of complaints. The burden is on the district – not on the parties – to conduct an investigation that gathers sufficient evidence to determine whether discrimination and/or harassment occurred.
2. The district will objectively evaluate all evidence that is relevant and not otherwise impermissible – including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
3. The parties are entitled to an equal opportunity to an accurate description of the not otherwise impermissible evidence. Either party upon request may have equal access to the relevant, not otherwise permissible evidence.
4. The district will provide a reasonable opportunity for the complainant and respondent to respond to the evidence or the accurate description of the evidence.
5. The district will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. The district will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
6. The decision maker will adequately assess the credibility of parties and witnesses.

Dismissal of a Complaint

1. The district may dismiss a complaint if:
 - a. The district is unable to identify the respondent after taking reasonable steps to do so;
 - b. The respondent is not participating in the district's education program or activity and is not employed by the district;
 - c. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the district determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute discrimination and/or harassment even if proven;
or
 - d. The district determines the conduct alleged in the complaint, even if proven, would not constitute discrimination and/or harassment. Before dismissing the complaint, the district will make reasonable efforts to clarify the allegations with the complainant.
2. Upon dismissal, the district will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the district will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.
3. The district will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the district will also notify the respondent that the dismissal may be appealed. The complainant and/or respondent must follow the appeals procedure listed below.

Determination Whether Discrimination and/or Harassment Occurred

1. The district will use the preponderance of the evidence standard of proof to determine whether discrimination and/or harassment has occurred. If the decision maker is not persuaded under the applicable standard by the evidence that discrimination and/or harassment occurred, whatever the quantity of the evidence is, the decision maker will not determine that discrimination and/or harassment has occurred.
2. The district will notify the parties in writing of the determination including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal.
3. If there is a determination that discrimination and/or harassment has occurred, the Title IX Coordinator will, as appropriate:
 - a. Coordinate the provision and implementation of remedies to a complainant and other people the district identifies as having had equal access to the district's education program or activity limited or denied by the discrimination and/or harassment.

- b. Coordinate the imposition of any disciplinary sanctions.
- c. Take other appropriate, prompt, and effective steps to ensure that discrimination and/or harassment does not continue or recur within the district's education program or activity.

Disciplinary Sanctions and Remedies

1. Following a determination that discrimination and/or harassment occurred, the district may impose disciplinary sanctions, which may include:
 - a. Student respondents: consequences may include warning, reprimand, detention, in-school suspension, and suspension from school, to be imposed consistent with the district's Code of Conduct and applicable law;
 - b. Employee respondents: consequences may include warning, reprimand, mandatory counseling, re-assignment, suspension, and termination, to be imposed consistent with all applicable contractual and statutory rights;
 - c. Volunteer respondents: consequences may include warning, reprimand, loss of volunteer assignments, and removal from future volunteer opportunities; and
 - d. Vendor respondents: consequences may include warning, removal from school property, denial of future access to school property, and denial of future business with the district.
 - e. Other individuals: consequences may include warning, removal from school property, and denial of future access to school property.
2. The Title IX Coordinator will facilitate the transfer of information and determinations from the Title IX complaint process to the appropriate administrator, to aid in the imposition of disciplinary consequences.
3. The district may also provide remedies, which may include, but are not limited to:
 - a. Training of entire departments, classes, or groups;
 - b. Peer support groups;
 - c. Separation of the parties;
 - d. Additional supervision or mentoring; and
 - e. Restoration.

Appeals

1. If a party is not satisfied with the outcome of the investigation, they may file an appeal to the Superintendent. Appeals must be made in writing to the Superintendent, must state the basis for the request, and must include any material or information that support the basis of the appeal. The written request and supporting documentation must be submitted within ten (10) working days of receiving notification of the outcome.
2. The appeal must be based upon the fact that:
 - a. Procedural irregularity that would change the outcome;

- b. New evidence that would change the outcome and that was not reasonably available when the dismissal was made; or
 - c. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
3. The Superintendent or their designee will determine whether the basis for the appeal is one allowed by this grievance procedure (see above). If the appeal meets those standards, the appeal request will be provided to the other party, who will be allowed to submit an optional written response within ten (10) working days of receipt of the notice the matter has been appealed.
 4. The district will ensure that the decision maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint.
 5. The Superintendent may sustain or modify the decision of the Title IX Coordinator and will notify both parties in writing of the decision and the rationale for the result, within twenty (20) working days after the conclusion of the review. The decision of the Superintendent is final.

Cross-ref:

0100, Non-Discrimination and Equal Opportunity

0110.2, Sexual Harassment in the Workplace

0115, Student Harassment and Bullying Prevention and Intervention

5300, Code of Conduct

Ref:

20 USC §§1681 et seq.

34 CFR Part 106

Adopted: April 10, 2025

SEXUAL HARASSMENT GRIEVANCES UNDER TITLE IX EXHIBIT - DEFINITIONS

Definitions of the following terms are based on the federal regulations implementing Title IX (34 CFR Part 106):

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

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.

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

Retaliation means intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX regulations.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment.

Adopted: April 10, 2025

STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the district to educate its students and disrupt the operation of the schools. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts.

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which creates or can be reasonably expected to create a material and substantial interference with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

Definitions

1. **Bullying.** Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.
2. **Cyberbullying.** Cyberbullying is defined as harassment (see below) through any form of electronic communication.
3. **Discrimination.** Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the *Definitions* section, under Harassment, below).
4. **Hazing.** Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.
5. **Harassment.** Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to

cause a student to fear for their physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- Race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists),
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender.

For the purpose of this definition the term “threats, intimidation or abuse” includes verbal and non-verbal actions.

In some instances, bullying or harassment may constitute a violation of an individual's civil rights. The district is mindful of its responsibilities under the law and in accordance with district policy regarding civil rights protections.

In order to streamline the wording of this policy and regulation the term bullying will be used throughout to encompass harassment, intimidation, cyberbullying and hazing behaviors.

Prevention

The school setting provides an opportunity to teach children, and emphasizes among staff that cooperation with and respect for others is a key district value. A program geared to prevention is designed to not only decrease incidents of bullying but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom

instruction. Staff members and students will be sensitized, through district-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

In order to implement this program the Board will designate at its annual organizational meeting a *Dignity Act Coordinator (DAC)* for each school in the district. One of the DAC's will be designated as the district-wide coordinator whose responsibilities are described in the accompanying regulation. The role of

each DAC is to oversee and enforce this policy in the school to which they are assigned.

Intervention

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building.

Successful intervention may involve remediation. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or environmental approaches which are targeted to the school or district as a whole.

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to report it in accordance with this policy, refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

Provisions for Students Who Do Not Feel Safe at School

The Board acknowledges that, notwithstanding actions taken by district staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the building principal. The building principal, other appropriate staff, the student and the student's parent will work together to define and implement any needed accommodations.

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually. The student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Incident Reporting and Investigation

Although it can be difficult to step forward, the district can't effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to the building principal within one school day and to fill out the district reporting form within two school days. Staff who are unsure of the reporting procedure are expected to ask their supervisors how to

proceed. District employees may be deemed to have permitted unlawful discrimination or harassment if they fail to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or the district's Code of Conduct. The building principal will prepare a report for the Superintendent based on complaints filed.

The district is also required under the federal Title IX law and its implementing regulations to adopt a grievance procedure for addressing complaints of sex discrimination and sex-based harassment. The Title IX regulations contain a definition of sex discrimination and sex-based harassment, and a standard under which complaints must be assessed, that is different from the one in state law and this policy. The district is required to address complaints that might constitute sex discrimination and sex-based harassment prohibited under Title IX pursuant to its grievance procedure. Because of this, any complaint of sexual harassment under this policy (covered by state law) should also be reviewed under the district's Title IX grievance procedure, either prior to or in tandem with this policy. See policy 0111 and regulation 0111-R.

An equitable and thorough investigation will be carried out by the building principal in accordance with the accompanying regulation. In addition, the results of the investigation will be reported back to both the target and the accused as specified in the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation.

The Board will receive the annual School Safety and Educational Climate (SSEC) Summary Data Collection Form, the state-required report relevant to bullying, violent and disruptive incidents, and the school climate, for each building and for the district as whole. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, acts of bullying may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action that is measured, balanced and age-appropriate will be taken by the administration in accordance with the district's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of bullying will be unique to the individual incident and will vary in method and severity according to the

nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the district's Code of Conduct.

Non-Retaliation

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the districtwide DAC and the District Professional Development Team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and hall monitors and all staff who have contact with students. The DACs will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

Dissemination, Monitoring and Review

This policy, or a plain language summary, will be published in student registration materials, student, parent and employee handbooks, and posted on the district's website. A bullying complaint form will be available on the district's website. The district will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board for its consideration.

The district will ensure that reporting of information to the public in conjunction with this policy will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Cross-ref:

0100, Equal Opportunity and Nondiscrimination

0110, Sexual Harassment

4321, Programs for Students with Disabilities

5300, Code of Conduct

5710, School Safety and Educational Climate (SSEC)_Reporting

9700, Staff Development

Ref:

Dignity for All Students Act, Education Law, §10 – 18
Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR §100 *et seq.*
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*
§504, Rehabilitation Act of 1973, 29 U.S.C. §794
Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*
Executive Law §290 *et seq.* (New York State Human Rights Law)
Education Law §§313(3), 3201, 3201-a
8 NYCRR §§100.2(c), (l), (jj), (kk); 119.6
Tinker v. Des Moines Independent Community School Dist., 393 U.S. 503 (1969)
Mahanoy Area School District v. B.L., 594 U.S. ___, 141 S. Ct. 2038 (2021)
Pollnow v. Glennon, 594 F.Supp. 220, 224 *aff'd* 757 F.2d 496
Zeno v. Pine Plains 702 F.3d 655 (2nd Cir. 2012)
Cuff v. Valley Central School District F.3d 109 (2nd Cir 2012)
Davis v. Monroe County Board of Education, 526 U.S. 629 (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)
Oncala 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)
Appeal of K.S., 43 Ed. Dept. Rep. 492
Appeal of Ravick, 40 Ed. Dept. Rep. 262
Appeal of Orman, 39 Ed. Dept. Rep. 811

Adopted: February 13, 2025

STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION REGULATION

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, intimidation and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which can be reasonably expected to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences

Definitions

1. Bullying

Under the amended Dignity for All Students Act bullying and harassment are equivalent and used interchangeably. In order to facilitate implementation, provide meaningful guidance and prevent behaviors from rising to a violation of law, bullying is further understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying often includes the following characteristics:

1. **Power imbalance** - occurs when a bully uses their physical or social power over a target.
2. **Intent to harm** - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. **Threat of further aggression** - the bully and the target believe the bullying will continue.
4. **Terror** - when any bullying increases, it becomes a "systematic violence or harassment used to intimidate and maintain dominance."

(Barbara Coloroso, *The Bully, The Bullied & The Bystander*, 2003)

There are at least three kinds of bullying: verbal, physical and social/relational.

2. Discrimination

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as listed under *Harassment* as defined below).

3. Harassment

Harassment has been defined in various ways in federal and state law (including the penal law) and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent behaviors from escalating to violations of law and, instead, to promote a positive school environment and limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- Race (including traits historically associated with race, including but not limited to hair texture and protective hairstyles (such as but not limited to braids, locks, and twists)),
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender.

For purposes of this definition, the term "threats, intimidation or abuse" includes verbal and non-verbal actions.

Hazing

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

Prevention

Prevention is the cornerstone of the district's effort to address bullying. The components of such an effort involve the following:

- Following the principles and practices of "*Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State* – Adopted by the Board of Regents July 18, 2011." District curriculum will emphasize developing empathy, tolerance and respect for others.
- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students; analyzing and using the data gathered to assist in decision-making about programming and resource allocation.
- Establishing clear school wide and classroom rules about bullying consistent with the district's code of conduct.
- Training adults in the school community to respond sensitively and consistently to bullying.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.

Role of the Dignity Act Coordinator(s) (DAC)

The Board of Education will annually designate a staff member, who has been thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), and sex, as the Dignity Act Coordinator (DAC) for each school, accountable for implementation of this policy. In addition, one will be designated as the district-wide coordinator who will be responsible for ensuring equivalency in programming across

buildings. The building-level DAC will be responsible for coordinating and enforcing this policy and regulation in the school to which they are assigned, including but not limited to coordination of:

- the work of the building-level committees;
- professional development for staff members and,
- the complaint process, and
- management of the Dignity Act's civility curriculum components.

Incident(s) Reporting

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets and persons with knowledge of bullying report such behavior immediately to the principal, the principal's designee or the Dignity Act Coordinator as soon as possible after the incident so that it may

be effectively investigated and resolved. The district will also make a bullying complaint form available on its website to facilitate reporting. The district will collect relevant data from written and verbal complaints to allow for systematic reporting.

Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to orally report it to the building principal within one school day and to fill out the district reporting form within two school days. Staff who are unsure of the reporting procedure are expected to ask their supervisors how to proceed. District employees may be deemed to have permitted unlawful discrimination or harassment if they fail to report an observed incident, whether or not the target complains.

Students who are targets of discrimination and harassment may also file a complaint with the New York State Division of Human Rights (DHR) to allege a violation of the state Human Rights Law Article 15. Complaints about acts that occurred on or after 2/15/24 must be filed within three years of the act (complaints about acts that occurred before 2/15/24 must be filed within one year of the act). Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. Students may alternately file a Human Rights Law complaint in state court.

For incidents that involve sex discrimination and/or sex-based harassment, staff must also notify the Title IX Coordinator to determine whether a Title IX complaint is warranted. If the Dignity Act Coordinator is also designated as the Title IX Coordinator, they must determine whether to proceed under Title IX either instead of or in addition to this policy.

The district will thoroughly, promptly and equitably investigate all complaints, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

In order to assist investigators, individuals should document the bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the target's response to the incident.

Confidentiality

It is district policy to respect the privacy of all parties and witnesses to bullying. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the

complaint is filed to any third parties who do not need to know such information. However, because an individual's desire for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a prompt and thorough investigation, and/or to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that their name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation will inform the complainant that:

1. the request may limit the district's ability to respond to the complaint;
2. district policy and federal law prohibit retaliation against complainants and witnesses;
3. the district will attempt to prevent any retaliation; and
4. the district will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the district from responding effectively to the bullying and preventing the bullying of other students.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a thorough preliminary review and investigation. Except in the case of severe or criminal conduct, the principal, the principal's designee or the Dignity Act Coordinator will make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying, prevent future incidents, ensure the safety of the target and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than three school day following receipt of a complaint, the principal, the principal's designee or the Dignity Act Coordinator will begin an investigation of the complaint by:

- Reviewing any written documentation provided by the target(s).
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify them that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.

- Determining whether the complainant needs any accommodations to ensure their safety, and following up periodically until the complaint has been resolved.

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Parents of student targets and accused students should be notified within one school day of allegations that are serious or involve repeated conduct.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

- a. discussion with the accused, informing them of the district's policies and indicating that the behavior must stop;
- b. suggesting counseling, skill building activities and/or sensitivity training;
- c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- d. requesting a letter of apology to the target;
- e. writing letters of caution or reprimand; and/or
- f. separating the parties.

Appropriate disciplinary action will be recommended and imposed in accordance with district policy, the applicable collective bargaining agreement or state law. The district will make every reasonable effort to attempt to first resolve the misconduct through non-punitive measures.

The investigator will report back to both the target and the accused, within one week notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the *Remediation/Discipline/Penalties* section of this regulation. The target will be asked to report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against them.

If a complaint contains evidence or allegations of serious or extreme bullying, or a civil rights violation, the complaint will be referred promptly to the Superintendent. The complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

In addition, where the principal, the principal's designee or the Dignity Act Coordinator has a reasonable suspicion that the alleged bullying incident involves criminal activity, they must immediately notify the Superintendent, who will then contact the school attorney, appropriate child protection and, if appropriate, law enforcement authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District-level Procedure

The Superintendent or designee will promptly investigate and equitably resolve all bullying complaints that are referred to them, as well as those appealed to the Superintendent following an initial investigation. In the event the complaint involves the Superintendent, the complaint will be filed with or referred to the Board President, who will refer the complaint to an appropriate independent individual for investigation.

The district level investigation should begin as soon as possible but not later than three school days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a district level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the *Remediation/Discipline/Penalties* section of this regulation.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Any party who is not satisfied with the outcome of the district-level investigation may appeal to the Board of Education by submitting a written request to the Board President within 30 days.

C. Board-level Procedure

When a request for review by the Board has been made, the Superintendent will submit all written statements and other materials concerning the case to the President of the Board.

The Board will notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant.

The Board will render a decision in writing within 15 school days after the hearing has been concluded.

The district will retain documentation associated with complaints and investigations in accordance with Schedule LGS-1.

Retaliation Prohibited

Any act of retaliation against any person who opposes bullying behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a bullying complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action up to and including suspension or termination.

Remediation/Discipline/Penalties

Any individual who violates this policy by engaging in bullying will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act.

Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the Code of Conduct and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

Policy Dissemination

All students and employees will be informed of this policy in student and employee handbooks, on the district website and student registration materials.

All employees will receive information about this policy and regulation at least once a year.

Principals in each school will be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and information about the impact of bullying on the target and bystanders.

Training

Training needs in support of this bullying prevention and intervention program will be reflected in the district's annual professional development plan, new teacher orientation, in curriculum and will be considered in the budget process. The DAC(s), administrative employees and other staff, such as counselors or social workers who have specific responsibilities for investigating and/or resolving complaints of bullying will receive yearly training to support implementation of this policy, regulation and on related legal developments.

Adopted: February 13, 2025

STUDENT BULLYING AND HARASSMENT COMPLAINT FORM

Sandy Creek Central School District is committed to providing a safe, supportive environment free from harassment, bullying or discrimination. The District encourages the involvement of staff, students, parents and community members in the implementation and reinforcement of the Dignity for All Students Act (DASA). If you believe you, or someone else, has been the target of harassment, bullying – including cyberbullying – or discrimination, please use this form to report all allegations.

Please complete the form in its entirety, and return to the school administrator or Dignity Act Coordinator. Contact information can be found on the school website. Administration will review and respond to each incident in the context of the student Code of Conduct.

* All complaints will be treated in a confidential manner. Anonymous reports may limit the District’s ability to respond to the complaint.

** False reporting of incidents may result in disciplinary consequences and may be reported to an appropriate law enforcement agency.

Name of Person Reporting Incident: _____

Today’s Date: _____

Person reporting incident is:

____ Student ____ Witness ____ Parent/Guardian ____ Staff Member
Other _____

Contact Information:

Phone# _____

Email _____

1. Name of target: _____ Grade: _____

2. Name of alleged offender(s): _____

3. Date(s) and times(s) of incident: _____

4. What was your involvement in the incident?

____ I was directly involved in the incident ____ I observed the incident

____ I heard about the incident

5. Incident Occurred:

____ During regular school hours ____ Before or after regular school hours

6. The individuals involved:

____ Student ____ Employee ____ Both student and employee

7. Location of incident:

- Auditorium Bus Girls bathroom Hallway Playing Field
- Boys bathroom Cafeteria Girls locker room Parking lot Cyber offense
- Boys locker room Classroom Gymnasium Playground Other

8. The incident involved (*choose all that apply*):

- Physical contact (kicking, punching, spitting, tripping, pushing, taking belongings)
- Verbal threats (gossip, name-calling, put-downs, teasing, being mean, taunting, making threats)
- Psychological (non-verbal actions, spreading rumors, social exclusion, intimidation)
- Abuse (actions or statements that put an individual in fear of bodily harm)
- Cyberbullying (misusing technology/social media to harass, tease, threaten, post pictures[sexting])

9. Describe the specific nature of the incident. What happened (be as specific as possible). What did the alleged offender say or do? Include any copies of text messages, emails, etc. if possible.

10. Type of bias, if any, that was involved (check all that apply):

- Race Weight/Size Religion Sex
- Color National origin Religious Practice
- Sexual Orientation Disability Ethnic Group
- Gender

11. Name of witness(es), if any _____

12. Did a physical injury result from this incident? (*Indicate one of the following*):

No Yes, but it did not require medical attention Yes, and it required medical attention

13. Was the victim absent from school as a result of the incident?

Yes No

14. Is there any additional information you would like to provide?

I swear or affirm that this complaint is true and correct to the best of my knowledge, information and belief.

Signature: _____ Date: _____

Administrative Action/Notes:

You can contact the school administrator, Dignity Act Coordinator, counselor, or other staff member (whoever you are most comfortable with) for information or assistance at any time.

Adopted: February 13, 2025

ANNUAL DISTRICT ELECTION AND BUDGET VOTE

The district shall hold an annual election and budget vote at which the district's authorized voters will elect members of the Board of Education and vote on the district budget for the coming school year. The annual district election and budget vote will be held on the third Tuesday in May, unless, due to a conflict with religious observance, the Board requests that the Commissioner approve changing the election date to the second Tuesday in May. The request is due to the Commissioner by March 1st.

The District Clerk shall publish a notice of the time and place of the annual election and budget vote at least four times within the seven weeks prior to the election, in two newspapers having general circulation within the district. The first publication of the notice shall be at least 45 days prior to the election. The notice shall also contain notice of any other matter required by law.

Copies of the budget to be voted upon at the annual election and budget vote will be available upon request in each district school building, at the school district offices, and at any public library or free association library within the district, for district residents at the time of the annual election and budget vote and the 14 days preceding (other than Saturday, Sunday and holidays), as well as on the school district's internet website.

The Board shall appoint assistant clerks and election inspectors necessary for the annual election and budget vote at a Board meeting held before the annual election and budget vote.

Propositions

The Board has the authority, under the Education Law, to adopt reasonable rules and regulations concerning the submission of petitions to the Board to place propositions on the ballot which may amend the budget. Pursuant to those provisions, the Board establishes the following guidelines:

1. Unless otherwise provided by the Education Law, petitions for the submission of a proposition must contain a minimum of 25 signatures of qualified voters of the district or 5 percent of the eligible voters who voted in the previous annual election of the members of the Board of Education, whichever is greater.
2. Petitions must be filed with the District Clerk at least 30 days prior to the annual election, except for petitions relating to a proposition which must be included in the notice of the annual election (e.g., changing the number of board members). Such petitions must be submitted 60 days in advance of the annual election to facilitate the preparation and printing of the ballots.
3. Propositions must include the specific appropriations necessary for the purposes listed.
4. Wording of a petition must comply with legal requirements. If the wording does not comply, it may be changed or altered by the Board, or the Board may reject a petition for failure to comply.

Propositions received in accordance with these specifications will be placed on the ballot as amendments and will be voted upon by the voters in the same manner as the proposed budget, except that the Board shall not be required to place any proposition on the ballot which is within the exclusive province of the Board, or otherwise forbidden by law. No proposition involving the budget may be submitted to the voters more than twice within a twelve month period.

The Board may also, on its own motion, submit propositions.

Improper Advocacy

The district may provide informational material to the voters concerning budgets, propositions, or other matters before the electorate. However, school district funds and resources may not be used to exhort voters to support a particular position. For example, the district will not engage in activities including, but not limited to, sending flyers supporting the budget home with students, providing mailing labels for materials supporting a proposition or using the district e-mail to deliver promotional material for candidates.

Ref:

Education Law §§416(3); 1608(2); 1716(2) 1804(4); 1906(1); 2002(1); 2003(1)(2); 2004(1)-(7); 2009; 2021;2022(1), (4)-(5); 2035(2); 2601-a(2)

General Construction Law §60

Matter of Hebel, 34 EDR 319 (1994)

Matter of Martin, 32 EDR 567 (1993)

Matter of Como, 30 EDR 214 (1990)

Adopted: February 13, 2025

SCHOOL DISTRICT RECORDS

It is the policy of the Board of Education to inform members of the public about the administration and operation of the public schools in accordance with the Freedom of Information Law of the State of New York.

The Superintendent of Schools will develop regulations, to be adopted by the Board, ensuring compliance with the Freedom of Information Law and setting forth the procedures to be followed to obtain access to district records, and submit such regulations to the Board for approval. Such regulations will address ensuring applicable confidentiality and security of district information, including the protection of student and teacher/principal personally identifiable information in conformance with state Education Law §2-d and regulations 8 NYCRR Part 121. The Superintendent will designate, with Board approval, a Records Access and Records Management Officer, pursuant to law.

Retention and Destruction of Records

The Board hereby adopts the Records Retention and Disposition Schedule LGS-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal minimum retention periods for district records. In accordance with Article 57-A, the district will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in the schedule. The district will dispose of only those records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the established legal minimum periods.

The manner of destruction will be determined by the format of the record (i.e., paper, digital, etc.). In addition, destruction will be appropriately documented.

Litigation-Hold

The Superintendent will establish procedures in the event that the school district is served with legal papers. The Superintendent will communicate with applicable parties, including the school attorney and the records management official, to ensure that, when appropriate, a litigation-hold is properly implemented. The litigation-hold is intended to prevent the destruction or disposal of records that may need to be produced as part of discovery. It is the intention of the Board of Education to comply with applicable rules and regulations regarding the production of necessary documents, data, files, etc. The Board directs the Superintendent to institute such procedures to implement this policy.

The Superintendent or designee, with assistance from the Records Management Officer, is responsible for developing and disseminating

department-specific retention schedules and guidance to staff, as necessary, to ensure adherence to this policy.

Cross-ref:

5500, Student Records

8630, Computer Resources and Data Management

8635, Information and Data Privacy, Security, Breach and Notification

Ref:

Public Officers Law §84 *et seq.* (Freedom of Information Law)

Education Law §§2-d; 2116

Arts and Cultural Affairs Law §57.11

Arts and Cultural Affairs Law Article 57-A (Local Government Records Law)

Federal Rules of Civil Procedure, 16, 26

8 NYCRR §185.15 (8 NYCRR Appendix L) – Records Retention and Disposition

Schedule LGS-1 for New York Local Government Records; Part 121

21 NYCRR Part 1401

Adopted: February 13, 2025

PUBLIC COMMENT AT BOARD MEETINGS

Persons wishing to address the Board will advise the District Clerk within a reasonable time prior to the start of the public comment period of the meeting. The request will be made in writing on a form provided by the district. To maintain a first come, first served process, the district will *request the name of the speaker*. For purposes of following up with speakers later, the district may request the speaker's preferred contact information such as home address, telephone number, or email address, or speak with them in person. To limit comments to matters which may be properly discussed in public session, the board will request a brief description of the topic to be addressed. Any group or organization wishing to address the Board must identify a single spokesperson. The Board President may limit the number of repetitive comments to keep within the time limit for the public comment period.

Presentation should be as brief as possible. No speaker will be permitted to speak for longer than *three* minutes. Speakers may not give unused time to other speakers. Speakers may comment on any matter related to district business.

The Board will not permit in public session discussion involving individual district personnel or students. 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.

All speakers and observers are to conduct themselves in a civil manner. Obscene language, defamatory statements, threats of violence, statements advocating racial, religious, or other forms of prejudice will not be tolerated.

Persons making presentations at a Board meeting will address remarks to the President and may direct questions or comments to Board members or other district officials only upon the approval of the President. Board members and the Superintendent have the privilege of asking questions of any person who addresses the Board, but commenters should not expect to engage in discussion with the Board. However, the Board may correct comments that are not accurate, and may refer to an existing policy when it answers a question.

Questions and comments from the public concerning matters which are not on the agenda will be taken under consideration and referred to the Superintendent for appropriate action.

The President will be responsible for the orderly conduct of the meeting and will rule on such matters as the time to be allowed for public discussion and the appropriateness of the subject being presented, as outlined in this policy and applicable provisions of law and regulation, and subject to the Board's parliamentary procedure. If there is disagreement about whether a speaker's topic

falls within the topics permitted for public comment, the whole board will vote on the issue.

The President will remind speakers whose presentations are inconsistent with this policy of the rules for public comment. For speakers that continue to violate this policy, the President may discontinue the presentation or call for a brief recess of the meeting. The President may order the removal of speakers from the speakers' area, or from the meeting in general, or may close the public comment period.

For members of the public who are unwilling or unable to speak during public comment periods, including when these periods are closed, they may submit comments to the Board in writing, to the following address: 124 Salisbury Street, Sandy Creek, New York 13415. Complaints from the public are addressed in Board policy 1400.

All individuals at Board meetings are expected to abide by the rules for Public Conduct on School Property as set forth in the district's Code of Conduct. At board meetings, speakers and observers may not engage in behavior that disrupts the meeting, such as shouting, interrupting others, blocking the free movement of others, or obstructing the views of others. In the event of such disruption, the President will remind those in attendance of the rules under this policy. Any Board member may request a brief recess of the meeting. The President may order the removal of those who are a threat to the safety of others or who disrupt the orderly conduct of the meeting. If appropriate, law enforcement may be called to remove disruptive individuals.

Cross-ref:

1400, Complaints from the Public
2342, Agenda Preparation and Dissemination
5300, Code of Conduct

Ref:

Appeal of Kushner, 49 EDR 263 (2010) (boards not required to allow the public to speak)
Matter of Martin, 32 EDR 381 (1992) (boards need not permit nonresidents to speak)
Appeal of Wittneben, 31 EDR 375 (1992) (boards encouraged to permit citizens to speak)
Matter of Kramer, 72 St. Dept. Rep. 114 (1951) (boards may put time limits on public speaking)
NYS Department of State, Committee on Open Government, Advisory Opinions OML-AO-#2696 (1/8/1997), OML-AO-#2717 (2/27/1997), OML-AO-#3295 (4/16/2001), OML-AO-#3518 (8/30/2002), OML-AO-#4024 (8/23/2005), OML-AO-#4044 (9/30/2005), OML-AO-#4141 (2/24/2006), OML-AO-#4292 (12/6/2006), OML-AO-#4573 (3/3/2008), OML-AO-#5296 (6/12/2012), OML-AO-#5607 (2/22/2019)

Adopted: February 13, 2025

ANIMALS ON SCHOOL PROPERTY

Live animals will not be allowed in school district facilities or on school grounds except under special circumstances and only for an educational purpose. Prior permission from the Principal will be required of anyone wishing to bring an animal into school district facilities. Appropriate supervision of animals is required when animals are brought into the school district facilities. In granting permission, the Principal must consider the relevant medical condition of any students or staff within the classroom.

The person bringing the animal must furnish transportation for the animal brought to school. Animals will not be allowed to travel to and from the student's attendance center on the school bus without prior approval from the Principal. Animals brought into the school may not be left on school property over the weekend or any holiday without prior approval from the principal.

It is the responsibility of the Principal to determine appropriate supervision of animals in the classroom.

Animals are not permitted on school property any time. Service animals are exempt from this policy. Any exception to this will require the approval of the Superintendent.

Adopted: February 13, 2025

HOME INSTRUCTION

The Board of Education shall ensure that children instructed at home are taught by a competent instructor and receive an education substantially equivalent to that offered in the district's schools.

Parents/Guardians who wish to educate their children at home must submit to the district an individual home instruction plan (IHIP), outlining the educational goals to be met and the course materials and syllabi to be used each year for the child's learning process. The district may accept or deny an IHIP. Parents/Guardians must submit quarterly reports which will provide the district with the necessary information to make determinations of substantial equivalency and competency of instruction on an ongoing basis.

Parents/Guardians may appeal to the Board a determination by the Superintendent of Schools or designee that an IHIP is not in compliance with the Regulations of the Commissioner of Education. Parents/Guardians shall have the right to appeal the final determination of the Board to the Commissioner of Education within 30 days of receipt of such determination.

Cross-ref: 5100, Student Attendance
5130, Compulsory Attendance Ages

Ref: Education Law §3202(4)
8 NYCRR §100.10
Matter of Abookire, 33 EDR 473 (1994)

Note: Policy added

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Adopted: February 13, 2025

HOME INSTRUCTION REGULATION

Parents' Responsibilities

1. Notification

Parents or persons in parental relation to a student of compulsory school attendance age, who are residents in this district, shall annually provide written notice to the Superintendent of Schools of their intention to educate their child at home by July 1st of each school year. If such instruction is to begin after the start of the school year, parents must provide such written notice within 14 days after beginning such instruction within the district.

2. Individualized Home Instruction Plan (IHIP)

Within 10 days of receipt of the above-mentioned notice, the district will send to the parents a copy of §100.10 of the Regulations of the Commissioner, and a form on which to submit an individualized home instruction plan (IHIP). One such IHIP must be submitted for each child of compulsory attendance age who is to be taught at home. The IHIP forms must be submitted to the district office within four weeks of receipt. If requested, the district will provide assistance in preparing the forms. Each child's IHIP will contain:

- a. the child's name, age, and grade level;
- b. a list of the syllabi, curriculum materials, textbooks, or plan of instruction to be used in each of the required subjects listed below;
- c. the dates for submission to the school district of the parents' quarterly reports; and
- d. the names of the individual(s) providing instruction.

3. Determination of Compliance/Noncompliance

The Superintendent shall review each IHIP, and notify the parents within 10 business days of receipt as to whether the forms comply with the requirements listed in (2) above, or if there is any deficiency. The district will provide written notice of such deficiency(ies). Parents must submit a revised IHIP, correcting any deficiency(ies), within 15 days of such notice.

The Superintendent will then review the revised IHIP and notify the parents of its compliance or noncompliance with the above requirements within 15 days of receipt of the revised IHIP.

4. Appeals

If the IHIP is determined not to be in compliance, written notice of noncompliance (including the reasons for such determination) shall be sent to the parents. This notice will contain the date of the next regularly scheduled meeting of the Board, and inform parents that if they wish to contest the determination of non-compliance, they must notify the Board at least three business days prior to the meeting. At the Board meeting, the parents have the right to present proof of compliance, and the Board shall make the final determination of compliance/noncompliance.

Parents have the right to appeal the final determination of the Board to the Commissioner of Education within 30 days of receipt of such determination.

If parents do not contest the determination of noncompliance by either the administration or the Board, or if the Commissioner of Education upholds the final school district determination of noncompliance, then the parents must immediately provide for the instruction of their children in a public school or elsewhere in compliance with Education Law §§3204 and 3210.

5. Required Courses

Instruction in the following subjects shall be required:

- a. For grades one through six: arithmetic, reading, spelling, writing, the English language, geography, United States history, science, health education, music, visual arts, physical education, bilingual education and/or English as a second language where the need is indicated.
- b. [For the purposes of this and the following subdivisions, a unit means 6480 minutes of instruction per school year.]

For grades seven and eight: English (2 units); history and geography (2 units); science (2 units); mathematics (2 units); physical education (on a regular basis); health education (on a regular basis); art (1/2 unit); music (1/2 unit); practical arts (on a regular basis) and library skills (on a regular basis). The units required are cumulative requirements for both grades seven and eight.

- c. The following courses shall be taught at least once during the first eight grades: United States history, New York State history, and the Constitutions of the United States and New York State.
- d. For grades nine through twelve: English (4 units); social studies (4 units, which includes 1 unit of American history, 1/2 unit in participation in government, and 1/2 unit economics); mathematics (2 units); science (2 units); art and/or music (1 unit); health education (1/2 unit); physical education (2 units); and 3 units of electives. The units required are cumulative requirements for grades nine through twelve.
- e. All other subjects mandated by the Education Law to be covered during grades K-12.

6. Attendance Requirements

Each child shall attend upon instruction as follows:

- a. The substantial equivalent of 180 days of instruction shall be provided each year.
- b. The cumulative hours of instruction for grades 1-6 shall be 900 hours per year. The cumulative hours of instruction for grades 7-12 shall be 990 hours per year.
- c. Absences shall be permitted on the same basis as provided in policy 5160, Student Absences, and in the Regulations of the Commissioner and the Education Law.
- d. Records of school attendance shall be maintained by the parent and shall be made available to the school district upon request.
- e. Instruction provided at a site other than the primary residence of the parents shall be provided in a building which has not been determined to be in violation of the local building code.

7. Quarterly Reports

On or before the dates specified in the IHIP, parents must furnish the district with a quarterly report for each child receiving instruction at home. Such report shall contain the following information:

- a. the number of hours of instruction during the quarter;
- b. a description of material covered in each subject listed in the IHIP;
- c. either a grade for the child in each subject or a written narrative evaluating the child's progress; and
- d. in the event that less than 80% of the amount of the course materials as set forth in the IHIP has been covered in any subject for that quarter, a written explanation.

8. Annual Assessment

Parents must submit an annual assessment at the time of filing their fourth quarterly report. Such annual assessment shall include the results of a commercially published norm-referenced achievement test which meets the requirements outlined in §100.10(h) of the Regulations of the Commissioner. Such test will be provided by the school district upon request. An alternative form of evaluation may be permitted if it meets the requirements outlined in §100.10(h) of the Commissioner's Regulation.

The test will be administered at the public school, by its professional staff, or at a registered nonpublic school, by its professional staff, provided that the consent of the chief school officer of such nonpublic school is obtained. The test may be administered at a nonregistered nonpublic school by its professional staff, with the prior consent of both the public school Superintendent and the chief school officer of the nonpublic school.

If the test is to be administered at the parents' home or any other reasonable location, by a New York State certified teacher or another qualified person, the Superintendent must consent to having such person administer the test. The cost of any testing facilities, transportation, and/or personnel for testing conducted at a location other than the public school shall be borne by the parents.

The test shall be scored by the persons administering the test or by other persons who are mutually agreeable to the parents and the Superintendent. A student's score shall be deemed adequate if he/she has a composite score above the 33rd percentile on national norms, or if his/her score reflects one academic year of growth as compared to a test administered during or subsequent to the prior school year. If a score on the test is determined to be inadequate, the home instruction program shall be placed on probation.

9. Probation

If a child's annual assessment fails to comply with the above requirements, the home instruction program shall be placed on probation for a period of up to 2 years. The parent(s) must submit a plan of remediation which addresses the deficiencies in the child's achievement. The plan will be reviewed by the Superintendent, who may require the parent(s) to make changes prior to acceptance.

The program will be removed from probation only if, after the end of any semester of the probationary period, the child has progressed to the level specified in the remediation plan. If the child does not attain at least three-quarters (75%) of the objectives specified in the remediation plan at the end of any given semester, or if after 2 years of probation 100% of such objectives have not been satisfied, the program will be deemed not in compliance. The Superintendent shall then serve written notice of noncompliance as specified in (3) above.

10. Home Visits by the Superintendent

If during the period of probation the Superintendent has reasonable grounds to believe that the home instruction program is in substantial noncompliance with this policy and/or regulation, the Superintendent may require one or more home visits. Such visit(s) shall be made only after 3 days' written notice. The purpose of such visit(s) will be to ascertain the areas of noncompliance and to determine methods of remediating any deficiency(ies). The home visits shall be conducted by the Superintendent or his/her designee; the Superintendent may include members of a home instruction peer review panel as part of a "home visit team."

11. Other

- a. Students instructed at home 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 New York State Board of Regents and the Sandy Creek Central School District.
- b. Students instructed at home are not eligible to participate in interscholastic sports. Section 135.4(70) of the regulations of the Commissioner of Education which governs interscholastic sports, directs that a participant in interscholastic sports must be enrolled in the school.
- c. Students instructed at home are eligible to receive loaned textbooks and materials if the home school instructor requests them in writing to the appropriate building principal. All textbooks and materials must replicate the textbooks and materials used at the Sandy Creek Central School District. All textbooks and materials must be returned to the appropriate principal at the end of the home-school course or the home-school instructor will be responsible for the costs of the textbooks and materials.
- d. Students instructed at home may not participate in the instructional program at the Sandy Creek Central School District other than students with disabilities recommended on the Individualized Education Program (IEP) by the Committee on Special Education. This is because the legislature has not authorized part time attendance.
- e. Students instructed at home are entitled to participate in intramural and other school-sponsored club activities offered by the Sandy Creek Central School District, provided that a home-schooled student's participation in an intramural or school-sponsored club or activity cannot result in a student enrolled in the District being denied or unable to participate in that same intramural or school-sponsored club activity. Where displacement of an enrolled student in the District would result from the participation of a home-schooled student's participation in an intramural or school-sponsored club or activity, the home-schooled student may not participate in that activity. The Sandy Creek Student Code of Conduct shall apply to all participants of intramural and other

SANDY CREEK CENTRAL SCHOOL DISTRICT

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school-sponsored club activities offered by the Sandy Creek Central School District.

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Adopted: February 13, 2025

PARENT AND FAMILY ENGAGEMENT

The Board of Education believes that positive parent and family engagement is essential to student achievement, and thus encourages such involvement in school educational planning and operations. Parent and family engagement may take place either in the classroom or during extra-curricular activities. However, the Board also encourages parent and family engagement at home (e.g., planned home reading time, informal learning activities, and/or homework “contracts” between parents, family members and children). The Board directs the Superintendent of Schools to develop a home-school communications program in an effort to encourage all forms of parent and family engagement.

Title I Parent and Family Engagement- District Level Policy

Consistent with the parent and family engagement goals of Title I, Part A of the federal No Child Left Behind Act of 2001 (NCLB) and its reauthorization in the Every Student Succeeds Act (ESSA), the Board of Education will develop and implement programs, activities and procedures that encourage and support the participation of parents and family members of students eligible for Title I services in all aspects of their child’s education. The Board also will ensure that all of its schools receiving Title I, Part A funds develop and implement school level parent and family engagement procedures, as further required by federal law.

For purposes of this policy, parental involvement refers to the participation of parents in regular, two-way, and meaningful communication, involving student academic learning and other school activities.

At a minimum, parent and family engagement programs, activities and procedures at both the district and individual school level must ensure that parents and family members:

- Play an integral role in assisting their child’s learning;
- Are encouraged to be actively involved in their child’s education at school; and
- Are full partners in their child’s education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child.

The federal definition of the term “parents” refers to a natural parent, legal guardian or other person standing in *loco parentis* (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child’s welfare).

District and school level Title I parent and family engagement programs, activities and procedures will provide opportunities for the informed participation of parents and family members (including those who have limited English proficiency,

parents and family members with disabilities, and parents and family members of migratory children.

As further required by federal law, parents and family members of students eligible for Title I services will be provided an opportunity to participate in the development of the district's Title I plan, and to submit comments regarding any aspect of the plan that is not satisfactory to them. Their comments will be forwarded with the plan to the State Education Department.

Parents and family members also will participate in the process for developing either a comprehensive or targeted "support and improvement plan" when the school their child attends is identified by the State as needing this plan.

Parent and family member participation in development of district wide Title I plan

The Board, along with its superintendent of schools and other appropriate district staff will undertake the following actions to ensure parent and family member involvement in the development of the district wide Title I plan:

- Parent representatives are part of the full CDEP Committee and participate in monthly meetings
- Title I staff will share Title I information and communicate with parents/guardians at Parent Orientation (Open House)

Development of school level parent and family engagement approaches

The superintendent of schools will ensure that all district schools receiving federal financial assistance under Title I, Part A are provided coordination, technical assistance and all other support necessary to assist them in planning and implementing effective parent and family engagement programs and activities that improve student achievement and school performance. As appropriate to meet individual local needs, the superintendent will:

- Coordinate with the Title I Coordinator (Director of Curriculum, Instruction and Data) and Building Administration to plan and support engagement and activities offered at Family Nights aligned with instructional priorities
- Coordinate with the Title I Coordinator (Director of Curriculum, Instruction and Data) and Building Administration to communicate and engage parents/guardians at Parent Orientation (Open House)
- Serve as a requisite committee member for monthly CDEP steering and full committee meetings to support annual needs assessment and goal setting

Building capacity for parental involvement

To build parent capacity for strong parental involvement to improve their child's academic achievement, the district and its Title I, Part A schools will, at a minimum:

1. Assist parents in understanding such topics as the state's academic content, challenging academic standards, state and local academic assessments, Title I requirements, how to monitor their child's progress and how to work with educators to improve the achievement of their child. To achieve this objective, the district and its Title I schools will:
 - Parents are provided with a Home/School Compact as part of the annual Parent Handbook
 - Staff meet with parents at annual Parent-Teacher Conferences
 - Staff communicate with parents/guardians via phone, online programs, or email
2. Provide materials and training to help parents work to improve their child's academic achievement such as literacy training and using technology (including education about the harms of copyright piracy). To achieve this objective, the district and its Title I schools will:
 - Annual Family Night themed to align with current instructional needs or initiatives
 - Grade level Events that incorporate instructional practices and providing parent support
 - Open House
 - Parent-Teacher Annual Conferences
3. Educate its teachers, specialized instructional support personnel, principals and other school leaders, and other staff, with the assistance of parents, in understanding the value and utility of a parent's contributions and on how to:
 - reach out to, communicate with, and work with parents as equal partners;
 - implement and coordinate parent programs; and
 - build ties between parents and the schools.
4. Ensure that information related to school and parent-related programs, meetings and other activities is sent to the parents of children participating in Title I programs in an understandable and uniform format, including alternative formats, upon request, and to the extent practicable, in a language the parents can understand.

Coordination of parental involvement strategies

The district will coordinate and integrate strategies adopted to comply with Title I, Part A parental involvement requirements with parental involvement strategies adopted in connection with other Federal, State, and local programs, including public preschool programs. It will do this by:

- Title I Coordinator (Director of Curriculum, Instruction and Data) will work with the Superintendent and Building Level Administrators to coordinate programs and strategies, along with monitoring or implementing follow up procedures when needed. The Title I Coordinator will work with the administrative team to organize and implement Title I or other activities that support instruction and parent/family engagement.

Review of district wide parent and family engagement policy

The Board, along with its superintendent of schools and other appropriate staff will conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of this parent and family engagement policy in improving the academic quality of Title I schools, including the identification of barriers to greater participation by parents in activities under this policy, and the revision of parent and family engagement policies necessary for more effective involvement. To facilitate this review, the district will conduct the following activities:

The CDEP Committee includes parents, board members, administration, teachers, and other stakeholder representation. As part of the CDEP Plan annual revision, the committee, including all departments and members, conducts a needs assessment. Using a wide range of data and multiple measures, the plan includes goal setting at multiple levels.

Cross-ref:

4010, Equivalence in Instruction

Ref:

20 USC §§6318(a)(2); 7801(38), Every Student Succeeds Act (§1116 of the Elementary and Secondary Education Act)

U.S. Department of Education, *Parental Involvement, Title I, Part A, Non-Regulatory Guidance*, April 23, 2004

Adopted: February 13, 2025

Student Academic Achievement School-Parent Compact

The staff and parents/guardians at Sandy Creek Elementary School have expectations of themselves and of the students attending these schools. It is the vision of the Sandy Creek Elementary to provide an educational experience that prepares all of its students to graduate with skills and abilities to become contributing members of their community. This compact will show how staff and parents/guardians will work together to educate the children at Sandy Creek Elementary:

Sandy Creek Elementary agrees to provide the following:

- *an academic program that is rigorous and challenging*
- *extended school day and summer programs for eligible students*
- *communication with families regarding the students' academic progress (Ex. Friday folders, notes, phone calls, monthly parent informational meetings)*
- *character education program*
- *academic assessments that are aligned with New York State Learning Standards*
- *opportunities to expand students' skills in technology through a variety of programs using classroom computer clusters, and Internet access*

Families of students who attend Sandy Creek Elementary Schools agrees to support the following school goals:

- send their children to school appropriately dressed, **prepared to learn**, and on time
- read to their children or assist with homework at least 20 minutes a night
- **attend parent/teacher conferences** to discuss academic progress of their children
- follow the Sandy Creek Elementary Behavior Code, which includes learning appropriate behavior, developing self-control, and taking responsibility for one's actions
- **participate** in school activities and attend school functions (Ex. musical programs, parent informational evening meetings, and other events)

The school and families of Sandy Creek School District recognize that while both parties agree that the expectations listed here are necessary in order to strengthen the communication and commitment between the home and school, rare occasions may arise where one or both parties will have difficulty fulfilling all or part of this compact. It is also recognized that the school's purpose is to support the community and its families in whatever manner is necessary and reasonable and likewise, it is the family's responsibility to support the child and the school community.

SANDY CREEK CENTRAL SCHOOL DISTRICT

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Sandy Creek Elementary endorses the parent involvement goals of Title I based on the Every Student Succeeds Act (ESSA). ESSA is the latest reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA) which was last reauthorized in 2002 as the No Child Left Behind Act (NCLB). This legislation requires a home/school compact be on file. If you have any questions or concerns about these expectations, please contact your child's building principal.

Adopted: February 13, 2025

INTERPRETERS FOR HEARING-IMPAIRED PARENTS

The Board of Education recognizes that those district parents with hearing impairments which prevent meaningful participation in their child's educational program must be afforded an opportunity equal to that afforded other parents to participate in meetings or activities pertaining to the academic and/or disciplinary aspects of their child's education. Accordingly, and pursuant to law, the school district will provide an interpreter for hearing-impaired parents for school-initiated academic and/or disciplinary meetings or activities including, but not limited to:

- Parent/teacher conferences
- Child/study or building level team meetings
- Planning meetings with school counselors regarding educational progress
- Career planning
- Suspension hearings or other conferences with school officials relating to disciplinary actions

The school district will provide an interpreter for the hearing-impaired parent if a written request for the service has been submitted to and received by the district within 10 **working** days prior to the scheduled meeting or activity. If an interpreter is unavailable, the district will then make other reasonable accommodations which are satisfactory to the parents (e.g., notetaker, transcript, decoder, or telecommunication device for the deaf). These services will be made available by the district at no cost to the parents.

The Board directs the Superintendent of Schools to maintain a list of available interpreters and to develop procedures to notify parents of the availability of interpreter services, the time limitation for requesting these services, and of the requirement to make other reasonable accommodations satisfactory to the parents should an interpreter not be available.

Hearing-impaired parents are requested to submit the attached form to request accommodation of their disability.

Ref:

Americans with Disabilities Act of 1990, 42 U.S.C. §§12131-12134

Rehabilitation Act of 1973, 29 U.S.C. §794

Education Law §3230

8 NYCRR §100.2(aa)

Rothschild v. Grottenthaler, 907 F.2d 286 (2d Cir. 1990)

Adopted: February 13, 2025

INTERPRETERS FOR HEARING-IMPAIRED PARENTS

Accommodation Request

Parents in need of interpreter services are asked to complete this form:

TO: Superintendent of Schools

_____ School District

FROM: _____

Name

Address

Please identify the type of interpreter needed:

___ Interpreter for the Hearing Impaired: () American Sign; () English

In the event an interpreter is not available, please identify the type of alternative service preferred:

___ Written Communication

___ Transcripts

___ Decoder

___ Telecommunication Device for the Deaf (TDD)

___ Other (please specify) _____

Adopted: February 13, 2025

INTERPRETERS FOR HEARING-IMPAIRED PARENTS EXHIBIT

Response to requests for accommodation

FROM: Superintendent of Schools

_____ School District

TO: _____

Name

Address

The _____ School District hereby:

_____ grants your request for accommodation of a hearing disability in accordance with Board Policy 1925;

_____ denies your request for accommodation of a hearing disability for the following reason: _____

Adopted: February 13, 2025

VOTER PROPOSITIONS

Unless otherwise required by law, all propositions submitted by anyone other than the Board of Education must be submitted by written petition to the Board of Education, at least 30 days prior to the meeting or election considering the proposition. The petition must include at least 25 signatures in support from those eligible to vote on the proposition.

*This policy is only required when the District uses voting machines.

SCHOOL DISTRICT OFFICER AND EMPLOYEE CODE OF ETHICS

The Board of Education recognizes that sound, ethical standards of conduct serve to increase the effectiveness of school Board members and their staff, as educational leaders in their community. Actions based on an ethical code of conduct promote public confidence and the attainment of district goals. The Board also recognizes its obligation to set forth a code of ethics under the provisions of the General Municipal Law, to adopt a code of ethics setting forth the standards of conduct required of all district officers and employees.

Therefore, every officer and employee of the district, whether paid or unpaid, including members of the Board of Education, shall adhere to the following code of conduct:

1. *Gifts:* An officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$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 to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part.
2. *Confidential information:* An officer or employee shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest. In addition, he/she shall not disclose information regarding any matters discussed in an executive session of the Board whether such information is deemed confidential or not.
3. *Representation before the Board:* An officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the school district.
4. *Representation before the Board for a contingent fee:* An officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the school district, whereby the compensation is to be dependent or contingent upon any action by the school district 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 the services rendered.
5. *Disclosure of interest in matters before the Board:* A member of the Board of Education and any officer or employee of the district, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board on any matter before the Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such matter. The term "interest" means a pecuniary or material benefit accruing to an officer or employee.
6. *Investments in conflict with official duties:* An officer or employee shall not invest or hold any investment directly in any financial, business, commercial or other private transaction that creates a conflict with his or her official duties.
7. *Private employment:* An officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.
8. *Future employment:* An officer or employee shall not, after the termination of service or employment with the Board, appear before the Board or any panel or committee of the Board, in relation to any case, proceeding, or application in which he or she personally participated during the period of his or her service or employment or that was under his or her active consideration. This shall not bar or prevent the timely filing by a present or former officer or employee of any claim, account, demand or suit against the district on his or her own behalf or on behalf of any

member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Distribution of Code of Ethics

The Superintendent of Schools shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the school district. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment. In addition, the Superintendent shall ensure that a copy of Article 18 of the General Municipal Law shall be kept posted in each public building under the district's jurisdiction in a place conspicuous to the district's officers and employees.

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 the Board's code of ethics and its accompanying regulation may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Cross-ref: 1810, Gifts to School Personnel
6700, Purchasing

Ref: General Municipal Law §§806-808

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Adopted: December 12, 2002
Revised: February 11, 2010
Revised: December 8, 2011

BOARD REORGANIZATIONAL MEETING

The Board of Education recognizes its obligation to hold an annual reorganizational meeting. The purpose of the reorganizational meeting is to elect officers of the Board and make the proper appointments and designations of other district employees for the proper management of the school district during the school year. The Board shall also perform such annual functions as are designated by law.

The annual reorganizational meeting of the Board of Education shall be held on the second Thursday in July (unless it is a legal holiday, in which case the meeting will be held on the first Thursday).

The meeting shall be called to order by the previous Board President or his/her designee, who shall preside until the election of a new president. The order of business to be conducted at the reorganizational meeting shall include the following items required or implied by state law and/or regulation:

I. *Administration of Oath*

The District Clerk shall administer the oath of office to newly-elected Board members. Such oath shall conform to Article XIII-1 of the New York State Constitution, and Section 10 of the Public Officers Law; the Clerk shall countersign the oath. No new Board member shall be permitted to vote until he/she has taken the oath of office.

II. *Election of Officers*

The Board shall elect a president and vice-president for the ensuing year, and administer the oath of office to them. A majority of all members of the Board shall be necessary for a valid election.

III. *Appointment of Officers*

The Board shall appoint and the Board President administers the oath of office to the following officials:

District Treasurer
Clerk of the Board
Deputy District Clerk

Deputy District Treasurer
Tax Collector

IV. *Other Appointments*

The Board shall appoint and establish the stipend (if any) for the following positions:

School Medical Inspector
Attendance Officer
Deputy Purchasing Agent
District External Auditor
District Internal Auditor
Central Treasurer (Extracurricular Activity Account)
Records Management Officer
Chairperson for Committee on Special Education
504 Officer
Title IX Officer

School Attorney
Purchasing Agent
Administrator of Federal
Grants
Records Access Officer
Asbestos Designee Inspector &
Management Planner
Internal Claims Auditor
Tax Repository

V. *Bonding of Personnel*

The Board may bond the following personnel handling district funds:

District Clerk	District Treasurer
Tax Collector	Deputy Treasurer
Central Treasurer of Student Activity Account	

The Board may, in each instance, specify the amount of the bond it intends to obtain.

The Board may include any of the above officers in a blanket undertaking, pursuant to law and Commissioner's Regulations, rather than bond individuals.

VI. *Designations*

The Board shall designate:

Official depositories for district funds
Official district newspapers

The Board shall fix the day and hour for the holding of regular meetings, which shall be at least once each month while school is in session, in the rooms provided for the Board, unless otherwise ordered by the Board.

VII. *Authorizations:*

- a. of person to certify payrolls
- b. of attendance at conferences, conventions, workshops, etc., with designated expenses
- c. to establish petty cash funds (and to set amount of such funds)
- d. to designate authorized signatures on checks
- e. of Superintendent of Schools to approve budget transfers

VIII. *Other Items:*

- a. establish rate for mileage reimbursement
- b. other

The Board shall conduct general business at this meeting before it adjourns, if it so desires.

Cross-ref: 2310, Regular Meetings
5252, Student Activities Funds Management

Ref: New York State Constitution, Article XIII, §1
Public Officers Law §§10; 13
Education Law §§1707; 1804(4); 2130

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Adopted: December 12, 2002

Adopted: December 8, 2011

AGENDA PREPARATION AND DISSEMINATION

The agenda and preparation for meetings shall be the responsibility of the Superintendent of Schools with the approval of the Board of Education President. Board members, employees of the school district, and citizens may suggest agenda items by contacting the Superintendent. Individuals wishing to be heard at a Board meeting shall advise the Superintendent in advance. The agenda, however, shall always allow for recognition and comments by members of the public. Items of business introduced from the floor will not be acted upon at the same meeting.

A complete set of materials for the regular meeting shall be sent to each Board member, the Superintendent, the Business Administrator, the District Treasurer and others as required. Advance dissemination of the agenda shall be the responsibility of the District Clerk.

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Adopted: March 13, 2003
Revised: October 13, 2005
Revised: December 8, 2011

FORMULATION, ADOPTION AND AMENDMENT OF POLICIES

The Board of Education recognizes that the adoption of written policies constitutes the basic method by which the Board exercises its leadership in the operation of the district. Policies may be proposed for adoption, change, or repeal at any regular or special Board meeting, by any member of the school community. The Board delegates to the Superintendent of Schools the responsibility and authority to establish any and all rules, regulations, and/or procedures necessary to implement and maintain its policies.

Accordingly, the Superintendent is directed to initiate a program of Board policy revision to include the following items:

1. periodic review and evaluation of all current Board policy;
2. preparation of additional policies as needed;
3. consultation with district staff and community members on an advisory basis; and
4. presentation of a proposed policy in draft form to the Board for consideration prior to action.

Since policies often affect the students, employees and/or citizens of the district, the Board shall make a continuing effort to try to involve as many relevant groups as reasonable during policy development. To assure these groups a reasonable opportunity to advise the Board of their reactions to and feelings about proposed policies, no official Board vote shall take place on a policy adoption, change, or repeal at the meeting during which it is first presented to the Board for consideration, unless a majority of the Board determines that it is necessary to do otherwise.

To adopt, change, or repeal a policy requires a majority vote of the entire Board. Such vote may be taken within four (4) weeks after the initial proposal.

Rules and regulations are subject to modification by Board action at any meeting. The initiative for change normally comes from the Superintendent.

The formal adoption of policies shall be recorded in Board minutes. Only those written statements so adopted and so recorded shall be regarded as official Board policy. Every Board and staff member shall have access to the Board Policy Manual.

Cross-ref: 2460, Policy Review and Evaluation

Ref: Education Law §§1604(9); 1709(1); 1804

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Adopted: March 13, 2003
Revised: February 11, 2010
Revised: February 11, 2010
Adopted: December 8, 2011

PUBLIC OFFICERS LAW

Under Public Officers Law § 18 a school district is defined as a “public entity.”

The school 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 while the employee was acting within the scope of his public employment or duties; provided further that in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount or settlement by the board of education.

Excerpt as otherwise provided by law, the duty to indemnify and save harmless prescribed by this resolution shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.

The board of education shall not indemnify or save harmless an employee with respect to punitive or exemplary damages, fines or penalties or money recovered from an employee pursuant to Section 51 of the General Municipal Law. However, the board shall indemnify and save harmless its employees in the amount of any costs, attorneys’ fees, damages, fines or penalties which may be imposed by reason of an adjudication that an employee, acting within the scope of his public employment or duties, has, without willfulness or intent on his part, violated a prior order, judgment, consent decree or stipulation of settlement entered in any court of this state or of the United States.

Upon entry of the final judgment against the employee, or upon the settlement of the claim, the employee shall serve a copy of such judgment or settlement, personally or by certified or registered mail within 30 days from the date of entry or settlement, upon the superintendent of the school district; and, if not inconsistent with the provisions of this resolution, such amount of such judgment or settlement shall be paid by the school district.

The duty to defend or indemnify to save harmless prescribed by this resolution shall be conditioned upon (i) delivery by the employee to the superintendent of the school district of a written request to provide for his defense together with the original or copy of any summons, complaint, process, notice, demand or pleading within 10 calendar days after he is served with such document and (ii) the full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the school district based upon the same act or omission and in the prosecution of any appeal.

Upon compliance by the employee with the provision of the last paragraph, the school district shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his public employment or duties. This duty to provide a defense shall not arise where such civil action or proceeding is brought by or at the behest of the school district employing such employee.

The employee shall be entitled to be represented by private counsel of his choice in any civil action or proceeding whenever the school district attorney or other counsel designated by the school district determines that a conflict of interest exists or whenever a court, upon appropriate motion or otherwise by a special proceeding, determines that a conflict of interest exists and that the employee is

entitled to be represented by a counsel of his choice provided, however, that the school district attorney or other counsel designated by the school district may require, as a condition to payment of the fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel. Reasonable attorneys' fees and litigation expenses shall be paid by the school district to such private counsel from time to time during the pendency of the civil action or proceeding with the approval of the board of education of the school district.

The board of education may from time to time purchase insurance from any insurance company created by or under the laws of the State of New York, or authorized by law to transact business in the State of New York, against any liability imposed by the provisions of this resolution, or to act as self-insurer with respect thereto.

For the purposes of this resolution, the term "employee" shall mean any member of the board of education, employee, volunteer, as well as a former employee, his estate or judicially appointed personal representative.

The benefits of this resolution shall supplement and be available in addition to defense or indemnification protection conferred by any other enactment.

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Adopted: June 9, 2005

Adopted: December 8, 2011

LINE AND STAFF RELATIONS

The following principles shall govern the administrative operation of the school system:

1. The Superintendent of Schools shall have specific responsibility for overseeing the district educational programs.
2. Responsibility shall flow from the Board of Education, to the Superintendent, to Building Principals, to teachers.
3. Each member of the staff shall be informed as to whom he/she is responsible and for what functions.
4. Whenever possible, each member of the staff shall be made responsible to only one immediate supervisor for any one function.
5. Each staff member shall be informed as to whom he/she can appeal in case of disagreement with an immediate superior.
6. Each staff member shall be informed as to whom he/she should report to for help in carrying out his/her functions.

Line of Responsibility

Each employee in the school system shall be responsible to the Board through the Superintendent.

All personnel shall refer matters requiring administrative action to the administrative officer immediately in charge of the area in which the problem arises.

Administrative officers shall refer such matters to the next higher authority when deemed necessary.

All employees shall have the right to appeal any decision made by an administrative officer to the next higher authority and through appropriate successive steps to the Board.

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Adopted: May 8, 2003

Revised: July 8, 2010

Adopted: December 8, 2011

**INTERIM AND ADMINISTRATION REPORTS TO
BOARD OF EDUCATION**

The Board of Education will be informed on a timely basis, of any emergencies or life-threatening incidents which occur within the school, on the grounds or while students are transported to and from school on a school bus.

Other incidents concerning the health and safety of students or of vandalism, subject to prosecution, to school district property will be reported to the board president. It will then be communicated to the board membership, as the nature of the event warrants.

All reports involving the identity of employees and students will be considered confidential.

Individual board members are encouraged to verify with the School Superintendent other alleged incidents of concern on a timely basis between regular board meetings so the administration may have the opportunity to research the matters.

Adopted: June 9, 1983

Revised: July 8, 2010

Adopted: December 8, 2011

EQUIVALENCE IN INSTRUCTIONAL STAFF AND MATERIALS

In accordance with federal regulations, the Board of Education will ensure equality and equivalence among district schools in teachers, administrators, and auxiliary personnel; and in the provision of curricular materials and instructional supplies. The Superintendent of Schools shall follow the State Education Department guidelines in determining such equivalence on an annual basis, and report to the Board on the status of district schools with regard to equivalence.

Cross-ref: 1900, Parental Involvement

Ref: 34 CFR §200.43(c)(1)(i) (ESEA Title I Program in Local Educational Agencies)
State Education Department, Office of School Improvement Grants Management and Compliance, Consolidated Application and Applicant's Guide and Instructions for Consolidated Application

Adopted: November 13, 2003

Adopted: December 8, 2011

DISPLAY OF THE FLAG

The Board of Education believes that the flag of the United States is a symbol of the values of our nation, the ideals embedded in our Constitution and the spirit that should animate our district.

The district shall purchase a United States flag, flag staff and the necessary appliances for its display upon or near every school building. There shall be a flag on display in every assembly room of every school.

The flag shall be flown at full- or half-staff pursuant to law. In addition, the flag may be flown at half-staff to commemorate the death of a present or former Board member, present employee, teacher, student, clerk or custodian.

Consistent with national and state law and regulations and this policy, the Superintendent of Schools shall develop rules and regulations for the proper custody, care and display of the flag.

Cross-ref: 4311, Citizenship Education

Ref: Education Law §§418; 419; 420; 802
Executive Law, Article 19
8 NYCRR Part 108
Lapolla v. Dullaghann, 63 Misc 2d 157 (1970)

Adopted: November 13, 2003

Adopted: December 8, 2011

DISPLAY OF THE FLAG REGULATION*Flags Displayed Out-of-Doors and on Movable Hoists Indoors*

A United States flag shall be displayed in front of every school building in the district every day that school is in session and at such other times as the Superintendent of Schools shall direct. Unless otherwise stated, the flags shall be flown at full-staff. The flags may also be displayed at night upon special occasions, at the discretion of the Superintendent, when it is desired to produce a patriotic effect.

In addition to days when school is in session, the flags will be displayed on the following days: New Year's Day, Martin Luther King, Jr. Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Flag Day, the Fourth of July, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Pearl Harbor Day and Christmas Day. If any of these days (except Flag Day) falls on a Sunday, the flag shall be displayed on the next day. In addition, the flag shall be displayed on each general election day and each day appointed by the President of the United States or by the Governor of New York as a day of general thanksgiving or for displaying the flag.

Flags shall be flown at half-staff on Pearl Harbor Day, on days commemorating the death of a personage of great importance, and on days designated by the President or the Governor.

The flags shall fly at half-staff to commemorate the death of a present or former Board member, present employee, teacher, student, clerk or custodian. Flags shall be flown at half-staff for 30 days in these instances.

The flag will not be displayed on days when the weather is inclement.

Hoisting of the Flag

The flag shall be hoisted briskly and lowered ceremoniously.

In half staffing the flag, it first should be hoisted to the peak for an instant and then lowered to the half-staff position. The flag shall be again raised to the peak before it is lowered for the day. The flag shall never be put at half mast in the middle of the day. It must be put at half mast in the morning only.

Indoor Flags and Those Not on Movable Hoists

There shall be a United States flag in each assembly room of every school in the district. It is the duty of the teacher or other person in charge of each assembly room to ensure that the flag in the room is displayed from a staff standing at the audience's right as they face the stage. If the flag is placed on the platform, it should stand at the right of the speaker as he/she faces the audience and at the audience's left as they face the stage.

SPECIAL EDUCATION PROGRAMS AND RELATED SERVICES

The Board of Education recognizes its responsibility for providing special education and related services which are appropriate for the individual disabled student needs and allow the student to be involved and progress in the general education curriculum. In an effort to achieve this goal, the Board shall determine an appropriate special education program for each disabled student upon receiving from the Committee on Special Education (CSE) recommendations for special education services. The CSE shall provide the Board with a written evaluation for each disabled student which includes:

- a. classification of a student's disabling condition;
- b. recommendations for a special education program and related services;
- c. a summary of tests or reports upon which recommendations are based.

The Board of Education shall also ensure adequate space is allocated in the District for special education programs.

Ref: 8 NYCRR 200.2(b)(4)
8 NYCRR 200.2(6)(a)

PREREFERRAL INTERVENTION STRATEGIES AND RESPONSE TO INTERVENTION

Prior to referral to the Committee on Special Education (CSE), a student suspected of having a disability must be provided with appropriate interventions to allow a reasonable opportunity for remediation of the student's performance prior to referral for special education. The Superintendent is directed to develop appropriate prereferral interventions and develop and implement school wide approaches which may include a response to intervention process pursuant to Section 100.2(ii) of the Commissioner's Regulations.

Ref: 8 NYCRR §200.2(b)(7)

**APPOINTMENT AND TRAINING
OF APPROPRIATE SPECIAL EDUCATION PERSONNEL**

The Board of Education shall appoint and train only appropriately qualified personnel including members and chairpersons of the Committee on Special Education (CSE) and the Committee on Preschool Special Education (CPSE) as well as special education teachers and services providers to carry out functions identified in Part 200 of the Commissioner's Regulations and under §504 of the Rehabilitation Act and IDEA. Administrative procedures shall be developed pursuant to this Policy.

Ref: 8 NYCRR 2002(b)(3)

Adopted: December 8, 2011

CENSUS AND REGISTER OF STUDENTS WITH DISABLING CONDITIONS

A census will be conducted in accordance with the provisions of Education Law in order to locate and identify all children with disabling conditions who reside in the District.

A register of such children who are entitled to attend the public schools of the District or are eligible to attend a preschool program during the next school year will also be established. The register of such children and others referred to the applicable Committee as possibly having a disabling condition shall be maintained and revised annually by the District Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE) as appropriate.

Procedures shall be implemented to assure the availability of statistical data to readily determine the status of each student and preschool child with a disabling condition in the identification, location, evaluation, placement and program review process. Census data shall be reported by October 1 of each year to the appropriate Committee.

Procedures shall be designed to record data on each student and preschool child and shall at least include the following regarding each such student or preschool child:

- a. name, address, birth date;
- b. parent's name, address and the dominate language in the home;
- c. suspected disabling condition;
- d. dates of referral, evaluations, recommendations of the Committee on Special Education or the Committee on Preschool Special Education, actual placement and annual program reviews;
- e. site where the child is currently receiving an educational program;
- f. other student information as required by IDEA and federal regulations, including but not limited to student's race, ethnicity, limited English proficiency status, gender, and disability category; and
- g. if the child is not receiving an appropriate public education, the reason why.

The data will be organized so that it can easily be determined whether each student or preschool child is receiving an appropriate public education.

All persons involved in the collection of data shall have received prior training and written information regarding the procedures to be followed in collecting the data. Summary reports of the student's data shall be prepared and kept on file, including numbers of children who are: (a) unserved and the reasons why they are unserved; and (b) served. A summary report of the children served shall be submitted to the State Education Department on prescribed forms. The register and related summery reports shall be kept on file and shall be available to the District Superintendent and other representatives of the State Education Department.

Ref: 8 NYCRR §200.2
New York Education Law §§3240-42; 4410

INDEPENDENT EDUCATIONAL EVALUATION

INTRODUCTION

The School District has established the following policy on independent educational evaluations for children with disabilities or for children who are referred to the Committee on Special Education because they are suspected of having an educational disability and may, therefore, be in need of special education.

Parents of children with disabilities have the right under the Federal and State laws and regulations to obtain an independent educational evaluation at public expense under certain conditions. (Commissioner of Education Regulations, Part 200.5(a)(1)(vi); Federal Regulations 34 CFR 300.503) A parent does not have the right to an independent evaluation if the School District has not conducted and completed its evaluation of the child. In addition, the State Education Department Publication *A Parent's Guide to Special Education: Your Child's Right to an Education in New York State*, discusses independent evaluation requirements. This document is available from the District upon request.

The School District has adopted this policy in order to explain the rights of parents and the responsibilities of the School District with regard to independent educational evaluations and to avoid any misunderstandings.

DEFINED

An independent educational evaluation means an evaluation conducted by a person who is not employed by the school district responsible for the education of the child. Such an evaluation is for the purpose of determining a child's eligibility for special education or related services, and for planning to meet the child's educational needs.

If the parent disagrees with the evaluation conducted by the School District, the parent has a right to request an independent educational evaluation at public expense. The District may, in turn, request the parent to specify the areas of disagreement with the evaluation to show that its evaluation is appropriate, and may initiate an impartial formal hearing if it believes its evaluation is appropriate and does not intend to pay for the evaluation requested by the parent.

PUBLIC EXPENSE

Public expense means that the School District either pays for the cost of the independent educational evaluation or ensures that the evaluation is otherwise provided at no cost to the parent provided that the cost does not exceed the monetary amount established in this policy by the District. The amounts set forth in this policy are also those amounts which the District will pay when scheduling its own outside evaluations. Requests for an exception to the rates set forth should be forwarded in writing to the Chairperson of the Committee on Special Education (CSE) or Chairperson of the Committee on Preschool Special Education (CPSE).

RESPONSIBILITIES

When an independent educational evaluation is requested and approved by the School District and an evaluator is selected by the parent from the attached list, it becomes the responsibility of the person chosen to contact the School District to set forth in writing the services to be performed, the cost involved, the method of payment, dates of classroom visitations and discussions with school staff, and when a written report will be submitted.

The School District has the responsibility to designate a geographic area within which the parents would be limited in their search for an independent educational evaluator. The School District will not consider at public expense independent educational evaluators outside the county in which it is located or any adjoining county. Requests for an exception to the geographic area set forth should be forwarded in writing to the Chairperson of the CSE or CPSE as appropriate.

FURTHER INFORMATION

The School District has developed a policy on independent educational evaluations in order to avoid any misunderstanding and to ensure that the District meeting its responsibility to provide an independent educational evaluation. Parents can obtain further information on independent educational evaluations by contacting the Chairperson of the CSE or CPSE at the School District,

and also the State Education Department by contacting the Office for Special Education Services, requesting to speak to the Regional Associate assigned to this area.

ADMINISTRATIVE PROCEDURES

1. Upon completion of the evaluation conducted by the School District and appropriate notice being given to the parent, the parent is requested but not required to send written notice of a request for an independent educational evaluation within forty-five (45) calendar days from the date of receipt of the School District evaluation.
2. The School District will not pay more than \$750 for a comprehensive independent educational evaluation that would meet the requirements under Commissioner's regulations, which may require an individual psychological evaluation, a physical examination, a social history and other suitable examinations and evaluations as may be necessary to ascertain the physical, mental and emotional factors which may contribute to the suspected disability.
3. The School District has established a list of specific rates and qualified professionals in private practice in this county and adjoining counties or employees of other public agencies to whom parents may go to secure an independent educational evaluation. The School District will pay for an evaluation performed by an employee of any other public school district or BOCES within the county or any adjoining county whom the parent chooses to employ as an independent educational evaluator at the then-current hourly rate paid to that licensed or certified individual which the School District would pay were it to request such an evaluation.
4. The School District will pay for an independent educational evaluation or assessment only, if conducted by an individual who possesses current license or certification from the New York State Education Department in the area of the evaluation. The School District will permit parents to select any independent educational evaluator who is in the county in which the School District is located or within any adjoining county at the time the parent makes the request, as long as the individual selected by the parent is appropriately certified or licensed by the State of New York.
5. An independent education evaluation requested by a parent which typically would not be conducted by school certified-licensed personnel would require the parent to demonstrate that unique circumstances justify such an evaluation.
6. The independent educational evaluation must be conducted in accordance with the federal and State regulations, which require that, at a minimum:
 - a. tests and other evaluation materials –
 1. are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;
 2. have been validated for the specific purpose for which they are used; and
 3. are administered by trained personnel in conformance with the instructions provided by their producer.
 - b. tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
 - c. tests are selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's

- impaired sensory manual, or speaking skills (except where those skills are the factors that the test purports to measure).
- d. no single procedure is used as the sole criterion for determining an appropriate educational program for a child.
 - e. the child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
7. The School District, upon receiving a request for reimbursement for an independent educational evaluation, will forward an acknowledgment letter to the parent with a copy to the evaluator within ten calendar days after receipt of the request. Any information needed by the School District to reach a decision regarding payment will be set forth in the letter.
 4. If denial for reimbursement is indicated, the reason(s) for the denial, as well as the School District's intention immediately to initiate a hearing regarding such denial, will be forwarded to the parent in writing with a copy also being forwarded to the evaluator. If the District agrees to pay for the evaluation, the parent and the evaluator will be notified by letter.

(A LIST OF THE SPECIFIC MONETARY RATES WHICH THE SCHOOL DISTRICT WILL PAY SHOULD BE ATTACHED. THE DISTRICT MAY ALSO DEVELOP A LIST IDENTIFYING SPECIFIC EVALUATORS IN THE COUNTY AND ADJOINING COUNTIES WITH WHOM THE DISTRICT IS FAMILIAR IN ORDER TO ASSIST PARENTS IN LOCATING AN APPROPRIATE EVALUATOR.)

Ref: 20 USC §1415(d)(2)(A)
34 CFR §300.502
8 NYCRR §§200.1(z); 200.5(a-c) and (g)

**PROGRAMS FOR STUDENTS WITH DISABILITIES
UNDER IDEA AND ARTICLE 89**

The Board of Education shall make available to all students eligible under the Individuals with Disabilities Education Act and Article 89 of the Education Law, and their implementing regulations, a free appropriate public education in the least restrictive environment appropriate to meet their individual needs.

The Board acknowledges its responsibility to offer, at public expense, special education and related services which are designed to provide educational benefits to students in conformity with their individualized education program. Special education services or programs will be designed to enable a student with disabilities to be involved in and progress in the general education curriculum, to the extent appropriate to his/her needs.

Consistent with the requirements of federal and state law and regulations, the Board will:

1. Appoint a committee on special education (CSE), and as appropriate, CSE subcommittees to assure the identification and placement of eligible students with disabilities.
2. Based upon the recommendation of the CSE, arrange for special education programs within legally prescribes time frames. Should it disagree with the recommendation of the CSE, the Board, upon notice to the parents involved, and in accordance with the procedures set forth in the Regulations of the Commissioner of Education, may forward its concerns to the CSE, or reconvene a second CSE for review of and revisions to the original recommendation as appropriate.

Testing and evaluation procedures will be used for the identification and placement of students with disabilities, which meet the requirements of federal and state law and regulations. As part of the periodic reevaluation of a student with disabilities, the CSE will determine if the child continues to have a particular category of disability, or continued need for special education and related services. The continued eligibility for services of a student previously classified as a student with disabilities will be determined in accordance with the procedures set forth in federal and state law and regulations.

Parents of students with disabilities and their children will be provided with notice of the procedural safeguards available to them and their children. The district will use the procedural safeguard notice prescribed by the Commissioner of Education and make the notice available in the manner prescribed by the Commissioner's Regulations. Students with disabilities and their parents will be afforded the procedural safeguard rights set forth in the notice.

To ensure the appropriate delivery of services to students with disabilities in the district, the Superintendent of Schools shall ensure that:

1. All children with disabilities residing in the district, including those attending private school are identified, located and evaluated.
2. School wide approaches and pre-referral interventions including, but not limited to, academic intervention services in order to remediate a student's performance prior to referral for special education are implemented.
3. The CSE is informed of the process prescribed by law and regulations for the appropriate declassification of students with disabilities.

The Superintendent shall ensure that personally identifiable data and information or records pertaining to students with disabilities remain confidential as required by law and regulations.

The Superintendent shall also develop and maintain a comprehensive system of personnel development plan so that professional and paraprofessional staff working with students with disabilities possess the skills and knowledge necessary to meet the needs of students with disabilities.

Cross ref: 5020.3, Students with Disabilities under Section 504
5300, Code of Conduct
5500, Student Records

Ref: Education Law § 4401 et seq. (Article 89)
20 U.S.C. §§1400 et seq. (IDEA)
34 CFR Part 300
8 NYCRR Part 200

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Adopted: November 13, 2003
Adopted: December 8, 2011

**ALLOCATION OF SPACE FOR SPECIAL EDUCATION
PROGRAMS AND SERVICES**

To ensure that adequate and appropriate space is made available for special education classes provided by the district, as well as in programs provided by the Board of Cooperative Education Services (BOCES), the Board of Education will allocate an appropriate amount of space in district facilities to meet the needs of students in such programs. This allocation will be part of the biennial district plan for the provision of special education programs and services, as mandated by the Commissioner.

Ref: 8 NYCRR §200.2(c)(iv) and (v)

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Adopted: November 13, 2003

Adopted: December 8, 2011

PRESCHOOL SPECIAL EDUCATION

The Board of Education recognizes the value of special education and its responsibility in ensuring that all resident preschool children with disabilities have the opportunity to participate in special programs and services from which they may benefit. The Board authorizes the Superintendent of Schools to establish administrative practices and procedures which shall include:

1. Locating and identifying all preschool children with disabilities pursuant to the relevant provisions of the Education Law. The register of children eligible to attend a preschool program is to be maintained and revised annually by the Committee on Preschool Special Education (CPSE);
2. Ensuring that the parent(s)/guardian(s) of preschool age children with disabilities have received and understand the request for consent for evaluation of their child;
3. developing an individualized education program (IEP) for each preschool age child with a disability;
4. Appointing and training appropriately qualified personnel including the members of a CPSE;
5. maintaining lists of impartial hearing officers and of State Education Department-approved special education programs within the county and adjoining counties in which the district is located; and
6. Reporting to the State Education Department the number of children with disabilities that are being served, as well as those not served.

The Board directs the Superintendent to ensure that the district considers that adequate and appropriate space is made available for such programs and services.

The Board directs the Superintendent to develop and maintain a plan which incorporates information concerning the provision of services for preschool children with disabilities, pursuant to the Regulations of the Commissioner of Education.

Cross-ref: 4321.3, Independent Educational Evaluations

Ref: Individuals with Disabilities Education Act, 20 U.S.C. §§1400 et seq.
34 CFR §§300.12; 300.503
Education Law §4410
8 NYCRR Part 200

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Adopted: November 13, 2003
Adopted: December 8, 2011

PRESCHOOL SPECIAL EDUCATION REGULATION**I. The Committee on Preschool Special Education (CPSE)**

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) composed of:

1. An appropriate professional employed by the school district who shall serve as the chairperson of the committee. This person must be:
 - qualified to provide or supervise the provision of specifically designed instruction to meet the unique needs of children with disabilities;
 - Knowledgeable about the general curriculum; and
 - Knowledgeable about the availability of resources of the district.
2. The parent of the child with a disability.
3. A regular education teacher (if the child is, or may be, participating in the regular education environment).
4. A special education teacher, or where appropriate, a special education provider of such child.
5. An individual who can interpret the instructional implications of evaluation results (may also be one of the above district team members).
6. At the discretion of the parent or the district, other individuals who have knowledge or special expertise regarding the child, including related services personnel.
7. For a child evaluated for the first time, the CPSE must also include a professional who has evaluated the child or an appropriate professional employed by the school district who is knowledgeable about the evaluation procedures used with the child and familiar with the results of the evaluation. This individual must be someone other than the CPSE chairperson, the child's teacher or other person present at the meeting.
8. For a child in transition from early intervention programs and services, the appropriately licensed or certified professional from the Department of Health's Early Intervention Program. This professional must attend all meetings of the CPSE conducted prior to the child's initial receipt of services.
9. Whenever appropriate, the student with a disability.

The chief executive officer of the municipality in which the district is located also may appoint an appropriately licensed or certified professional to the CPSE. However, the attendance of the appointee of the municipality shall not be required for a quorum for the CPSE to act.

The Board directs the Superintendent of Schools to ensure that all members of the CPSE are appropriately trained for their responsibilities on the CPSE.

II. Identifying and Evaluating Preschool Children with Disabilities

The district shall conduct a census in accordance with the Education Law to locate and identify all children with disabilities who reside in the district and establish a register of children who are eligible to attend a preschool program in accordance with Section 4410 of the Education Law. The register shall be maintained and revised annually by the CPSE. Census

data shall be compiled and maintained in accordance with Section 200.2(a) of the Regulations of the Commissioner.

Age eligibility for preschool special education will be determined in the following manner: if the child turns three between January 1 and June 30 of a calendar year, the child will be eligible for special education as of January 2 of that year; if the child turns three on or after July 1 during that year, the child will be eligible as of July 1.

Upon the receipt of written notification that a preschool child is suspected of having a disability, the chairperson of the CPSE shall notify the child's parent(s)/guardian(s) that a referral has been made and request consent for the child's evaluation. Such notification must include the following information: the right to consent or withhold consent to an initial evaluation or placement; the right to a hearing; procedures for appeal; the availability of mediation to resolve complaints regarding the education of a preschool child with a disability; an acknowledgment that if consent is refused, there will be no evaluation and the student shall remain in his/her current placement, or receive admittance to the requested school pending the outcome of a hearing; the availability of free or low cost legal aid and reimbursement of reasonable attorney's fees if the parent(s)/guardian(s) win their hearing. The notification shall be in the dominant language or mode of communication of the parent(s)/guardian(s).

If parental consent is not obtained within 30 days of receipt of referral, the Board shall initiate an impartial hearing to determine if the individual evaluation shall be conducted. The CPSE chairperson shall notify the parent(s)/guardian(s) of his/her right to request an informal conference at which the parent(s)/guardian(s) may ask questions regarding the evaluation.

III. Individual Evaluation

The CPSE shall ensure an individual evaluation of the preschool child is conducted at no cost to the parent(s)/guardian(s). The district shall maintain a list of approved evaluators which shall be provided to the parent(s)/guardian(s). The parents may select the evaluator from the list.

The evaluation shall include: a physical examination; a social history; a psychological evaluation unless determined to be unnecessary by the school psychologist; and other appropriate assessments or evaluations as necessary to ascertain the physical, mental and emotional factors which contribute to the suspected disabilities.

The evaluator shall submit a written report to the members of the CPSE and to a person designated by the county in which the preschool child resides. The report shall include a detailed statement of the preschool child's individual needs, if any. The report shall not recommend the type, frequency and duration of service; the manner in which the child could be provided with instruction and/or related services; nor refer to any specific service provider. The parent(s)/guardian(s) shall receive a summary of the evaluator's findings. Upon request, the parent(s)/guardian(s) shall also receive a copy of the evaluator's statement and recommendation to the CPSE.

If the parent(s)/guardian(s) disagree with the evaluation, he/she shall notify the district so the district may initiate an impartial hearing to determine the adequacy of the evaluation. If the hearing officer determines

the evaluation was inadequate then the parent(s)/guardian(s) may obtain an independent evaluation at no cost to themselves. Even if the evaluation is determined adequate by the hearing officer, the parent(s)/guardian(s) may obtain an independent evaluation, but not at public expense.

IV. Determining the Appropriate Preschool Program in the Least Restrictive Environment and Developing the Individualized Education Program (IEP)

Following the individual evaluation, if the CPSE determines the child has a disability, the members shall recommend approved appropriate services and/or special programs and the frequency, duration and intensity of such services including, but not limited to, the appropriateness of single services or half-day programs based on the individual needs of the child.

Before the CPSE recommends any program, the members must first consider the appropriateness of providing (1) related services only, (2) special education itinerant services only, (3) related services in combination with special education itinerant services, (4) a half-day preschool program, or (5) a full-day preschool program. If it is determined that a child needs a single related service, the service must be provided as a related service only or, where appropriate, as a special itinerant service.

Before recommending a program which provides special education services in a setting which includes only children with disabilities, the CPSE must consider programs in which the child will be placed with non-disabled children of a similar age. Settings which do not provide contact with non-disabled children may only be considered when the nature or severity of the child's disability is such that education in a less restrictive environment with the use of supplementary aids and services cannot be satisfactorily achieved. In cases where the recommendation is for services to be provided in a setting without regular contact with non-disabled peers, the recommendation must contain a statement as to why less restrictive placements were not recommended.

Prior to making any recommendation that would place a child in an approved program owned or operated by the same agency which conducted the initial evaluation of the child, the CPSE may obtain an evaluation of the child from another approved evaluator. If the CPSE decides to obtain another evaluation and the parent(s)/guardian(s) withdraws consent or otherwise chooses not to have their child further evaluated, the CPSE shall inform the parent(s)/guardian(s) that their child's review cannot proceed until such time as the additional evaluation has been completed.

Twelve-month special services and/or programs shall be provided to eligible preschool children consistent with their individual needs, as specified in the IEP. The CPSE or the Board may recommend services and programs that are different in type or intensity than the services and programs provided during the school year.

Any recommended programs and services shall be selected from the list of approved preschool programs within the county and adjoining counties or the municipality's list of itinerant service providers. The CPSE must provide the recommendation to the Board within 30 days of the date of receipt of consent and shall notify the parent(s)/guardian(s) of the child of its recommendation. The recommendation must state the reasons for the

recommendation even if the CPSE determines the child has no disability. In addition, if the CPSE's recommendation differs from the parent's(s)/guardian's(s') preference with respect to the frequency, duration or intensity of services, the recommendation must specify reasons why a program different than the parent's(s)/guardian's(s') preference was recommended.

In developing an individualized education program (IEP), the CPSE must review all relevant information, including but not limited to:

1. Information presented by the parent(s)/guardian(s) and the child's teacher(s);
2. The results of all evaluations; and
3. Information provided by the appropriate licensed or certified professional designated by the agency that is charged with the responsibility for the child pursuant to applicable federal laws, if any.

Upon the parent's(s)/guardian's(s') request, the CPSE shall provide copies of all written documentation to be considered by the committee in the development of the preschool child's IEP.

The Board shall arrange the appropriate services and/or program after receipt of the recommendation of the CPSE. Should the Board disagree with the recommendation of the CPSE, the recommendation shall be returned to the CPSE with notice to schedule a timely meeting to review the Board's concerns. The parent(s)/guardian(s) and the county shall be notified of the Board's disapproval of the recommendation and the need to schedule a meeting to discuss the Board's reasons for disapproval and to revise the IEP as deemed appropriate.

Services of a program shall commence with the July, September or January starting date of the approved program. Should the recommendation of the CPSE be given 30 days prior to, or after, such starting date for the program selected for the child, services shall be provided no later than 30 days after the recommendation of the CPSE. The CPSE shall review at least annually the status of each preschool child with a disability.

V. Due Process Provisions

Should the parent(s)/guardian(s) of a preschool child disagree with the determination of the Board or if the CPSE or the Board fails to make or effectuate such a recommendation within the time periods set by the Commissioner, an impartial hearing may be requested.

Parents or guardians of preschool children with, or suspected to have, disabilities shall have mediation available to resolve complaints regarding the education of a student. The availability or use of mediation shall not diminish or limit any rights of parents or guardians provided for in law, including the right of a parent or guardian to request an impartial hearing subsequent to mediation. Parents or guardians will not be deemed to have failed to exhaust administrative remedies by requesting an impartial hearing in the absence of or prior to mediation.

During the pendency of an appeal, unless the parent(s) or guardian(s) and Board otherwise agree, the child will remain in the current educational

placement at the time the Board made the decision which is the subject of the appeal. If the child has not been previously served, he/she may enter the Board recommended placement if the parent(s)/guardian(s) consent. Until his/her third birthday, a preschool child who received services from an agency after having been placed by a Family Court, may continue to receive services at the agency. The child may remain in such placement until August 31 of that calendar year, and thereafter must be referred to the CPSE.

DECLASSIFICATION OF STUDENTS WITH DISABILITES

The Board of Education directs the Superintendent or the Superintendent's designee to establish appropriate administrative procedures for declassification of students with disabilities who no longer require special education services. Those procedures must include: factors for declassifying students where appropriate, process for reevaluating the student prior to declassification, and procedures for provision of educational and support services to the student upon declassification.

Reference: 8 NYCRR 100.1 (q)
8 NYCRR 200.2 (b) (8)
8 NYCRR 200.4 (b) and (c)

Adopted: December 8, 2011

DISSEMINATION OF A STUDENTS INDIVIDUALIZED EDUCATION PROGRAM (IEP) TO TEACHERS AND SERVICE PROVIDERS

Each regular education teacher, special education teacher, related service provider and other service provider who is responsible for the implementation of a student's individualized education program (IEP) shall be given a copy of the student's IEP prior to the implementation of such program.

The contents of the IEP shall remain confidential and shall not be redisclosed to any other person. The Chairperson of the Committee on Special Education (CSE) shall designate, prior to the implementation of the IEP, a professional employee of the district with knowledge of the student's disability and education program who shall inform each teacher, assistant and support staff person of their responsibility relating to the implementation of the IEP and the specific accommodations, modification, and supports that must be provided to the student in accordance with the IEP.

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Adopted: November 13, 2003

Adopted: December 8, 2011

IMPARTIAL HEARING OFFICER

In the event of a hearing called pursuant to Part 200 and 201 of the Commissioner's Regulations pertaining to a disabled child, an Impartial Hearing Officer shall be appointed by the Board of Education in a manner consistent with Commissioner's Regulations § 200.5 (i) and (j).

The Impartial Hearing Officer may not be a person who is an employee of this District or who may have a personal or professional interest which would conflict with his or her objectivity in the hearing.

Reference: 8 NYCRR §200.2 (b) (9)
8 NYCRR 200.5 (i) (j)
New York Education Law §4404 (1)

HEARING OFFICER HOURLY RATE AND TRAVEL REIMBURSEMENT POLICY

In accordance with the Education Law and Commissioner's Regulations, the maximum compensation rate for impartial hearing officers is \$100 per hour. There is no maximum per diem on the number of hours for compensation. The hourly rate adopted by the Board of Education is the maximum unless otherwise changed.

The activities associated with impartial hearings which are reimbursable under this compensation rate are:

- Prehearing activities such as scheduling the hearing and determining the location, conducting prehearing conference calls, arranging for interpreters, witnesses, subpoenas and a stenographer and writing letters to the parties involved in the hearing;
- Hearing activities such as conducting the hearing, handling settlement agreements placed on the record and arranging for subsequent hearing dates;
- Posthearing activities such as researching information pertinent to the hearing issue(s) and writing the decision.

In addition, travel reimbursement is not considered to be an activity associated with the compensation rate set by the Commissioner. Accordingly, the School District agrees to reimburse an impartial hearing officer for travel at the IRS per mile rate for travel, as well as reimbursement for reasonable overnight and meal expenses upon timely presentation of appropriate receipts for such expenses. The time spent in traveling shall be compensated at the same hourly rate as the compensation rate stated above.

Adopted: December 8, 2011

**HIGH SCHOOL INDIVIDUALIZED EDUCATION PROGRAM
DIPLOMAS**

All students, including students with disabilities, shall be given the opportunity to earn a Regent's diploma. Students with disabilities who do not meet the requirements for a Regent's diploma shall be awarded a high school individualized education diploma in accordance with the applicable laws, rules, and regulations.

TIME OUT ROOM

The District shall not use a time out room as a means of regulating student behavior except as provided pursuant to 8 New Code of Rules and Regulations (NYCRR) Section 200.22 (c).

Pursuant to Commissioner's Regulations, a time out room is defined "as an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her education program." If a time out room is to be used, it must be used in conjunction with a behavioral intervention plan (that is designed to teach and reinforce alternative appropriate behaviors) in which a student is removed to a supervised area in order to facilitate self-control or when it is necessary to remove a student from a potentially dangerous situation and for unanticipated situations that pose an immediate concern for the physical safety of a student or others.

The District's procedures governing school use of a time out room as part of its behavior management approach shall be consistent with the Commissioner's Regulations, to include the physical characteristics of the time of room itself, the monitoring of students while in time out, record keeping requirements, parental rights, limitations on use, and the individualized education program (IEP) requirements for students with disabilities.

The Director of Special Education shall be responsible for implementing this policy.

The District's Director of Special Education and/or its legal counsel will be responsible for reviewing this policy annually and advising the Board of Education of any necessary changes to remain in compliance.

Ref. N.Y. Education Law §§ 207, 210, 305, 4401-4403 and 4410; 8 N.Y.C.R.R. §§ 19.5, 200.1, 200.4, 200.7, 200.22 and 201.

LIMITED ENGLISH PROFICIENCY INSTRUCTION

The Board of Education believes that students who, by reason of foreign birth or ancestry, have limited English proficiency will be more effective learners of both the language and the curriculum if they receive instruction in both their native language and English. The district will therefore make every effort to ensure that limited English proficient (LEP) students are provided with an appropriate program of transitional bilingual education or free-standing English as a second language program.

Pursuant to this policy and the regulations of the Commissioner of Education, the Superintendent of Schools is directed to develop appropriate administrative regulations to ensure that LEP students are:

1. diagnostically screened for limited English proficiency, in accordance with Part 117 of the Commissioner's Regulations. Those students who according to their scores are identified as LEP will be annually evaluated. Included in the evaluation shall be each student's performance in content areas to measure academic progress;
2. assured of access to appropriate instructional and support services, including guidance programs; and
3. assured of having equal opportunities to participate in all school programs and extracurricular activities as non-LEP students.

The Superintendent shall be responsible for ensuring that the Commissioner is provided with all information required under the Commissioner's Regulations and that the district provides appropriate school-related information to the parents of LEP students in English, or when necessary, in the language they understand. In addition, the Superintendent shall ensure that all teachers employed for any bilingual and/or ESL program are properly certified in accordance with the Commissioner's Regulations.

Cross-ref: 4325, Compensatory Education

Ref: Education Law §3204
 Bilingual Education Act of 1974, §§701 et seq., 20 U.S.C. §§880b et seq.
 Equal Educational Opportunities Act of 1974, §§201 et seq.,
 20 U.S.C. §§1701 et seq.
 8 NYCRR §§80.9; 80.10; 117; 154 et seq.
Lau v. Nichols, 414 U.S. 563 (1974)
Rios v. Read, 480 F. Supp. 14 (1978)
Cintron v. Brentwood UFSD, 455 F.Supp 57 (1978)
Aspira of New York v. Board of Educ. (City of New York),
 394 F. Supp. 1161 (1974)

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Adopted: November 13, 2003
 Adopted: December 8, 2011

LIMITED ENGLISH PROFICIENCY INSTRUCTION REGULATION

In attempting to ensure that students who are limited English proficient (LEP) receive appropriate schooling in English and curriculum areas, the school district shall:

1. in accordance with Part 117 of the Commissioner's Regulations, diagnostically screen every new entrant to the schools to determine whether they are possibly LEP* in accordance with subdivision 2-a of section 3204 of the Education Law. It will also be determined through such screening 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;
2. ensure that students diagnostically determined to be LEP are annually evaluated. Such evaluation will include evaluation of each student's performance in content areas to measure the student's progress;
3. ensure that all LEP students have access to appropriate instructional and support services, including guidance programs;
4. ensure that all LEP students have equal opportunities to participate in all school programs and extracurricular activities as non-LEP students;
5. annually provide the Commissioner with the following documents, in the form and by the dates prescribed by the Commissioner:
 - a. a copy of the Board of Education's policy;
 - b. a report by building of students initially identified and annually evaluated as being LEP in the preceding school year;
 - c. a report by building of the number of teachers and support personnel providing services to LEP students;
 - d. a description by building of the curricular and extracurricular services provided to LEP students; and
 - e. results of the annual evaluation of LEP students, including test data and any additional data required by the Commissioner.

The district will also distribute to the parents, or other persons in parental relation to LEP students, school-related information in English or when necessary, the language they understand, and refer LEP students who are suspected of having a disability to the Committee on Special Education.

* A student who by reason of foreign birth or ancestry, speaks a language other than English, and scores at or below the fortieth percentile on an English language instrument approved by the Commissioner, is to be classified as "LEP."

[In addition to the above requirements, districts which desire to receive state aid for the operation of programs for LEP students must comply with the following additional requirements:]

In order to receive state funds for the education of LEP students, the district shall submit to the State Education Department by September 1 of each year a comprehensive plan to meet the educational needs of such students.

Such plan shall include:

1. the criteria used to place LEP students in appropriate transitional bilingual or free-standing ESL programs;
2. a proposed budget for the operation of the state-aided program;
3. a description of the nature and scope of the bilingual and/or ESL services currently available to LEP students;
4. an evaluation plan in the format specified by the State Education Department;
5. a description of procedures for the program's management, including: staff selection, parental notification, coordination of funds, training, and program planning;
6. an assurance that all regulations and laws governing programs for LEP students will be followed;
7. a description of the support services provided to LEP students;
8. a description of the transitional services provided to LEP students; and
9. a description of the in-service training plan for all school personnel.

Bilingual Instruction

Should twenty (20) or more LEP students with the same native language at the same grade level all attend the same school building in the district, such students shall be provided with a bilingual program. Such program shall be composed of:

1. English as a second language (ESL) instruction which emphasizes listening, speaking, reading, writing and communicating skills in English;
2. course content instruction in both English and the native language; and
3. native language arts instruction which emphasizes communication skills in the student's home language.

English as a Second Language Instruction

Should fewer than twenty (20) LEP students with the same native language at the same grade level all attend the same school building in the district, such students shall be provided with a free-standing English as a Second Language (ESL) program. Such program shall be composed of:

1. instruction which emphasizes listening, speaking, reading, writing, and communicating skills in English; and
2. course content area instruction using ESL methods.

Such program need not provide a native language arts component designed to develop skills in the native language.

Additional Concerns

The district reserves the right to contract with a Board of Cooperative Educational Services (BOCES) or another school district to provide bilingual and/or ESL programs.

The district shall notify, in English or in the appropriate native language, the parent(s) or guardian(s) of a student designated as LEP of the student's placement in a transitional bilingual or ESL program. Such notification shall include program options, including the option of not having the student placed in a transitional bilingual program. Should a parent wish to withdraw his/her child from a transitional bilingual program, the parent/guardian shall meet with the Building Principal and Supervisor of Bilingual Education. Such meeting shall be for the purpose of informing the parent/guardian of the nature and value of the transitional bilingual program. Any child that withdraws from a transitional bilingual program must participate in a free-standing ESL program.

Parents shall be informed that they have the option of transferring their child to another school within the district, when the number of eligible students in the student's building does not require the offering of a transitional bilingual education program. If a parent/guardian chooses not to exercise this option, he/she shall be informed that the child will participate in a free-standing ESL program.

Support Services

The district shall provide appropriate support services to students who are participating in either transitional bilingual or free-standing ESL programs in order for such students to achieve and maintain a satisfactory level of academic performance. Such services may include, but shall not be limited to, individual counseling, group counseling, home visits, and parental counseling. If appropriate, such services shall be provided in the first language of the students and the student's parent(s)/guardian(s).

Transitional Services

The district shall ensure a transition for former LEP students who are transferring from a bilingual or free-standing ESL program into an English mainstream program. Transitional services shall be provided for the first year after such students are placed in the English mainstream instructional program.

In-Service Training

The district shall provide in-service training to all personnel providing instruction or other services to LEP students in order to enhance staff appreciation for such students' native languages and cultures, and staff ability to provide appropriate instructional and support services.

Services to LEP Students with Disabilities

If a student's score on an English language assessment instrument approved by the Commissioner is the result of a disability, the student shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student(s). Such student shall also be eligible for all services described above, if such services are recommended in his/her IEP.

Appropriate district personnel shall meet at least twice a year with all parents of LEP students to discuss the students' needs and progress.

INTERNET PROTECTION POLICY

General Information

Internet access will be provided to students in accordance with the terms of this policy. Internet access from school computers is reserved solely for educational purposes. Use by outside groups is prohibited. Use by student clubs and organizations is limited to those times when the Internet access points are not in use for instruction, and shall be limited to educational purposes and governed by this policy. Access to the Internet will be under the direction and supervision of the staff assigned to the particular Internet access area or computer.

The School District reserves the right to monitor all Internet activity including transmission and receipt of e-mail. Use of e-mail is limited to School District purposes.

Every computer in the district having internet access shall not be operated by a student unless Internet access from the computer is subject to filtering software. Such filtering software shall be designed and it shall operate so that images which are obscene, pornographic or harmful to minors shall not be displayed. Such filtering shall also be designed and it shall operate so that images or language which advocate or promote violence or hatred against particular individuals or groups of individuals or promotes the superiority of one racial, ethnic or religious group over another shall not be displayed. For purposes of this policy, the phrase *harmful to minors* means any picture, image, graphic images file, or other visual depiction that, taken as a whole, and with respect to minors, appeals to prurient interest in nudity, sex or excretion; depicts, describes or represents in a patently offensive way with respect to what is suitable for minors an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals and, taken as a whole, lacks serious literary, artistic, political or scientific value as to minors.

Prohibited Conduct

No student shall while using a computer or other device connected to the Internet:

1. Access, transmit or retransmit material which promotes violence or advocates destruction of property, including information concerning the manufacture of destructive devices, such as explosives, fireworks, smoke bombs, incendiary devices or the like;
2. Access, transmit or retransmit any information which is harmful to minors as that phrase is defined in this policy.
3. Access, transmit or retransmit material which advocates or promotes violence or hatred against particular individuals or groups of individuals or advocates or promotes the superiority of one racial, ethnic or religious group over another.
4. Use or possesses bootleg software. Bootleg software means any software which has been downloaded or is otherwise in the user's possession without the appropriate registration of the software, including the payment of any fees owing to the owner of the software.
5. Use encryption software from any access point within the School District.

6. Transmit credit card or other personal identification information, including home addresses or telephone numbers from any School District computer.
7. Transmit e-mail through an anonymous remailer.
8. Access the Internet from a School District computer using a non-School District Internet account.
9. Use an instant messenger service or program, Internet Relay Chat or other forms of direct electronic communication, or enter a chat room without the express permission of the staff member supervising the computer resource.
10. Commit or attempt to commit any willful act involving the use of the network which disrupts the operation of the network within the School District or any network connected to the Internet, including the use or attempted use or possession of computer viruses or so-called backing or other unlawful activities on line.
11. Disable or attempt to disable filtering software. However, such filtering software may be disabled for bona fide research or other lawful purposes, when the building principal of the building in which such research or other lawful activity will be conducted has given written permission to disable the filtering software.

In addition to those penalties set forth in the student discipline code, a violation of this Internet policy may also result in loss of Internet privileges.

Opinions, advice, services, and all other information expressed online are those of the online authors and not of the district. The Internet contains information pertaining to a variety of subjects. Not all of this information is accurate or reliable, particularly where the advice of medical, legal, accounting, or other professionals would be appropriate. Users are advised not to rely on advice found on the Internet. The School District is not responsible for such advice.

The School District does not guarantee or imply that access to the Internet will always be available when students want access or that the software provided by the district will always work as intended. The School District is not responsible for failures in the operation or technical functioning of the Internet or the computers or software used to access the Internet.

INTERNET ACCESS POLICY FOR STAFF

Employees of the Sandy Creek Central School District will be issued a password and e-mail address for use on the District's internal network. The password and e-mail address will also allow the individual user to access the internet from District computers. Employees should be aware that District computer use is limited to activities supporting the educational mission of the District. With that in mind, District internet resources should not be used for:

- Leisure time activities such as personal correspondence, recreational reading, game playing, or other activities.
- District computer/internet resources should not be used for commercial activities. Online shopping or online auctions or any other purchase or sale of goods or services over the internet should not be done on District computers.
- Employees must also work to preserve the efficient operation of the District's computer resources. Accordingly, no holder of any password or e-mail account within the Sandy Creek Central School District may load software including free-ware or share-ware licensed to the District on any District computer resources. No peripherals such as printers or storage devices may be connected to District computer resources unless they are the property of the Sandy Creek Central School District. No computers other than those belonging to the District may be physically connected to the District's network.

Adopted: December 8, 2011

FIELD TRIP POLICY

When the District has provided transportation to students to a school sponsored field trip, extracurricular activity or other similar event involving the use of School District transportation services, the School District shall return all students to the point of departure unless the parent or legal guardian of the student has provided the District with written notice authorizing an alternative form of return transportation of such student. If intervening circumstances make School District transportation of any one student impractical then a chaperone shall remain with the student until the parent(s) or legal guardian has been contacted and informed of the intervening circumstance which make such transportation impractical and such student and the parent(s) or legal guardian are together in the same location.

I have read this field trip or extracurricular activity transportation policy. I agree to abide by the policy and I understand that I may be asked to remain with the student if return transportation for the student is impractical.

Dated: _____

Chaperone

Please note that the second paragraph of the policy is in the policy in order to provide chaperones with notice that they may be called upon to remain behind. Accordingly, the document should be signed and dated by chaperones before the commencement of the trip. We suggest the following as a sign-out form:

Extracurricular or Field Trip Transportation Release

I hereby authorize my son or daughter to be transported from the District sponsored extracurricular activity or field trip in the manner described below:

Date of Activity _____

Name of Student _____

Alternate Transportation*

Parent or Legal Guardian

*Please indicate the name of the individual transporting the student.

Adopted: December 8, 2011

SPORTS AND THE ATHLETIC PROGRAM

General Principles and Eligibility

Athletics are an integral part of a well-balanced educational program. The District's interscholastic athletic program will conform with the Commissioner's regulations, as well as the established rules of the New York State Public High School Athletic Association and the State Education Department.

Athletic eligibility requires that the student:

1. Provide written parental/guardian consent. The consent form must contain information regarding mild traumatic brain injuries (concussions) as specified in the Commissioner's regulations.
2. Obtain medical clearance from the school physician/nurse practitioner or the student's personal physician. The school physician/nurse practitioner retains final approval on any physicals performed by a student's personal physician.
3. Meet the requirements for interscholastic competition as set forth by the Commissioner's regulations and the New York State Public High School Athletic Association.
4. Comply with all District rules, codes, and standards applicable to athletic participation.

Title IX Compliance

The Board supports equal athletic opportunities for members of both sexes through interscholastic and intramural activities. To ensure equal athletic opportunities for its students, the District will consider:

1. Its accommodation of athletic interests and abilities (the nature and extent of sports offered, including levels of competition, team competition, and team performance);
2. Equipment and supplies;
3. Scheduling of games and practice time;
4. Travel costs and opportunities for travel;
5. Assignment and compensation of coaches;
6. Locker rooms, practice, and competitive facilities;
7. Available medical and training facilities and services; and

8. The nature and extent of support, publicity, and promotion, including cheerleading, bands, programs distributed at games, and booster club activities.

The District may consider other pertinent factors as well. Each of the factors will be assessed by comparing availability, quality, type of benefits, kind of opportunities, and form of treatment. Identical benefits, opportunities, or treatment are not required.

The District's Civil Rights Compliance Officer will coordinate the District's efforts to comply with and carry out its responsibilities under Title IX. This person will be appropriately trained and possess comprehensive knowledge about applicable federal and state laws, regulations, and policies. To the extent possible, the District will not designate an employee whose other job duties may create a conflict of interest, such as the athletic director.

Athletic Placement Process for Inter School Athletic Programs (APP)*

Those students may be evaluated for participation at a higher level; however, it shall be based upon coaching recommendations and approval of the Athletic Coordinator not in response to parental request or to fill team rosters.

1. The Board permits pupils in grades no lower than seventh to compete on any senior high school team, provided the pupils are placed at levels of competition appropriate to their physiological maturity, physical fitness and skills in relation to other pupils on those teams in accordance with standards established by the commissioner.
2. The Board directs the Superintendent to implement the procedures and maintain a file of those students deemed eligible as a result of those procedures.

Student Athletic Injuries

No injured student will be allowed to practice or play in an athletic contest. An appropriate medical professional should diagnose and treat an athlete's injuries. The coach should ensure that any player injured while under his or her care receives prompt and appropriate medical attention, and that all of the medical professional's treatment instructions are followed. The injured student has an obligation to promptly inform his or her coach of all injuries. No student will be allowed to practice or compete if there is a question whether he/she is in adequate physical condition. A physician's certification may be required before an athlete is permitted to return to practice or competition.

Athletic Program-Safety

The District will take reasonable steps to minimize physical risks posed to students participating in the interscholastic athletic program by:

1. Requiring timely medical examinations of participants;

2. Employing certified or licensed staff to coach all varsity, junior varsity, and modified practices and games;
3. Providing or requiring certified or licensed officials to officiate all competitions;
4. Ensuring that its players' equipment is safe and operates within the applicable manufacturers' guidelines;
5. Ensuring that all home fields, courts, tracks, and other areas where athletes practice, warm-up, or compete are safe and appropriate for use; and
6. Providing professional development and training opportunities for all coaching staff.

Title IX of the Education Amendments of 1972, 20 USC Section 1681 et
seq. 45 CFR Part 86
8 NYCRR Sections 135 and 136

HONOR ROLLS

The development of student intellectual ability, desirable traits of character and qualities of leadership are all achievements the school system desires to encourage and foster. In recognition of outstanding student achievement far in excess of the minimum requirements, the Board of Education supports academic recognition programs. These programs may include honor rolls, honor societies, and special awards, including, but not limited to:

- High Honors Roll – Grade Point Average 94.5% - 100% with no incomplete and no failing grades in all other courses attended, included course dropped while failing.
- Honors Roll – Grade Point Average 89.5% - 94.4% with no incomplete and no failing grades in all other courses attended, included course dropped while failing.
- Merit Roll – Grade Point Average 84.5% - 89.4% with no incomplete and no failing grades in all other courses attended, included course dropped while failing.

Physical Education requirements must be met to qualify for High Honors, Honors, and Merit Rolls.

The Board shall encourage the certified staff to develop criteria and procedures for the recognition programs. In all cases, the relationship between the honor and the relevant goal of the school shall be made explicitly clear.

CLASS RANKINGS

It is the policy of the Sandy Creek Central School District Board of Education that the honor of valedictorian and salutatorian titles be awarded only to students that have been continuously enrolled during the final four semesters of their high school education at Sandy Creek Central School. In the even that a student does not qualify for the valedictorian or salutatorian title, they will receive the appropriate rank based on their grade point average.

SIGNIFICANT DISPROPORTIONALITY BY RACE/ETHNICITY

It is the policy of the Board of Education to publicly report on any revisions to its policies, procedures or practices after a finding by the State Education Department that the District has inappropriate policies, procedures or practices resulting in a significant disproportionality by race/ethnicity in the suspension, identification, classification or placement of student with disabilities.

Adopted: December 8, 2011

Harassment, Hazing and Bullying

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that harassment, hazing and bullying is detrimental to student learning and achievement. It interferes with the mission of the district to educate its students and disrupts the operation of the school. Such behavior affects not only the students and employees who are the victims but also those individuals who participate and witness such acts.

To this end, the Board condemns and strictly prohibits all forms of harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside of the school district.

Definitions

For the purposes of this policy, the terms “harassment”, “hazing”, and “bullying” collectively shall refer to any intentional written, verbal, electronic communication or physical act which intimidates or threatens another on the basis of race, color, national origin, creed, religion, marital status, sex, age, sexual orientation, disability, socio-economic status, class or club affiliation, gender identity, predisposing genetic characteristic, or other distinguishing characteristic. “Hazing” is harassment that coerces a student into an act in order for that student to be initiated into or affiliated with an organization or purpose. “Bullying” is persistent harassment with threats of intimidation, cruelty, terror, coercion, habitual put-downs and/or badgering. Included in this is “cyber-bullying”, which is harassment using electronic technology such as cell phones and the internet (Facebook, IM, etc.). These activities often take place outside the school setting, but the effects can be brought into school in behaviors and social interactions.

Reporting

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims and persons with knowledge of harassment, hazing or bullying report such behavior immediately, either in writing or verbally, to any school personnel. Staff will promptly direct the report to their most immediate supervisor or other appropriate personnel. The district will promptly investigate all reports; either formal or informal, verbal or written. To the extent possible, all reports will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with school policy, the applicable collective bargaining agreement and state law.

Those who make a report and those who participate in the investigation or a report have the right to be free from retaliation of any kind.

The district will ensure that help for victims will be available through a variety of services. Offered but not mandated services could include counseling, staffing or scheduling considerations, referrals to outside agencies, and further trainings or educational opportunities.

Disciplinary Consequences

While the focus of this policy is on prevention, acts of harassment, hazing or bullying may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must change. Disciplinary action will be taken by the administration, in accordance with the district's Code of Conduct or collective bargaining agreements, as applicable. These actions might include but are not limited to:

- Counseling referral
- SBIT referral
- Suspension in or out of school
- Parent conference
- Referral to outside agencies
- Professional Development
- Contractual or legal action

If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Training

All students and employees shall be informed of this policy in student and employee handbooks and student registration materials. It will be reviewed yearly at staff and student opening orientations. Additional periodic trainings for staff, students and parents may take place to educate each group about awareness, sensitivity, prevention and proper response to potential or reported harassment, hazing or bullying. This may be in the form of individual trainings, group trainings or comprehensive trainings as deemed appropriate and necessary.

Administrative employees who have specific responsibilities for investigating and acting on reports of harassment, hazing and bullying shall receive training on this policy, regulations and related legal developments.

Principals in each school shall be responsible for informing students and staff of the terms of this policy, including the procedures for filing a report and the impact of harassment, hazing and bullying on the victim and the bystander.

Each year a committee of administrators, teacher, parents and students shall be convened to review this policy's effectiveness and compliance with applicable state and federal law, and to recommend revisions to the Board of Education.

Adopted: December 8, 2011

CONCUSSION MANAGEMENT POLICY

The Board of Education of the Sandy Creek Central School District recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and recreational activity 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 concussion will vary. Avoiding re-injury and over-exertion 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, extracurricular activity, or interscholastic athletic activity shall be removed from the game or activity and be evaluated as soon as possible by an appropriate health care professional. The school nurse will notify the student's parents or guardians and recommend appropriate monitoring to parents or guardians.

If a student sustains a concussion at a time other than when engaged in a school-sponsored activity, the district expects the parent/legal guardian to report the condition to either the student's coach or school nurse so that the district can support the appropriate management of the condition.

The student shall not return to school or activity until authorized to do so by an appropriate health care professional. The school's chief medical officer will make the final decision on return to activity including physical education class and after-school sports. Any student who continues to have signs or symptoms upon return to activity must be removed from play and reevaluated by their health care provider.

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.

The Board of education will review this policy at least annually and modify if necessary.

Adopted: July 12, 2012

SECTION 504 ANNUAL NOTICE

In accordance with the Rehabilitation Act of 1973, commonly known as Section 504, the School District hereby notifies disabled children and their parents of the School District duty under the Regulations to Section 504.

The School District shall provide a free appropriate public education to each qualified disabled child who resides in the School District regardless on the nature or severity of the disability. The School District shall educate each qualified disabled child with children who are not disabled to the maximum extent appropriate to the needs of the disabled child, and shall also ensure that disabled children participate with non-disabled children in nonacademic and extra-curricular activities to the maximum extent appropriate. A disabled child shall be afforded an equal opportunity for participation in such services and activities.

The School District shall provide disabled children an equal opportunity for participation in physical education courses, interscholastic, club or intramural athletics.

The School District shall conduct preplacement evaluations, and shall establish standards and procedures consistent with Section 104.35 for the evaluation and placement of children who need or are believed to need special education or related services. Periodic reevaluation shall be conducted of children who have been provided special education or related services.

Placement decisions shall draw upon information from a variety of sources and shall be made by a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. The School District shall establish and implement a system of procedural safeguards that includes notice, an opportunity for the parent to examine relevant records, an impartial hearing with the opportunity for participation by the parent and representation by counsel, and a review procedure.

Ref: 34 CFR 104.36-37

Adopted: December 8, 2011

ATTENDANCE**A. Objectives**

The objectives of the Comprehensive Attendance Policy are:

1. To accurately track the attendance, absence, tardiness and early departure of students to and from the school;
2. To ensure sufficient pupil attendance of classes so that pupils may achieve academic success including State mandated education standards;
3. To track student location for safety reasons and to account to parents/guardians regarding the location of children during school hours.

B. Definitions

Whenever used within the Comprehensive Attendance Policy, the following terms shall mean:

1. Scheduled instruction: Every period that a pupil is scheduled to attend instructional or supervised study activities during the course of a school day during the school year.
2. Absent: The pupil is not present for the entire period of the pupil's scheduled instruction.
3. Tardy: The pupil arrives later than the starting time of the pupil's scheduled instruction.
4. Early departure: The pupil leaves prior to the end of the pupil's scheduled instruction.
5. Excused: Any absence, tardiness, or early departure for which the pupil has a valid school approved excuse. Such excused non appearance shall include: personal illness, illness or death in the family, religious observance, quarantine, required court appearances, attendance at health clinics or other medical visits, approved college visits, military obligations, absences approved in advance by the Principal, and other reasons as may be approved by the Commissioner of Education.
6. Unexcused: Any absence, tardiness or early departure for which the pupil has no valid school approved excuse. Such unexcused non appearance shall include shopping trips, family vacation, oversleeping, absence to allow for more time to complete school work or study for a test, missed the bus, skipping class, and any other absence that is not excused.
7. Truant: Illegally absent without permission or knowledge from home or school.
8. Suspension: Absence from school by Principal's or Superintendent's direction for disciplinary reasons.

C. **Coding System**

The following coding system shall be used to indicate the nature and reason for a pupil's missing all or part of scheduled instruction:

- S = Suspension
- L = Absent (legal)
- 01 = ISS (In School Suspension)
- 02 = OSS (Out of School Suspension)
- T = Tardy
- E = Excused
- R = Truant (Refusal to go to school)
- I = Illegal Absence (Absent for a non-legal reason)



Med = Medical absence

The time that the pupil arrived or departed will be recorded next to the entry code describing the nature and reason for the student missing all or part of scheduled instruction.

For example, if a student left at 11:30 a.m. for a doctor's appointment, the code would read: E at 11:30

D. **In order to encourage student attendance, the following strategies and incentives shall apply:**

1. **Minimum Attendance for Course Credit**

- a. A student must be noted as present and participate in 75% of a course's scheduled classes in order to earn credit for the course.

For purposes of minimum attendance requirements, a student shall not be counted as present for a class, whether through tardiness or early departure. Every three tardies will count as one absence.

If not present, a student must make up the class by staying after school or coming to a class on a study hall time only if the teacher permits. Any excused absence, for which the student has completed assigned makeup work, will not be counted as an absence for the purposes of determining whether the student has attended sufficient classes to receive course credit under this provision.

Full year courses	45 days absent
One-half year course every other day	11 days absent

One-half year course every day	23 days absent
Middle School Tech	10 days absent

Students must be present and participate in at least 75% of their classes. If not, a student must make up the class by staying after school or coming to a class on a study hall time only if the teacher permits.

- i. Students *of* compulsory attendance age suspended from school instruction will be marked as suspended if they fail to attend scheduled alternative education on that day.
- ii. Students *over* the compulsory attendance age suspended from school instruction will be marked suspended unless they have been assigned alternative education. If alternative education has been assigned, only failure to attend scheduled alternative education shall count as a suspension.
- iii. If a student is classified as having special needs, duplicate documentation will be forwarded to the Committee on Special Education as well as the parent/guardian.
- b. In order to prevent loss of credit for failure to attend, the district will take the following steps:
 - i. Teachers will be required to report to the Principal whenever a student reaches 8%;
 - ii. Attendance Supervision Officer will notify the appropriate Principal of students who have met excessive absence/tardy marks.
 - iii. When a student has been marked as absent for 15% of a course's classes, the district shall notify the student and his parent(s) or persons in parental relation that the student is approaching the limit of absences for losing course credit for failure to attend class. The notice will include the school's attendance for credit policy, the actual number of classes the student may miss before forfeiting the right to earn credit, and the actual number of classes missed to date;

Full Year	= 27 days
½ Year every other day	= 7 days
½ year every day	= 14 days
 - iv. a student and his parent(s) or persons in parental relation will be advised one month before the completion of the course if the student is in jeopardy of losing credit for failure to attend. The notice will include the school's attendance for credit policy, the actual number of classes the student may miss before forfeiting the right to earn credit, and the actual number of classes missed to date;
 - v. teachers will provide makeup work upon request so that students who are in jeopardy of forfeiting class credits due to excused absences have the opportunity to earn credit for the course;

- vi. where a student is in jeopardy of losing credit for excessive absences, the Building Principal shall be responsible for reviewing attendance records, determining eligibility for makeup work for excused absences, and arranging student makeup opportunities with teachers, including deadlines.

NOTICE OF ABSENCES

It is the responsibility of the parent/guardian to notify the school of all absences on the day they are to occur. They may do so by speaking with the building principal, office personnel, attendance or supervision officer. If there is no report made, the pupil's parent(s) or person in parental relation shall be notified of a pupil's unexcused absence, tardiness or early departure according to the following:

- a. where a pupil has not been marked as present for the first period of scheduled instruction and the school has not been previously notified of the absence, the district shall attempt to contact the pupil's parent(s) or person in parental relation to learn the nature of the pupil's absence and notify the parent that the pupil has not arrived at school;
- b. For every 3 unexcused absences, tardies, cuts/walkouts, or any combination thereof, the pupil's parent(s) or persons in parental relation shall receive a notice containing the dates, times, and the nature of the pupil's unexcused nonpresence;
- c. Where a pupil appears to have left school grounds without permission, parents will be contacted immediately.

Adopted: April 2002

Revised: March 10, 2005

Adopted: December 8, 2011

HOMELESS CHILDREN**EDUCATION OF HOMELESS CHILDREN AND YOUTH POLICY**

The No Child Left Behind Act of 2001 and commissioner's Regulations allow a homeless child or, a person in a parental relationship to homeless child or, when the homeless child is living in a shelter for runaway or homeless use, the Director of the shelter to designate this District as the District of attendance for the homeless child when this District is either the School District of current location, the School District of origin or is a School District participating in a Regional Placement Plan.

A homeless child or youth is defined in accordance with the No Child Left Behind Act and Commissioner's Regulations §100.2(x).

Homeless child and youth shall be entitled to access to District programs on the same basis as all other District students. Homeless student and youth shall be to the extent possible, integrated with non-homeless children.

The School District designates the High School Principal as the Local Educational Liaison for Homeless children and youth for the District. In addition to any other duties required by law, this person shall be responsible for reporting to the Board of Education on an annual basis the number of homeless children in the District, the placement of these children, and any suggestions for lowering any barriers to enrollment, attendance, school success and retention of homeless children and youth in the District.

Where the District receives a completed State Education Department form designating the District as the school of attendance for a child and the District disputes issues relating to school enrollment or school selection of that student, the following shall occur:

1. The student shall be immediately enrolled in the designated school.
2. Prior to making a final determination on the disputed issue, the Superintendent or Superintendent's designee shall afford the student or person in parental relation to the student an opportunity to submit information to the District addressing the disputed issue.
3. The Superintendent or Superintendent's designee shall render a decision in writing and provide a copy to the student or person in parental relation.

The written decision shall include an explanation of the school's decision and a statement regarding the right to appeal the decision to the Commissioner of Education as required by law.

The School District will collect and transmit to the Commissioner of Education in accordance with the Commissioner's rules, a report containing information the Commissioner determines necessary to assess the educational needs of homeless children and youths.

ADMISSION OF NON-RESIDENT STUDENTS

It is the determination of the district not to accept non-resident students based upon the increased and increasing enrollment within the district, the district's commitment to minimizing class sizes and maximizing individual attention and the district's primary responsibility of meeting the educational needs of its residents.

Where required by law to accept students placed in the district by a Social Service Agency or otherwise, the tuition shall be the maximum amount permissible and calculated to be due pursuant to Part 174 of the Regulations of the Commissioner of Education as now in effect or hereafter amended. Such tuition shall be billed and payable in advance in non-refundable, semi-annual installments, one-half on or before September 10th and one-half on or before January 10th.

The district further recognizes that out-of-district students attend the district. Those presently in attendance (as of the policy adoption date noted below) will be permitted to continue in attendance until such time as they graduate or withdraw. The district will continue to claim all state aid based upon these enrollments.

Stipulations as follows:

If residency beyond district boundaries become a fact (a family moves), students registered in the Sandy Creek District prior to September 1996 may continue their enrollment until graduation or withdrawal. Siblings of such students will be permitted to register in the Sandy Creek District and such siblings may continue their enrollment until their graduation or withdrawal. However, once withdrawal occurs, this stipulation ceases to be applicable.

If residency beyond the district boundaries becomes a fact (a family moves), students registered in the Sandy Creek District after September 1996 may only continue their enrollment to the end of that school year. After the conclusion of the school year, the child(ren) must withdraw and register/enroll in another school setting.

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Adopted: November 14, 1991

Revised: July 11, 1996

Revised: January 9, 1997

Revised: October 14, 2004

Revised: March 10, 2005

Adopted: December 8, 2011

STUDENT DISMISSAL PRECAUTIONS REGULATIONS

No student may be released from school to anyone other than the parent, guardian or child protective services personnel and law enforcement officers pursuant to law, unless the individual's name seeking release of the student appears on a list provided by the parent or guardian.

Parents are urged to make appointments with physicians, dentists, special tutors, etc., after school hours. If a request is necessary, parents should make note of the date, time and reason for the release. Children cannot be excused without advanced written request by parent/guardian, and must be released in care of parent/guardian, unless otherwise noted.

A student may be released to either parent unless a custodial parent supplies the Superintendent of Schools with a copy of a court order or divorce decree to the contrary.

The Superintendent shall develop procedures to enable parents and guardians to amend the list of persons authorized to obtain the release of their children.

The Superintendent of Schools or his/her designee shall maintain a list of individuals who are authorized to obtain the release of students in attendance at the school. No student may be released to the custody of any individual not the parent or guardian of the student, unless the individual's name appears upon the list.

Parents or guardians may submit a list of individuals authorized to obtain the release of their children from school at the time of the child's enrollment. The signature of the parent or guardian must be on or attached to such list.

A parent or guardian may amend a list submitted pursuant to this regulation at any time, in writing.

Copies of any court orders or divorce decrees provided by the custodial parent, which restrict a parent's ability to seek the release of their child, shall be maintained by the Superintendent.

If any individual seeks the release from school of a student he or she must report to the school office and present identification deemed satisfactory by the Superintendent or his/her designee, who must check the authorized list and relevant court orders or divorce decrees before a student may be released. Particular caution should be exercised when the person seeking the release of a child exhibits to the school official an out-of-state custody order.

Early excuses for emergency reasons should be requested in writing by a parent/guardian. Medical releases are handled through the Nurse's Office. All other reasons for release must go through the Main Office, and students must be picked up in the Main Office. The person seeking the release must sign the register in the office.

In the event of an emergency, the Superintendent may release a student to some individual not appearing on the approved list only if the parent or guardian has been contacted by the Superintendent and has approved the release, and the Superintendent determines that an emergency exists.

Adopted: December 8, 2011

STUDENT ORGANIZATIONS

The District retains the sole discretion in allowing student groups to organize and be recognized by the School District. In considering an application by a prospective group, the District will take into consideration a number of factors. In addition, the prospective student group must meet the following criteria:

1. The group must have a faculty supervisor. The supervisor must be present for all meetings of the group and will have supervisory authority over the activities of the group.
2. The group must be organized for a purpose not prohibited by Board policy or by law.
3. Such groups must submit a list of its members.
4. The group must submit a copy of its constitution and/or bylaws and the constitution and bylaws of any off-campus organization with which it may be affiliated.
5. Student groups may not restrict membership on the basis of race, sex, national origin or other arbitrary criteria.

The group shall be subject to the supervision of the faculty advisor and the School District administration and Board of Education in general.

The procedure for obtaining status and recognition of a student group is to petition the Board of Education in writing including the following:

- The petition must indicate the purpose and name of the proposed organization.
- The petition must indicate the goals and objectives of the organization and the activities the group will be engaged in.
- The petition must contain the name of the faculty advisor for the group and contain a statement from the faculty advisor indicating his or her commitment to the group.
- The group must contain a statement indicating it is not prohibited by Board policy or by law.
- The petition should contain a copy of the group's constitution and/or bylaws and the constitution and bylaws of any off-campus organization with which it may be affiliated.
- The petition must also indicate that membership is not restricted on the basis of race, sex, national origin, or other arbitrary criteria.

After submittal to the Board of Education, the group will be informed of the Board of Education's approval or disapproval.

Non-Instructional/Business Operations

Subject: Extraclassroom Activity Funds

Extraclassroom activity funds are defined in the Regulations of the Commissioner of Education as *funds raised other than by taxation or through charges of a board of education, for, by or in the name of a school, student body or any subdivision thereof*. Basically, extraclassroom activity funds are those operated by and for the students. Monies are usually collected voluntarily by pupils and are spent by them as they see fit so long as they abide by established regulations.

Extraclassroom activity funds must not be confused with funds accounted for in accordance with the Uniform System of Accounts prescribed by the State Comptroller. Procedures discussed in this policy and applicable regulation apply only to extraclassroom activity funds.

The board recognizes that the fundamental task of the schools is to prepare young people for life. In order for this preparation to be done properly, the educational program of the schools must be as wide as life itself. An integral part of such a program is extraclassroom activities. They represent an essential part of the educational experiences which should be available to young people. In order to promote the organization and maintenance of extraclassroom activities and to provide for the proper handling and safeguarding of extraclassroom activity funds, the board hereby adopts rules and regulations for the guidance of students, teachers, and principals.

Definition

Extraclassroom activity funds are funds raised other than by taxation or through charges of a board, for, by or in the name of a school, student body, or any subdivision thereof.

Organizational Procedures

Students desiring to form an extraclassroom activity shall petition their principal in writing. The petition shall state the purpose of and describe the activities of the proposed extraclassroom activity, and shall be signed by at least seven students before it is presented to the principal for action. If the purpose of the proposed extraclassroom activity falls within the scope of educational or school service purposes and if the necessary space and equipment are available, the principal, in conjunction with the petitioning students, shall seek a suitable adviser. When these procedures have been accomplished, the building principal shall recommend to the chief school officer that the extraclassroom activity be approved by the board.

Approved Extraclassroom Activity

All extraclassroom activity shall be approved by the board. The chief school officer shall maintain an up-to-date register of all extraclassroom activity that are approved or discounted.

Faculty Adviser

Each extraclassroom activities shall have a faculty adviser recommended by the superintendent and appointed by the board. The faculty adviser shall attend all meetings of the extraclassroom activity.

Meetings

All extraclassroom activity shall meet at least once a month while school is in session. These meetings shall be held on school property. Extraclassroom activity shall not meet outside school property unless they have received the consent of their school principal.

Officers

Each extraclassroom activity shall have a president, secretary, and treasurer. These officers shall be elected annually from among the membership by secret ballot.

Financial Procedures

All extraclassroom activity funds shall be handled in accordance with the regulation for the safeguarding, accounting, and auditing of these funds.

Inactive Clubs and Leftover Funds

An inactive extraclassroom activity shall be defined as one having no financial activity for one full school year. If an inactive club is identified, the central treasurer is directed to liquidate the leftover funds of this club in accordance with the following. Leftover funds of inactive or discontinued extraclassroom activities and of graduating classes shall automatically revert to the account of the general student organization or student council with the exception of the Graduating Class. In the case of the Graduating Class having left over monies, those monies will be transferred to the incoming class of freshman the following school year. Inactive clubs must follow the organizational procedures set forth in this policy to re-activate existing activities.

Sales, Campaigns and Fundraising Activities

The chief faculty counselor shall provide information to the superintendent on sales, campaigns and fundraising activities of all extraclassroom activity clubs, including the nature of the event, dates of operation, duration of sale or campaign, and means of solicitation (e.g., door-to-door, direct mailing, etc.)

Travel and Transportation

All overnight trips and foreign travel must receive approval from the board. The chief faculty counselor shall provide a written itinerary to each student, along with a copy of the code of acceptable conduct and secure written permission from a student's parent/guardian for all overnight and foreign travel. Every effort should be made to provide the educational travel opportunity to all eligible students. The faculty adviser must assure that there is sufficient adult supervision at all times.

District transportation may be provided, upon timely and proper request, at cost. Each club will be invoiced for actual cost upon trip completion. Trip cost estimates may be obtained from the Business Office. Although use of private carrier is permitted, the faculty adviser is required to

ascertain that the driver(s) are properly insured, properly licensed, and that the vehicle is appropriate, legal and safe. The safety of all students and adults must be guaranteed.

Risk Management

The chief faculty counselor shall work with the business official to assure that the district's exposure to any risk resulting from club activities or fundraisers is minimized. In all cases where a vendor will be using district facilities to conduct its event, the district required a certificate of insurance with the district named as an additional insured. Periodically, the district may request that its primary liability insurance carrier conduct a review of the activities of its extraclassroom activity and may prohibit certain events based on the review results.

Equipment Acquisitions

All equipment purchases shall be evidenced by official action of a majority of the club or activity members. Title to all equipment with extraclassroom activity funds shall reside with the district and be carried as an insurable asset on its list of insurable values. All equipment shall be operated on district property, unless express permission from the superintendent is secured to the use the equipment or have it reside off-premises. Such equipment shall be tagged as district property but is available for exclusive use by the extraclassroom activity club acquiring the item.

Tax Exempt Status

The extraclassroom activity of the BOCES are not included in the exemption granted to the school district from New York State sales tax. Without exception, clubs and activities are prohibited from using the school's tax exemption. The taxable status of all fundraising events specified in the administrative regulations to this policy shall be enforced as listed by the central treasurer. Any event not specifically listed shall be deemed taxable unless written determination that it is non-taxable has been issued from the business official to the central treasurer. The central treasurer shall be responsible for filing the periodic sales tax returns for the extraclassroom activity funds.

Contracts, Commitments and Guarantees

All contracts, commitments and guarantees require approval of the BOCES purchasing agent. All commitments and contracts shall be the sole responsibility of the extraclassroom activity club giving rise to the transaction, regardless of change in advisers, membership or officers.

Adopted: December 8, 2011

Revised: May 6, 2021

STUDENT CODE OF CONDUCT

Productive, satisfying and wholesome learning environments depend upon relationships that permit students to learn and teachers to teach. Each student is expected to be responsible for his/her own behavior. The following rules of conduct, focusing on personal safety and respect for the rights and property of others, apply while students are at school during school hours; participating in any school-sponsored or supervised activities, including athletic events and field trips; under the direct supervision of District staff; and/or, using District-provided transportation. These rules may also apply to off-campus conduct if that conduct endangers the safety, morals, health or welfare of others in the school community and/or causes a substantial disruption to the education environment. This may include conduct using social media and/or digital communication tools.

Students whose conduct does not meet these expectations may face disciplinary action appropriate to the seriousness of the offense.

Students with disabilities are entitled to all of the protections, processes and procedures set forth in Part 201 of the Regulations of the Commission of Education.

STUDENTS' RIGHTS AND RESPONSIBILITIES

Students have all the rights afforded them by federal and state constitutions, statutes and regulations. The school reminds students that certain responsibilities accompany these rights.

It shall be the right of each student:

1. to have a safe, supportive, healthy, orderly and courteous school environment, and to have one's rights, feeling and property respected by others;
2. to take part in all District activities on an equal basis regardless of race, sex, disability, creed, color, national origin or religion;
3. to attend school and participate in school programs unless suspended from instruction and participation for legally sufficient cause as determined in accordance with due process of law;
4. to have school rules and conditions available for review and, when necessary, explanation by school personnel;
5. to be suspended from instruction only after his/her rights pursuant to Education Law § 3214 have been observed;
6. in all disciplinary matters, to have the opportunity to present his/her version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanction;
7. to follow standards of dress and grooming;
8. to express his/her opinions verbally as long as his/her expressions do not disturb others or disrupt normal school operations; and,
9. to attend school in an alcohol, drug and tobacco-free environment.

It shall be the responsibility of each student:

1. to respect the rights, feelings and property of others;
2. to be familiar with and abide by all district policies, rules and regulations pertaining to student conduct;
3. to work to the best of his/her ability in all academic and extracurricular pursuits and strive toward the highest level of achievement possible;
3. when participating in or attending school-sponsored athletic events, to behave as a representative of the district and hold himself/herself to standards of conduct, demeanor and sportsmanship, and accept responsibility for his/her actions;
4. to seek help in solving problems that might lead to disciplinary procedures;
5. to be on time and in regular attendance at school and in class;
6. to contribute to an orderly, learning-centered environment and to show due respect for other persons and for property;
7. to dress in accordance with standards promulgated by the Board of Education and the Superintendent;
8. to make constructive contributions to the school and to report fairly the circumstances of school-related issues;
9. to neither use nor bring contraband, including but not limited to drugs, alcohol, vaping devices and/or weapons, to school or onto school property; and,
10. to respect and treat others with tolerance and dignity regardless of actual or perceived race, color, creed, body type, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and gender identity (including gender identity or expression) or sex.

ESSENTIAL PARTNER RIGHTS AND RESPONSIBILITIES**A. All Parents/Guardians are expected to:**

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Know school rules and help their children understand them.
7. Convey to their children a supportive attitude toward education and the district.
8. Build good relationships with teachers, other parents and their children's friends.
9. Inform school officials of changes in the home situation that may affect student conduct or performance.

B. All **District Teachers** are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate regularly with students, parents and other teachers concerning growth and achievement.

C. All **District Guidance Counselors** are expected to:

1. Assist students in coping with peer pressure and emerging personal, social, and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.

D. All **District Principals** are expected to:

1. Promote a safe, orderly, and stimulating school environment supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
3. Evaluate all instructional programs on a regular basis.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

E. The **Superintendent of Schools** is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

F. **Members of the Board of Education** are expected to:

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel, and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel, and visitors on school property and at school functions.
2. Adopt and review the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting board meetings in a professional, respectful, and courteous manner.

PROHIBITED CONDUCT

All students are expected to conduct themselves in a civil and respectful manner. It is expected that all students will engage with everyone, including teachers, administrators, support staff, students and visitors in such a manner.

Students who do not conduct themselves in a civil and respectful manner, or who engage in behaviors set forth below, may be subjected to disciplinary action up to and including suspension from school:

1. disorderly and unsafe conduct, such as:
 - a. fighting or behaving violently,
 - b. threatening another with bodily harm,
 - c. intimidating students or school personnel,
 - d. making unreasonable noise,
 - e. using abusive language or gestures, including racial or ethnic remarks which are improper,
 - f. creating a hazardous or physically offensive conditions by any act which serves no legitimate purpose,
2. insubordinate, that is, failing to comply with the lawful directions of teachers, school administrators or other school employees in charge of the student, or missing or leaving school without permission,
3. engages in any of the following forms of misconduct:
 - a. tardiness,
 - b. cutting class,
 - c. missing or leaving school without permission, and/or
 - d. academic fraud or plagiarism; or
4. engages in conduct which violates Board of Education rules and regulations for the maintenance of public order on school property, including but not limited to:
 - a. vandalism or any destruction of real and/or personal property (including graffiti or arson),
 - b. theft,
 - c. truancy (the district will file a Person in Need of Supervision (PINS) petition for students who are chronic cases of truancy,

- d. possession/use/sale of drugs or alcohol (See Appendix A for Drug Alcohol and Tobacco Policy),
- e. possession of weapons or fireworks,
- f. use of tobacco or tobacco products, (Juuls, e-cigarettes) (See Appendix A for Drug Alcohol and Tobacco Policy)
- g. gambling,
- h. disruption of the educational process in class, halls or on the school grounds.

A student should not be in any school building, other than the one that he/she regularly attends, without permission from the administrator in charge of the building. Should a student be found in a building without permission, the necessary authorities may be called and trespassing charges may be lodged against the student.

If a criminal offense has been committed (such as a false fire alarm, vandalism, possession of drugs or drug paraphernalia, or the use and/or possession of weapons) the police will be notified. All violations of the student discipline code and/or public law will be subject to disciplinary proceedings as noted.

ACADEMIC INTEGRITY (PLAGIARISM)

To plagiarize is to give the impression that you have written something that you have in fact borrowed from another. Although a writer may use another person's words or thoughts, they must be acknowledged as such. Therefore, you have committed plagiarism when you:

- Copy, paraphrase, or summarize sentences or paragraphs out of books, magazines, encyclopedias or off the internet without citing the source, and you present the information as your own.
- Present someone's argument or ideas without acknowledging that they are not your own.
- Copy a friend's homework assignment, lab report, essay, etc.
- Allow someone else to write your papers, reports, homework, etc.
- Borrow or buy someone else's report or paper and submit it as your own.
- Working with others on projects that are meant to be done individually.
- Looking at, or copying another student's test, quiz or lab.

In general, whenever you take another person's work and submit it as your own, you have committed plagiarism. To avoid plagiarism, use the documentation rules provided to you in your classes when directly quoting, paraphrasing, or summarizing someone else's works. If you commit plagiarism, consequences will be given.

STUDY HALL RULES

Attendance will be taken every day and missing students will be reported to the office. Students cannot leave the study hall without presenting a pre-signed pass to study hall monitor. One student to the lockers or bathrooms at a time. Students must have a pass with them at all times. Seniors with privileges must sign out to a specific room or teacher. Students are expected to sit in their seats quietly, if not doing school work.

DAMAGE TO SCHOOL PROPERTY

All students must show respect and care for school property. Acts of vandalism are crimes against the school district and the community which supports the schools. Students who willfully destroy, damage or deface school property shall be subject to disciplinary actions, and may be prosecuted to the fullest extent of the law. If a student damages school property, such student and/or his/her parents or the guardian shall be required to pay the district for the value of the damaged property up to the limit of the law. State law now permits parental liability for up to two thousand five hundred dollars (\$2500).

SPECIAL NOTE: A fee of \$15.00 will be charged to any student writing on (defacing) desks, chairs or any other school furniture. If an item cannot be repaired, it will be charged as noted previously.

SCHOOL BOOKS – LOST OR DAMAGED

Books that are damaged, written in, marked on the pages, etc. must be paid for at the **FULL** replacement cost. **Books should be covered and cared for by students.** Any lost book is charged at full value. **Students must return their assigned book, not just any book!**

PUBLIC DISPLAYS OF AFFECTION

In an effort to maintain our school as an academic environment, public displays of affection are prohibited. Students are not allowed to kiss or have any type of full body contact during the school day. The school recognized the importance of building social relationships, but the halls and classrooms are not appropriate places to display affection.

BEHAVIORAL EXPECTATIONS FOR NON-CLASSROOM SPACESASSEMBLIES

Student assemblies are seen as a part of the overall educational process. School assemblies are often held to provide recognition of student accomplishments by peers, parents and staff members. Assemblies will be appropriate to the educational experience and reflect our school's mission.

Students are reminded of proper conduct at assemblies to ensure responsible audience participation:

- take an assigned seat quietly
- do not speak above a whisper, and then only when necessary
- pay attention to the speaker/performer(s)
- applaud only when appropriate

BUS TRANSPORTATION

All students are eligible for safe bus transportation to and from school. In order to provide such safe transportation, the following rules must be observed:

- Follow the driver's directions the 1st time they are given

- Stay in your seat - keep hands, feet, objects and negative comments to yourself (no swearing or fighting)
- Do not eat, drink, smoke or chew tobacco
- Keep all parts of your body inside the bus
- No loud talking or noises
- Keep bus aisle clear at all times

Discipline will be referred in writing by the bus driver, attendant or monitor to the transportation director and, if necessary, to the building principal. The bus driver is the school official in charge of the bus. The driver will address problems and concerns. Hopefully, further actions will not be necessary. Bus drivers will report serious problems. The penalty for misbehavior may range from suspension from riding the school bus to suspension from school. All school rules apply while students are riding the buses.

CAFETERIA

All students must report to the cafeteria for their assigned lunch period on time. Only those students who present a pre-signed pass to a teacher supervising the cafeteria or who have permission to visit the restrooms should be out of the cafeteria. The following rules apply to students using the cafeteria:

1. Follow the directions of staff members.
2. No throwing food or objects.
3. Place trash in proper receptacles.
4. Do not throw out utensils or plates.
5. Keep hands, feet and objects to yourself.
6. Consume all food in the cafeteria.
7. Each student is provided a PIN number to be used every time a student is buying a school breakfast or lunch.

LIBRARY

You may use the school library to do research, read or borrow a book during study halls or when your teacher brings your class to the library. Please remember that the library is a quiet area. If you create a disturbance or refuse to follow the librarian's directions, you will be asked to leave and will face further disciplinary action. To obtain a pass for the library, ask the librarian for a pre-signed pass and show it to your study hall teacher at the beginning of the period. If you are in study hall, ask your study hall teacher for permission and sign out properly.

Library Books and Returns

If you borrow a book from the library, it should be returned by the due date. If you fail in this courtesy and responsibility, consequences are as follows:

- warning notice to student
- written notification to parent
- final report card will not be issued until book is turned in or paid for in full

When books are overdue, others cannot use them. Everyone needs to be considerate in their borrowing and conscious in how it affects their peers.

SCHOOL DANCES

The following regulations apply to students attending school dances:

1. Students not attending the dance are not to be on school property.
2. Under no conditions are alcoholic beverages or drugs to be brought on or consumed on school property. Students considered to be under the influence of alcohol or drugs will not be admitted to dances and will face further disciplinary action.
3. Students are not to leave the building at any time during the dance. If you leave you will not be readmitted unless you have obtained previous permission from a chaperone. No one will be allowed in after 9:00 pm without prior permission.
4. There is to be no smoking in the school or on the school grounds by SCCS students or students from other schools.
5. Sponsoring groups should be specific in arranging the length of the dance.
6. Chaperones will check the parking lot and school grounds during the dance. No one will be allowed to loiter on school property. Students must follow the directions of the adults in charge and conform to all school rules while attending dances.
7. Unless specific permission is given for an open dance, all dances will be closed and limited to SCCS students and approved guests.
8. Students who violate any of the foregoing regulations may be prohibited from attending athletic and social events for the remainder of the school year and may be subject to further disciplinary action.
9. Students who were absent or in in-school suspension on the day of a dance may not attend the dance.
10. Students must fill out a guest pass contract. This form is available in the HS Office. It must be turned in three (3) days prior to the dance.
11. MS and HS semi-formals will be separate. No middle school students can attend the high school semi-formal and no high school students can attend the middle school semi-formal.

REPORTING AND INVESTIGATING VIOLATIONS OF THE CODE OF CONDUCT

REPORTING POSSIBLE VIOLATIONS

All students are expected to promptly report violations of the Code of Conduct, including circumstance involving the possession of a weapon or other contraband on school property or at a school function, to a teacher, guidance counselor, the Building Principal or another adult in the building.

All District staff who are authorized to impose disciplinary penalties are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor,

who shall review and impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent(s) of the student involved and the appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution. The Principal or his/her designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his/her designee learns of the violation. Such violations for which reporting to law enforcement is required includes allegations related to the possession and/or distribution of pornographic photos, pictures and/or social media posts of someone underage. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

RESPONDING TO REPORTS OF POSSIBLE HARASSMENT OR DISCRIMINATION

In addition to the procedures described below for removal of disruptive students and possible suspension from attendance, the District provides a procedure for responding to reports of possible discrimination or harassment against students by another student, an employee, or any other person on school property or at a school function. The process is described in the District's Equal Opportunity and Nondiscrimination Policy (Policy 0115).

The District has also designated a Dignity Act Coordinator for each school. More information regarding these policies and procedures is set forth, below.

NO RETALIATION FOR REPORTING

No person may direct any act of retaliation (i.e. verbal threats, physical intimidation) toward anyone who makes a good faith report of conduct that may reasonably be a violation of this Code, or who assists in, or is part of, the investigation of such a report. To engage in such retaliation is considered a violation of this Code of Conduct.

DISCIPLINARY PENALTIES AND PROCEDURES

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the student's ability to grow in self-discipline. Disciplinary action, when necessary, will be firm, fair, and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary consequences will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter consequence than subsequent violations. If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability. The response to an incident will be reasonably calculated to:

- End behavior
- Prevent recurrence
- Eliminate hostile environment
- Ensure safety of student(s)

PENALTIES

When dealing with student misconduct, teachers and/or administration may use, at their discretion, any of the following:

1. verbal warning
2. phone call to home/work
3. written notification
4. conferences
5. probation
6. reprimand
7. detention – teacher or administration
8. suspension from transportation - administration
9. suspension from athletic participation - administration
10. suspension from social or extracurricular activities
11. suspension of other privileges
12. exclusion from a particular class
13. alternative instruction/in-school suspension - administration
14. involuntary transfer - administration
15. reimbursement
16. Short-term (five days or less) suspension by the principal, superintendent, board of education
17. Long-term (more than five days) suspension from school- superintendent, board of education
18. Permanent suspension from school –superintendent, board of education

Classroom teachers should actively employ intervention strategies. Counseling, although not considered a penalty, may be provided as an alternative to a penalty. Similarly, referral to another agency may be an approach taken.

PROCEDURES

The level of due process a student is entitled to prior to a consequence being imposed depends on the consequence. In all cases, regardless of the consequence imposed, the school personnel authorized to impose the consequence must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary consequence in connection with the imposition of the consequence. Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the consequence is imposed. These additional rights are explained below.

1. Detention

Teachers, principals, and the superintendent may use after-school detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Written notice to the parent will be provided, and notification may also be provided by telephone for any detention. Appropriate transportation will be provided.

2. Suspension from Transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students whose bus behavior poses a safety risk may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education. A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the consequence involved.

3. Suspension from Athletic Participation, Extra-Curricular Activities and Other Privileges

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the consequence involved.

4. Alternate Instruction/In-School Suspension

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation on "alternative instruction" or "in-school suspension." A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the consequence involved.

In-School Suspension Rules:

- No Talking
- No Sleeping- Must keep head up and eyes open
- No Food or Drinks
- Stay in seat
- You may not leave the room for any reason
- Teachers will be notified of your ISS time and work, if any, will be delivered

Failure to abide by the rules above may result in any of the following consequences:
Additional In-School Suspension time or Out of School Suspension

5. Teacher Disciplinary Removal of Disruptive Students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to:

1. short-term "time out" in an administrator's office;
2. sending a student into the hallway briefly;
3. sending a student to the Principal's office for the remainder of the class time only; or
4. sending a student to a guidance counselor or other district staff member for counseling.

Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only. If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class. If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. Within 24-hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal. An informal meeting with the parent does not constitute an appeal for purposes of this Code. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Such means may include email upon verbal acceptance of such method by the parent and confirmation of the parent's email address. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents. The principal may require the teacher who ordered the removal to attend the informal conference. If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal. The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law, including the District's code of conduct.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever occurs first. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. Each teacher and principal must keep a complete log for all cases of removal of students from his or her class. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the

principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

6. Suspension from School

Suspension from school is a significant consequence, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health, or welfare of others. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.

All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made using the referral process established by the Building Principal. The Principal, upon receiving a behavioral shall investigate the matter, gather the relevant and record them for subsequent presentation, if necessary.

a. Short-term (5 days or less) Suspension from School - When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for 5 days or less pursuant to Education Law §3214 (3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student is being suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt at the last known address for the parents. Such means may include email upon verbal acceptance of such method by the parent and confirmation of the parent's email address. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents. The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal within 24hours. An informal meeting with parent does not constitute an appeal for purposes of this Code. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish. *The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process.* If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable. After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision

regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board of education with the district clerk within 10 business days of the date of the superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

b. Long-term (more than 5 days) Suspension from School

When the Superintendent or Building Principal determines that a suspension for more than 5 days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing.

At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf. The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only and the superintendent may accept all or any part thereof. An appeal of the decision of the superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

c. Permanent Suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function. The due process for a Long-Term Suspension applies.

MINIMUM PERIODS OF SUSPENSION

1. Students who bring a weapon to school - Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority

to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the consequence, the superintendent may consider the following:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

For purposes of this Code of Conduct, the term weapon shall include a "firearm" as defined under the Gun Free Schools Act (which may require a period of removal of no less than one calendar year), a "firearm" as defined under NYS Penal Law, any knife, weapon, device, instrument, material or substance, animate or inanimate that is used for the purpose of, or is readily capable of causing physical injury including but not limited to, a disguised gun, BB gun, starter gun, pellet gun, sling shot and box cutter, etc. Regular school materials and/or supplies, such as scissors, pens and/or pencils, may be considered a weapon if used outside their intended purpose.

2. Students who commit violent acts other than bringing a weapon to school - Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least 3 days. If the proposed consequence is the minimum three-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. An informal meeting with parent does not constitute an appeal for purposes of this code. If the proposed consequence exceeds the minimum three-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum three-day suspension on a case-by-case basis. In deciding whether to modify the consequence, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom - Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least 3 days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester. If the proposed consequence is the minimum three-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal

conference given to all students subject to a short-term suspension. If the proposed consequence exceeds the minimum three-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum three-day suspension on a case-by-case basis. In deciding whether to modify the consequence, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

ALTERNATIVE INSTRUCTION

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student.

HARASSMENT, HAZING, BULLYING AND CYBERBULLYING is strictly prohibited:

Discrimination and harassment means an intentional act against any student by employees or students, on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact by verbal or written threats, intimidation or abuse including cyberbullying, of such a severe nature that it:

- (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional physical well-being; or
- (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.

Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

In compliance with the Dignity for All Students Act at least one staff member at every school will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex (Education Law §13[3]). This staff member will be accountable for implementing procedures for creating a school environment that is free of discrimination and harassment in accordance with the Dignity for All Students Act. This staff member will be referred to as the Dignity Act Coordinator(DAC). The DASA Coordinators for the Sandy Creek Central School District are as follows: Kevin Seymour.

Reports of harassment, bullying, and discrimination shall be made to the DASA Coordinator, Building Principal or the Building Principal's designee. Students and parents/guardians may make an oral or written report of harassment, bullying or discrimination to District teachers or Administration.

Retaliation against any individual who, in good faith, reports or assists in the investigation of harassment, bullying and/or discrimination is strictly prohibited. Harassment, bullying and/or discrimination may constitute a crime and could be reportable to law enforcement.

Definitions:

1. "Harassment" and "bullying" shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that:
 - a. has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or
 - b. reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
 - c. reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
 - d. occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.
2. "Cyberbullying" shall mean harassment or bullying where such harassment or bullying occurs through any form of electronic communication.

"Emotional harm" that takes place in the context of harassment or bullying shall be defined as harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education. Such conduct shall include, but is not limited to, acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

Adopted: March 10, 2005

Revised: July 14, 2022

STUDENT WELLNESS

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

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

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

The Board recognizes that a nutritious, well-balanced, reasonably-portioned diet is essential for student wellness. To help students possess the knowledge and skills necessary to make nutritious food choices for a lifetime, the district shall ensure that all foods and beverages available in school promote good nutrition, balance, and reasonable portion sizes. The district shall ensure that all foods and beverages available for sale to students on the school campus during the school day meet or exceed the program requirements and nutrition standards found in federal regulations.

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

A. School Meals – the district shall:

1. Include fruits, vegetables, whole grains, and low-fat items at least to the extent required by federal regulations.
2. Encourage students to try new or unfamiliar items.
3. Make efforts to ensure that families are aware of need-based programs for free or reduced-price meals and encourage eligible families to apply.
4. Consider serving produce and food from local farms and suppliers.
5. Make free drinking water available at locations where meals are served.
6. Make school breakfast available daily.
7. Use local foods when possible while still complying with general municipal law procurement procedures.

B. Meal Scheduling – the district shall:

1. Provide adequate time to eat.
2. Schedule lunchtime between normal lunch hours (10 a.m. - 1 p.m.)

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

1. Ensure that all such items meet the nutrition standards set in federal regulations for competitive foods regarding whole grains, fruits, vegetables, calories, fat, saturated fats, trans fats, sugar, sodium, and caffeine.
2. Permit the sale of fresh, frozen or canned fruits and vegetables, if processed pursuant to federal regulations, as exempt from the nutrition standards.
3. Work with existing vendors or locate new vendors that will comply with nutrition standards.

D. Fund-Raising Activities – the district shall:

1. Ensure that all fundraisers selling food or beverages to students on school campus during the school day meet the competitive foods nutrition standards set in federal regulations for whole grains, fruits, vegetables, calories, fat, saturated fats, trans fats, sugar, sodium, and caffeine.
2. Promote non-food items to sell, or activities (physical or otherwise) in which to participate.

E. School and Class Parties, Celebrations, and Events where food and beverages are provided, but not sold – the district shall:

1. This section applies to all school and classroom parties, snacks which have been brought in for the class or school, celebrations, food provided to learn about cultures or countries, and other events where food is provided but not sold.
2. The district shall promote the use of food and beverage items which meet the standards for competitive foods and beverages, promote non-food activities, and discourage foods and beverages which do not meet those standards, at celebrations.
3. Model the healthy use of food as a natural part of celebrations.

F. Marketing of Foods and Beverages

1. Any food or beverage that is marketed on school grounds during the school day must meet at least the federal nutrition standards for competitive items.
2. This restriction applies to all school buildings (interior and exterior), school grounds, school buses and other vehicles used to transport students, athletic fields, structures, parking lots, school publications, and items such as vending machines, equipment, posters, garbage cans, or cups.
3. Marketing includes all advertising and promotions: verbal, written, or graphic, or promotional items.
4. This restriction does not apply to personal opinions or expression, or items used for educational purposes.
5. This restriction applies to all purchases and contracts made after the effective date of this provision.

II. Physical Activity

Physical activity is an important factor in staying healthy and being ready to learn. The Board encourages every student to develop the knowledge and skills necessary to perform a variety of physical activities, to regularly participate in physical activity, and to appreciate and enjoy physical activity as an ongoing part of a healthy lifestyle. In addition, staff, families, and community are encouraged to participate in and model physical activity as a valuable part of daily life. The district's Physical Education program shall adhere to the curricular requirements of the Commissioner of Education and the New York State Learning Standards.

A. Physical Education / Recess

1. Students shall engage in physical education for at least the minimum number of hours or days per week under State requirements.
2. Physical Education classes shall incorporate the appropriate NYS Learning Standards.
3. Promote, teach and provide opportunities to practice activities that students enjoy and can pursue throughout their lives (e.g., fitness walking, step aerobics).
4. Maintain daily allotment of recess time for elementary school and before lunch when possible.

B. Physical Activity in the Classroom

1. Promote the integration of physical activity in the classroom, both as activity breaks and as part of the educational process (e.g., kinesthetic learning).

C. Extracurricular Opportunities for Physical Activity

1. Promote clubs and activities that meet the various physical activity needs, interests, and abilities of all students, including before and after school activities.
2. Promote students walking/biking to school (with proper storage of bicycles), safe routes to school, and "walking" school buses.

III. Nutrition Promotion and Education

The Board believes that nutrition promotion and education is a key component in introducing and reinforcing healthy behaviors in students. Nutrition promotion and education that teaches the knowledge, skills, and values needed to adopt healthy eating behaviors shall be integrated into the curriculum. Nutrition promotion and education information shall be offered throughout the school campus including, but not limited to, school dining areas and classrooms. Staff members who provide nutrition promotion and education shall be appropriately certified and trained. The district's broader Health Education program shall incorporate the appropriate New York State Learning Standards.

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

1. Promote fruits, vegetables, whole grain products, low fat dairy products, safe and healthy food preparation methods, and health enhancing nutrition practices.
2. Emphasize caloric balance between food intake and energy expenditure.
3. Include nutrition education as part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences and elective subjects.

IV. Other School-Based Activities

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

V. Implementation

The Board shall designate the Superintendent as the District Wellness Coordinator responsible for ensuring that the provisions of this policy are carried out throughout the district. The Board may also designate one person in each building as School Wellness Coordinator to ensure that the wellness activities and actions are being implemented at the building level.

VI. Monitoring and Review

The Superintendent, as District Wellness Coordinator, shall report every three years to the Board and the public on the implementation and effectiveness of this policy. Every three years, the District Wellness Coordinator, in consultation with appropriate personnel and advisory committees, shall monitor and review the district's wellness activities to determine the extent that district schools are complying with this policy, how this policy compares to model wellness policies, and the progress made toward attaining the goals of this policy and whether this policy is having a positive effect on increasing student wellness and decreasing childhood obesity in the district. Based on those results, this policy, and the specific objectives set to meet its goals, may be revised as needed.

Parents, students, food service professionals, physical education teachers, school health professionals, school administrators, the general public, and the school board shall be provided with the opportunity to participate in the development, implementation and periodic review and update of this wellness policy. To do this, the district shall invite participation via staff and student announcements, and the district website.

The district shall inform and update the public (including parents, students and others in the community) about the content and implementation of this wellness policy by posting this policy (and any updates) on the district website and in each school lunch area and providing

information about new and ongoing wellness policy activities to parents, staff and students via established communication channels.

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

1. Periodic checks of the nutritional content of food offered in the cafeterias for meals and a la carte items, and sales or consumption figures for such foods.
2. Periodic checks of the nutritional content of food available in vending machines, and sales or consumption figures for such foods.
3. Periodic checks of the amount of time students spend in Physical Education classes, and the nature of those activities.
4. Periodic checks of extracurricular activities of a physical nature, in the number of offerings and rates of participation by students.
5. Periodic checks of student mastery of the nutrition education curriculum.
6. Periodic completion of relevant portions of the CDC School Health Index.
7. Periodic review of data currently collected by the district, including:
 - a. attendance data, particularly absences due to illness;
 - b. test scores;
 - c. rates of suspension, discipline, and violent incidents;
 - c. physical education scores on flexibility, endurance, and strength (i.e., fitness test results);
 - e. revenues generated from vending machines and a la carte food items.
8. Periodic surveys of student/parent opinions of cafeteria offerings and wellness efforts.
9. NYSSBA's Student Wellness Assessment Checklist [*every three years*] to review the effectiveness of this policy.

VII. Recordkeeping

The district shall keep records as required by federal regulations, including documentation of the following: this policy; the district's community involvement activities described above; that the policy is made available to the public; the assessments done every three years; how the public is informed of the assessment results; and when and how the policy is reviewed and updated.

Ref: P.L. 111-296 (The Healthy, Hunger-Free Kids Act of 2010), §204 amending 42 USC §1758b
 P.L. 108-265 (Child Nutrition and WIC Reauthorization Act of 2004), §204
 42 USC §§1758(f)(1); 1766(a) (Richard B. Russell National School Lunch Act)
 42 USC §1779 (Child Nutrition Act)
 7 CFR §§210.10; 210.11; 210.12; 210.15; 210.18; 210.30 (National School Lunch Program participation requirements – nutrition standards for lunch and competitive foods; community involvement; recordkeeping; state review; local wellness policy)
 7 CFR §§220.8; 220.12 (School Breakfast Program participation requirements – nutrition standards for meals and competitive foods)
 8 NYCRR Part 135 (Health and Physical Education curricular requirements); §114.1 (School Breakfast Program Requirements)

Appeal of Phillips, 37 EDR 204 (1997) (dec. no. 13,843) (physical education requirements)

Appeal of Williams, 32 EDR 621 (1993) (dec. no. 12,934) (physical education requirements)

Adoption date: April 18, 2024

CHILD ABUSE

In accordance with Education Law 3209-a, the Board of Education directs the Superintendent to develop a set of procedures detailing the District's responsibilities pursuant to Article Six of the Social Services Law pertaining to abused and maltreated children. Those procedures shall specify the procedures to be followed regarding:

1. Mandatory reporting requirements of suspected child abuse or neglect;
2. Procedures for reporting child abuse and neglect including which District personnel are required to report;
3. Provisions for taking a child into protective custody;
4. Mandatory reporting of deaths;
5. Immunity from liability and penalties for failure to report; and
6. Obligations for provision of services and procedures necessary to safeguard the life of a child.

The District shall establish and implement a training program for all District personnel regarding the policies and procedures for reporting child abuse and neglect.

CHILD ABUSE IN A DOMESTIC SETTING REGULATION

New York State Law (Child Protective Service Act of 1973, as amended) provides for reporting of suspected cases of child abuse by school personnel. These regulations are designed to implement this law within the district and to help protect students from the harmful effects of child abuse.

Definitions

The definition of child abuse and maltreatment is established by law.

Abused Child, according to Social Services Law and the Family Court Act, is a child less than 18 years of age whose parent or other person legally responsible for his or her care:

- a. inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
- b. creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
- c. commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.

Neglected or maltreated child, according to the Family Court Act, is a child less than 18 years of age:

- a. whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his or her parents or other person legally responsible for his care to exercise a minimum degree of care:
 - (1) in supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of Part One, Article 65 of the Education Law, or medical, dental, optometrical or surgical care though financially able to do so or offered financial or other reasonable means to do so; or
 - (2) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

- b. who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

Person legally responsible includes the child's custodian, guardian, or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Impairment of emotional health and impairment of mental or emotional condition includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out of misbehavior, including incorrigibility, ungovernability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the parent, guardian, or custodian to exercise a minimum degree of care toward the child.

Reporting procedures and related information:

1. All district employees, including building administrators, teachers, registered nurses, doctors, psychologists or psychiatrists, and all other employees (that are required to hold a teaching license or certificate) who come in contact with students are required to report all cases of suspected child abuse or maltreatment.
2. The employee is required to:
 - a. either:
 - (1) phone the New York State Child Abuse and Maltreatment Center (800-342-3720) and inform them verbally of the problem; or
 - (2) contact the above agency by telephone facsimile machine on a form supplied by the Commissioner of Social Services; and
 - c. file a written report with the local child protective services agency and the statewide central registry of child abuse and maltreatment within forty-eight hours after the above report.
3. The employee may take photographs or cause photographs to be taken of the areas of visible trauma on the child, and/or, if medically indicated, cause an examination to be performed. Such actions may be performed at public expense if they will provide appropriate documentation when filing the report. A camera and film shall be kept at the school and be available for this purpose.
4. The written report that must be filed shall include all information which the Commissioner of Social Services may require.

5. The school physician shall notify the appropriate police authorities or the local child protective service to take custody of any child the physician is treating, whether or not additional medical treatment is required, if he/she believes the child is in danger.
6. If it should be necessary for Child Protective Services to interview a child at school to ascertain whether he/she has been abused or maltreated, or to obtain documentation of such acts, the interview should be conducted in the presence of a school official, unless circumstances require otherwise. The school official shall examine and verify the credentials of Child Protective Services worker(s) before allowing such worker(s) to either interview the child or to examine the child's records.

If sexual abuse is indicated, the presence of a same-sex staff member during the interview is appropriate.

7. The employee can request a summary report of an investigation of a case referred to Child Protective Services. The adult subject of a case of suspected child abuse or maltreatment has a right to a copy of all information in the State Central register. Personnel have the right to request that information which would identify the individual making the report be withheld if furnishing such data might prove detrimental to the safety or interest of that individual.
8. All district employees who are required to report suspected child abuse shall be required to attend ongoing training sessions regarding identification and reporting of all cases of suspected child abuse.
9. All district employees who are required to report suspected child abuse shall be provided with a copy of these regulations and the related Board policy concerning child abuse and reporting requirements.
10. Only one report of any suspected abuse is required.
11. School personnel who, in good faith, make a report or take photographs of injuries and bruises have immunity from any liability, civil or criminal. The good faith of any person required to report cases of child abuse or maltreatment is presumed.
12. School personnel who have reasonable cause to suspect that a child has died as a result of child abuse or maltreatment shall report that fact to the appropriate medical examiner or coroner.
13. Any person required to report suspected cases of child abuse or maltreatment and who fails to do so may be found guilty of a class A misdemeanor and may be held civilly liable for the damages caused by this failure.

14. If a report of child abuse or maltreatment has been determined to be unfounded, all records, both in the State Central Register and in school files, shall be expunged.

STUDENT RECORDS

Definitions

For the purpose of this policy, the school district has used the following definitions of terms:

Student – Any person who attends or has attended a program of instruction sponsored by the school district.

Eligible Student – A student or former student who has reached age 18 or is attending a post-secondary school.

Parent – Either natural parent of a student unless his or her rights under the FERPA (Family Educational Rights and Privacy Act) has been removed by a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights, a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian.

Education Records – Any records (in handwriting, print, tape, film, microfilm, microfiche or other medium) maintained by the school district, an employee of the district or an agent of the district which is related to a student except:

- Any personal records kept by a school staff member which meet the following tests:
 - a. It was made as a personal memory aid;
 - b. It is in the personal possession of the individual who made it;
 - c. Information contained in it has never been revealed or made available to any other person except the maker's temporary substitute.
- Employment records which are used only in relation to a student's employment by the school district. (Employment for this purpose does not include activities for which a student receives a grade or credit in a course).
- Alumni records which relate to the student after he or she no longer attends classes provided by the school district and the records do not relate to the person as a student.

Personal Identifiable Information – Any data or information that makes the subject of the records known. This includes the student's name, the student's parents' or other family member's name, the student's address, the student's social security number, a student number, a list of personal characteristics or any other information which would make the student's identity known.

Annual Notification

Within the first three weeks of each school year, the school district will publish in the legal section of a newspaper having general circulation in the district, a notice to parents and eligible

students of their rights under the FERPA and this policy. The district also will send home with each student a bulletin listing these rights. The bulletin will be included with a packet of material provided to parents or an eligible student when the student enrolls during the school year.

The notice will include the following information:

1. The right of a student's parents and an eligible student to inspect and review the student's education records.
2. The intent of the school district to limit the disclosure of information contained in a student's education records except: (s) by the prior written consent of the student's parent or an eligible student, (b) as directory information, or (c) under certain limited circumstances, as permitted by the FERPA.
3. The right of a student's parents or an eligible student to seek to correct parts of the student's education records which he or she believes to be inaccurate, misleading or in violation of the student's rights. These rights include the right to a hearing to present evidence that the records should be changed if the district decides not to alter such records according to the parent or an eligible student's request.
4. The right of any person to file a complaint with the Department of Education if the school district violates the FERPA.
5. The procedure that a student's parents or an eligible student should follow to obtain copies of this policy and the locations where copies may be obtained.

The district will arrange to provide translation of this notice to non-English speaking parents in their native language.

Statement of Rights

Parents and eligible students have the following rights under the Family Educational Rights and Privacy Act and this policy:

1. The right to inspect and review the student's education records;
2. The right to exercise a limited control over other people's access to the student's records;
3. The right to seek to correct the student's education records in a hearing if necessary;
4. The right to report violations of the FERPA to the Department of Education; and

5. The right to be informed about FERPA rights.

All rights and protections given parents under the FERPA and this policy transfer to the student when the student reaches age 18 or enrolls in a post-secondary school. The student then becomes an eligible student.

Under the No Child Left Behind Act of 2001, schools receiving Title I money must release names, addresses and telephone listings to military recruiters upon request. Parents have the right to request that information not be released to military recruiters without prior written consent.

LOCATION OF EDUCATION RECORDS

Types	Location	Custodian
Cumulative School Records	Office of School Principal	School Principal (Elementary, Middle, and High Schools)
Cumulative School Records	Office of Superintendent	Superintendent (124 Salisbury St., Sandy Creek, NY 13145)
Health Records	Office of School Principal	(See Location Above)
Speech Therapy Records, Psychological Records	Office of Education for Disabled Students	District Office (124 Salisbury St., Sandy Creek, NY 13145)
School Transportation	School Bus Garage	Transportation Supervisor (124 Salisbury St., Sandy Creek, NY 13145)
Special Test Records	Office of School Principal	(See Location Above)
Occasional Records (student education records not identified about such as those in the superintendent's office, in the school attorney's office, in the personal possession of a teacher)	Student's School (Principal will collect and make available)	School Principal

Procedure to Inspect Education Records

Parents of students and eligible students may inspect and review the student's education records upon request. In some circumstances, it may be mutually more convenient for the record custodian to provide copies of records. See the schedule of fees for copies.

Since a student's records may be maintained in several locations, the school principals will offer to collect copies of records or the records themselves from locations other than a student's school, so that these records may be inspected at one site. However, if parents and eligible students wish to inspect records where they are maintained, school principals will accommodate their wishes.

Parents or eligible students should submit to the student's school principal a written request which identifies as precisely as possible the records or records he or she wishes to inspect.

The principal (or other custodian) will contact the parent of the student or the eligible student to discuss how access will be best arranged (copies, at the exact location, or records brought to a single site).

The principal (or other custodian) will make the needed arrangements as promptly as possible and notify a parent or an eligible student of the time and place where the records may be inspected. This procedure must be completed in 45 days or less from the receipt of the request for access.

If, for any valid reason such as working hours, distance between records location sites or health, a parent or an eligible student cannot personally inspect and review a student's education records, the school district will arrange for a parent or an eligible student to obtain copies of the records. See below for information regarding fees for copies of records.

When the records contain information about students other than the child or the eligible student involved, a parent or an eligible student may not inspect an review the records of other students.

Fees for Copies of Records

The school district will not deny parents or eligible students any rights to copies of records because of the following published fees. Where the fee represents an unusual hardship, it may be waived in part or entirely by the record custodian. However, the district reserves the right to make a charge for copies such as transcripts it forwards to potential employers or to colleges and universities for employment or admissions purposes.

The FERPA required a school district to provide copies of records:

1. When the refusal to provide copies effectively denies access to the records by a parent or an eligible student;
2. At the request of a parent or an eligible student when the school district has provided the records to third parties by the prior consent of the parent or an eligible student; or
3. At the request of a parent or an eligible student when the school district has forwarded the records to another school where the student seeks or intends to enroll.

The fee for copies provided under the FERPA may not include the costs for search and retrieval. This fee will be from no cost to 25 cents per page.

The fee for all other copies such as copies of records forwarded to third parties with prior consent or those provided to parents as a convenience will be 25 cents per page plus postage if mailing is involved.

Directory Information

The school district proposes to designate the following personally identifiable information contained in a student's education records as directory information, and it will disclose that information without prior written consent:

1. The student's name;
2. The student's address;
3. The student's telephone listing;
4. The student's date and place of birth;
5. The student's class designation and major field of study (e.g., first grade, tenth grade, and the like);
6. The student's participation in officially recognized activities and sports;
7. The student's degrees, achievement awards or honors;
8. The student's weight and height if a member of an athletic team;
9. Dates of attendance;
10. The student's photograph;
11. The most recent educational institution attended before the student enrolled in the school district; and
12. Electronic mail address.

Within the first three weeks of each school year, the school district will publish in the legal section of a newspaper having general circulation in the district the above list, or a revised list, of the items of directory information it proposes to designate as directory information. For students enrolling after the notice is published, the list will be given to the student's parent or the eligible student at the time and place of enrollment.

After the parents or the eligible students have been notified, they will have two weeks to advise the school district in writing (a letter to the school superintendent's office) of any or all of the items they refuse to permit the district to designate as directory information about that student.)

At the end of the two-week period, each student's records will be appropriately marked by the records custodian to indicate the items the district will designate as directory information about that student. This designation will remain in effect until it is modified by written direction of a student's parents or an eligible student.

The district may disclose directory information about former students without following the procedures specified in this paragraph.

Use of Student Education Records

To carry out their responsibilities, school official will have access to student education records for legitimate educational purposes. The school district will use the following criteria to determine school officials. An official is:

1. A person duly elected to the school Board;
2. A person certified by the State and appointed by the school Board to an administrative or supervisory position;
3. A person certified by the State and under appointment to the school Board as an instructor;
4. A person employed by the school Board as a temporary substitute for administrative, supervisory or instructional personnel for the period of his or her performance as a substitute; or
5. A person employed by or under appointment to the school Board to perform a special task such as a secretary, a clerk, the school Board attorney or auditor for the period of that person's performance as an employee or contractor.

School officials who meet the criteria listed above will have access to student's records if they have a legitimate educational interest in doing so. A legitimate educational interest is the person's need to know in order to:

1. Perform an administrative task required in the school officials position description approved by the school Board;
2. Perform a supervisory or instructional task directly related to the student's education; or
3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement or student financial aid.

The school district only will release information from or permit access to student's education records with a parent or an eligible student's prior written consent except that the school superintendent or a person designated in writing by the superintendent may permit disclosure:

1. When a student seeks or intends to enroll in another school district or in a post-secondary school. The district will not further notify parents or eligible students prior to such a transfer of records. Parents and student have a right to obtain copies or records transferred under this provision.

2. When certain Federal and State officials need information in order to audit or enforce legal conditions related to federally supported education programs in the district.
3. To parties who provide or may provide financial aid to a student to:
 - a. Establish the student's eligibility for the aid;
 - b. Determine the amount of financial aid;
 - c. Establish the conditions for the receipt of the financial aid;
 - d. Enforce the agreement between the provider and the receiver of financial aid.
4. If a State law adopted before November 19, 1974 required certain specific items of information to be disclosed in personally identifiable form from student records to State or local officials.
5. When the school district has entered into a written agreement or contract for an organization to conduct studies on the school district's behalf to develop tests, administer student aid or improve instruction. Such study may not permit personal identifiable information of parents or students by individuals other than representatives of the organization. Such information must be destroyed when no longer needed.
6. To accrediting organizations to carry out their accrediting functions.
7. To parents of eligible students if the parents claim the student as a dependent as defined by the Internal Revenue Code.
8. To comply with a judicial order or lawfully issued subpoena. The district will make a reasonable effort to notify the student's parents or the eligible student before making a disclosure under this provision.
9. In connection with a health or safety emergency under conditions described below.
10. If the disclosure is an item of directory information and the student's parents or an eligible student has not refused to allow the district to designate that item as directory information for that student.
11. Disclosure to a parent of a student who is not an eligible student or the student.

The School district will permit any of its officials to make the needed disclosure from student education records in a health or safety emergency if:

1. The official deems it is warranted by the seriousness of the threat to the health or safety of the student or other persons;
2. The information is necessary and needed to protect the health and safety of the student or other individuals;
3. The persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency; and
4. Time is an important and limiting factor in dealing with the emergency. (The health or safety exception shall be strictly construed.)

School district officials may release information from student's education records if the student's parents or the eligible student gives his prior written consent for the disclosure. The written consent must include at least:

1. A specification of the records to be released;
2. The reasons for the disclosure;
3. The person or the organization or the class of persons or organizations to whom the disclosure is to be made;
4. A parent or an eligible student's signature; and
5. The date of the consent and, if appropriate, a date when the consent is to be terminated.

The student's parents or the eligible student may obtain a copy of any records disclosed under this provision.

The school district will not release information contained in student's education records, except directory information, to any third parties except its own officials, unless those parties agree that the information will not be redisclosed without the parents or eligible student's prior written consent.

Records of Requests for Access and Disclosure Made from Education Records

The school district will maintain an accurate record of all requests for it to disclose information from or to permit access to a student's education records and of information it discloses and access it permits with some exceptions listed below. These records will be kept with, but will not be a part of, each student's Cumulative School Records. It will be available only to the record custodian, the eligible student, the parents of the students or to Federal, State or local officials for the purpose of auditing or enforcing federally supported educational programs.

The records will include at least:

1. The name of the person or agency that made the request;
2. The interest the person or agency had in the information;
3. The date the person or agency made the request; and
4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The district will maintain these records as long as it maintains the student's education records. Such records may be inspected by the parent or eligible student or the school official or that person's assistant responsible for the custody of the records.

These records will not include requests for access or access granted to parents of the student or to an eligible student, requests for access or access granted to officials of the school district who have a legitimate educational interest in the student, requests for, or disclosure of, information contained in the student's education records if the request is accompanied by the prior written consent of a parent of the student or an eligible student or the disclosure is authorized by such prior consent, or for requests for, or disclosures of, directory information designated for that student.

Procedures to Seek to Correct Education Records

Parents of students and eligible students have a right to seek to change any part of the student's records they believe are inaccurate, misleading or in violation of the student's rights. (NOTE: Under the FERPA, the district may decline to consider a request to change the grade a teacher assigns for a course).

For the purpose of outlining the procedures to seek to correct education records, the term incorrect will be used to describe records that are inaccurate, misleading or in violation of the student's rights. The term correct will be used to describe records that are accurate, not misleading and not in violation of the student's rights. Also, in this section, the term requester will be used to describe a parent of a student or an eligible student who is asking the school district to correct the records.

To establish an orderly process to review and correct education records for a requester, the district may make a decision to comply with the request for change at several levels in the procedure.

First Level Decision – When a parent of a student or an eligible student finds an item in the student's education records which he or she believes is inaccurate, misleading or in violation of student rights, the parent immediately should ask the record custodian to correct it. If the records are incorrect because of an obvious error and it is a simple matter to make the record change at this level, the records custodian will make the correction. However, if the records are changed at this level, the method and result must satisfy the requestor.

If the custodian cannot change the records to the requestor's satisfaction or the records do not appear to be obviously incorrect, the custodian will:

1. Provide the requester a copy of the questioned records at no cost;
2. Ask the requester to initiate a written request for the change; and
3. Follow the procedure for a second level decision.

Second Level Decision – The written request to correct a student's education records through the procedure at this level should specify the correction the requester wishes the district to make. It should at least identify the item the requester believes is incorrect and state whether the requester believes the item;

1. Is inaccurate and why;
2. Is misleading and why; or
3. Violates the student's rights and why.

The request will be dated and signed by the requester.

Within two weeks after the record custodian receives a written request, the custodian will:

1. Study the request;
2. Discuss it with other school officials (the person who make the records or those who may have a professional concern about the district's response to the request);
3. Make a decision to comply or decline to comply with the request; and
4. Complete the appropriate steps to notify the requester or move the request to the next level for decision.

If, as a result of this review and discussion, the record custodian decides the records should be corrected, the custodian will effect the change and notify the requester in writing that the change has been made. Each such notice will include an invitation for the requester to inspect and review the student's education records to make certain the records are in order and the correction is satisfactory.

If the custodian decides the records are correct, the custodian will make a written summary of any discussions with other officials and of the custodian's findings in the matter. The custodian will transmit this summary and a copy of the written request to the school superintendent.

Third Level Decision – The school superintendent will review the material provided by the record custodian and, if necessary, discuss the matter with other officials such as the school attorney or the school Board (in executive session). The superintendent will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two weeks. If it will take longer, the superintendent will notify the requester in writing of the reasons for the delay and a date when the decision will be made.

If the superintendent decides the records are incorrect and should be changed, the superintendent will advise the record custodian to make the change. The record custodian will advise the requester of the change as the custodian would if the change had been made at the second level.

If the superintendent decides the records are correct, the superintendent will prepare a letter to the requester which will include:

1. The school district's decision that the records are correct and the basis for the decision.
2. A notice to the requester that the requestor has a right to ask for a hearing to present evidence that the records are incorrect and that the district will grant such a hearing.
3. Instructions for the requester to contact the superintendent, or an official designated by the superintendent, to discuss acceptable hearing officers, convenient times and a satisfactory site for the hearing. (The district will not be bound by the requester's positions on these items but will, so far as possible, arrange the hearing as the requester wishes.)
4. That the requester may be represented or assisted in the hearing by other parties, including an attorney at the requester's expense.

Fourth Level Decision – After the requester has submitted (orally or in writing) that person's wishes concerning the hearing officer and the time and place for the hearing, the superintendent will, within a week, notify the requester when and where the district will hold the hearing and whom the superintendent has designated as the hearing officer.

At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education records are incorrect as shown in the requester's written request for a change in the records (second level).

Within two weeks after the close of the hearing, the hearing officer will submit to the school superintendent a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit recommendations, based solely on the evidence presented at the hearing, that the records should be changed or remain unchanged.

The school superintendent will prepare the district's decision within three weeks of the hearing. That decision will be based on the summary of the evidence presented at the hearing and the hearing officer's recommendation. The district's decision will be based solely on the evidence presented at the hearing. The superintendent may overrule the hearing officer if the superintendent believes the hearing officer's recommendation is not consistent with the evidence

presented. As a result of the district's decision, the superintendent will take one of the following actions:

1. If the decision is that the district will change the records, the superintendent will instruct the record custodian to correct the records. The record custodian will correct the records and notify the requestor as at the second level decision.
2. If the decision is that the district will not change the records, the superintendent will prepare a written notice to the requestor which will include:
 - a. The school district's decision that the records are correct and will not be changed.
 - b. A copy of the summary of the evidence presented at the hearing and a written statement of the reasons for the district's decision.
 - c. A statement advising the requestor that the requestor may place an explanatory statement which states the reasons the requestor disagrees with the school district's decision or the reasons the requestor believes the records are incorrect in the student's education records.

Final Administrative Step in the Procedure – When the school district receives an explanatory statement from a requestor after a hearing, it will maintain that statement as part of the student's education records as long as it maintains the questioned part of the records. The statement will be attached to the questioned part of the records and, whenever the questioned part of the records are disclosed, the explanatory statement also will be disclosed.

GRADE PROMOTION AND PLACEMENT

It is the policy of New York State and the District that:

1. No student promotion or placement decisions for grades three through eight shall be based solely on student performance on the ELA or Mathematics State assessments;
2. Student assessment scores may be considered as a measure of student performance only if the decision making process uses multiple measures of assessments and data in addition to the State assessments and the State assessments are only a minor factor in the promotion/placement decision;
3. In making promotion and placement decisions, the school will consider in class performance, teacher observation, homework, input of the parent, social and emotional needs as well as any other applicable measures, other than State assessments;
4. The final decision regarding placement and promotion is the decision of the school;
5. This policy expires December 31, 2018 unless the underlying legislation is renewed by the New York State Legislature.

Adopted: January 15, 2015

PARENTS BILL OF RIGHTS RELATING TO STUDENT DATA

The District, in compliance with Education Law 2-d, provides the following:

1. A student's personally identifiable information will not be sold or released for any commercial purpose;
2. Parents have the right to inspect and review the complete contents of their child's education record. Procedures for reviewing student records can be found in the Board Policy entitled: 5500 Student Records.
3. Security protocols regarding confidentiality of personally identifiable information are currently in place and the safeguards necessary to protect the confidentiality of student data are maintained at industry standards and best practices. The safeguards include but are not limited to encryption, firewalls, and password protection.
4. New York State maintains a complete list of all student data collected by the State and the data is available for public review at www.p12.nysed.gov/irs/privacy.html or by writing to NYSED, 89 Washington Avenue, Albany, NY 12234;
5. Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed to: Shelley H. Fitzpatrick, Business Administrator, PO Box 248, Sandy Creek, NY 13145, 315-387-3445.

Adopted: July 1, 2014

STUDENT PRIVACY

The Board of Education recognizes that student surveys are a valuable tool in determining student needs for educational services. Parents have the right to inspect all instructional material that will be used for a survey, analysis, or evaluation as part of a U.S. Department of Education (DOE)–funded program. In addition, no minor student may, without parental consent, take part in a survey, analysis or evaluation funded in whole or in part by the U.S. DOE Education that reveals information concerning:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
7. religious practices, affiliations or beliefs of the student or the student's parent; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents/guardians shall have the right to inspect, upon request, any instructional material, used as part of the educational curriculum for students. “Instructional material” is defined as: “instructional content that is provided to a student, regardless of format including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). It does not include tests or academic assessments.”

A parent/guardian who wishes to inspect and review such instructional material shall submit a request in writing to the Building Principal. Upon receipt of such request, arrangements shall be made to provide access to such material to within 30 calendar days after the request has been received..

It is the policy of the Board not to permit the collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information or providing it to others for that purpose. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services as permitted by law.

In the event of such collection, disclosure or use of personal information gathered from students, student privacy shall be protected by the school district pursuant to the requirements of FERPA.

Parents shall also have the option upon provision of written notice to the District to opt the student out of any non-emergency, invasive physical examination or screening of their student

which is required as a condition of attendance administered by the school or school personnel. The term invasive physical examination means any medical examination that involves exposure of private body parts or any act during such examination that includes incision, insertion or injecting into the body but does not include a hearing, vision or scoliosis screening. Further, it does not include any examination necessary to protect the immediate health or safety of the student or other students.

Parents/guardians and eligible students shall be notified at least annually, at the beginning of the school year, and when enrolling students for the first time in district schools of this policy. The school district shall also notify parents/guardians within a reasonable period of time after any substantive change to this policy.

Cross-ref: 5420, Student Health Services
5500, Student Records

Ref: 20 USC §1232h
No Child Left Behind Act, Public Law 107-110, January 8, 2002, § 1061
34 CFR Part 98
Education Law §903

Adopted: March 10, 2005
Adopted: December 8, 2011

STUDENT VOTER REGISTRATION AND PRE-REGISTRATION

The Board of Education believes that getting young people involved in the election process helps to secure the future of democracy by preparing young people to be educated, engaged voters who have formed the habit of voting and contributing to civic life early.

In accordance with the law, and in an effort to promote student voter registration, the Board directs the superintendent to offer all students who are at least 16 years old (but will not be 18 years old by the next election) opportunities to pre-register to vote. Students who are or will be at least 18 years old by the next election will also be offered opportunities to register to vote. These students must be otherwise qualified to register to vote. Students pre-registering to vote will be automatically registered upon reaching the age of eligibility following verification of the person's qualifications and address.

The district will provide students with access to voter registration and pre-registration applications during the school year, and assistance with filing such applications. The district will inform students of the state requirements for voter registration and pre-registration. The district will meet these obligations by offering registration and pre-registration materials at a participation in government program.

Students who do not wish to register or pre-register to vote do not have to do so. There will be no penalty (including participation grades or credits) for choosing not to register or pre-register.

Ref: Election Law § 5-507

Adoption date: September 12, 2024

BUDGET HEARING

The Board of Education will hold an annual budget hearing at which it will present a detailed proposed budget for the following school year. The purpose of the budget hearing is to inform the public of the contents of the budget and to provide an explanation and justification for the decisions the proposed budget reflects.

The budget hearing will be held not less than seven or more than 14 days prior to the annual district meeting, at which the district's voters will vote on the budget. The proposed budget will be completed at least seven days before the budget hearing. A copy of the proposed budget may be obtained by any district resident at each school during certain designated hours on each day (other than a Saturday, Sunday or holiday) during the 14 day period immediately preceding the annual district meeting and election.

Notice of the date, time and place of the annual budget hearing will be contained in the notice of the annual meeting.

Cross-ref: 1050, Annual District Meeting and Election

Ref: Education Law §§1608; 1716; 1804(4); 1906(1); 2002(1); 2003(1); 2004(1); 2002(1); 2601-a(2)

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Adopted: May 5, 2005

Adopted: December 8, 2011

INVESTMENTS

1. **Scope** This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.
2. **Objectives** The primary objectives of the local government's investment activities are, in priority order,
 - to conform with all applicable federal, state and other legal requirements (legal);
 - to adequately safeguard principal (safety);
 - to provide sufficient liquidity to meet all operating requirements (liquidity); and
 - to obtain a reasonable rate of return (yield).
3. **Delegation of Authority** The governing boards' responsibility for administration of the investment program is delegated to the treasurer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.
4. **Prudence** All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the 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 that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

5. **Diversification** It is the policy of the School District to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

6. **Internal Controls** It is the policy of the School District for all moneys collected by an officer or employee of the government to transfer those funds to the treasurer within five business days of deposit, or within the time period specified in law, whichever is shorter.

The treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that recorded properly, and are managed in compliance with applicable laws and regulations.

7. **Designation of Depositaries** The banks and trust companies authorized for the deposit of monies are listed in the organizational minutes of the Board of Education at the beginning of each fiscal year.

8. **Collateralizing of Deposits** In accordance with the provisions of General Municipal Law, § 10, all deposits of the Sandy Creek Central 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 a pledge of “eligible securities” with an aggregate “market value” as provided by GML § 10

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- i. By an eligible “irrevocable letter of credit” issued by a qualified bank other than the bank with the deposit is in favor of the government for a term not to exceed 90 days with an aggregate value equal to 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 requirement, or
- ii. In lieu of or in addition to the deposit of eligible securities, the officers making a deposit may, in the case of an irrevocable letter of credit issued in favor of the local government by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, accept such letter of credit payable to such local government as security for the payment of one hundred percent of the aggregate amount of public deposits from such officers and the agreed upon interest, if any.

- By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

9. **Safekeeping and Collateralization** Eligible securities used for collateralizing deposits shall be held by depository or a third party bank or trust company subject to security and custodial agreements as determined by the treasurer.

The security agreement shall provide that eligible securities are being pledged to secure the 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 conditions 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 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. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the School District a perfected interest in the securities.

10. **Permitted Investments** As authorized by General Municipal Law §11, the School District authorizes the treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:
- Special time deposit accounts;
 - Certificates of deposit;
 - Obligations of the United States of America;
 - Obligations issued pursuant to LFL §24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the School District;

- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments.
- Certificates of Participation (COPs) issued pursuant to GML 109-b. Obligations of this School District, but only with any moneys in a reserve fund.
- Obligations of this School District, but only with any moneys in a reserve fund established pursuant to GML §§ 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-m. or 6-n.

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 moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the School District within two years of the date of purchase.

- 11. 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 treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodian. Such listing shall be evaluated at least annually.

- 12. Purchase of Investments** The treasurer is authorized to contract for the purchase of investments:
- Directly, including through a repurchase agreement, from an authorized trading partner.
 - By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board,

- By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the 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 for the officer authorized to make the investment. 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 General Municipal Law, § 10.

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 a perfected interest in the securities.

13. **Repurchase Agreements** Repurchase agreements are authorized subject to the following restrictions:
- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
 - Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
 - Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
 - No substitutions of securities will be allowed.
 - The custodian shall be a party other than the trading partner.

INVESTMENTS REGULATION

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

Prudence

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

Investments shall be made with judgement 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 that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

Diversification

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

Internal Controls

It is the policy of the Sandy Creek Central School for all moneys collected by any officer or employee of the government to transfer those funds to the District Treasurer within two (2) days of deposit, or within the time period specified in law, whichever is shorter.

The Business Administrator is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with

management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

Diversification

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

Internal Controls

It is the policy of the Sandy Creek Central School for all moneys collected by any officer or employee of the government to transfer those funds to the District Treasurer within two (2) days of deposit, or within the time period specified in law, whichever is shorter.

The Business Administrator is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

Designation of Depositaries

The banks and trust companies authorized for the deposit of moneys up to the maximum amounts are:

<u>Depositary Name</u>	<u>Maximum Amount</u>	<u>Officer</u>
Pathfinder Commercial Bank	\$50,000,000	District Treasurer/Business Administrator
JP Morgan Chase	\$50,000,000	District Treasurer/Business Administrator

Collateralizing of Deposits

In accordance with the provisions of General Municipal Law, § 10, all deposits of Sandy Creek Central School, 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 a pledge of "eligible securities" with an aggregate "market value" as provided by GML § 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.

By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 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.

By an eligible surety bond payable to the government for an amount at least equal to 105% 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.

Safeguarding and Collateralization

Eligible securities used for collateralizing deposits shall be held by Pathfinder Commercial Bank, JP Morgan Chase, or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any and all costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Sandy Creek Central School 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 local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

Permitted Investments

As authorized by General Municipal Law, § 11, the Sandy Creek Central School authorizes the District Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

Special time deposit accounts.

Certificates of deposit.

Obligations of the United States of America.

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.

Obligations of the State of New York.

Obligations issued pursuant to LFL §24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Sandy Creek Central School.

Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments.

Obligations of this local government, but only with any monies in a reserve fund established pursuant to GML §§6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Sandy Creek Central School 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 the proceeds of bonds or notes, shall be payable or redeemable at the option of the Sandy Creek Central School within three years of the date of purchase.

Authorized Financial Institutions and Dealers

The Sandy Creek Central School shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions, with which the local government conducts business, must be credit worthy. Banks shall provide their most recent consolidated Report of Condition (Call Report) at the request of the Sandy Creek Central School. 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 Administrator is responsible for evaluation of the financial position and maintaining a listing of proposed

depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

Purchase of Investments

The District Treasurer/Business Administrator is authorized to contract for the purchase of investments:

By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set for the in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the Board.

By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the Board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with the prior written authorization from the officer authorized to make the investment. All such transaction shall be confirmed in writing to the Sandy Creek Central School by the bank or trust company. Any obligation held in the custody agreement as described in General Municipal Law §10.

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

Annual Review

This policy and accompanying regulations will be reviewed annually by the Board and may be amended from time to time in accordance with the provisions of Section 39 of the General Municipal Law.

NOTE: Regulation taken from prior policy, *Investment Policy for Sandy Creek Central School*. The section titled *Annual Review* was added to reflect the Board's need to review the policy and accompanying regulations on an annual basis.

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Adopted: May 5, 2005

Adopted: December 8, 2011

AUDIT COMMITTEE

The Board of Education will designate and appoint an Audit Committee for purposes of overseeing and carrying out the Board's audit policies and the performance of related duties and responsibilities. The district's Audit Committee shall be comprised of at least three members with staggered terms. At least three members shall be appointed to serve on the committee on an annual basis. Employees of the school district are prohibited from serving on the committee.

The Audit Committee shall:

1. Recommend internal and external audit plans to the Boards, specifying the areas of District operations to be reviewed for compliance with legal and regulatory requirements, operating efficiency and effectiveness;
2. Receive and review the resulting audit reports; and propose recommendations to the Board for action as may be necessary and appropriate;
3. Receive and review the report of the external auditor on any findings commented on during the annual audit report, and the management response thereto, and propose recommendations to the Board for action as may be necessary and appropriate;
4. Oversee the selection of the internal auditor and the external auditor, pursuant to the relevant Board policies, and make recommendations to the Board for appointment to said positions; and
5. Perform any other responsibilities outlined by the Board and/or as listed in the District's Audit Committee Charter (see attached exhibit, 6690-E).

It is not the intent of the Board Education that the Audit Committee participate in or be responsible for the day to day operations of the school district or in the decisions that are the responsibility of the Superintendent of Schools or Assistant Superintendent for Business, or the other district administrators.

Ref: Education Law §2116-c

Adopted: February 9, 2006

Adopted: December 8, 2011

PURCHASING

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

It is the goal of the Board to purchase competitively, without prejudice or favoritism, and to seek the maximum educational value for every dollar expended. Competitive bids or quotations shall be solicited in connection with purchases pursuant to law. The General Municipal Law required that the procurement of a stated "item" or commodity group which will necessitate an estimated annual expenditure exceeding \$20,000 and public work contracts involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

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

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

Alternative proposals or quotations for amounts in excess of \$5,000 will be secured for proposals, written or verbal quotations or any other appropriate method of procurement, except for procurements:

- under a county contract;
- under a State contract;
- of articles manufactured in State correctional institutions; or
- from agencies for the blind and severely disabled.

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

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

Opportunities shall be provided to all responsible suppliers to do business with the district. Suppliers whose place of business is situated within the district may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors. Purchases will be made through available cooperative BOCES bids, State contracts of the Office of General Services or county contracts whenever such purchases are in the best interests of the district. In addition, the district will make purchases from correctional institutions and severely disabled persons through charitable or non-profit-making agencies, as provided by law.

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

The Purchasing Agent will not be required to secure alternative proposals or quotations for:

- emergencies where time is a crucial factor;
- procurements for which there is no possibility of competition (sole source items);
- procurements of professional services, which, because of the confidential nature of the services, do not lend themselves to procurement through solicitation; or
- very small procurements when solicitations of competition would not be cost-effective.

The Superintendent of Schools, with the assistance of the Purchasing Agent, shall be responsible for the establishment and implementation of the procedures and standard forms for use in all purchasing and related activities in the district. Such procedures shall comply with all applicable laws and regulation of the State and the Commissioner of Education.

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

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

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

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Adopted: January 9, 2025

PURCHASING REGULATION

Competitive Bids and Quotations

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

A bid bond may be required if considered advisable.

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

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

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

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

The Sandy Creek Central School District may make purchases through the use of an existing contract let by the United States of America or any agency thereof, any state or any other county or political subdivision or district therein, if such contract was made through competitive bidding or best value purchasing consistent with state law and made available for use by other government entities, to the extent authorized by General Municipal Law §103 (16) and applicable by law.

Procurement of Goods and Services

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

1. Assure the prudent and economical use of public moneys in the best interest of the taxpayer;

2. Facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and
3. Guard against favoritism, improvidence, extravagance, fraud and corruption.

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

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;

With certain exceptions (purchases pursuant to General Municipal Law, Section 186; State Finance Law, Sections 175-a and 175-b; State Correction Law 184; or those circumstances or types of procurements set forth in section six 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;

Set forth when each method of procurement will be utilized;

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

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

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.

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 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.

Purchase of Instructional Materials

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

limited to Braille, large print, open and closed captioned, audio or an electronic file in an approved format.)

The district will establish and follow a plan to ensure that every student with a disability, as defined by Education Law and the Rehabilitation Act of 1973, who needs his or her instructional materials in an alternative format will receive those materials at the same time that they are available to non-disabled students.

Contracts for Services and Materials

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

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

NOTE: Regulation taken from prior policy, *Purchasing Policy for Sandy Creek Central School District*. Please note that language was added reflecting the purchasing of new instructional materials in alternative formats. According to SED's Guidance Memo of May 2002, as a school district selects any new instructional materials for a course, it must consider, as one factor, if such materials are available from the vendor in alternative formats needed by the students enrolled in such courses. For example, three different textbooks may meet the district's criteria for selection in terms of content and quality

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Adopted: January 9, 2025

FEDERAL FUNDS PROCEDURAL MANUAL

Policy Statement

A portion of financial support for the Sandy Creek Central School District is derived from the Federal government. This funding is in the form of direct grants from the Departments of Education, Agriculture, and Defense as well as grants which flow through the New York State Education Department. The Federal Uniform Grant Guidance identifies the criteria that must be met in order to properly charge costs to Federally funded projects.

The Sandy Creek Central School District shall adhere to all applicable cost principles governing the use of Federal grants and contracts. This policy addresses the importance of properly classifying costs, both direct and indirect, charged to grant funded projects and that proposed and actual expenditures are consistent with the grant agreement and all applicable Federal rules embodied in the Uniform Grant Guidance at 2 CFR 200 (UGG). District personnel who are responsible for administering, expending or monitoring grant funded programs should be well versed with the categories of costs that are generally allowable and unallowable.

All costs expended using Federal funds must meet the following general criteria laid forth in the UGG at 2 CFR 200, Subpart E:

- Be **necessary and reasonable** for the proper and efficient performance and administration of the grant program.
- Be **allocable** to Federal awards under the provisions of the Federal circular.
- Be authorized and not prohibited under state or local laws or regulations.
- Conform to any limitations or exclusions set forth in the principles, Federal laws, terms and conditions of the Federal award, or other governing regulations as to types or amounts of cost items.
- Be consistent with policies, regulations, and procedures that apply uniformly to both Federal awards and other activities of the District.
- Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost and also be charged to a Federal award as an indirect cost.
- Except as otherwise provided for in the Federal circular, be determined in accordance with generally accepted accounting principles and not included as a cost or used to meet cost sharing or matching requirements of any other Federal award in either the current or a prior period.
- Be net of all applicable credits.
- Be adequately documented.

The cost guidelines of the UGG must be considered any time Federal award funds are to be expended. The District may apply Federal UGG requirements to non-Federal projects. This applies, in particular, to the use of Federal Impact Aid under §7003, Elementary and Secondary Education Act of 1965, as amended. Funds received under the basic aid portion of this section of

law are considered unrestricted, providing that the expenditure does not violate any of the assurances provided for during the application for the grant.

Federal regulations also require that any other District policies related to specific types of expenditures must also be followed. Examples include student incentives, travel, meals, procurement or equipment accountability.

Direct and indirect costs

Allowable and allocable costs must be appropriately classified as direct or indirect. In general, direct costs are those that can be identified specifically with a particular cost objective while indirect costs are those (a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. It is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.

If an indirect cost rate is going to be utilized for charging indirect rates, the rate must first be approved by the applicable approving authority or not exceed the de minimus level of 10%. In general, however, indirect costs will be borne by the District and not allocated to the grant.

Cost transfers

Any costs charged to a Federal award that do not meet the allowable cost criteria must be removed from the award account and charged to an account that does not require adherence to Federal UGG or other applicable guidelines. Cost transfers must be performed in accordance with the District's policy and will be approved by the Superintendent of Schools as a transfer.

Failure to adequately follow this policy and related procedures could result in questioned costs, audit findings, potential repayment of disallowed costs and discontinuance of funding. Grant Program Managers (GPM), school personnel and any other individuals responsible for expending grant funds are held responsible for compliance with UGG.

Responsibilities

Designated Program Office personnel and the District Business Administrator and Treasurer are responsible for creating purchasing documents and encumbering grant funds at the request of a GPM. They should be familiar with the general cost principles embodied in the Federal UGG. Purchasing office personnel must notify the GPM when they recognize a request as an unallowable cost and will reject the requisition.

Grant Program Managers (GPMs) must ensure that any costs charged to their award are aligned with applicable cost principles, are computed correctly, and would not create a compliance violation. GPMs should collect, maintain and where applicable, submit copies of

adequate documentation to support the expenditures. GPMs monitor, review and approve (or disapprove) grant expenditures at the program office level as the first level of “Approver” for non-personnel expenditures to ensure that applicable cost principles, regulations and policies are followed.

Definitions

Direct costs are expenses that are specifically associated with a particular grant program that can be directly assigned to such activities relatively easily with a high degree of accuracy. Common examples of direct costs include the GPM’s salary and fringe benefits, equipment and supplies for the program, subcontracted service provider, or other materials consumed or expended in the performance of the grant.

Indirect costs are incurred for common or joint objectives and, therefore, cannot be readily and specifically identified with a particular program. They are expenses that benefit more than one grant. Common examples of indirect costs include utilities, local telephone charges, shared office supplies, administrative or secretarial salaries.

Acronyms

ACH	Automated Clearing House
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
DoED (ED)	US Department of Education
EDGAR	Education Department General Administrative Regulations
EPLS	Excluded Parties List System
ESEA	Elementary and Secondary Education Act
FERPA	Family Educational Rights and Privacy Act
FMV	Full Market Value
G5	The US DoED Grant Management System
GAN	Grant Award Notice
GAAP	Generally Accepted Accounting Principles
GPM	Grant Program Manager
GSA	General Services Administration
LEP	Limited English Proficiency
MORIC	Mohawk Regional Information Center
NY GML	New York General Municipal Law
NYSED	New York State Education Department
OMB	Office of Management and Budget
PCEN	Pupils with Compensatory Educational Needs
UGG	Uniform Grant Guidance
WAWF	Wide Area Work Flow

Appendices:

- A – Financial Standards
- B – Allowability of Cost
- C – Cash Management
- D – Standards of Conduct
- E – Eligibility
- F – Equipment and Real Property Management
- G – Matching, Level of Effort, Earmarking
- H – Period of Performance
- I – Procurement and Suspension and Debarment
- J – Program Income
- K – Not Used
- L – Reporting
- M – Subrecipient Monitoring
- N – Special Tests and Provisions

Appendix A – Financial Standards

The District maintains a proper financial management system in order to receive both direct and state-administered grants and to expend funds associated with a grant award. Fiscal controls and procedures must be in place to ensure that all financial management system requirements are met. Failure to meet a requirement may result in return of funds or termination of the award.

A. Financial Management Standards

Financial management systems standards include:

Identification

The District shall identify, in its accounts, all Federal awards received and expended and the Federal programs under which they were received. Impact Aid will be identified as such but is a general revenue. Aid for children with disabilities must be expended on those children. Federal program and award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, name of the Federal agency, and, if applicable, name of the pass-through entity.

Financial Reporting

Accurate, current, and complete disclosure of the financial results of each Federal award or program must be made in accordance with the financial reporting requirements set forth in the Education Department General Administrative Regulations (EDGAR). The District must maintain records which adequately identify the source and application of funds provided for Federally-assisted activities. These records must contain information pertaining to grant or subgrant awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation. Reports will be filed in a timely fashion on the forms directed by the state or Federal agency. These include, but are not limited to the FS-10 series, FS-25, and SF425.

Internal Controls

Effective control and accountability must be maintained for all funds, real and personal property, and other assets. The District shall safeguard all such property and must assure that it is used solely for authorized purposes. The District maintains an internal controls procedures manual which shall be followed to implement these activities. The District's internal auditor shall, from time to time, assess the effectiveness of these controls across all risk areas and shall include the controls of Federal grants and programs as part of this regular review.

B. Overview of the Financial Management/Accounting System

The District maintains a fund accounting system for financial management. This system is procured and maintained through the Central New York Regional Information System (CNYRIC). The current system is Wincap. This system manages fund accounting, the purchasing function, and the human resources function, including payroll. All budgets are loaded into the system before the beginning of the fiscal year, and transfers within accounts are authorized by the Superintendent of Schools. The District Business Administrator is responsible for overseeing the entire system and its functional integration. Federal funds ("F" funds in Wincap) are named in such a fashion to permit a clear delineation of the accounting for subsequent identification by CFDA title and number. Plain English names, including contract numbers if applicable, are used to track grants and targeted Federal funds.

The Business Administrator, in conjunction with the Treasurer and the grant program manager, shall compile or cause to be compiled timely, accurate financial reports. Monthly grant reports shall include current and cumulative expenditures against project budget, with unencumbered amounts remaining identified

C. Budgeting

The Planning Phase: Meetings and Discussions

Before Receiving the Grant Award Notice (GAN): Upon notification of the availability of a grant, the Director of Curriculum shall make an initial determination whether the District meets the minimum qualifications for the grant; whether this grant, if awarded, supplements and does not supplant any existing efforts in this area; and whether the grant is in concert with the District's educational objectives as outlined in the strategic plan. If the Director of Curriculum determines that it is in the District's best interests to apply for a specific grant, he/she shall convene a small working group to develop a grant proposal meeting the objectives of the District and the awarding agency. In the event of grants continuing on a forward funded basis, the Director of the Office of Federal Programs shall develop a preliminary guide for the upcoming budget. Prior to filing the grant application for new awards, the Director of Curriculum shall present the general grant concept to the Board of Education and receive its direction on filing for the grant. This direction may be in the form of informal guidance, including oral instructions.

Reviewing and Approving the Budget: The budget is developed with the Office of Federal Programs and the Director of Curriculum once an amount is determined. The final approval of the grant budget normally resides with the awarding agency. Instructions and timelines for approval shall be followed in submitting the budget to the awarding agency. The Director of Curriculum, in conjunction with the Business Administrator, shall review the items in the budget to ensure

allowability. See Appendix B for a discussion on allowability of costs. If this review determines that a cost is not allowable, then it shall be eliminated from the budget and the program grant manager shall be notified of this action. Once the District Office determines that all budgeted items are allowable, the budget is approved by the Director of Curriculum and forwarded to the awarding agency for its approval. Simultaneously, the budget is provided to the Treasurer to be entered into Wincap.

After Receiving the GAN: Upon receipt of notice that a new grant will be awarded, the Director of Curriculum will prepare plans for implementation, including necessary hiring and procurement actions. In the case of continuation of forward funded grants, the Office of Federal Programs or the Grants Program Manager will coordinate the budget with the Business Administrator and Treasurer to ensure proper accounting for the expenditures.

Amending the Budget

The Office of Federal Programs, Grant Program Manager, or Director of Curriculum, as appropriate, shall prepare necessary documentation to amend any grants awarded. These amendments shall consider available carryover and shall comply with amendment provisions received in the Grant Award Notice. The Superintendent of his/her designee shall approve the amendments. If necessary, amendments shall be forwarded to and approved by the awarding agency.

Budget Control

D. Accounting Records

Payroll and purchasing records for each grant, as well as application records, shall be maintained for a period of six years after the final receipts are made and the final bills are paid. Records will be maintained electronically in Wincap.

E. Spending Grant Funds

The Business Administrator shall oversee the accounting functions for all grants. Payroll operations will make allowable payments for personnel services. No employees shall be paid unless approved by the Board of Education. Purchasing operations shall be in accordance with the District Purchasing policy. Requisitions shall originate at the user level and be approved by the Grant Program Manager, Office of Federal Programs, or the Director of Curriculum before being forwarded to the Business Office for execution as a Purchase Order. Only the Purchasing Agent may commit the funds to a purchase.

Appendix B - Allowability of Cost

Expenditures must be aligned with approved budgeted items. Any changes or variations from the state or federally approved budget and grant application need prior approval from the state or Federal government. For grants flowing through the State Education Department, variations or changes are documented on Form FS-10 or FS-10A and submitted to the controlling state authority for approval. For grants originating directly from the Federal government, changes will be submitted in a format approved by the awarding agency.

When determining how the District will spend its grant funds, the Office of Federal Programs and/or the District Business Office will review the proposed cost to determine whether it is an allowable use of Federal grant funds *before* obligating and spending those funds on the proposed good or service. All costs supported by Federal education funds must meet the standards outlined in EDGAR, 2 C.F.R. Part 3474 and 2 C.F.R. Part 200, Subpart E, which are provided in the bulleted list below. District personnel must consider these factors when making an allowability determination. Additional helpful questions to ask when making allowability determinations are located on page 13-14 of this policy.

- **Be Necessary and Reasonable for the performance of the Federal award.** District staff must consider these elements when determining the reasonableness of a cost. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices.

When determining reasonableness of a cost, consideration must be given to:

- Whether the cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award.
- The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; Federal, state and other laws and regulations; and terms and conditions of the Federal award.
- Market prices for comparable goods or services for the geographic area.
- Restrictions regarding product origin (e.g., "Buy American" requirements)
- Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the District, its employees, its students, the public at large, and the Federal government.

- Whether the district significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the Federal award's cost. 2 C.F.R. §200.404

While 2 C.F.R. §200.404 does not provide specific descriptions of what satisfies the “necessary” element beyond its inclusion in the reasonableness analysis above, necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the district can demonstrate that the cost addresses an existing need, and can prove it. For example, the district may deem a language skills software program necessary for a limited English proficiency program.

When determining whether a cost is necessary, consideration may be given to:

- Whether the cost is needed for the proper and efficient performance of the grant program.
 - Whether the cost is identified in the approved budget or application.
 - Whether there is an educational benefit associated with the cost.
 - Whether the cost aligns with identified needs based on results and findings from a needs assessment.
 - Whether the cost addresses program goals and objectives and is based on program data.
- **Allocable to the Federal award.** A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received. This means that the Federal grant program derived a benefit in proportion to the funds charged to the program. 2 C.F.R. §200.405. For example, if 50% of a teacher's salary is paid with grant funds, then that teacher must spend at least 50% of his or her time on the grant program. This will be documented in order to demonstrate the allocability determination.
 - **Consistent with policies and procedures that apply uniformly to both Federally financed and other activities of the District.**
 - **Conform to any limitations or exclusions set forth as cost principles in the terms and conditions of the Federal award.**
 - **Consistent treatment.** A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.

- **Adequately documented.** All expenditures must be properly documented.
- **Be determined in accordance with general accepted accounting principles (GAAP), unless provided otherwise in the condition of the Federal award.**
- **Not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.** Some Federal program statutes require the non-Federal entity to contribute a certain amount of non-Federal resources to be eligible for the Federal program.
- **Be the net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the district relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate. 2 C.F.R. §200.406. Non-cash credits (reward programs based on points, miles, etc.) shall not be considered credits (see policy 9310) and shall not be accrued to the Federal award.

As provided above, in addition to Federal guidelines, Federal rules require state- and District-level requirements and policies regarding expenditures be followed as well. Policies relating to local expenditures are listed as Related Policy above.

Selected Items of Cost

Part 200 examines the allowability of 55 specific cost items (commonly referred to as Selected Items of Cost) at 2 C.F.R. §§ 200.420-200.475. These cost items are listed in the chart below along with the citation where it is discussed whether the item is allowable. Do not assume that an item is allowable because it is specifically listed in the regulation as it may be unallowable in a specific award despite its inclusion in the selected items of cost section. The expenditure may be unallowable for a number of reasons, including: the express language of the regulation states the item is unallowable; the terms and conditions of the grant deem the item unallowable; or State/local restrictions dictate that the item is unallowable. The item may also be unallowable because it does not meet one of the cost principles, such as being reasonable because it is considered too expensive. If an item is unallowable for any of these reasons, Federal funds cannot be used to purchase it.

District personnel responsible for spending Federal grant funds and for determining allowability must be familiar with the Part 200 selected items of cost section. The District must follow these

rules when charging these specific expenditures to a Federal grant. When applicable, District staff must check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District and program-specific rules may deem a cost as unallowable and District personnel must follow those non-Federal rules as well.

The selected item of cost addressed in Part 200 includes the following (in alphabetical order):

Item of Cost	Citation of Allowability Rule
Advertising and public relations costs	Allowable with restrictions
Advisory councils	Allowable with restrictions
Alcoholic beverages	Not allowable
Alumni/ae activities	Not specifically addressed
Audit services	Allowable with restrictions
Bad debts	Not allowable
Bonding costs	Allowable with restrictions
Collection of improper payments	Allowable
Commencement and convocation costs	Not specifically addressed
Compensation – personal services	Allowable with restrictions
Compensation – fringe benefits	Allowable with restrictions
Conferences	Allowable with restrictions
Contingency provisions	Not allowable with exceptions
Contributions and donations	Not allowable
Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	Allowable with restrictions
Depreciation	Allowable with qualifications
Employee health and welfare costs	Allowable with restrictions
Entertainment costs	Not allowable with exceptions
Equipment and other capital expenditures	Based on specific requirements
Exchange rates	Allowable with restrictions
Fines, penalties, damages and other settlements	Not allowable with exception
Fund raising and investment management costs	Not allowable with exception
Gains and losses on disposition of depreciable assets	Allowable with restrictions
General costs of government	Not allowable with exceptions
Goods and services for personal use	Not allowable
Idle facilities and idle capacity	Idle facilities – not allowable with exceptions; idle capacity – allowable with restrictions
Insurance and indemnification	Allowable with restrictions

Intellectual property	Allowable with restrictions
Interest	Allowable with restrictions
Lobbying	Not allowable
Losses on other awards or contracts	Not allowable
Maintenance and repair costs	Allowable with restrictions
Materials and supplies costs, including costs of computing devices	Allowable with restrictions
Memberships, subscriptions, and professional activity costs	Allowable with restrictions, not allowable for lobbying organizations
Organization costs	Not allowable except Federal prior approval
Participant support costs	Allowable with prior approval of the Federal awarding agency
Plant and security costs	Allowable
Pre-award costs	Allowable with restrictions
Professional services costs	Allowable with restrictions
Proposal costs	Allowable with restrictions
Publication and printing costs	Allowable with restrictions
Rearrangement and reconversion costs	Allowable (ordinary and normal)
Recruiting costs	Allowable with restrictions
Relocation costs of employees	Allowable with restrictions
Rental costs of real property and equipment	Allowable with restrictions
Scholarships and student aid costs	Not addressed; refer to Federal agency awarding grant
Selling and marketing costs	Not allowable with exceptions
Specialized service facilities	Allowable with restrictions
Student activity costs	Not allowable unless specifically provided for in the Federal award
Taxes (including Value Added Tax)	Allowable with restrictions
Termination costs	Allowable with restrictions
Training and education costs	Allowable for employee development
Transportation costs	Allowable with restrictions
Travel costs	Allowable with restrictions
Trustees	Not specifically addressed, refer to Federal agency awarding agency

Likewise, it is possible for the State and/or District to put additional requirements on a specific item of cost. Under such circumstances, the stricter requirements must be met for a cost to be allowable. Accordingly, employees must consult Federal, State and District requirements when

spending Federal funds. In general, district travel and procurement policy complies with state and Federal requirements. Compliance with district policy meets the intent of the uniform guidance.

In order for a cost to be allowable, the expenditure must also be allowable under the applicable program statute (e.g., Title I of the Elementary and Secondary Education Act (ESEA), or the Carl D. Perkins Career and Technical Education Act (Perkins)), along with accompanying program regulations, non-regulatory guidance and grant award notifications.

The state and/or District rules related to some specific cost items are discussed below. All purchases of goods and services must be accomplished through the Business Office, with the Purchasing Agent acting to commit the funds. The Business Office shall coordinate personnel services procured through Federal awards, including both assignment of personnel costs to the grant and procurement of personnel services from an outside source. District employees must be aware of these State and District rules and ensure they are complying with these requirements.

Time and Effort Standards

All employees who are paid in full or in part with Federal funds must keep specific documents to demonstrate the amount of time they spent on grant activities. This includes an employee whose salary is paid with state or local funds but is used to meet a required “match” in a Federal program. These documents, known as time and effort records, are maintained in order to charge the costs of personnel compensation to Federal grants.

Charges to Federal awards for salaries and wages must be based on records that accurately reflect the work performed. These records must:

- Be supported by a system of internal controls which provides reasonable assurance that the charges are accurate, allowable, and properly allocated;
- Be incorporated into official records;
- Reasonably reflect total activity for which the employee is compensated, not exceeding 100% of compensated activities;
- Encompass both Federally assisted and all other activities compensated by the District on an integrated basis;
- Comply with the established accounting policies and practices of the District and Support the distribution of the employee’s salary or wages among specific activities or costs objectives.
- Be certified by the supervisor to assure that the work was in compliance with the grant or award intent.

Time and Effort Procedures

The District's time and attendance accounting procedures are based on accounting for time "lost." Specifically, the District requires that all time away from work be reported, while time on the job is generally considered as having been accomplished without providing documentation to that effect. Individuals compensated by Federal grant or award must account for the time on the job, and the portion of time spent on Federally related work, separately in order to properly meet the time and effort requirements. These records will be filed with the applicable grant to substantiate the use of time.

Helpful Questions for Determining Whether a Cost is Allowable

In addition to the cost principles and standards described above, the Office of Federal Programs or the award program manager can refer to this section for a useful framework when performing an allowability analysis. In order to determine whether Federal funds may be used to purchase a specific cost, it is helpful to ask the following questions:

- Is the proposed cost allowable under the relevant program?
- Is the proposed cost consistent with an approved program plan and budget?
- Is the proposed cost consistent with program specific fiscal rules?
 - o For example, the District may be required to use Federal funds only to supplement the amount of funds available from non-Federal (and possibly other Federal) sources.
- Is the proposed cost consistent with specific conditions imposed on the grant (if applicable)?

As a practical matter, the Office of Federal Programs or the award program manager should also consider whether the proposed cost is consistent with the underlying needs of the program and the approved District goals and strategy. For example, program funds must benefit the appropriate population of students for which they are allocated. This means that, for instance, funds allocated under Title III of the Elementary and Secondary Education Act (ESEA) governing language instruction programs for limited English proficient (LEP) students must only be spent on LEP students and cannot be used to benefit non-LEP students. Funds should be targeted to address areas of weakness, as necessary. To make this determination, the Office of Federal Programs or the award program manager should review data when making purchases to ensure that Federal funds to meet these areas of concern.

Appendix C – Cash Management

The District will comply with applicable methods and procedures for payment that minimize the time elapsing between the transfer of funds and disbursement by the District, in accordance with the Cash Management Improvement Act at 31 CFR Part 205. Generally, the District receives payment from the New York State Department of Education on a reimbursement basis. However, if the District receives an advance in Federal grant funds, the District will remit interest earned on the advanced payment quarterly to the Federal agency consistent with 2 C.F.R. § 200.305(b)(9).

According to guidance from the U.S. Department of Education (ED), when calculating the interest earned on ED grant funds, regardless of the date of obligation, interest is calculated from the date that the Federal funds are drawn down from the G5 system until the date on which those funds are disbursed by the District.

Interest would not accrue if the District uses non-Federal funds to pay the vendor and/or employees prior to the funds being drawn down from the G5 or Wide Area Work Flow (WAWF) system, commonly known as a reimbursement.

Payment Methods

Reimbursements: The District will initially charge Federal grant expenditures to non-Federal funds.

The District Business Office will request reimbursement for actual expenditures incurred under the Federal grants at least semi-annually, and more frequently if dictated by the awarding agency. Requests for reimbursement will be filed with the Grants Finance Unit of NYSED, through G5, or through WAWF, depending on the source of the grant. The reimbursement method will dictate the required forms to substantiate the claim. All reimbursements shall be based on actual disbursements, not on obligations.

Consistent with state and Federal requirements, the District will maintain source documentation supporting the Federal expenditures (invoices, time sheets, payroll stubs, etc.) for a period of six years after the grant is closed and the final funds are received and will make such documentation available for review by NYSED upon request.

Reimbursements of actual expenditures do not require interest calculations.

Advances: To the extent the District receives advance payments of Federal grant funds, the District will strive to expend the Federal funds on allowable expenditures as expeditiously as possible.

Specifically, the District attempts to expend all drawn downs of Federal funds within 72 hours of receipt. The District will hold Federal advance payments in interest-bearing accounts, unless an allowable exception applies. The District will begin to calculate interest earned on cash balances once funds are deposited into the District's account.

Interest on advances will be calculated based on interest received daily and shall be apportioned to the Federal funds in the account in direct proportion to the overall amount in the account. Total Federal grant cash balances will be calculated on cash balances per grant and applying the District's actual interest rate. The District will remit interest earned on grant funds annually to the U.S. Department of Health and Human Services Payment Management System (regardless of the Federal awarding agency for the grant) through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment. The District may retain up to \$500 of interest earned per year. To the maximum extent possible, use of advance payments shall be avoided. Reimbursements are the preferred means of utilizing Federal grants.

Carryover

State-Administered Grants: The District may be able to "carryover" any funds left over at the end of the initial 15 month period into the next year. These leftover funds are typically referred to as carryover funds and continue to be available for obligation for an additional 12 months. 34 C.F.R. § 76.709. Accordingly, the District may have multiple years of grant funds available under the same program at the same time. The Treasurer will track the expenditures and encumbrances and will determine the amount of available funding for carryover. The Program Manager will be kept aware of this amount and will adjust the expenditures to reflect this factor. The carryover will be reported in the monthly fiscal reports submitted to the Board of Education.

Direct Grants: Direct grants are not normally subject to carryover provisions. However, under 2 C.F.R. § 200.308, direct grantees enjoy unique authority to expand the period of availability of Federal funds. The District is authorized to extend a direct grant automatically for one 12-month period. Prior approval is not required in these circumstances; however, in order to obtain this extension, the District must provide written notice to the Federal awarding agency at least 10 calendar days before the end of the period of performance specified in the award. This one-time extension may not be exercised merely for the purpose of using unobligated balances. The Director of Curriculum will coordinate the notice to the awarding agency and monitor the progress in obtaining the extension.

The District will seek prior approval from the Federal agency when the extension will not be contrary to Federal statute, regulation or grant conditions and:

- The terms and conditions of the Federal award prohibit the extension;
 - The extension requires additional Federal funds; or
 - The extension involves any change in the approved objectives or scope of the project.
- 2 C.F.R. § 200.308(d)(2).

Appendix D – Standards of Conduct

In accordance with 2 C.F.R. §200.112, NY GML §§ 806 and 808, and District policies 2160 and 2320, the District maintains of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value. Any gift having a value of \$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 to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part shall not be accepted. However, the Board welcomes and encourages the writing of letters or notes expressing gratitude or appreciation to staff members. Gifts from children that are principally sentimental in nature, and of significant financial value, may be accepted in the spirit in which they are given.

“Officer or Employee” means an officer or employee of the District, whether paid or unpaid, including members of the Board and their appointed professional or nonprofessional staff.

“Interest” means an officer or employee shall be deemed to have an interest in the contract of (a) his spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves, (b) a firm, partnership or association of which such officer or employee is a member or employee, (c) a corporation of which such officer or employee is an officer, director, or employee and (d) a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.”

Any employee, officer, or member of the public noting or suspecting a violation of this policy is encouraged to bring the matter to the Board or the Superintendent of Schools. Matters of this nature shall be held in confidence to the maximum extent possible pending a thorough investigation of the allegations of impropriety. Knowing or willful violation of this policy by any employee or member of the Board may result in disciplinary action up to and including dismissal.

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 the Board's code of ethics and its accompanying regulation may be fined, suspended, or removed from office or employment, as the case may be, in the manner provided by law.

Any District officer or employee who has, will have, or later acquires an interest in any action, legislation, or proposed contract shall publicly disclose the nature and extent of such interest in writing to the Board of Education, except that such disclosure shall not be required for any of the exceptions listed under New York General Municipal Law §802

No District officer or employee shall, after termination of services or employment with the District, appear before any board, department, or agency of the District in relation to any case in which the individual personally participated during the period of service or employment, or which was under active consideration.

No District officer or employee shall engage in, solicit, negotiate for, or promise to accept private employment when such interests or services create a conflict with or impairs the proper discharge of official duties. This shall include entering into contingency agreements to represent clients before the Board.

Board members shall disclose, in writing, upon assuming office, any possible conflicts of interest. This shall be entered into the minutes of the Board at the reorganization meeting in July. At any time where a possible conflict arise, the Board member will also make such disclosure in writing. As an example, a board member married to the owner of a business, or acting as an officer in the business, with which the District conducts business exceeding \$750 annually, must make such disclosure. The disclosure only needs to be made once unless there is a material change to the underlying factors. By making such a notice the appearance of impropriety is mitigated and the ability to influence the District for personal gain it in full view.

Appendix E – Eligibility

The main objective of this compliance requirement is that only eligible individuals or organizations participate in Federal assistance programs. The criterion for determining eligibility will vary from program to program, but the objective that only eligible individuals or organizations participate remains consistent across all Federal programs. To comply with this objective, recipients must first assure that proper eligibility determinations are made, which means that the recipient must determine the parameters and limitations to define eligibility for a specific program in accordance with the program's purpose. Eligibility for a specific award will be announced in the award notice. Some awards are dependent on the level of enrollment of a specific class of students in a building or in the district. Examples are numbers of military children, numbers of English Language Learners, and numbers of children living at or below a specified poverty level. In making application for a grant or award, the District will ensure that it is qualified for all eligibility criteria and shall maintain evidence of the qualification for the duration of the award period and the required records holding period.

Appendix F – Equipment and Real Property Management

Equipment and real property procured through any Federally funded award shall be accounted for under District Policy, 6700– Purchasing. The District shall maintain an active accounting and inventory system for all items procured through Federal grants.

A. Property Classifications

Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the District for financial statement purposes, or \$5,000. 2 C.F.R. § 200.33.

Supplies means all tangible personal property other than those described in § 200.33 Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the District for financial statement purposes or \$5,000, regardless of the length of its useful life. 2 C.F.R. § 200.94.

Computing devices means machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or “peripherals”) for printing, transmitting and receiving, or storing electronic information. 2 C.F.R. § 200.20.

Capital assets means tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with GAAP. Capital assets include:

- Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases; and
- Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance). 2 C.F.R. § 200.12.

B. Inventory Procedure

Upon receipt any property classified above, the Shipping and Receiving Department or the Technology Department shall identify the equipment, inspect it for condition, ensure it matches the requirement stated on the purchase order, and shall apply asset control tags to the equipment/item. The item shall be entered into the inventory system in sufficient detail to provide a discrete identification of the item (nomenclature, serial numbers, model numbers, etc.) as well as the location where the equipment will ultimately be situated. Only after this is accomplished will the equipment be shipped to the final destination. Receiving reports will then be signed and forwarded to the Business Office for processing and payment.

C. Inventory Records

For each equipment and computing device purchased with Federal funds, the following information is maintained:

- Serial number or other identification number;
- Source of funding for the property;
- Who holds title (this may be MORIC if they acted as purchasing agent);
- Acquisition date and cost of the property;
- Percentage of Federal participation in the project costs for the Federal award under which the property was acquired;
- Location, use and condition of the property; and
- Any ultimate disposition data including the date of disposal and sale price of the property.

Upon final disposition of the property (either at the end of useful life, sale, loss, etc.) the shipping and receiving department shall request that the Board of Education declare the item excess to the needs of the District. Once this resolution is recorded in the minutes, the Shipping and Receiving clerk may dispose of the property within the guidelines approved by the Board of Education. Any monetary value derived from the disposal of the property shall be applied as a credit to the Federal Grant, if applicable.

D. Physical Inventory

A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years. The inventory will be accomplished by the Technology Department Micro-computer Technician assigned to the specific building or by the Shipping and Receiving clerk during his annual inventory.

E. Maintenance

In accordance with 2 C.F.R. § 200.313(d)(4), the District maintains adequate maintenance procedures to ensure that property is kept in good condition. Issues arising during normal operations will be reported to the appropriate agency (Buildings and Grounds or Technology) through the established work request system (currently QueCentre).

F. Lost or Stolen Items

The District maintains a control system that ensures adequate safeguards are in place to prevent loss, damage, or theft of the property. Devices are assigned to a building for use by trained personnel. Losses will be reported to the building office as soon as practicable after the loss is noticed. At that time, appropriate administrative personnel will conduct an inquiry to determine the nature and cause of the loss. If a theft is suspected, a police report will be filed (contact the School Resource Officer for processing procedures). If the property is not recovered in 60 days, it can be removed from the inventory as a loss.

G. Use of Equipment

Equipment must be used in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the Federal award, and the District will not encumber the property without prior approval of the Federal awarding agency and the pass-through entity.

During the time equipment is used on the project or program for which it was acquired, the equipment will also be made available for use on other projects or programs currently or previously supported by the Federal government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by the Federal awarding agency that financed the equipment. Second preference is given to programs or projects under Federal awards from other Federal awarding agencies. Use for non-Federally funded programs or projects is also permissible.

When no longer needed for the original program or project, the equipment may be used in other activities supported by the Federal awarding agency, in the following order of priority: (1) activities under a Federal award from the Federal awarding agency which funded the original program or project; then (2) activities under Federal awards from other Federal awarding agencies.

H. Disposal of Equipment

When it is determined that original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, the Program director, Office of Federal Programs, or Director of Curriculum will contact the awarding agency (or pass-through for a state-administered grant) for disposition instructions.

Generally, disposition of equipment is dependent on its fair market value (FMV) at the time of disposition. If the item has a current FMV of \$5,000 or less, it may be retained, sold, or otherwise disposed of with no further obligation to the Federal awarding agency. If the item has a current FMV of more than \$5,000, the Federal awarding agency is entitled to the Federal share of the current market value or sales proceeds. All final decisions to excess property are reserved to the Board of Education.

If acquiring replacement equipment, the District may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property. Net cost will be applied to any accounts used to acquire equipment including a trade in.

Appendix G – Matching, Level of Effort and Earmarking

Matching, also referred to as “cost sharing”, is a requirement for the recipient to provide contributions or donations of a specified amount or percentage to supplement Federal assistance received. In other words, when the recipient participates in a Federal program and an operating budget is prepared, the Federal government may require the recipient to provide contributions to cover a portion of that program’s operations.

Level of effort defines particular goals or objectives the recipient must achieve with the assistance received, and includes recipient requirements for a specified level of service, specified level of expenditures for designated activities, and Federal funds to supplement and not supplant non-Federal services.

Earmarking is a requirement that specifies a limit amount or percentage of the program’s assistance that must (minimum) or may (maximum) be used for specified activities. Examples of this include limits imposed on the Federal government on the amount of Federal funds to cover administrative

expenses, or a percentage requirement for total program funds provided to subrecipients. Earmarking may also be specified in relation to the types of participants covered (e.g. a limit on how many participants a recipient can provide assistance to).

Individual Federal grants may have matching or level of effort requirements associated with the grant as a condition of award. The Director of Curriculum or Director of Office of Federal Programs will determine these requirements during the application/pre-award phase of the process. These requirements will be budgeted and tracked during execution of the award. The following criteria will be met when identifying matching/level of effort/earmarking of funds by the District:

- Must be verifiable in the District's accounting system
- Must not be included as the contribution to any other Federal award (no "double-dipping")
- Must be necessary and reasonable for accomplishing the program objectives
- Must be allowable under cost principles previously stated in this guidance
- Must not be paid by another Federal agency or under another Federal award
- Must be provided for in the budget approved for the award by the applicable Federal Agency.

The Grant Program Director will ensure that earmark requirements are fully complied with. The Business Office will monitor this aspect and ensure that no funds are disbursed that do not meet the earmark requirements.

Appendix H – Period of Performance

The period of performance will be described in the grant award notice. All obligations must occur on or between the beginning and ending dates of the grant project. 2 C.F.R. § 200.309. This period of time is known as the period of performance. 2 C.F.R. § 200.77. The period of performance is dictated by statute. Further, certain grants have specific requirements for carryover funds that must be adhered to. The period of performance is a required data point for claiming reimbursement through G5 or WAWF. The period of performance can only be changed by the awarding agency. In instances where the budget is under executed and funding will remain at the end of the performance period, the Program Director, Director of Curriculum, or Director of Office of Federal Programs will apply to the awarding agency for an extension of the time for performance. If granted, this extension will be listed on a modification to the grant award notice. On application for reimbursement, all information on award notice modifications must be annotated on the claim in order for it to be processed properly and in a timely fashion.

Appendix I – Procurement and Suspension and Debarment

This section covers compliance of laws and regulations when obtaining a good or services from a vendor, supplier, or provider. The District will comply with its established Procurement policy (Policy 6700) and its Purchasing policy (Policy 5310) in all purchases made through Federal grants or awards. The fact that the source is a Federal grant/award does not relieve the District from complying with all aspects of the effective policy. The procurement requirement is established to ensure that such goods and services are obtained in an effective manner, including the prohibition of conflicts of interest, the fair selection of vendors, provide open and free competition among vendors, etc. The suspension and debarment requirement establishes that certain non-Federal entities have been prohibited from participating in or receiving Federal assistance for various reasons, including prior mismanagement of funds or previous non-compliance of laws and regulations. This prohibition may be temporary (suspension) or indefinite (debarment; until specifically allowed by the government). When performing this purchase, the District Purchasing Agent must verify that the vendor, supplier, provider or their respective principals (e.g., owners, top management, etc.) are not suspended, debarred or otherwise excluded by the Federal government. This is done by checking the Excluded Parties List System (EPLS) maintained by the General Services Administration (GSA) or by contacting the Federal agency.

The District awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

The District may not subcontract with or award subgrants to any person or company who is debarred or suspended.

Appendix J – Program Income

Program income is sometimes directly generated by the Federally funded program. This type of income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. However, it generally does not include interest on program funds (which is covered under “Cash Management”); nor does it cover rebates, credits, discounts, and refunds (covered under “Allowable Costs/Cost Principles”); nor proceeds from the sale of equipment or real property (covered under “Equipment and Real Property Management”). The uses or treatment of program income are either deducted by the Federal agency from the current program budget (e.g., the program income substitutes part of the original budget), added to the current program budget, or used to meet matching requirements.

Use of Program Income

The default method for the use of program income for the District is the deduction method. Under the deduction method, any program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the District is otherwise directed by the Federal awarding agency or pass-through entity. The District may also request prior approval from the Federal awarding agency to use the addition method. Under the addition method, program income may be added to the Federal award by the Federal agency and the District. The program income must then be used for the purposes and under the conditions of the Federal award.

While the deduction method is the default method, the District always refers to the GAN prior to determining the appropriate use of program income.

Appendix L – Reporting

This section establishes that all recipients must submit reports (whether financial, performance-related, or of special nature) to the Federal government to monitor Federal assistance activities and uses. The most common reports are pre-designed by the Federal agency, are approved by OMB, and are available to all recipients and the general public. The time deadlines for submitting them vary depending on the report, and will generally be established in the initial Grant Award Notice. Furthermore, the reporting requirements (e.g., which reports must be submitted, the timing of the submission, information in the reports, etc.) may vary from recipient to recipient, although the Federal government has established several reports that apply to all recipients. Common reports include:

- SF-270 the *Request for Advance or Reimbursement*.
- SF-425 the *Federal Financial Report*.
- FS-10 the *Proposed Budget for a Federal or State Project*
- FS-10A the *Proposed Amendment for a Federal or State Project*
- FS-25 the *Request for Funds for a Federal or State Project*

Reconciliation and Closeout Procedures

It is critical for charges to match the actual disbursement. Budget estimates or other distribution percentages determined before the services are performed or purchases made do not qualify as support for charges to Federal awards, but may be used for interim accounting purposes provided that the system for establishing the estimates produces reasonable approximations of the activity

actually performed. Therefore, when filing final reports, all accounting must be for actual, not budgeted accounting numbers.

Record Retention

A. Retention:

The District maintains all records that fully show (1) the amount of funds under the grant or subgrant; (2) how the subgrantee uses those funds; (3) the total cost of each project; (4) the share of the total cost of each project provided from other sources; (5) other records to facilitate an effective audit; and (6) other records to show compliance with Federal program requirements. The District also maintains records of significant project experiences and results. These records and accounts must be retained and made available for programmatic or financial audit and will be maintained for a minimum of six years after filing the final reports, unless the New York state retention period prescribes a longer retention period.

The U.S. Department of Education is authorized to recover any Federal funds misspent within 5 years before the receipt of a program determination letter. If any litigation, claim, or audit is started before the expiration of the record retention period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

Upon reaching the end of the retention period, records will be destroyed by shredding or, in the case of electron records, deletion with overwrite on the recorded section of the medium.

B. Access to Records

The District provides the awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives the right of access to any documents, papers, or other records of the District which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the District's personnel for the purpose of interview and discussion related to such documents.

C. Privacy

The District protects the privacy of the records under the Family Educational Rights and Privacy Act (FERPA). Documents subject to Freedom of Information Law requests or Freedom of Information Act requests will be reviewed for privacy concerns and properly redacted prior to release under either law. This does not apply to properly executed subpoenas or investigations by properly documented law enforcement in the conduct of official duties.

Appendix M – Subrecipient Monitoring

In the event that the District awards subgrants to other entities (also known as pass-through entities), the District shall monitor those grant subrecipients to ensure compliance with Federal, state, and local laws. Monitoring is the regular and systematic examination of all aspects associated with the administration and implementation of a program. Each program office that awards a subgrant must have its own monitoring policy. This policy must ensure that any monitoring findings are corrected. The District shall require that all subrecipients provide required reports and financial documents in sufficient detail to permit the District to make it required reports. In this manner the District will exercise a level of control. The District may also conduct site visits, regular contact, interviews, meetings and examinations of the subrecipient, as well as requiring that the subrecipient be subject to an annual single audit. The specific measures will be developed at the time the subgrant is awarded and will be followed up by the Grant Program Manager for the District.

Appendix N – Special Tests and Provisions

Certain programs have unique compliance requirements—established by laws, regulations, and contract or grant agreements—that do not fit into the requirements listed above. The Program Manager must review these, normally provided in the Grant Award Notice, and ensure compliance with those requirements. The auditor must review the program’s contract, grant agreements, referenced laws, and regulations to identify unique compliance requirements. In conjunction with the Program Manager and the Business Administrator, the auditor will develop audit objectives and audit procedures under this section to ensure full compliance.

Adopted: April 11, 2024

PESTICIDES AND PEST MANAGEMENT

Pest Management Policy Statement

Structural and landscape pests can pose significant problems for people and property. Pesticides can pose risks to people, property, and the environment. It is therefore the policy of the Sandy Creek Central School District to incorporate integrated pest management (IPM) procedures for control of structural and landscape pests. The objective of this program is to provide necessary pest control while minimizing pesticide use.

Pest Management Plan

The Sandy Creek Central School District will manage pests to:

1. Reduce any potential human health hazard or threat to public safety.
2. Prevent loss or damage to school structures or property.
3. Prevent pests from spreading into the community, or to plant and animal populations beyond the site.
4. Enhance the quality of life for students, staff and others.

The IPM plan will address each of these goals. The IPM program will specifically address strategies for pest identification, preventive actions, establishment of tolerance threshold levels, monitoring, response actions, public notification, education, and recordkeeping.

IPM Coordinator

An IPM Coordinator will be appointed by the Board of Education. The coordinator will be responsible for implementing the IPM policy and drafting and implementing the IPM plan. The coordinator's responsibilities will include, but not be limited to, the following:

1. Drafting an IPM plan.
2. Implementing the IPM plan.
3. Assuring notifications comply with applicable State laws and regulations, specifically Education Law §409-h and this policy.
4. Recording all pesticide use in accordance with Education Law §409-h and other applicable State laws and regulations.

5. Recording all pest sightings by staff, students and parents.
6. Meeting with pesticide applicators to share information on what pest problems are present in the school.
7. Assuring that all the PCR's recommendations on maintenance and sanitation are carried out where feasible.
8. Assuring that any pesticide use is done when school is not in session or when the areas can be completely secured against access by school staff or students.
9. Maintaining the District's 48 hour notification list.
10. Evaluating the school's progress on the IPM plan.
11. Assuring that all individuals employing the use of pesticides are properly trained and certified in the use of such pesticide.
12. Any other duties required by State law or Regulation or the Board of Education pertaining to pest control or IPM policy.

Pesticide Applicators

Pesticide applications may only be performed by individuals currently certified by the New York State DEC as pesticide applicators or by a certified pesticide technician or an apprentice working under the direct on-site supervision of a certified applicator pursuant to DEC Regulation Part 325.7. Further, pesticide applicators must be over the age of 21 years old as recommended by the DEC.

Selection of Pesticides

The IPM plan shall include the use of mechanical, biological and physical treatments for pest control to be implemented prior to the use of specific toxic pesticides. When pesticide use is necessary, the Board of Education, Superintendent, or IPM coordinator must approve the pesticide for school use. The school's preferred pesticide for use would be pesticide baits and pesticide sprays with the single word CAUTION as a warning.

Notification

The school shall provide written notification and persons in parental relation at the beginning of each school year. Such notices shall contain the following information:

- a. A statement that pesticide products may be used periodically throughout the school year.
- b. A statement that schools are required to maintain a list of staff and persons in parental relationship who wish to receive 48 hours prior written notification of pesticide applications at relevant facilities, and instructions on how to register with the school to be on such list for notification; the name of the school representative and contact number to obtain further information.
- c. If a child enrolls after the beginning of the school year, such notification shall be provided to that child within one week of enrollment.
- d. The school shall also provide notification within ten days of the end of the school year and within two school days of the end of winter recess and spring recess and within two days of the end of summer school. Such notification shall provide written notice to all staff and persons in parental relationship listing the date, location and product used for each application which required prior notification and each emergency application made at relevant facilities during the period of time since the previous notice. Such notification shall also include a statement that schools are required to maintain a list of staff and persons in parental relationship who wish to receive 48 hours prior written notification of pesticide applications and instructions on how to register with the school to on such list for prior notification and how to obtain further information about the products being applied including warnings that appear on the labels of pesticides that are pertinent to the protection of humans, animals or the environment and the name of a school representative or contact number for additional information.
- e. All individuals requesting written notification 48 hours in advance of pesticide application shall be given such notice within a minimum of 48 hours prior to any such pesticide application. Such notification shall include the following information:

The specific date and location of the application at the facility. If the application is an outdoor application, the notice will provide two alternative dates for application in case weather prohibits application on the first date of application. Further, such notice shall provide the product name and pesticide registration number assigned by the United States Environmental Protection Agency. The following statement shall also be contained within the 48 hour notice.

This notice is to inform you of a pending pesticide application to a school facility. You may wish to discuss with the designated school representative what precautions are being taken to protect your child from exposure to these pesticides. Further information about the product(s) being applied, including any warnings that appear on the label of the pesticide(s) that are pertinent to the protection of humans, animals or the environment, can be obtained by calling the National Pesticide Telecommunications Communications Network information phone number 1-800-858-7378 or the New York State Department of Health Center for Environmental Health Info Line at 1-800-458-1158.

Finally, this notice shall contain the name of the school representative and contact number for additional information.

Emergency Applications

In the case of an emergency application of a pesticide to protect against imminent threat of human health, IPM coordinator shall make a good faith effort to supply written notice required pursuant to this section. Further, upon making such emergency application, the IPM coordinator shall notify the Commissioner of the Department of Health on the appropriate form of the pesticide applied and the reason for such application.

Education

Staff, students, pest managers, parents, and the public will be informed about potential school pest problems, the IPM policies, procedures and their respective roles in achieving the desired pest management objectives.

The Board of Education shall review the IPM plan and pest control policy on an annual basis to ensure compliance with §409-h of the Education Law.

WORKPLACE VIOLENCE PREVENTION

The district is committed to establishing and maintaining a safe and secure workplace for employees. Workplace violence is a safety hazard to the district, its employees, and everyone in the workplace, and will not be tolerated. All employees are expected to work together to create and maintain a safe and respectful work environment for everyone.

Workplace violence is defined as any physical assault or act of aggressive behavior occurring where employees perform any work-related duty in the course of their employment including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without their consent that entails some injury; or stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

All employees are responsible for notifying their supervisor or other designated contact person of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received. All acts of workplace violence will be promptly and thoroughly investigated, and appropriate action will be taken, including contacting law enforcement where necessary.

Designated Contact Person: Cora Harvey
Title: Business Administrator
Department: District Office
Phone: 315-387-3445
E-mail: cora.harvey@sccs.cnyric.org

As required by Labor Law §27-b, the district will develop and implement a Workplace Violence Prevention Program to comply with the law and its implementing regulations. The Program will include elements required by law and regulation, including:

- a. the risk factors present in the workplace;
- b. the methods the district will use to prevent incidents of violence in the workplace;
- c. the methods and means by which the district will address specific identified hazards;

- d. a system to report workplace violence incidents in writing;
- e. a written outline for employee training; and
- f. a plan for annual program review and update.

In developing the Workplace Violence Prevention Program, the district will conduct an evaluation to identify likely potential risks of violence in the workplace. Authorized employee representative(s) will be involved in:

- a. evaluating the physical environment;
- b. developing the Workplace Violence Prevention Program; and
- c. reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

Employee Notice and Training

As required by law, all employees will participate in Workplace Violence Prevention Training Program at the time of initial assignment and annually thereafter. Employees must be trained on:

- a. the details of the workplace violence prevention program;
- b. the measures they can take to protect themselves from risks of violence; and
- c. the specific procedures the district has implemented to protect employees (such as appropriate work practices, emergency procedures, and the use of security alarms).

Additionally, at the time of initial assignment and at least annually, employees will be informed of the requirements of Labor Law §27-b, the risk factors identified in the workplace, and the location of the district's Workplace Violence Prevention Program.

This policy must be posted where notices to employees are normally posted.

Allegations of Violations and Non-Retaliation

The process for employees to allege violations of the workplace violence prevention program to the state Commissioner of Labor, and the employment protections for doing so, is set forth in Labor Law §27-b and 12 NYCRR §800.6 and includes the following:

A "serious violation" of the workplace violence prevention program is the failure to develop and implement a program or address situations which could

result in serious physical harm. “Imminent danger” is any condition or practice in the workplace where a danger exists which could reasonably be expected to cause death or serious physical harm immediately, or before the imminence of the danger can be eliminated through these complaint procedures.

Employees or their representatives who believe that a serious violation of the workplace violence prevention program exists or that an imminent danger exists (as defined above), must bring the matter to their supervisor’s attention in writing, and must give the district a reasonable opportunity to correct the activity, policy or practice, before notifying the Commissioner of Labor. However, such prior written notice and opportunity for correction is not required if there is an imminent danger or threat to the safety of a specific employee, and the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action.

If, after the matter has been brought to a supervisor’s attention and a reasonable opportunity to correct the issue has passed, the issue has not been resolved and the employee still believes that a violation of the workplace violence prevention program remains or that an imminent danger exists, employees or their representatives may request an inspection from the Commissioner of Labor in writing. The Commissioner will provide a copy of the request to the district, but the employee may request that their name be withheld.

A district representative and authorized employee representative may accompany the Commissioner of Labor during the inspection to assist in the inspection. If there is no authorized employee representative, the Commissioner will consult with district employees concerning workplace safety.

The district will not take retaliatory action (terminate, suspend, demote, penalize, discriminate, or other adverse employment action in the terms and conditions of employment) against any employee because they have alleged a serious violation of the workplace violence prevention program, or imminent danger exists, requested an inspection by the Commissioner of Labor, or accompanied the Commissioner on the inspection, as prescribed by state law and regulation.

Cross-ref: 5300, Code of Conduct
8130, School Safety Plans and Teams

Ref: Labor Law §27-b
12 NYCRR §800.6

Adoption date: April 18, 2024

USE OF CELL PHONES

The Board of Education recognizes that certain district employees will be required to carry district-owned cell phones in order to meet their job responsibilities. Such phones should be provided only when a less costly alternative (e.g., pager, radio) is not available or is not appropriate in the circumstances.

All cellular telephone contracts shall be secured through the appropriate purchasing process (e.g., competitive bid, RFP process) and shall be subject to review by the Board. The Superintendent or designee shall be responsible for assigning cell phone use and type of calling plans.

Sandy Creek Central School District employees assigned exclusive use of the district cell phones shall be responsible for any personal use of the cell phone in any month where the minutes used on the cell phone exceed the number of minutes provided for in the calling plan contract between the school district and the vendor. Failure to follow these guidelines may result in revocation of the phone and discipline of the employee.

As with any district-owned equipment, employees must take proper care of cell phones and take all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must be reported immediately to the Business Office. Since employees are responsible for the safe return of district-owned cell phones, employees who use district-owned cell phones may be liable for damages or loss which occurs during the period of its use.

At least once per year, the Business Office shall evaluate the cost and effectiveness of the district's cellular telephone plan.

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Adopted: January 12, 2006

Adopted: December 8, 2011

USE OF CREDIT CARDS

The Board of Education permits the use of district credit cards by certain school officials and Board members to pay for actual and necessary expenses incurred in the performance of work-related duties for the district. A list those individuals that will be issued a district credit card will be maintained in the Business Office. All credit cards will be in the name of the school district.

The district shall establish a credit line not to exceed \$5,000 for each card issued and an aggregate credit limit of \$15,000 for all cards issued to the district.

The Board shall ensure that the relationship between the district and the credit card company is such that the district preserves its right to refuse to pay any claim or portion thereof that is not expressly authorized, does not constitute a proper district charge, or supersedes any laws, rules, regulations, or policies otherwise applicable. In addition, the Board will ensure that no claim shall be paid unless an itemized voucher approved by the officer whose action gave rise or origin to the claim, shall have been presented to the Board and shall have been audited and allowed.

Credit cards may only be used for legitimate school district business expenditures. The use of credit cards is not intended to circumvent the district's policy on purchasing.

Users must take proper care of these credit cards and take all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must be reported immediately to the Business Office and to the appropriate financial institution. Failure to take proper care of credit cards or failure to report damage, loss or theft may subject the employee to financial liability.

Purchases that are unauthorized, illegal, represent a conflict of interest, are personal in nature or violate the intent of this policy may result in credit card revocation and discipline of the employee.

Users must submit detailed documentation, including itemized receipts for commodities, services, travel and/or other actual and necessary expenses which have been incurred in connection with school-related business for which the credit card has been used.

The Superintendent of Schools, in consultation with the Business Administrator/Purchasing Agent, shall establish regulations governing the issuance

and use of credit cards. Each cardholder shall be apprised of the procedures governing the use of the credit card and a copy of this policy and accompanying regulations shall be given to each cardholder.

The Business Administrator shall periodically, but no less than twice a year, monitor the use of each credit card and report any serious problems and/or discrepancies directly to the Superintendent and the Board.

Cross-ref: 6700, Purchasing
6830, Expense Reimbursement

Ref: Education Law §§1724(1); 2524(1) (itemized, audited, and approved vouchers required)

Opns. St. Compt. No. 79-202 (use of multi-purpose credit cards by municipal employees)

Opns. St. Compt. No. 79-494

Opns. St. Compt. No. 78-897 (gas credit cards)

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Adopted: January 12, 2006

Adopted: December 8, 2011

PUPIL TRANSPORTATION WALKING DISTANCE

Kindergarten – Grade 6

All pupils in grades Kindergarten - 6 are eligible for transportation on regular Scheduled school bus routes. Consolidation of stops will necessitate children to walk up to one-half mile.

Grades 7 – 12

All students 7-12 who live beyond one mile of the school campus are eligible for school bus transportation. Consolidation of stops will necessitate students to walk up to one mile.

The same guidelines will apply for scheduled afternoon activity runs.

The transportation department will consider exceptions to these guidelines when circumstances warrant (i.e., road conditions, weather and student disabilities).

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Adopted: April 14, 1983

Revised: November 12, 1992

Revised: May 5, 2005

Adopted: December 8, 2011

CONTROLLED SUBSTANCE AND ALCOHOL TESTING POLICY

The U.S. Department of Transportation (the "DOT") has issued regulations (49 CFR Parts 40, 382, 391, 392 and 395) (the "Regulations") pursuant to the Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143) (the "Omnibus Act") which govern the use of drugs and alcohol by commercial motor vehicle drivers, and which also require the Sandy Creek Central School District (the "District") to conduct mandatory drug and alcohol testing of covered drivers. The Regulations require testing to begin on January 1, 1996.

It is the District's intention to comply fully with the Omnibus Act and DOT's regulations governing drug and alcohol use and testing, and the requirements of the DOT's regulations are hereby incorporated into this Policy. In the event DOT's regulations are amended, this Policy and the applicable term(s), condition(s) and/or requirement(s) of this Policy shall be deemed to have been amended automatically at that time, without the need for redrafting, in order to reflect and be consistent with DOT's regulations. In such case, the District reserves the right to apply the amended requirements immediately and without giving prior notice to drivers and/or applicants, unless such notice is required by DOT or another applicable law. The District also intends to comply with the applicable requirements of the Drug-Free Workplace Act of 1988, the Drug Free Schools and Communities Act, the Americans with Disabilities Act, the Family and Medical Leave Act, the Rehabilitation Act §504 and the New York State Human Rights Law.

The Superintendent shall promulgate administrative regulations to implement this policy and comply with the Omnibus Act, the Regulations and other applicable laws and collective bargaining agreements.

The Superintendent shall also develop Drug and Alcohol Testing Educational Material that complies with 49 CFTR Part 382, Subpart F, for distribution to covered employees as required by the Regulations.

The Superintendent or his/her designee shall provide written notice to the bus drivers' union of the adoption of this policy and of any administrative regulations hereunder, and of the availability of the Educational materials required by the DOT.

The Medical Review Officer for the district shall be Jay Chapman, M.D.

The Superintendent shall arrange for training of all supervisors who may be called upon to determine whether reasonable suspicion exists to test a driver for alcohol misuse or controlled substance use.

Any violation of this Policy, the District's Administrative Regulation, the Drug and Alcohol Testing Educational Material, the Omnibus Act or DOT Regulations by covered employee shall be grounds for disciplinary action, up to and including discharge, in a manner consistent with the District's pre-existing policies, and any applicable collective bargaining agreement.

The Superintendent shall also provide for an informal administrative appeal process whereby a covered employee may appeal a positive alcohol test and/or controlled substance test. Said process shall not interfere with DOT-mandated actions (e.g., removal from safety-sensitive functions).

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Adopted: May 5, 2005

Adopted: December 8, 2011

CONTROLLED SUBSTANCE AND ALCOHOL TESTING REGULATION

1.0 PURPOSE

The U.S. Department of Transportation (hereinafter referred to as the "DOT") has issued regulations (49CFR Parts 40, 382, 391, 392, and 395) (hereinafter referred to as the "Regulations") pursuant to the Omnibus Transportation Employee Testing Act of 1991 (P.L 102-143) (hereinafter referred to as the "Omnibus Act") which govern the use of drugs and alcohol by commercial motor vehicle drivers, and which require the Sandy Creek Central School District (hereinafter referred to as the "District") to conduct mandatory drug and alcohol testing of covered drivers at the times and under the conditions described in this Administrative Regulation. The Regulations require testing to begin on January 1, 1996. The purpose of this Administrative Regulation is to comply with these requirements and to implement the Board of Education Policy dated December 14, 1995.

2.0 APPLICABILITY

- 2.1 Under the District's Policy, drug and alcohol testing will be conducted on any current and/or prospective "driver" who may be required to operate a "commercial motor vehicle" (as these terms are defined in this Administrative Regulation).
- 2.2 All applicants for positions with the District as a driver of a commercial motor vehicle (regardless of whether they are new applicants or transfers) will be notified of the District's drug and alcohol use and testing policy at the time they apply for a covered driver position with the District and that any offer of employment as such a driver will be conditioned on compliance therewith.

3.0 DEFINITIONS

- 3.1 *Accident* means any occurrence involving a commercial motor vehicle operating on a public road which results in:
 - (i) a fatality; or
 - (ii) the driver being cited for a moving traffic violation, and (a) a person is injured because of the accident and the injuries require immediate medical treatment of the person away

from the accident scene; or (b) one or more motor vehicles involved in the accident incurred disabling damage and

must be transported away from the accident scene by a tow truck or another vehicle.

- 3.2 *Alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- 3.3 *Alcohol concentration (or content)* means the alcohol in a volume of breath, expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under the District's Policy and Administrative Regulation as described herein.
- 3.4 *Alcohol use* means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
- 3.5 *Commercial motor vehicle* means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:
- (i) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
 - (ii) Has a gross vehicle weight rating of 26,001 or more pounds; or
 - (iii) Is designed to transport 16 or more passengers, including the driver; or
 - (iv) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).
- 3.6 *Confirmation test* for alcohol testing means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry

{GC/MS} is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines and phencyclidine).

- 3.7 *Controlled substance* means:
- (i) any substance listed on Schedule I of Appendix D to Subchapter B of Title 49 of the Code of Federal Regulations or other substance identified in Schedule I;
 - (ii) an amphetamine or any formulation thereof (including, but not limited to “pep pills” and “bennies”);
 - (iii) a narcotic drug or any derivative thereof; or
 - (iv) any other substance, to a degree which renders the driver incapable of safely operating a motor vehicle.
- 3.8 *DHHS*. The Department of Health and Human Services or any designee of the Secretary of the Department of Health and Human Services.
- 3.9 *Driver* means any employee who operates a commercial motor vehicle. This includes, but is not limited to full-time, regularly employed drivers and casual, intermittent or occasional drivers who operate a commercial motor vehicle at the direction of or with the consent of the District. For the purposes of pre-employment/pre-duty testing only, the term *driver* includes a person applying to the District to drive a commercial motor vehicle.
- 3.10 *Medical Review Officer (MRO)*. A licensed physician responsible for receiving laboratory results generated by an employer’s drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant bio-medical information.
- 3.11 *On-duty time* means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. *On-duty time* shall also include all time spent traveling to and participating in either a drug or alcohol test when it is pursuant to a random, reasonable suspicion, post-accident or follow-up test as directed by or on behalf of the District.

- 3.12 *Performing a safety-sensitive function.* A driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
- 3.13 *Refuse to submit* (to an alcohol or controlled substance test) means that a driver:
- (i) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of the District's Policy and Administrative Regulation,
 - (ii) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of the District's Policy and Administrative Regulation, or
 - (iii) engages in conduct that clearly obstructs the testing process.
- 3.14 *Safety-sensitive function* includes:
- (i) All time at or on District property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the District;
 - (ii) All time inspecting equipment as required by 49 CFR §§392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
 - (iii) All time spent driving a commercial motor vehicle;
 - (iv) All time, other than driving time, in or upon any commercial motor vehicle;
 - (v) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle;
 - (vi) All time spent performing the driver requirements of 49 CFR §§392.40 and 392.41 relating to accidents; and

(vii) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

3.15 *Screening test (also know as initial test).* In alcohol testing, it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay screen to eliminate “negative” urine specimens from further consideration.

3.16 *Substance abuse professional (SAP)* means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge and/or clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

4.0 PROHIBITED ACTIVITIES

4.1 The Regulations expressly prohibit drivers from:

- (i) reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while the driver has an alcohol concentration of 0.02 or greater;
- (ii) possessing any amount of alcohol (including alcohol found in medications, food, or other alcohol-containing products) while on duty or operating a commercial motor vehicle, unless the alcohol is manifested and transported as part of a shipment;
- (iii) using alcohol at any time while performing any safety-sensitive function;
- (iv) using alcohol within six (6) hours prior to performing any safety-sensitive function;
- (v) using alcohol for eight (8) hours following an accident (as defined in this Administrative Regulation) or until he/she undergoes a post-accident alcohol test, whichever occurs first;
- (vi) refusing to submit to an alcohol or controlled substances test (as defined in this Administrative Regulation);

- (vii) reporting for duty and/or remaining on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substances, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle;
 - (viii) failing to inform the district that he/she is using any therapeutic drug; and
 - (ix) reporting for duty, remaining on duty or performing safety-sensitive functions when the driver tests positive for controlled substances.
- 4.2 Drivers are also prohibited from failing to inform the District that the driver is using drugs other than therapeutic drugs.
- 4.3 Any violation of the Omnibus Act, the Regulations, the District's Policy regarding Controlled Substance and Alcohol Testing, this Administrative Regulation or the District's Drug and Alcohol Testing Educational Material is also considered prohibited conduct.
- 4.4 Drivers (excluding applicants covered driving positions) who violate these prohibitions will be subject to the actions mandated by the DOT as described in this Administrative Regulation. Drivers who violate these prohibitions may also be subject to disciplinary action by the District, up to and including discharge, in a manner consistent with the DOT regulations, the District's pre-existing policies, practices, and any applicable laws and the collective bargaining agreement.

5.0 REQUIRED TRAINING

- 5.1 The District is required by DOT to conduct tests under the following conditions or times:
- (i) before a driver-applicant is hired or an existing employee seeking to become a driver performs safety-sensitive functions ("pre-employment/pre-duty" testing) as described in 49 CFR §382.301;

- (ii) following certain accidents (post-accident testing) as described in 49 CFR §382.303;
- (iii) on a random basis as described in 49 CFR §382.305;
- (iv) for reasonable suspicion as described in 49 CFR §382.307;
- (v) return-to-duty testing after engaging in prohibited conduct as outlined in Section 4.1 of this Administrative Regulation as described in 49 CFR §382.309; and
- (vi) follow-up testing as described in 49 CFR §382.311 for individuals in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances.

5.2 With respect to Section 5.1 (i) above, any applicant for a covered driving position who refuses or fails to execute the acknowledgement that he/she has received and read the District's Drug and Alcohol Testing Educational Material, who refuses or fails to submit to a pre-employment/pre-duty drug test as directed, or whose drug test reveals a presence of drugs, will not be considered eligible to work as a driver for the District. In addition, existing workers applying for driver positions may be subject to discipline, up to and including discharge, in a manner consistent with the District's pre-existing policies, practices, and any applicable laws and the collective bargaining agreement.

6.0 METHODS OF TESTING

6.1 To ensure the integrity and accuracy of each test, all specimen collection, analysis, and laboratory procedures shall be conducted in accordance with DOT's procedural protocols and safeguards, as set forth in Part 40 of Title 49 of the Code of Federal Regulations. This includes, among other things:

- (i) procedures to ensure the correct identity of each driver at the time of testing;
- (ii) a chain-of-custody procedure to ensure that the driver's specimen is not tampered with;
- (iii) the use of a trained breath alcohol technician (BAT) and DOT-approved testing devices for conducting alcohol tests;

- (iv) the use of a DHHS-certified laboratory;
 - (v) the confirmation of an initial positive drug screen by a second analysis using gas chromatography/mass spectrometry (GC/MS);
 - (vi) the confirmation of an initial positive alcohol screen by a second analysis;
 - (vii) the District's appointment of a qualified Medical Review Officer (MRO) to review the drug test results before they are reported to the District's designated representative.
- 6.2 To further facilitate the integrity and accuracy of each test, the District will provide drivers with written and/or oral instructions regarding the conduct of the specific test before each testing event. The District considers all such instructions to be a part of the District's Policy and the District's Administrative Regulation. Drivers who refuse or otherwise fail to comply with all such instructions will be subject to disciplinary action, up to and including discharge, in a manner consistent with the District's pre-existing policies, practices, and any applicable laws and the collective bargaining agreement.
- 6.3 The District will notify the union representative which driver(s) have been selected for testing at the time the driver(s) are notified. Union representative will be allowed to be present during the testing. Testing will not be delayed or impeded by the union representative.

7.0 TEST RESULTS

7.1 For Drug Tests

- 7.11 Before a driver's test result will be confirmed positive for drugs, the driver will be given the opportunity to speak with the District's MRO and demonstrate that there was a legitimate medical explanation for the positive test result. If the MRO determines that a legitimate medical reason does exist, the test result will be reported to the District as "negative." If the MRO determines that a legitimate medical reason does not exist, the test result will be reported to the District as "confirmed positive."

- 7.12 In the event that the test result of a driver's primary specimen is confirmed positive, the driver will be notified by the District and advised that he/she has 72 hours to request that the MRO send his/her secondary specimen to a second, DHHS-approved laboratory for analysis. The District will pay the cost for testing the secondary specimen. Pending the outcome of this additional analysis, the driver will be suspended without pay, or allowed to use sick days or vacation days, from performing safety-sensitive functions. If the driver does not request the secondary specimen to be tested within 72 hours, the driver will be discharged.
- 7.13 In the event that the test results of a driver's secondary specimen are confirmed positive, the covered driver will be notified by the District. A positive result from a secondary specimen test will result in discharge.
- 7.14 In the event that the test results of a driver's specimen are confirmed positive for a misuse of a therapeutic (prescription) drug, the covered driver will be notified by the District. A misuse of a therapeutic (prescription) drug will result in driver being relieved of DOT safety-sensitive functions until the requirements of 49 CFR §382.605 are met (referral, evaluation and treatment program prescribed by a SAP, return-to-duty testing requirements). Requirements of 49 CFR §382.605 will be paid for by the covered driver. If a driver does not complete the referral/evaluation within five (5) workdays, the driver will be discharged. A second incident will result in discharge.
- 7.15 In the event that the test results of a driver's secondary specimen are confirmed negative, the test result will be reported to the District as "negative."
- 7.2 For Alcohol Tests
- 7.21 In the event that the driver provides an adequate breath specimen and the initial test registers an alcohol concentration level that is less than 0.02, the test result will be reported as a "negative," and no additional test will be required at that time.
- 7.22 In the event that the driver provides an adequate breath specimen and the initial test registers an alcohol concentration level of 0.02 or greater, a second,

confirmatory test will be performed. In the event that the driver provides an adequate breath specimen and the confirmatory test registers less than 0.02, the test result will be reported to the District as "negative."

- 7.23 Any driver whose confirmatory test registers 0.02 or more but less than 0.04 will be suspended without pay, or allowed to use sick days or vacation days, from performing safety-sensitive functions, until the driver's next regularly scheduled duty period, but for no less than 24 hours after the test if given. If the covered driver's blood alcohol content as measured by an alcohol test is 0.02 or greater but less than 0.04, the covered driver shall be advised to seek assistance and/or counseling.
- 7.24 A second incident where the covered driver's blood alcohol test is 0.02 or more but less than 0.04 shall result in the driver being suspended without pay, or allowed to use sick days or vacation days, from performing safety-sensitive functions, pending a review of the employee's work record for determination by the District of the appropriate disciplinary action, up to and including discharge. In addition, a covered driver involved in a second incident will also be required to complete a referral, evaluation and treatment program prescribed by a SAP. If a driver does not complete the referral/evaluation within five (5) workdays, the driver will be discharged. Referral, evaluation and treatment will be paid for by a covered driver.
- 7.25 A driver who, after providing an adequate breathe specimen, has a confirmatory test which registers 0.04 or greater will be discharged.

8.0 CONSEQUENCES OF ENGAGING IN PROHIBITED ACTIVITIES

- 8.1 Except as provided in Section 5.2 of this Administrative Regulation involving pre-employment/pre-duty testing of applicants, any driver engaging in conduct prohibited by Section 4.1 of this Administrative Regulation shall be prohibited from performing any safety-sensitive functions.
- 8.2 Except as provided in Section 5.2 of this Administrative Regulation involving pre-employment/pre-duty testing of

applicants, any driver other than those drivers that test below 0.04 for alcohol engaging in conduct prohibited by Section 4.1 of this Administrative Regulation must satisfy any return-to-duty/follow-up testing requirements and referral, evaluation and treatment program prescribed by a SAP as outlined in 49 CFR Part 382, Subpart F, before he/she may be permitted to perform safety-sensitive functions.

- 8.3 Except as provided in Section 5.2 of this Administrative Regulation involving pre-employment/pre-duty testing of applicants, any driver engaging in conduct prohibited by Section 4.1 of this Administrative Regulation will be subject to disciplinary action by the District, up to and including discharge, in a manner consistent with the District's pre-existing policies, practices, and any applicable laws and the collective bargaining agreement. In addition, a driver whose test result is confirmed positive will also be subject to civil and criminal penalties imposed by DOT.
- 8.4 Each driver who has engaged in conduct prohibited by Section 4.1 shall be advised by the District of the resources available to the driver in evaluating and resolving problems with alcohol and controlled substance use, including the name, address and telephone numbers of the SAPs, and counseling and treatment programs.
- 8.5 Appeal Procedure
 - 8.51 Upon a positive alcohol test and/or controlled substance test, a driver may file an appeal with the District's Superintendent of Schools (or other District-designated hearing officer) by submitting written notice of the grounds for said appeal within five (5) days after the employee receives notice of the first test results.
 - 8.52 Pending the resolution of the appeal, not disciplinary action shall be taken; provided, however, that DOT-mandated actions (e.g., removal from safety-sensitive functions) shall not be deemed to be "disciplinary action" within the meaning of this rule; provided further that this rule shall not require the District to hold disciplinary action in abeyance beyond any applicable statute of limitations, as set forth in the law or a collective bargaining agreement, unless the employee (and in the case of a collective bargaining agreement, his union) waive the said statute of limitations, in writing.

- 8.53 Following receipt of an employee's notice of appeal, the Superintendent shall offer the employee an opportunity to be heard regarding same. The employee may be accompanied by an attorney and/or majority union representative to this meeting. The said meeting is intended to be informal in nature, rather than a trial-like evidentiary hearing.
- 8.54 The Superintendent shall provide the employee and any representative who may appear on his behalf with a written decision deciding the appeal. In deciding an appeal from a positive alcohol or controlled substance test result, the Superintendent shall take into account the original test result(s), any re-testing done by the employee at the employee's expense, and any other pertinent information that the employee or District may provide. In deciding an appeal from a positive controlled substance test result, the Superintendent shall also take into account the test results pertaining to the split sample.

9.0 DISTRICT AND MRO COMMUNICATIONS

- 9.1 Drivers who are tested for drugs are required to contact the District daily while awaiting the results of their tests. Drivers are also required to advise the District of their whereabouts and the telephone number where they can be reached during this time.
- 9.2 A driver who refuses or fails to contact the District and the District's MRO will be considered insubordinate and subject to disciplinary action, up to and including discharge, in a manner consistent with the District's pre-existing policies, practices, and any applicable collective bargaining agreement. In addition, a driver who fails to contact the District and the District's MRO may waive his/her right, under this Administrative Regulation, to speak with the District's MRO before a test is confirmed positive.

10.0 INFORMATION ON DRUGS AND ALCOHOL

- 10.1 Each driver will be provided with the District's Drug and Alcohol Testing Educational Material and information concerning:
- (i) the effects of drugs and alcohol on an individual's health, work, and personal life;

- (ii) the signs and symptoms of a drug or alcohol problem; and
- (iii) the available methods of intervention and treatment when a problem does exist.

10.2 All questions concerning the educational materials provided by the District, or about the District's Policy or Administrative Regulation, should be directed to the appropriate person identified on the "Program Contacts" list which accompanies this Administrative Regulation.

11.0 PROGRAM CONFIDENTIALITY

11.1 The results of all individual drug and alcohol tests will be kept in a secure location with controlled access.

11.2 All individual test results will be considered confidential. The release of an individual driver's results will only be given in accordance with an individual driver's written authorization, or as is otherwise required by DOT's regulations, or by other applicable federal or state law.

11.3 The District shall:

- (i) maintain records of its alcohol misuse and controlled substances use prevention programs,
- (ii) prepare, maintain and report a summary of the results of its testing programs, and
- (iii) ensure that access to such records may only be obtained through the methods outlined in the Regulations, as provided in 49 CFR Part 382, subpart D.

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Adopted: May 5, 2005

Adopted: December 8, 2011

EDUCATIONAL FIELD TRIPS REQUIRING TRANSPORTATION

When the District has provided transportation to students to a school sponsored field trip, extracurricular activity or other similar event involving the use of School District transportation services, the School District shall return all students to the point of departure unless the parent or legal guardian of the student has provided the District with written notice authorizing an alternative form of return transportation of such student. If intervening circumstance make School District transportation of any one student impractical, then a chaperone shall remain with the student until the parent(s) or legal guardian has been contacted and informed of the intervening circumstances which make such transportation impractical and such student and the parent(s) or legal guardian are together in the same location.

I have read this field trip or extracurricular activity transportation policy. I agree to abide by the policy and I understand that I may be asked to remain with the student if return transportation for the student is impractical.

Dated: _____
Chaperone

Please note that the second paragraph of the policy is in the policy in order to provide chaperones with notice that they may be called upon to remain behind. Accordingly, the document should be signed and dated by chaperones before the commencement of the trip. We suggest the following as a sign-out form:

Extracurricular or Field Trip Transportation Release

I hereby authorize my son or daughter to be transported from the District sponsored extracurricular activity or field trip in the manner described below:

Date of Activity: _____

Name of Student: _____

Alternative Transportation*

Parent or Legal Guardian

*Please indicate the name of the individual transporting the student.

TIE BREAKERS IN RELATION TO THE ABOLISHMENT OF POSITIONS

If, two or more teachers have the same service time in relation to a position that is being abolished, the tie would be broken in the following descending order:

1. Effective date (the date the teacher commence teaching).
2. Appointment date (Board resolution of appointment).
3. Date of receipt of application for appointment by teacher.
4. Highest degree status of the teacher.
5. Number of graduate hours after degree.

Adopted: April 10, 2003

Adopted: December 8, 2011

Employee's Personally Identifiable Information

The District shall not, unless otherwise required by law, publicly post or display an employee's Social Security number, put a Social Security number on any identification badge or card, including any time card, place a Social Security number in files with unrestricted access, or communicate an employee's personally identifying information to the general public. For purposes of this section, personal identifying information shall include Social Security number, home address or telephone number, personal electronic mail (e-mail) address, Internet identification name or password, parent's surname prior to marriage, or driver's license number.

STAFF COMPLAINTS AND GRIEVANCES

Grievance procedures are designed to resolve conflicts that may arise among various members of the staff. These procedures are defined in collective bargaining agreements. Staff members have the right to present complaints and grievances in accordance with the established procedures free from coercion, interference, restraint, discrimination or reprisal.

The district shall implement a multi-stage grievance procedure and an appellate stage for the settlement of grievances pursuant to the General Municipal Law. In addition, the district shall implement procedures and regulations and designate an employee to carry out the responsibilities under Title IX and Section 504 of the Rehabilitation Act or the Americans with Disabilities Act (ADA).

This policy and accompanying regulation (9140.1-R) provide grievance procedures for those employees not covered by collective bargaining agreements or whose negotiated agreements do not include grievance procedures. Staff complaints that are not covered under the General Municipal Law, or cannot be resolved under procedures of Title IX and Section 504 or the ADA shall be subject to the discretion of the Board of Education as to the method by which the complaint may be brought.

Annual Notification

At the beginning of each school year, the district shall publish a notice of the established grievance procedures for resolving complaints of discrimination due to sex and/or disability to parents/guardians, employees, eligible students and the community. The public notice shall:

1. inform parents, employees, students and the community that vocational education programs are offered without regard to sex, race, color, national origin, sexual orientation, handicap, religion, age or disability;
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination due to sex and/or disability; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

Cross-ref: 0100, Equal Opportunity

Ref: Americans with Disabilities Act, 42 USC §12111-12117; 12210
General Municipal Law, Article 15-c

SANDY CREEK

9140.1

Title IX, Education Amendments of 1972, 20 USC Chapter 38; 45 CFR
Part 86

Rehabilitation Act of 1973, §504; 29 USC §794

Civil Service Law, Article 14

Matter of Gatje, 24 EDR 191 (1984)

Adopted: May 5, 2005

Adopted: December 8, 2011

STAFF COMPLAINTS AND GRIEVANCES REGULATION*Definitions*

1. *Grievant* shall mean an employee who alleges that there has been a violation of Title IX, Section 504 or the Americans with Disabilities Act (ADA) statute or regulations which affect him/her.
2. *Grievance* shall mean any alleged violation of Title IX, Section 504 or ADA statute or regulations.
3. *Compliance Officer* shall mean the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities under Title IX, Section 504 and the ADA.

This regulation and accompanying policy (9140.1) provide grievance procedures for those employees not covered by collective bargaining agreements or whose negotiated agreements do not include grievance procedures. The resolution of staff complaints alleging any action prohibited by Title IX, Section 504 of the Rehabilitation Act or the ADA shall be dealt with in the following manner:

*Stages**A. Stage I--Compliance Officer*

1. Within 30 days after the events giving rise to the grievance, the grievant shall file a grievance in writing with the Compliance Officer. The Compliance Officer may informally discuss the grievance with the grievant. He/She shall promptly investigate the complaint. All employees of the school district shall cooperate with the Compliance Officer in such investigation.
2. Within 15 days of the receipt of the grievance, the Compliance Officer shall make a finding in writing that there has or has not been a violation of Title IX, Section 504 of the Rehabilitation Act or the ADA. In the event the Compliance Officer finds that there has been a violation, he/she shall propose a resolution of the complaint.
3. If the grievant is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the grievance, the grievant may, within 15 days after he/she has received the report of the Compliance Officer, file a written request for review by the Superintendent of Schools.

B. Stage II--Superintendent of Schools

1. The Superintendent may request that the grievant, the Compliance Officer, or any member of the school district staff present a written statement to him/her setting forth any information that such person has relative to the grievance and the facts surrounding it.
2. The Superintendent shall notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. Such hearing shall be held within 15 school days of the receipt of the appeal by the Superintendent.
3. Within 15 days of the hearing, the Superintendent shall render his/her determination in writing. Such determination shall include a finding that

there has or has not been a violation of Title IX, Section 504 of the Rehabilitation Act or the ADA, a proposal for equitably resolving the complaint.

4. If the grievant is not satisfied with the determination of the Superintendent, the grievant may, within 15 days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

C. Stage III--Board of Education

1. When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.
2. The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the grievant. All parties concerned shall have the right to present further statements and testimony at such hearing.
3. The Board shall render a decision in writing within 15 days after the hearing has been concluded.

MEALS AND REFRESHMENTS

The Board of Education recognizes that, occasionally, it may be appropriate to provide refreshments and/or meals at district meetings or events, which are being held for a district or educational purpose. Any expenditure on such refreshments and/or meals must be approved in advance by the appropriate Building Administrator. Meal requests may be approved when:

- officers and/or employees of the district will be prevented from taking time off for food consumption due to a pressing need to complete the business at hand;
- the district is faced with business of an immediate nature and meetings of district employees are essential at mealtime;
- the district wishes to recognize the services provided by volunteers or other unsalaried members of the district (in such cases, however, only the meals of those being recognized may be reimbursed and the cost of the meals must be reasonable).
- the district wishes to recognize employees for their loyalty and dedication.
- the district wishes to recognize student and parent volunteers and/or community members and/or groups for their service to the District.
- the district wishes to recognize alumni/past graduates.
- the district is represented at student recognition activities.

An example of an authorized expenditure may be refreshments and/or meals for staff assigned to participate in assessment day grading of standardized tests.

All expenses must be appropriately documented, including the date, purpose of the meeting and the group in attendance, completed authorization form, and submitted to the district's Business office for the purposes of audit and possible reimbursement.

Ref: NY Constitution, Art. VIII, §1 (constitutional prohibition against gifts)
Education Law §2118
Ops. St. Compt. 77-667; 79-522; 82-66; 82-213 82-298; 83-57; 98-2

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Adopted: January 12, 2006
Adopted: December 8, 2011

STAFF-STUDENT RELATIONS (FRATERNIZATION)

The Board of Education requires all School District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District up to and including termination of employment.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with student unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. ("Frequent personal communication with a student unrelated to course work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, email, instant messaging, text messaging or through social networking Web sites.)

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against District policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

Any student who believes that he/she has been subjected to inappropriate staff behavior as enumerated in this policy, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to any staff member or either the employee's supervisor, the student's Principal or the District's designated Complaint Officer. In all events such reports shall be forwarded to the designated Complaint Officer for further investigation. Anonymous complaints

of inappropriate fraternization of staff members with students shall also be investigated by the District. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student 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 incidents and report it to his/her Building Principal or Supervisor.

The District shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

Prohibition of Retaliation

The Board of Education prohibits any retaliatory behavior directed against complaints, 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.

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.

SANDY CREEK

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*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 Rules and Regulations (NYCRR) Part 83*

Adopted: August 10, 2023

**CONDITIONAL APPOINTMENT & EMERGENCY CONDITIONAL
APPOINTMENT
STUDENT SAFETY POLICY**

The Board of Education recognizes that there may be instances in which it is necessary, upon recommendation of the Superintendent of Schools, for the Board to make a conditional appointment or an emergency conditional appointment of a prospective employee. To provide for the safety of students who have contact with an employee holding a conditional appointment or an emergency conditional appointment, the Board adopts the following policy.

No district employee who holds a conditional or emergency conditional appointment shall be in contact with students other than to provide the specific instruction or other services for which the employee was hired, except as deemed appropriate by the Building Principal.

No district employee who holds a conditional or emergency conditional appointment shall teach a class or provide services to students with his/her classroom or office door closed unless the Building Principal has provided express prior permission to do otherwise. Such permission may be appropriate, for example, during music class, band practice or testing procedures.

In no event shall such employee be left alone with an individual student.

The Administrator in charge of the program in which the conditional hire or emergency conditional hire is employed shall take such steps as are prudent and necessary to insure the protection of children in the charge of the conditional appointee or emergency conditional appointee.

The Building Principal or his/her designee shall provide heightened administrative supervision of such employees while on school district property during the period of their conditional or emergency conditional appointment including, for example, unannounced visits to classrooms, walking the hallways, and/or any other activities the Principal determines to be appropriate.

In addition, the district will ensure that all conditional and emergency conditional appointed employees become aware of and receive training regarding the prohibition against child abuse in an educational setting and of their responsibility for reporting any such abuse at the commencement of their conditional or emergency conditional appointment.

Failure to comply with this policy will result in appropriate disciplinary action.

For purposes of this policy, the terms "conditional appointment" and "emergency conditional appointment" shall refer to any employee holding

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conditional or emergency conditional appointment, as defined in Section 1709 of the Education Law.

Adopted: December 8, 2011

DRUG-FREE WORKPLACE

The Board of Education prohibits the illegal, improper or unauthorized manufacture, distribution, dispensing, possession or use of any controlled substances in the workplace. "Workplace" shall mean any site on school grounds, at school-sponsored activities, or any place in which an employee is working within the scope of his/her employment or duties. "Controlled substances" shall include all drugs which are banned or controlled under federal or state law, including those for which a physician's prescription is required, as well as any other chemical substance which is deliberately ingested to produce psychological or physiological effects, other than accepted foods or beverages.

The Superintendent of Schools or his/her designee shall implement related regulations which outline the requirements of the federal Drug-Free Workplace Act of 1988.

Ref: Drug-Free Workplace Act (DFWA), 41 U.S.C. §§702-707
Controlled Substances Act, 21 U.S.C. §812
21 CFR §§1300.11-1300.15
34 CFR Part 85 (U.S. Dept. of Ed. Regulations under the DFWA)
Civil Service Law §75
Education Law §3020-a
Patchogue-Medford Congress of Teachers v. Board of Education,
70 NY2d 57 (1987)

Adopted: May 5, 2005

Adopted: December 8, 2011

DRUG-FREE WORKPLACE REGULATION

1. The Superintendent of Schools shall certify to any federal agency making a direct grant to the district that the district will provide a drug-free workplace, in accordance with the Drug-Free Workplace Act of 1988.
2. The Superintendent or his/her designee shall establish a drug-free awareness program to inform employees about:
 - a. the dangers of drug abuse in the workplace;
 - b. the district's policy of maintaining a drug-free workplace;
 - c. any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. the penalties that may be imposed upon employees for drug abuse violations.
3. The Superintendent or his/her designee shall publish a statement notifying district employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace (as defined by district policy). The statement shall specify the actions that will be taken against employees for violations of such prohibition. Each employee shall receive a copy of this statement and the Drug-Free Workplace Act of 1988.
4. Each employee, as a condition of employment on any direct federal grant, shall:
 - a. abide by the terms of the statement; and
 - b. notify his/her immediate supervisor, who shall notify the Superintendent, of any criminal drug statute conviction for a violation occurring in the workplace within five (5) days of such conviction.
5. The Superintendent shall notify the Board of Education of any such conviction(s), and shall notify the granting agency within 10 days after receiving notice of such conviction(s) from any source.
6. Within 30 days of such conviction(s), the district shall initiate appropriate disciplinary action against any employee so convicted in the manner provided for by law, up to and including dismissal, and/or require his/her satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.

7. The district shall make a "good faith effort" to continue to maintain a drug-free workplace through implementation of these regulations.

**DISCLOSURE OF WRONGFUL CONDUCT
(Whistleblower Policy)**

The Board of Education expects officers and employees of the district to fulfill the public's trust and to conduct themselves in an honorable manner, abiding by all district policies and regulations and by all applicable state and federal laws and regulations.

However, when district officers or employees know or have reasonable cause to believe that serious instances of wrongful conduct (e.g., mismanagement of district resources, violations of law and/or abuse of authority) have occurred, they should report such wrongful conduct to the Board or one of its designated officers.

For purposes of this policy, the term "wrongful conduct" shall be defined to include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

Disclosure and Investigation

Employees and officers who know or have reasonable cause to believe that wrongful conduct has occurred shall report such mismanagement, fraud or abuse to the Superintendent of Schools, the School Attorney, or the Independent Auditor. Each of these Board-designated officers, upon receiving a report of alleged wrongful conduct, shall take immediate steps to conduct an investigation.

The Superintendent, School Attorney, or the Independent Auditor shall maintain a written record of the allegation, conduct an investigation to ensure that the appropriate unit (auditors, police, etc.) investigates the disclosure, and notify the Board when appropriate to do so.

Except as otherwise provided in either state and/or federal law, the Board-designated officer shall make all reasonable attempts to protect the identity of the employee making the disclosure in a confidential manner, as long as doing so does not interfere with conducting an investigation of the specific allegations or taking corrective action.

Complaints of Reprisal

An employee who has been subject to an adverse employment action based on his or her prior disclosure of alleged or actual wrongful conduct may contest the action by filing a written complaint of reprisal with the Board President. The Board President, or his/her designee, will review the complaint expeditiously to determine:

- whether the complainant made a disclosure of alleged wrongful conduct before an adverse employment action was taken;
- whether the responding party could reasonably have been construed to have had knowledge of the disclosure and the identity of the disclosing employee;
- whether the complainant has in fact suffered an adverse employment action after having made the disclosure; and whether the complainant alleges that adverse employment action occurred as a result of the disclosure.

If the designee determines that all of the above elements are present, he or she shall appoint a review officer or panel to investigate the claim and make a recommendation to the Board. At the time of appointment, the designee shall inform the complainant and the respondent, in writing, of:

- the intent to proceed with an investigation;
- the specific allegations to be investigated;
- the appointment of the review officer or panel; and
- the opportunity of each party to support or respond, in writing, to the allegation.

Once the review officer or panel has conducted a review and considers the investigation to be complete, the officer or panel will notify the designee of its completion. From the date of that notice, the review officer has 45 days to report his or her findings and make any recommendations he or she deems appropriate to the designee. The designee, in conferral with the appropriate administrator shall issue a letter of findings to both the complainant and the respondent.

The decision of the review officer or panel is binding.

Nothing in this policy is intended to interfere with legitimate employment decisions.

This policy shall be published in existing employee handbooks and given to all employees with fiscal accounting and/or money handling responsibilities upon initial hiring and/or upon adoption of this policy.

The Superintendent of Schools, the Independent Auditor, the School Attorney and others involved in implementing this policy shall meet with the Board at the Boards request to evaluate the effectiveness of this policy and to make appropriate adjustments, if any, to the policy.

Ref: Civil Service Law §75-b
Labor Law §740
Garrity v. University at Albany, 301 A.D. 2d 1015 (3rd Dept. 2003)
Matter of Brey v. Bd. of Educ., 245 A.D. 2d (3rd Dept. 1997)

Adopted: December 20, 2007

Adopted: December 8, 2011

HEALTH INSURANCE BENEFITS FOR RETIRED EMPLOYEES

Definition of Retirement and Eligibility

Retirement is defined as being eligible to retire under the rules of the New York State Teachers' Retirement System or the New York State Employees' Retirement System.

An employee must also have served a minimum of then (10) years in the Sandy Creek School District to receive health insurance benefits upon retirement. In addition, employees must have been eligible and enrolled in the district's health insurance plan during their regular employment to qualify for health insurance benefits upon retirement.

A. Health Insurance Benefits:

Effective July 1, 1995, health insurance will continue to be provided for retired employees (as an individual, 2-person family or more than 2-person family) under the same benefit plan and at the same level of district/employee contribution as the corresponding bargaining unit unless other written provisions prevail covering health insurance benefits upon or during retirement.

Upon the death of an employee collecting New York State retirement benefits, the health insurance will be provided to the living spouse unless he/she remarries, in which case the health insurance will no longer be provided.

B. Medicare Reimbursement:

Medicare reimbursement will be provided for retired employees but not their spouses if the spouses are not otherwise eligible for retirement benefits.

Adopted: March 14, 1996

Adopted: December 8, 2011

RIGHTS OF EMPLOYEES TO EXPRESS BREAST MILK IN THE WORKPLACE

Introduction and Purpose

New York State Labor Law Section 206-c gives all employees in New York the right to express breast milk in the workplace. This law applies to all public and private employers in New York State, regardless of size or the nature of their business.

The New York State Department of Labor has developed the official policy on breast milk expression in the workplace as required by the law, ensuring that all employees know their rights and all employers understand their responsibilities. This policy is the minimum required standard, but employers are encouraged to include additional accommodations tailored to their workplace.

With the information provided below, employees will learn how much time they are allowed for breast milk expression, the kind of space employers are required to provide for breast milk expression, how to notify employers about the need to express breast milk in the workplace, and how to notify the Department of Labor if these rights are not honored.

Employers are required to provide this policy in writing to all employees when they are hired and again every year after. Employers are also required to provide the policy to employees as soon as they return to work following the birth of a child.

Using Break Time for Breast Milk Expression

Employers must provide thirty (30) minutes of paid break time for their employees to express breast milk when the employee has a reasonable need to express breast milk. Employees must be permitted to use existing paid break or meal time if they need additional time for breast milk expression beyond the paid 30 minutes. This time must be provided for up to three years following childbirth. Employers must provide paid break time as often as an employee reasonably needs to express breast milk. The number of paid breaks an employee will need to express breast milk is unique to each employee and employers must provide reasonable break times based on the individual. Employers are prohibited from discriminating in any way against an employee who chooses to express breast milk in the workplace.

An employer is prohibited from requiring an employee to work before or after their normal shift to make up for any time used as paid break time to express breast milk.

All employers must continue to follow existing federal and state laws, regulations, and guidance regarding mealtimes and paid break time regardless of whether the employee uses such time to express breast milk. For additional information regarding what constitutes a meal period or a break period under state and federal law, please see the following resources:

- NY Department of Labor Website on Day of Rest, Break Time, and Meal Periods: dol.ny.gov/day-rest-and-meal-periods

- NY Department of Labor FAQs on Meal and Rest Periods: dol.ny.gov/system/files/documents/2021/03/meal-and-rest-periods-frequently-asked-questions.pdf
- U.S. Department of Labor FLSA FAQ on Meal and Rest Periods: dol.gov/agencies/whd/fact-sheets/22-flsa-hours-worked
- U.S. Department of Labor FLSA Fact Sheet on Compensation for Break Time to Pump Breast Milk: dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers

While an employer cannot require that an employee works while expressing breast milk, Labor Law 206-c does not otherwise prevent an employee from voluntarily choosing to do so if they want to.

Paid breaks provided for the expression of breast milk must be 30 minutes. An employee must be allowed to use regular break or meal time to take a longer paid break if needed. Employees may also opt to take shorter paid breaks.

Employees who work remotely have the same rights to paid time off for the purpose of expressing breast milk, as all other employees who perform their work in-person.

Making a Request to Express Breast Milk at Work

If an employee wants to express breast milk at work, they must give the employer reasonable advance notice, generally before returning to the workplace if the employee is on leave. This advance notice is to allow the employer time to find an appropriate location and adjust schedules if needed.

Employees wishing to request a room or other location to express breast milk in the workplace should do so by submitting a written request to their direct supervisor or individual designated by their employer for processing requests. Employers must respond to this request for a room or other location to express breast milk in writing within five days.

Employers must notify all employees in writing through email or printed memo when a room or other location has been designated for breast milk expression.

Lactation Room Requirements

In addition to providing the necessary time during the workday, employers must provide a private room or alternative location for the purpose of breast milk expression. The space provided for breast milk expression cannot be a restroom or toilet stall.

The room or other location must:

- Be close to an employee's work area
- Provide good natural or artificial light
- Be private – both shielded from view and free from intrusion
- Have accessible, clean running water nearby

- Have an electrical outlet (if the workplace is supplied with electricity)
- Include a chair
- Provide a desk, small table, desk, counter or other flat surface

There does not need to be a separate space for every nursing employee. An employer may dedicate a single room or other location for breast milk expression. Should there be more than one employee at a time needing access to a lactation room, an employer may dedicate a centralized location to be used by all employees.

Any space provided for breast milk expression must be close to the work area of the employee(s) using the space. The space must be in walking distance, and the distance to the location should not significantly extend an employee's needed break time.

Employers located in shared work areas, such as office buildings, malls and similar spaces may work together to establish and maintain a dedicated lactation room, as long as such space(s) are a reasonable distance from the employees using the room. Each employer utilizing this common space is individually responsible for making sure the room meets the needs of their employees.

If there is not a separate room or space available for lactation, an employer may use a vacant office or other available room on a temporary basis. This room must not be accessible to the public or other employees while an employee is using it for breast milk expression.

As a last resort, an available cubicle may be used for breast milk expression. A cubicle can only be used if it is fully enclosed with a partition and is not otherwise accessible to the public or other employees while being used for breast milk expression. The cubicle walls must be at least seven feet tall to insure the employee's privacy.

To ensure privacy, if the lactation room has a window, it must be covered with a curtain, blind or other covering. In addition, the lactation space should have a door equipped with a functional lock. If this is not possible (such as in the case of a fully enclosed cubicle), as a last resort, an employer must utilize a sign advising the space is in use and not accessible to other employees or the public.

If the workplace has a refrigerator, employers must allow employees to use it to store breast milk. However, employers are not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator in the workplace.

Employees are required to store all expressed milk in closed containers and bring milk home each evening.

The space designated for expressing breast milk must be maintained and clean at all times.

If an employer can demonstrate undue hardship in providing a space with the above requirements, the employer must still provide a room or other location - other than a restroom or

toilet stall - that is in close proximity to the work area where an employee can express breast milk in privacy, that meets as many of the requirements as possible.

Undue hardship is defined in the statute as “causing significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer’s business.” However, an employer may not deny an employee the right to express breast milk in the workplace due to difficulty in finding a location.

New York State Department of Labor Resources

If an employee believes that they are experiencing retaliation for expressing breast milk in the workplace, or that their employer is in violation of this policy, they should contact the New York State Department of Labor’s Division of Labor Standards. Call us at 1-888-52-LABOR, email us at LSAsk@labor.ny.gov, or visit our website at dol.ny.gov/breast-milk-expression-workplace to file a complaint.

A list of our offices is available at dol.ny.gov/location/contact-division-labor-standards.

Complaints are confidential.

Federal Resources

The federal PUMP Act went into effect in 2023, expanding protections for almost all employees expressing breast milk at work. Under the PUMP Act, any covered workers not provided with breaks and adequate space for up to a year after the birth of a child are able to file a complaint with the U.S. Department of Labor or file a lawsuit against their employers. For more information, please visit dol.gov/agencies/whd/pump-at-work.

Ref: 29 USC §218d (Breastfeeding Accommodations in the Workplace)
Labor Law §206-c

Adoption date: September 12, 2024