

## **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.

## 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 10<sup>th</sup> and one-half on or before January 10<sup>th</sup>.

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 advisor recommended by the superintendent and appointed by the board. The faculty advisor shall attend all meetings of the extraclassroom activity.

### Meetings

All extraclassroom activity shall meet at least bi-monthly 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 advisor 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 Transportation Supervisor is required to ascertain that the driver(s) are properly insured, properly licensed, and that the vehicle is appropriate, legal and safe. The faculty advisor should be in contact with the Transportation Supervisor to assure they are able to secure all of the paperwork needed, prior to the trip taking place, and be available for vehicle inspection. 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 District 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 District 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 advisors, membership or officers.

Adopted: August 14, 2025

***STUDENT CODE OF CONDUCT***

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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 SPACES****ASSEMBLIES**

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.

## 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

| <b>Types</b>                                                                                                                                                                               | <b>Location</b>                                              | <b>Custodian</b>                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|----------------------------------------------------------------------|
| 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 or 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 requester 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](http://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

## STUDENTS AND PERSONAL ELECTRONIC DEVICES

The Board of Education recognizes that students may have personal electronic devices that can perform different functions. Such devices include “internet-enabled devices” defined as: any smartphone, tablet, smartwatch or other device capable of connecting to the internet and enabling the user to access content on the internet, including social media applications, but do not include any such device supplied by the district for educational purposes.

Generally, the district is not responsible for stolen, lost or damaged personal electronic devices brought to school.

### Communication with Parents/Persons in Parental Relation

During the school day, to minimize distractions, parents may contact their children via the following methods: calling the school office, the district-provided email address, and the district’s communication app. The district will notify parents in writing of the communication protocol at the beginning of each school year and upon enrollment.

### Device Access and Storage

As required by Education Law §2803, this policy prohibits student use of internet-enabled devices during the school day (including all classes, homeroom periods, lunch, recess, study halls, and passing time) on school grounds (any building, structure, athletic playing field, playground, or land contained within the boundary of a school or district or BOCES facility), unless under an exception (e.g., IEP/Section 504 or as permitted below).

1. At the elementary school level, students are discouraged from bringing devices to school. Any device that is brought to school must be silenced and kept in the student’s personal cubby or location determined by the classroom teacher.
2. At the middle and high school level, student devices must be silenced and stored in student lockers.

Administrators and staff may also restrict use of electronic devices during school events and activities held outside of the school day and/or off school grounds.

### Exceptions for Specific Purposes

Use of internet-enabled devices must be permitted where included in a student’s Individualized Education Program, Section 504 plan, or where required by law. Additionally, the district permits the use of internet-enabled devices in the event of an emergency, and under the following circumstances:

1. Where necessary to manage a student’s healthcare (e.g., diabetes, asthma, medication, etc.);
2. For translation services; and/or
3. For students who are routinely responsible for the care and wellbeing of a family member (on a case-by-case basis, upon review and determination by a school psychologist, school social worker, or school counselor).

Parents may request an exception for their children to use internet-enabled devices during the school day as listed above. Requests must be made to the Building Principal, and for healthcare exceptions, must include documentation from an appropriate healthcare professional.

Students may also be permitted to use their internet-enabled devices during the school day on school grounds for specific educational purposes, if the following criteria are met:

- The student has registered the device with the district, in accordance with district procedures.
- With administrative approval, the teacher has authorized the use of specific devices for a particular activity, after which the device must be stowed per this policy.
- The student uses the device to access the Internet or authorized applications through the district's network.

Under any of these exceptions, devices may only be used for the purposes outlined in the exception, and the device must be silenced and put away when not in use, to the extent compatible with the reason for the exception.

#### Consequences and Reporting

The district may not impose suspension from school if the sole grounds for the suspension is that the student accessed an internet-enabled device as prohibited by this policy.

Some uses of personal electronic devices may constitute a violation of the school district Code of Conduct or other district policies, and in some instances, the law. The district will cooperate with law enforcement officials as appropriate.

Beginning September 1, 2026 and annually thereafter, the district will publish an annual report on its website detailing the enforcement of this policy over the past year.

#### Cross-ref:

5300, Code of Conduct

#### Ref:

Education Law §2803

*Price v. New York City Board of Education*, 51 A.D.3d 277, lv. to appeal denied, 11 N.Y.3d 702 (2008) (District may ban possession of cell phones on school property)

NYSED, *Prohibition of Cell Phones and Electronic Devices in New York State Assessments*, [www.nysed.gov/educator-integrity/prohibition-cell-phones-and-electronic-devices-new-york-state-assessments](http://www.nysed.gov/educator-integrity/prohibition-cell-phones-and-electronic-devices-new-york-state-assessments)

Adoption date: August 14, 2025

**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 depositary 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>Depository Name</u>        | <u>Maximum Amount</u> | <u>Officer</u>                               |
|-------------------------------|-----------------------|----------------------------------------------|
| Pathfinder<br>Commercial Bank | \$50,000,000          | District Treasurer/Business<br>Administrator |
| JP Morgan Chase               | \$50,000,000          | District Treasurer/Business<br>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 or 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):

| <b>Item of Cost</b>                                                                                 | <b>Citation of Allowability Rule</b>                                                            |
|-----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| 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;<br>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 is 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

## EXTREME HEAT CONDITION DAYS

As required by Education Law section 409-n, the Board of Education adopts this policy to address the health and safety of students and employees on extreme heat condition days. “Extreme heat condition days” are defined by law as when occupiable educational and support services spaces are eighty-two degrees Fahrenheit or higher. Under the law, “support services spaces” do not include kitchen areas used in the preparation of food for consumption by students. The law requires room temperature to be measured at a shaded location, three feet above the floor near the center of the room.

### Measurement

- **Determining Room Temperature:** An administrator or their designee will take the temperature in the classroom or support space. The temperature will be taken using a school-owned and calibrated thermometer in a shaded location, 3 feet above the floor, close to the center of the room.

### Actions to be Taken at Eighty-Two Degrees

When the temperature of an occupiable educational or support service space reaches eighty-two degrees Fahrenheit, the district will take actions to relieve heat-related discomfort (consistent with fire and building codes), including but not limited to the following:

1. Turning off the overhead lights;
2. Opening classroom doors and windows to increase circulation;
3. Pulling down shades or blinds;
4. Turning on fans;
5. Turning off unused electronics that produce heat *optional language:* , and not utilizing electronic equipment to the extent practicable]; and
6. Providing water breaks.

The Superintendent of Schools, Director of Facilities, and Building Principals will determine which actions to take, when to take them and in what order, and who will take them.

### Actions to be Taken at Eighty-Eight Degrees

Students and staff will be removed from educational and support services spaces when the temperature reaches eighty-eight degrees Fahrenheit, when practicable. The Superintendent will direct Building Principals to evacuate the space, including but not limited to the following:

1. Move students and staff to cooler locations; or
2. Close school early and send students and staff home according to the district’s early closing protocols.

### Ref:

Education Law §§409-n; 2801-a

Adoption date: August 14, 2025

## 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 be 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 prays 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](mailto: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.

Adopted: December 8, 2011

## **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

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.

*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

**SANDY CREEK**

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 (3<sup>rd</sup> Dept. 2003)  
*Matter of Brey v. Bd. of Educ.*, 245 A.D. 2d (3<sup>rd</sup> 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](http://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](https://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](https://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](https://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](mailto:LSAsk@labor.ny.gov), or visit our website at [dol.ny.gov/breast-milk-expression-workplace](http://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](http://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](http://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