

## **FOREWORD**

Contained herein are the policy statements formulated by the Board of Education of the Kenmore-Town of Tonawanda Union Free School District.

Policy is defined as a basic plan of action. It establishes limits within which freedom of judgment can be exercised.

Policy is a governing principle of management. It is a statement that has an effect on the interests of those who come under its jurisdiction. A policy may originate from the constitution, from statute, from local determinations and/or from customary patterns of formal behavior.

Policy should accomplish the following:

- a) State a position taken by the District;
- b) Grant the authority to act;
- c) Be sufficiently detailed to give adequate direction;
- d) Be achievable within the real environment of the school and community;
- e) Provide for impartial procedures.

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

The Kenmore-Town of Tonawanda Union Free School District hereby advises students, parents, employees and the general public that it offers employment and educational opportunities, including vocational education opportunities, without regard to sex, race, color, age, national origin, religion or disability. Grievance procedures are available to interested persons by contacting the Title IX Coordinator or Section 504 Coordinator through the Office of the Superintendent, 1500 Colvin Boulevard, Buffalo, New York 14223-1196, 874-8400.

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or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education.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

**Kenmore-Town of Tonawanda Board of Education**  
**MISSION, GOALS AND METHODS**

Adopted 9/3/98

**MISSION**

The Kenmore-Town of Tonawanda Board of Education exists and operates to assure that all Ken-Ton students are given the opportunity to acquire the knowledge, skills and abilities needed to obtain an education of the highest quality. As a decision making and policy setting body, members of the Board will require the delivery of quality education our top priority.

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**Principles of Decision Making**

Decisions made by the KEN-TON School Board of Education in pursuit of educational excellence will be guided and evaluated by the following principles and based on data and research as applicable:

- Measurement of expected educational value
- Impact on operating efficiency
- Effective implementation of educational initiatives
- Perpetual review and evaluation of District initiatives and results
- Consistency with existing Board of Education policies

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**Goals**

The goals of the KEN-TON School Board consist of:

- District-wide uniformity of benchmarks for achievement
- Improvement and growth of student performance
- Maintenance of the sacredness of instructional time
- Continuous improvement in performance at all levels of the school community
- Furtherance of the Board's commitment to the District's culture of learning
- Open communications
- Consideration of input from all District stakeholders
- Effective District-wide integration of technology at all levels of the school community
- Creative and judicious use of resources
- Proactive pursuit and effective delivery of all curriculum
- Ensuring that all graduates are properly prepared for challenges beyond graduation
- Address the unique need of the varied student populations
- Boardmanship
- Encourage and support the development of long range plans and annual goals by all operations and functions

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**Methods**

To realize its goals and meet its educational responsibilities the KEN-TON School Board of Education, in conjunction with the Superintendent of Schools, will:

- Require, analyze and evaluate data
- Recognize budgetary constraints and opportunities
- Develop policies and procedures that promote a learning culture
- Comply with or exceed mandated educational standards and regulations
- Encourage high performing teams that produce measurable results
- Support performance management practices for the school community
- Hold all members of the school community accountable
- Expect professionalism at all levels
- Communicate and strive for teamwork

## **PHILOSOPHY STATEMENT**

In preparing individuals to develop their fullest potential for living in the society of today and tomorrow, the Board of Education and the staff of the School District:

- I. Recognize their responsibility to help meet the physical, intellectual and emotional needs of children; particularly the needs to inquire, learn, think, and create; to establish aesthetic, moral and ethical values; and to relate satisfactorily to others in social situations involving family, work, government and recreation.
- II. Accept primary responsibility for giving students a mastery of the basic skills of learning, thinking and problem-solving; for teaching them to use the various media of self-expression; for instilling in them a knowledge of the social and natural sciences; for acquainting them with the richness of our heritage; and for stimulating them to productive work in the various areas of human endeavor.
- III. Acknowledge the importance of their supplemental role to the home and other social agencies in developing habits and attitudes which make for effective personal living, the maintenance of optimum physical and mental health, and the establishment of sound moral, ethical, and aesthetic values.

Realizing that education, as here defined, is a lifelong process, the School System seeks to orient its graduates toward various types of post-secondary education and further formal training and study of many types; and to provide educational opportunities particularly suited to the needs of adults, both as individuals and as citizens in a democracy.

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Kenmore-Town of Tonawanda Union Free School District

**BY-LAWS**

**(Section 1000)**

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**SUBJECT: ORGANIZATION**

Personal, professional and human relations depend upon a clear understanding of the relative functions in an organizational structure. In recognition of this principle, the Board of Education acknowledges the following inter-relationships as being of utmost importance in achieving the educational goals of the local community and of the state as prescribed by the Constitution of the State of New York and the State Legislature.

The Students of Kenmore-Town of Tonawanda Union Free School District are provided educational experiences leading ultimately to responsible citizenship.

The Citizens provide support and, through an elected Board of Education, determine the policies of the Kenmore-Town of Tonawanda Union Free School District.

The Board of Education adopts and evaluates general school policies so as to make it possible to achieve the goals and purposes set forth in the Philosophy of the Kenmore-Town of Tonawanda Union Free School District; prepares and adopts a budget consistent with established policies and goals for presentation to the citizenry at the annual budget hearing; selects the Superintendent of Schools who serves as the Chief Executive Officer of the Board, and supports him/her in the discharge of his/her duties.

The Superintendent of Schools furnishes professional leadership as the Board's Chief Executive Officer in the general administration of the school system; recommends policies to the Board; and coordinates and directs the total administrative team to the end of carrying out the policies of the Board of Education.

The Assistant Superintendents and Specialists who report directly to the Superintendent serve in areas of special responsibility in planning, coordinating, supervising, and directing the whole system as a unified enterprise under the direction of the Superintendent of Schools and in accordance with the policies adopted by the Board of Education.

The Principals are executive heads of the schools and furnish instructional and community leadership for the educational program.

The Coordinators serve as agents of the Superintendent in the coordination, facilitation, planning and evaluation of school operations on a system-wide basis. They act as helpers and counselors to principals and teachers on special problems and provide leadership in the improvement of the school programs in their respective areas of assignment.

The Teaching Personnel provide learning experiences for students under the direction of the administration, accomplishing the goals and purposes set forth in the Philosophy of the Kenmore-Town of Tonawanda Union Free School District.

(Continued)



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By-Laws

**SUBJECT: ORGANIZATION (Cont'd.)**

The Non-Teaching Personnel provide the necessary supporting services for the educational program and for the operations of the schools.

Education Law Section 1709

Adopted: 7/10/00

## By-Laws

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

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

The Legislature of the State has implemented this constitutional mandate through the creation of school districts of various types. The Kenmore-Town of Tonawanda Union Free School District is governed by the laws set forth for Central School Districts in Article 37 of the Education Law, and by-laws relating to, or affecting, Union Free School Districts as set forth in Article 35 of the Education Law.

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

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

New York State Constitution  
Education Law Articles 35 and 37

Adopted: 7/10/00

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By-Laws

**SUBJECT: BOARD OF EDUCATION AUTHORITY**

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

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

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

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

Adopted: 7/10/00

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By-Laws

**SUBJECT: NUMBER OF MEMBERS AND TERMS OF OFFICE**

The Board of Education of the Kenmore-Town of Tonawanda Union Free School District shall consist of five (5) members elected by the qualified voters of the School District at the annual election as prescribed by law.

Members of the Board of Education shall serve for three (3) years beginning July 1 following their election and each term shall expire on the thirtieth day of June of the third year.

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

Adopted: 7/10/00

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By-Laws

**SUBJECT: BOARD OF EDUCATION MEMBERS: QUALIFICATIONS**

A Board of Education member of the Kenmore-Town of Tonawanda Union Free School District must meet the following qualifications:

- a) A citizen of the United States;
- b) Eighteen (18) years of age or older;
- c) Able to read and write;
- d) A legal resident one (1) year prior to the election;
- e) Cannot be an employee of the Kenmore-Town of Tonawanda Union Free School District;
- f) The only member of his/her family (that is, cannot be a member of the same household) on the Kenmore-Town of Tonawanda Union Free School District Board;
- g) May not simultaneously hold another, incompatible public office;
- h) Must not have been removed from a school district office within one year preceding the date of election to the Board.

Education Law Sections 2102, 2103 and 2103-a  
Public Officers Law Section 3

Adopted: 7/10/00

SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION

a) Candidates for the office of member of the Board of Education shall be nominated by petition. Such petition shall be directed to the Clerk of the School District, shall be signed by at least twenty-five qualified voters of the District, or by two (2) percent of the number of voters who voted in the previous annual election of Board members, whichever is greater, shall state the residence of each signer, shall state the name and residence of each candidate, and whether such candidates are nominated for full terms or for unexpired portions of such terms.

b) The notice of the annual District meeting must state that petitions nominating candidates for the office of member of the Board of Education must be filed with the Clerk of the District not later than the thirtieth day preceding the election at which time the candidates so nominated are to be elected.

c) Voting will be by machine, and provision shall be made for the election by "write-in-vote" of any candidate not previously nominated.

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

e) The position of candidates on ballots shall be determined by lot at a drawing conducted by the District Clerk on the day after the last filing. Candidates or their proxies may be present for the drawing.

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

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

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

i) Each Board of Education candidate may submit a statement limited to 300 words which may be published along with a photo in the District's Budget/Election School Gram. A public candidates' night may also be held on school district grounds and promoted by the District. However, with the exception of "j" below, no other campaigning to promote a particular candidacy or proposition shall be permitted on District premises, nor shall any person, group or organization use District resources, including its facilities, equipment, mailboxes, courier system, personnel or students for that purpose. This includes the distribution or display of candidate's campaign materials and information supporting or opposing a ballot proposition.

j) Only on the day of the Budget Vote & Board of Education Election, a maximum of two (2) signs promoting a particular candidacy or proposition may be placed on District premises beyond the one hundred (100) foot zone at the entrances to each polling place. Campaigning will only be permitted within the confines of an area identified by the District Clerk that is beyond 100 feet from the Polling Place Entrance which does not impede vehicle traffic flow. Any violators will be removed from the premises.

SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION

k) Nothing in this policy shall be construed to impair the rights of any individual(s) to engage in political activities during non-school hours so long as District resources are not used to facilitate such activities.

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

m) When a term of office expires at the end of a school year and the office has become vacant at the time of election, the person receiving the largest number of votes is elected to fill the new full term vacancy and also fills the remaining days of the previous term, beginning his/her term of office immediately upon election.

Education Law Sections 2004, 2013, 2018, 2025,  
2029, 2031-a, 2032, 2034(7)(d), 2105(14), and 2121

Adopted: April 8, 2014

## By-Laws

**SUBJECT: REPORTING OF EXPENDITURES**

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

Required contribution statements shall include:

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

The times for filing the statements are as follows:

- a) The first statement on or before the thirtieth day preceding the election to which it relates;
- b) A second statement on or before the fifth day before the election;
- c) A third statement within twenty days after the election.

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

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

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

Adopted: 04/05/05



## By-Laws

**SUBJECT: RESIGNATION AND DISMISSAL**

Board members may resign at an annual District meeting, at which time the resignation shall be automatically accepted. A Board member may also resign by filing a written resignation with the District Clerk. The resignation shall take effect upon the date specified in the letter of resignation; however, if no effective date is specified, it shall take effect on the date of filing with the District Clerk. If an effective date is specified in the letter of resignation, such date shall not be more than thirty (30) days subsequent to the date of its delivery or filing.

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

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

In the event of death, resignation, refusal to serve, or any disqualification of a Board member, the Board may appoint a new member to fill such a vacancy. If the Board chooses to fill the vacancy, it shall be only for a term ending with the next annual election of the School District at which time such vacancy shall be filled in a regular manner for the balance of the unexpired term. The Board, at its own option, may also elect to call a special election within ninety days to fill the unexpired term. If not so filled, the District Superintendent of the Supervisory District may appoint a competent person to fill the vacancy until the next annual election of the District. The Commissioner of Education may order a special election for filling a vacancy. When such special election is ordered the vacancy shall not be filled otherwise.

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

Education Law Sections 306, 1706, 1709(17)(18),  
2103(2), 2109, 2111, 2112, and 2113  
Public Officers Law Sections 30, 31 and 35

Adopted: 7/10/00

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By-Laws

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

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

- a) A citizen of the United States;
- b) Eighteen (18) years of age or older;
- c) A resident within the District for a period of thirty (30) days next preceding the meeting at which he/she offers to vote.

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

Education Law Section 2012  
Election Law Article 5

Adopted: 7/10/00

## By-Laws

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

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

- a) Questions or propositions shall be submitted by petition directed to the Clerk of the School District and shall be signed by twenty-five (25) qualified voters, or five percent (5%) of the voters of the District who voted in the previous annual election of Board members, whichever is greater.
- b) A separate petition shall be required for each question or proposition.
- c) Each petition shall be filed with the Clerk of the School District. Petitions relating to an Annual Election must be filed not later than sixty (60) days preceding the election at which the question or proposition is to be voted upon.
- d) Questions or propositions submitted in accordance with these rules and accepted will be printed on the ballot for the voting machine.
- e) The Board of Education shall cause the rules and regulations set forth in this policy to be distributed within the District.
- f) Nothing herein contained shall affect the nominations of candidates as set forth in the Annual District Election notice pursuant to Section 2018 of the Education Law.

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

The procedure for requesting the Board of Education to call a Special District Meeting to vote on a question or proposition shall be in accordance with subdivision 2 of Section 2008 of the Education Law.

Education Law Sections 2008, 2013(5b) and 2035(2)

Adopted: 7/10/00

## By-Laws

**SUBJECT: ABSENTEE BALLOTS**

The Board of Education authorizes the District Clerk or a Board designee to provide absentee ballots to qualified District voters. Absentee ballots shall be used for the election of School Board members, School District public library trustees, the adoption of the annual budget and School District public library budget and referenda. Absentee ballots are available in the District Clerk's office. Interested District voters may call to have them delivered to their home, visit the office to pick one up or have a representative pick one up for them.

A District voter must complete in advance an application for an absentee ballot. The application must be received by the District Clerk/designee at least seven (7) days before the election if the ballot is to be mailed to the voter, or the day before the election if the ballot is to be delivered personally to the voter.

Pursuant to the provisions of Education Law, a District voter is eligible to vote by absentee ballot under the following conditions:

- a) Illness or physical disability;
- b) Business responsibilities or studies which require travel outside of the county or city of residence on the day of the election;
- c) Vacation outside of the county or city of residence; or
- d) Detention or confinement to jail after conviction for an offense other than a felony.

An absentee ballot must reach the office of the District Clerk/designee not later than 5:00 p.m. on the day of the election.

A list of all persons to whom absentee ballots have been issued shall be maintained by the District Clerk/designee and made available for public inspection. Anyone qualified to vote challenging the acceptance of an absentee ballot must file a written statement with the District Clerk/designee or inform the election inspectors on the day of the District election.

Education Law Sections 2014 and 2018-a

Adopted: 7/10/00

2000 1280

By-Laws

**SUBJECT: VOTING MACHINES AND REGISTER OF VOTERS**

Voting machines shall be used in annual Kenmore-Town of Tonawanda Union Free School District meetings for the purpose of voting on the election of a trustee or trustees, the school budget, and such special propositions as may be requested by the Board of Education.

The chief poll inspectors, appointed by the School Board, will instruct the inspectors of election in the operation of the machines, and in the reading of the election results.

A miniature diagram will be provided that presents an exact replica of all items and candidates to be voted upon.

Candidates for trustee will be listed according to a lottery drawn following the deadline for filing petitions.

All keys on the voting machine other than those necessary to vote on trustees and the budget will be locked out.

Inspectors of election shall be stationed at each voting machine and shall instruct each voter as necessary in the matter of voting. They shall also operate the button which allows the voter to close the curtain.

Provision shall be made on the voting machine for voters to write in candidates for the office of trustee.

Voters in school elections shall have their name and legal residence recorded in the poll list of voters.

Education Law Sections 2029 and 2035

Adopted: 7/10/00

2000 1310

By-Laws

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

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

Education Law Sections 1604, 1709 and 1804

**Indemnification**

The District will provide legal defense for School Board members being sued for events arising from the individual's performance of duties, provided the member was, at the time of the incident, acting in the discharge of his/her duties within the scope of his/her authority as a Board member.

The duties and obligations of an individual Board member may be enumerated as follows - but not limited to:

- a) To familiarize oneself with the State School Laws and Regulations of the State Department of Education, the policies, rules, and regulations of the Kenmore-Town of Tonawanda Union Free School District;
- b) To have a general knowledge of the educational aims and objectives of the School District;
- c) To vote and act at Board Meetings impartially for the good of the School District;
- d) To accept the will of the majority vote in all cases and give support to the resulting policy;
- e) To refer complaints to the proper school authority;
- f) To represent the Board to the public in such a way as to promote both interest and support.

(Refer also to Policy #6540 -- Employee Protection.)

Education Law Sections 3023, 3028 and 3811

Adopted: 7/10/00

2000

1320

By-Laws

**SUBJECT: NOMINATION AND ELECTION OF BOARD OFFICERS**

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

- a) President;
- b) Vice President.

Education Law Sections 1701 and 2105(6)

Adopted: 7/10/00

2000

1321

By-Laws

**SUBJECT: DUTIES OF THE PRESIDENT OF THE BOARD OF EDUCATION**

The President's duties include the following:

- a) Chairs at all meetings of the Board;
- b) Calls special meetings as necessary or on request;
- c) Appoints members to all committees of the Board;
- d) Serves ex-officio as a member of all committees appointed by the Board;
- e) Executes documents on behalf of the Board approved by said Board;
- f) Presents to the Superintendent of Schools any matter which, in the President's judgment, requires attention;
- g) Performs the usual and ordinary duties of the office; i.e., agenda planning.

Education Law Section 1701

Adopted: 7/10/00



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1322

By-Laws

**SUBJECT: DUTIES OF THE VICE PRESIDENT OF THE BOARD OF EDUCATION**

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

In the absence of both the President and the Vice President, the Board member identified at the Annual Reorganizational Meeting shall preside.

Education Law Section 1701

Adopted: 7/10/00

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

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

The following shall be appointed annually:

- a) District Clerk;
- b) District Treasurer;
- c) Tax Collector and Deputies;
- d) District Auditor (independent);
- e) Treasurer, Extraclassroom Activities Account.

The following must be appointed but need not be reappointed annually:

- a) Census Enumerator and assistants;
- b) District Physician;
- c) Supervisor of Attendance;
- d) Committee on Special Education and Committee on Preschool Special Education;
- e) Records Management Officer;
- f) AHERA Local Educational Agency (L.E.A.) designee;
- g) Title IX/Section 504/ADA Compliance Officer(s).

The following may also be appointed:

- a) District Attorney;
- b) Internal Claims Auditor;
- c) Insurance Advisor;

(Continued)

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By-Laws

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

- d) Architect;
- e) Safety Committee;
- f) Visitation Committee;
- g) Municipal Liaison (Board member/designee).

**Designations**

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

- a) Petty Cash Fund(s);
- b) Official Newspaper(s);
- c) Official Bank Depositories;
- d) Official Bank Signatories;
- e) Purchasing Agent;
- f) Certifier of Payrolls.

Education Law Section 1709

Adopted: 7/10/00

## By-Laws

**SUBJECT: DUTIES OF THE DISTRICT CLERK**

The District Clerk will be appointed by the Board at its Annual Reorganizational Meeting, shall act as secretary to the Board, and will serve for a period of one (1) year. The District Clerk/designee shall complete the following:

- a) Attends all meetings of the Board and keeps a record of its proceedings and records, by name, those in attendance;
- b) Prepares minutes of the meetings of the Board, obtains approval of the minutes by the Board at the next meeting and forwards copies of the minutes to each member of the Board of Education;
- c) Sends notices of special meetings to members of the Board; contacts and communicates with members as required;
- d) Sees that the proper legal notices and announcements are published on all specifications and items out on bid, in accordance with state law;
- e) Maintains an up-to-date record of Board policies and by-laws;
- f) Delivers to, and collects from, the President (or Vice President) such papers for signature as may be necessary;
- g) Distributes notices to the public announcing availability of copies of the budget to be presented at the annual District meeting in compliance with the requirements of the State Education Law;
- h) Administers oaths of office, as required by Section 10, Public Officers Law;
- i) Gives written notice of appointment to persons appointed as inspectors of election;
- j) Has custodianship of the official seal of the School District;
- k) Gives immediate notice to every person elected or appointed to office of election or appointment; and also reports to the Town Clerk the names and post office addresses of such officers, under a penalty of five dollars (\$5.00) for neglect in each instance;
- l) Maintains and preserves all records, books, and papers of the School District deposited with the District Clerk and has them available for public inspection.
- m) Assumes other duties customary to the office.

(Continued)

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By-Laws

**SUBJECT: DUTIES OF THE DISTRICT CLERK (Cont'd.)**

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

Education Law Section 2121  
Public Officers Law Section 104

Adopted: 7/10/00

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By-Laws

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

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

- a) Acts as custodian of all moneys belonging to the School District and lawfully deposits these moneys in the depositories designated by the Board;
- b) Pays all authorized obligations of the District as directed;
- c) Maintains proper records and files of all checks, and approved payment of bills and salaries;
- d) Makes all such entries and posts all such financial ledgers, records and reports as may be properly required to afford the District an acceptable and comprehensive financial accounting of the use of its moneys and financial transactions;
- e) Signs all checks drawn on District fund accounts;
- f) Assumes other duties customary to the office.

Duties-Education Law Section 2122  
Bond-Education Law Section 2130, Part 5  
8 New York Code of Rules and Regulations  
(NYCRR) Section 170.2(o) and (p)

Adopted: 7/10/00

2000 1333

By-Laws

**SUBJECT: DUTIES OF THE TAX COLLECTOR**

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

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

Education Law Sections 2126 and 2130  
Real Property Tax Law Sections 922, 924, 1322,  
1330, and 1338

Adopted: 7/10/00

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By-Laws

**SUBJECT: DUTIES OF THE INDEPENDENT AUDITOR**

The Board by law shall appoint an independent certified public accountant or an independent public accountant, and a copy of the certified annual audit in a form prescribed by the Commissioner must be accepted by the Board and furnished by October 1 to the State Education Department.

Education Law Section 2116-a  
8 New York Code of Rules and Regulations  
(NYCRR) Section 170.2

Adopted: 7/10/00



## By-Laws

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

The Board may appoint an internal claims auditor who shall hold the position subject to the pleasure of the Board. No person shall be eligible for appointment to the office of internal claims auditor who shall be:

- a) A member of the Board;
- b) The District Clerk or District Treasurer of the Board;
- c) The official of the District responsible for business management;
- d) Clerical personnel directly involved in accounting and purchasing functions.

Valid claims against the District shall be paid by the Treasurer only upon the approval of the internal auditor. The internal auditor shall:

- a) Examine all claim forms with respect to the availability of funds within the appropriate codes;
- b) Substantiate receipts or other revenues or expenditures;
- c) Meet such other requirements as may be established by the Regulations of the Commissioner of Education and/or the Comptroller of the State of New York.

Education Law Section 1709(20-a)

Adopted: 7/10/00

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1336

By-Laws

**SUBJECT: DUTIES OF THE EXTRACLASSROOM ACTIVITIES FUNDS  
TREASURER(S)**

The Extraclassroom Activities Funds Treasurer(s) is appointed by the Board of Education and is responsible for the supervision of the extraclassroom activities funds.

The Treasurer's duties include the following:

- a) Countersigns all checks disbursing funds from the Extraclassroom Activities Account;
- b) Provides general supervision to insure that all receipts are deposited and that disbursements are made by check only;
- c) Maintains records of all receipts and expenditures;
- d) Submits records and reports to the Board as required;
- e) Assumes other duties customary to the position;
- f) Provides extraclassroom activities account training for the advisors and student officers.

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

Adopted: 7/10/00

## By-Laws

**SUBJECT: DUTIES OF THE SCHOOL ATTORNEY - GENERAL COUNSEL**

The School Attorney-General Counsel shall be appointed by the Board of Education at its Annual Reorganizational Meeting or if a vacancy occurs thereafter, at a regular meeting of the Board of Education. The School Attorney-General Counsel shall serve at the pleasure of the Board of Education.

The duties of the School Attorney-General Counsel shall be to:

- a) Become familiar with and convey to the Board of Education, the Superintendent and School District Administrative Employees, as necessary, the statutory, judicial, administrative laws, rulings, and opinions which affect or will affect the operations of the School District, or the legal responsibilities and obligations of the Board of Education and School District employees.
- b) Render oral and written opinions as to the legal implications of any contemplated action upon the request of the Board of Education or the Administration.
- c) Attend at the request of the Board of Education or the Superintendent such meetings as they deem advisable.
- d) Review agendas of Board meetings when requested by the Superintendent and when necessary prepare Board resolutions, contracts and other legal documents.
- e) Defend the School District, the Board of Education, the Administration and employees where by law the School District is responsible for such defense; and where the School District's interest requires, represent said District, the Board of Education or Administration when they elect to be a Plaintiff in a legal proceeding; where the School District, the Board of Education, or any employee of the School District are co-defendants and the School Attorney-General Counsel is required to defend all co-defendants, and the School Attorney-General Counsel determines that there could be a conflict of interest between the defendants, he/she shall advise the co-defendant(s) whose interest is in conflict with that of the School District in time for the defendant possessing the conflicting interest to obtain counsel to protect his/her interests, and the School Attorney-General Counsel will advise the School District of this conflict of interest; the aforesaid duties as a plaintiff's counsel and defendant's counsel, shall include all legal work, including research, normally involved in such litigation.

The Board directs the Superintendent to establish guidelines for administrators when contacting the School Attorney-General Counsel.

Adopted: 7/10/00

## By-Laws

**SUBJECT: DUTIES OF THE SCHOOL PHYSICIAN**

The School Physician shall be appointed annually by the Board of Education. The duties of the School Physician shall include, but are not limited to, the following:

- a) Performs professional medical services in the examination and care of school children;
- b) Performs periodic examinations of school children to detect the presence of contagious diseases and physical defects;
- c) Conducts school health clinics;
- d) Serves as an on call member on the Committee on Special Education;
- e) Reports to the Board on school health services;
- f) Coordinates scheduling for physical examinations to all students participating in interscholastic athletics;
- g) Develops the program of health service in accordance with policies approved by the Board and as directed by the Superintendent of Schools;
- h) Conducts physical exams for all bus drivers and substitutes annually (prior to employment);
- i) Conducts environmental studies as requested by the Superintendent and/or Assistant Superintendent for Personnel and Buildings and Grounds.
- j) Conducts a medical evaluation on any employee at the request of the Board of Education;
- k) Provides overall supervision of school level health services delivered to students.

Education Law Sections 902 and 913

Adopted: 7/10/00

## By-Laws

**SUBJECT: PRINCIPLES OF CONDUCT FOR SCHOOL BOARD MEMBERS**

A School Board member, operating under the highest ethical standards, should:

- a) Assure the opportunity for high quality education for every student;
- b) Observe state and federal laws and regulations pertaining to education;
- c) Accept office as a Board member as a means of unselfish and unbiased service;
- d) Take official actions only in public sessions, unless otherwise authorized by law;
- e) Represent the entire community without fear or favor;
- f) Remember at all times the Board member is one of an educational team;
- g) Maintain confidentiality of privileged information;
- h) Recognize that the strength of a School Board is as a Board, not as individuals;
- i) Delegate authority to the Superintendent as the Board's Chief Executive Officer and focus Board action to policy making;
- j) Employ only competent trained personnel;
- k) Preserve the obligation of having controversial issues presented fairly and without bias;
- l) Instill respect toward our Country and to each other.

New York State School Boards Association

NOTE: Refer also to Policy #6110 -- Code of Ethics for All District Personnel.

(To be included in Annual Reorganizational Meeting Agenda)

Adopted: 7/10/00

## By-Laws

**SUBJECT: POLICY**

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

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

Normal procedure for the adoption of a written policy shall occur only after the proposal has been moved, discussed and voted on affirmatively by the Board of Education at two consecutive, regular Board meetings, whenever possible. In a situation deemed to be an emergency by the Board of Education the adoption of a written policy may occur after the proposed policy has been moved, discussed and voted on at a single meeting. References contrary to law or state and federal regulations, and conflicts with negotiated agreements will be updated as necessary and presented for Board approval.

The formal adoption of written Board policy shall be recorded in the official minutes of the Board. Such written Board policy shall be the continuing legal regulations of the District.

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

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

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

Adopted: 7/10/00

2000

1420

By-Laws

**SUBJECT: EXECUTION OF POLICY: ADMINISTRATIVE REGULATIONS**

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

Adopted: 7/10/00

## By-Laws

**SUBJECT: REGULAR BOARD MEETINGS**

All Board of Education meetings must be open to the public except those portions of the meetings which qualify as executive sessions. A "meeting" is defined as an official convening of a public body for the purpose of conducting public business and a "public body" is defined as an entity of two (2) or more persons which requires a quorum to conduct business, including committees and subcommittees.

Whenever such a meeting is to take place, there must be at least seventy-two (72) hours advance notice in accordance with the provisions of the Open Meetings Law. Notice of other meetings shall be given as soon as is practicable in accordance with law.

Regular meetings of the Board of Education of Kenmore-Town of Tonawanda Union Free School District shall be held at least once a month as designated by the Board at the Annual Reorganizational Meeting and if no designation is made, then on the second Monday in each month. In the event that the Board thereafter deems it necessary to change or schedule an additional meeting, it may do so by a majority vote of the members present.

It is the responsibility of the Superintendent to prepare the agenda and review it with the Board President for each meeting of the Board. The agenda for each meeting shall be prepared during the week prior to the meeting. The agenda shall be distributed to Board members no later than the Thursday before such regular meeting. Whenever any member of the Board wishes to bring a matter to the attention of the Board, the member of the Board shall notify the Superintendent and the item shall be placed on the agenda. Whenever individuals or groups wish to bring a matter to the attention of the Board, such request shall be addressed to the Superintendent. The Superintendent shall present such matter to the Board.

Documents to be reviewed by the Board at a regular meeting shall be received seventy-two (72) hours in advance unless this is waived by a majority of the members of the Board of Education.

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

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

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

(Continued)



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By-Laws

**SUBJECT: REGULAR BOARD MEETINGS (Cont'd.)**

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

Public Officers Law Article 7  
Education Law Section 1708

Adopted: 7/10/00

2000

1520

By-Laws

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

Special meetings of the Board shall be held on call by any member of the Board. A reasonable and good faith effort shall be made by the Superintendent or the Board President, as the case may be, to give every member of the Board twenty-four hours' notice of the time, place and purpose of the meeting. All special meetings shall be held at a regular meeting place of the Board.

In an emergency, the twenty-four hour notice may be waived by unanimous consent of all Board members. When this occurs, it is advisable for the members to sign waiver-of-notice forms.

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

Adopted: 7/10/00

2000

1530

By-Laws

**SUBJECT: SPECIAL MEETINGS OF DISTRICT RESIDENTS**

The Board of Education has the power to call a special meeting of the residents of the District whenever they deem it necessary and proper.

Notice must be published once in each week within the two weeks preceding such special meeting.

No business shall be transacted at such meeting except that which is specified in the notice.

Education Law Section 2007

Adopted: 7/10/00

2000

1540

By-Laws

**SUBJECT: PUBLIC NOTICE AND ATTENDANCE AT WORK SESSIONS**

The following procedures will be followed by the Board for all work sessions:

- a) Whenever possible work sessions will be scheduled sufficiently in advance so that they may be announced at a regular meeting of the Board.
- b) Whenever possible, any session will not be postponed without reasonable notice to the public of such postponement.
- c) The public is invited to attend such sessions as observers only unless invited to participate under such guidelines as may be established by the Board.

Public Officers Law Section 97

Adopted: 7/10/00

## By-Laws

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

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

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

The adoption by the Board of Education of the proposed budget must be at least seven (7) days prior to the hearing. The hearing can be conducted no less than seven (7) days or no more than fourteen (14) days prior to the annual vote.

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

**Annual Meeting (Election and Budget Vote)**

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

**Notice**

Education Law Sections 1608(2); 1716(2);  
2003(1); 2004(1); and 2601-a(2)

Adopted: 7/10/00

2000 1611

By-Laws

**SUBJECT: BUSINESS OF THE ANNUAL DISTRICT ELECTION**

The Board of Education has delegated to the District Clerk the following responsibilities:

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

Education Law Sections 1716 and 2025

Adopted: 7/10/00

2000 1620

By-Laws

**SUBJECT: ANNUAL REORGANIZATIONAL MEETING**

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

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

Education Law Section 1707

NOTE: Annual Reorganizational Meeting Agenda to include Policy #1340 -- Principles of Conduct for School Board Members.

Adopted: 7/10/00

2000

1710

By-Laws

**SUBJECT: QUORUM**

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

General Construction Law Section 41

Adopted: 7/10/00



## By-Laws

**SUBJECT: MINUTES**

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

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

- a) The type of meeting;
- b) The date, time of convening, and adjournment;
- c) Board members present and absent;
- d) Board members' arrival and departure time, if different from opening or adjournment times;
- e) All action taken by the Board, with evidence of those voting in the affirmative and the negative, and those abstaining;
- f) The nature of events that transpire, in general terms of reference.

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

All Board minutes shall be signed by the District Clerk when approved and filed as public record in the District Clerk's office. Unless otherwise provided by law, minutes shall be available to the public within two (2) weeks following the date of a meeting; draft copies, so marked, are acceptable, subject to correction. Each Board Member shall receive a copy of the minutes as officially filed.

Public Officers Law Section 106

Adopted: 7/10/00

## By-Laws

**SUBJECT: EXECUTIVE SESSIONS**

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

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

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

Public Officers Law Article 7  
Education Law Section 3020-a

Adopted: 7/10/00

2000

1731

By-Laws

**SUBJECT: DISCUSSION OF INDIVIDUAL STUDENTS**

The Open Meetings Law does not apply to “any matter made confidential by federal or state law”; therefore, discussions relating to students with disabilities, or other students, where the topic is such that it is protected by privacy laws (e.g., student records, discussions of individual students with disabilities) which identify a student in any manner will be held in closed (or executive) session. If the Board of Education will be discussing such student(s) at any regular or special meeting, the Board of Education shall adopt a resolution to enter into executive session and shall state therein that they are entering executive (or closed) session to discuss disabled or other students. Such resolution shall be adopted in accordance with the procedures set forth above.

Public Officers Law Article 7

Adopted: 7/10/00

2000                      2000

Internal Operations

Kenmore-Town of Tonawanda Union Free School District

**INTERNAL OPERATIONS**

**(Section 2000)**

**NUMBER**

**INTERNAL OPERATIONS**

1.1 Orienting New Board Members.....2110

1.2 Use of Parliamentary Procedure .....2120

**BOARD OF EDUCATION COMMITTEES**

2.1 Committees of the Board .....2210

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3.1 Membership in Associations.....2310

3.2 Attendance by Board Members at Conferences, Conventions and Workshops.....2320

3.3 Compensation and Expenses .....2330

3.4 Board Self-Evaluation.....2340

2000

2110

Internal Operations

**SUBJECT: ORIENTING NEW BOARD MEMBERS**

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

- a) The electee shall be given selected material on the job of being part of the Board, which material is supplied by the New York State School Boards Association, the National School Boards Association, and/or other professional organizations;
- b) The electee shall be invited to attend Board meetings and to participate in its discussions;
- c) The Office of the Superintendent shall supply material pertinent and appropriate meeting information and shall explain its use;
- d) The electee shall be invited to meet with the Superintendent and specific administrative personnel to discuss services they perform for the Board and may include a visit to District facilities;
- e) A copy of the Board's policies and by-laws and a copy of the New York State School Boards Association/New York State Bar Association on School Law shall be given to the electee by the Clerk;
- f) The opportunity shall be provided for new Board members to attend the New York State School Boards Association orientation program.

Adopted: 7/10/00

2000

2120

Internal Operations

**SUBJECT: USE OF PARLIAMENTARY PROCEDURE**

Robert's Rules of Order, Newly Revised shall be the guide for the Board of Education in determining questions of parliamentary procedure not herein expressly provided for. Rules may be amended at any meeting by a majority vote of the members present. The order of business established by the agenda may be suspended or postponed by a majority vote of the members present.

Commissioner's Decision Numbers 8018 and 8873  
General Construction Law Section 41

Adopted: 7/10/00

2000

2210

Internal Operations

**SUBJECT: COMMITTEES OF THE BOARD**

The Board and/or the President of the Board may at his/her discretion establish committees for the purpose of undertaking a specific task in connection with Board activity. These committees, however, cannot make legal decisions for the entire Board.

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

The Board of Education recognizes that it may be necessary from time to time to authorize advisory committees for the purpose of enlisting opinions and counsel of the general public. Such committees shall be appointed by the Board of Education.

All committees and/or sub-committees of the Board of Education must abide by the provisions of the Open Meetings Law.

**Visitation Committees**

In accordance with Education Law, the Board of Education shall appoint one or more committees, at the Annual Reorganizational Meeting, to visit every school or department at least once annually, and report on their conditions at the next regular meeting of the Board.

Education Law Section 1708

Adopted: 7/10/00

2000                      2310

Internal Operations

**SUBJECT: MEMBERSHIP IN ASSOCIATIONS**

Membership in the New York State and the Erie County School Boards Associations is authorized under Education Law. Additionally, the Board may maintain membership and participate cooperatively in other educationally appropriate associations.

Education Law Section 1618  
Comptroller's Opinion 81-255

Adopted: 7/10/00



## Internal Operations

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

The Board of Education recommends and supports the attendance of its members at conferences and educational meetings for the purpose of in-service training and development of all its members.

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

- a) A calendar of school board conferences, conventions and workshops shall be maintained by the District Clerk or designee. The Board will periodically decide which meetings appear to be most likely to produce direct and indirect benefits to the School District. At least annually, the Board will identify those new ideas or procedures and/or cost benefits that can be ascribed to participation at such meetings.
- b) Funds for participation at such conferences, conventions, workshops and the like will be budgeted for on an annual basis. When funds are limited, the Board will designate which members are to participate at a given meeting.
- c) The District is responsible for all actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established regulations for expense reimbursement.
- d) When a conference, convention or workshop is attended by the Board, those who participate will be required to make and submit a written report and share information, recommendations and materials following conference attendance with the entire Board of Education.

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

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

Adopted: 7/10/00

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

2000                      2330

Internal Operations

**SUBJECT:    COMPENSATION AND EXPENSES**

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

Education Law Section 2118  
General Municipal Law Section 77-b

Adopted: 7/10/00

2000

2340

Internal Operations

**SUBJECT: BOARD SELF-EVALUATION**

The Board shall review the effectiveness of its internal operations no later than June each year and will formulate a plan for improving its performance.

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

Adopted: 7/10/00

Kenmore-Town of Tonawanda Union Free School District

**COMMUNITY RELATIONS**

**(Section 3000)**

**NUMBER**

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**(Section 3000)**

**NUMBER**

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## Community Relations

**SUBJECT: COMMUNICATIONS WITH THE PUBLIC**

The Board of Education desires to use every means possible to communicate with the residents of the School District. In order to accomplish this goal, news releases concerning items of interest shall be prepared and distributed under the supervision of the Superintendent. In addition, a newsletter shall be prepared and distributed a minimum of five (5) times each year and distributed to the residents of the District.

The Superintendent shall be the primary intermediary between the School District and the public on issues related to District policies, procedures and protocols. Inquires of this nature should be directed and responded to by the Superintendent or designee when inquiries pertain to their area of District responsibility.

Nothing in this policy, however, shall be construed to limit the right of a Board of Education Trustee to express his/her opinion on a particular subject or issue, though no individual Trustee shall speak for the Board as a whole.

**PRESS RELEASES**

In order to carry out effective inter-school communication, copies of all press releases will be given to the administrative staff and the editor of the newsletter.

It is suggested that as broad coverage be given to each item as that item seems to warrant. Suggested newspapers are, but not limited to: Buffalo News, Tonawanda News, Ken-Ton Bee and the Record-Advertiser.

**SCHOOL SPONSORED MEDIA**

The principal of each building is responsible for the preparation of news releases and/or periodic publications including a calendar of events, as well as noteworthy activities within that building. Each principal shall disseminate such publications to parents of students enrolled in the school. Copies of all final news releases/publications shall be sent to the Superintendent or his/her designee.

**ADOPTED: 4/7/03**

2000                      3111

Community Relations

**SUBJECT:    WORLD WIDE WEB:    DISTRICT WEBSITE**

In order to support the vision and mission of the Kenmore-Town of Tonawanda Union Free School District, the District will create and maintain a website as a means of access for District information. In addition, the website shall be a gateway to District resources. Also, it shall be a means of communication for District personnel, District organizations/activities, and associated community organizations.

The District website may not be used for any unauthorized commercial promotional activity.

Adopted: 7/10/00

**Community Relations****SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING****General Criteria**

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

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

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

**Content Standards**

- a) Approval for posting a Web Page must be obtained from the Website Manager or his/her designee(s). If at any time, the Website Manager/designee(s) believes the proposed material does not meet the standards approved by the District, it will not be published on the Web. Decisions regarding access to active Web Pages for editing content or organization will be the responsibility of the Website Manager/designee(s).
- b) A Web Page must be sponsored by a member of the District faculty, staff or administration who will be responsible for its content, design, currency and maintenance. The sponsor is responsible for ensuring that those constructing and maintaining the Web Page have the necessary technical training and that they fully understand and adhere to District policies and regulations. The Web Page must include the name of the sponsor.
- c) Staff or student work should be published only as it relates to a school/classroom authorized project or other school-related activity.
- d) The review of a Student Web Page (if considered a school-sponsored student publication) shall be subject to prior District review as would any other school-sponsored student publication.

(Continued)



**Community Relations****SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING (Cont'd.)**

- e) An authorized teacher who is publishing the final Web Page(s) for himself/herself or for a student will edit and test the Page(s) for accuracy of links and check for conformance with District standards and practices.
- f) A disclaimer statement about the content of Web Pages must be part of individual sites:  
  
Example: "The District has made every reasonable attempt to ensure that our Web Pages are educationally sound and do not contain links to questionable material or material that can be deemed in violation of the School District's Standards and Guidelines for Web Page Publishing Policy."
- g) Commercial advertising or marketing on the District/school/classroom Web Page(s) (or the use of school-affiliated Web Pages for the pursuit of personal or financial gain) shall be prohibited unless otherwise authorized in accordance with law and/or regulation. Decisions regarding Website advertising must be consistent with existing District policies and practices on this matter. School-affiliated Web Pages may mention outside organizations only in the context of school programs that have a direct relationship to those organizations (e.g., sponsorship of an activity, student community service project).
- h) Web Pages may include faculty or staff names; however, other personal information about employees including, but not limited to, home telephone numbers, addresses, e-mail addresses, or other identifying information such as names of family members may be published only with the employee's written permission.
- i) All Web Pages must conform to the standards for appropriate use found in the District's Acceptable Use Policy(ies) and accompanying Regulations regarding standards of acceptable use; examples of inappropriate behavior; and compliance with applicable laws, privacy, and safety concerns.
- j) All Web Pages must be approved through the designated process before being posted to the District/school/classroom Websites.
- k) All staff and/or students authorized to publish material on the District/school/classroom Web Page(s) shall acknowledge receipt of the District's Web Page Standards and agree to comply with same prior to posting any material on the Web.

**Release of Student Education Records/Directory Information**Release of Student Education Records

In accordance with the Family Educational Rights and Privacy Act (FERPA), unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information contained in student education records only if it has received a "signed and dated written

(Continued)

**Community Relations****SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING (Cont'd.)**

consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature:

- a) Identifies and authenticates a particular person as the source of the electronic consent; and
- b) Indicates such person's approval of the information contained in the electronic consent.

Student Directory Information

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

Parental/Eligible Student Consent Required and Privacy Concerns

Written parental/eligible student consent shall be obtained by the District before education records or personally identifiable information contained therein is released to any party unless:

- a) Such release is authorized by the Family Educational Rights and Privacy Act, or its implementing regulations;
- b) The information released is "directory information" as designated by the District in accordance with FERPA. The District shall provide parents and eligible students with annual notification of their rights under FERPA and designation of directory information (i.e., disclosure of personally identifiable information contained in student records);
- c) For anything not specifically designated as "directory information" by the District, the District must receive a "signed and dated written consent" from the parent/eligible student prior to releasing such information (unless otherwise authorized per FERPA);
- d) However, even if student photographs are designated as directory information per FERPA, due to privacy and safety concerns, **the District requires specific affirmative written parent/eligible student consent prior to posting student photographs on District/school/classroom Web Pages.** Whenever possible, group photographs of students and/or the use of photographs where the student is not easily identifiable is preferable to the use of individual student photographs for safety reasons;

(Continued)

**Community Relations****SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING (Cont'd.)**

- e) Generally, Web Pages shall not include a student's full name, telephone number, address, e-mail address or post such information of other family members or friends. Posting of student names will be limited to first name only. **However, under District Policy 7240 and accompanying regulation 7240R directory information may be released including the following information relating to a student, the student's full name, participation in school clubs, activities, sports, degrees and awards received.**
- f) Online posting of school bus schedules and/or other specific activity schedules detailing dates/times/locations (e.g., field trips) is prohibited on school-affiliated Websites as such information can pose risks of child abduction or other security concerns. Password protected Websites may be authorized by the Superintendent/designee.

**Use of Copyrighted Materials and "Fair Use" Exceptions/Intellectual Property and Works Made for Hire**Copyrighted Materials

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

Fair Use of Copyrighted Materials

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

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

(Continued)

**Community Relations****SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING (Cont'd.)**

- a) Unless otherwise noted, always assume that work on the web is copyrighted. It is NOT necessary that the copyright symbol -- © -- be displayed for the work to be protected by copyright laws.
- b) Proper attribution must always be given.
- c) Obtaining permission(s) from the copyright holder(s) (whether text, graphics or music) should occur during the developmental process or project, rather than waiting to seek permission upon completion of the project.
- d) Unauthorized electronic transmission of copyrighted materials is illegal.

Intellectual Property/ Works Made for Hire

All works completed by employees as part of their employment shall be considered "works made for hire" as described in the United States Code Annotated, Title 17, Copyrights to the extent permitted by law. This determination includes, but is not limited to, the following activities:

- a) Work prepared by an employee within the scope of his/her employment, whether tangible or intangible;
- b) Work specifically ordered or commissioned for use as a contribution to a collective work, as enumerated in law.

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

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

Student Work

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

**Student Free Speech Issues (School-sponsored Publications)**

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

(Continued)

**Community Relations****SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING (Cont'd.)**

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

**Consequences for Non-Compliance**

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

Staff

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

Students

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

**Oversight**

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

**SUBJECT: NAMING OF SCHOOL FACILITIES, PLAQUES AND MEMORIALS/PUBLIC DEDICATION**

The Board of Education is responsible for naming any new facility. The Board, in its discretion, may establish procedures for the naming of any building or other district facility, which may include the formation of a committee.

District facilities may be named after persons who have attained national or local prominence in fields such as education, arts and sciences, and government; after past U.S. presidents or persons of local significance; or after the geographic characteristics of the area in which the facility is located. However, the Board of Education may also elect to have certain facilities remain unnamed.

Data regarding proposed names should be carefully prepared with sufficient information to enable the committee to make discriminating recommendations to the Board of Education.

The Board of Education shall, by formal resolution, name the facility.

**Names on Building Plaques**

The Board shall, by majority vote, approve the affixing of building plaques to any District-owned facility. The plaque may be purchased with District funds authorized by the Board or through funds received by the District from student, community or parent groups, or individuals. A final decision regarding the affixing of any building plaques will rest with the Board of Education.

**Memorials**

The Board shall, by majority vote, approve memorials being erected in District-owned facilities or on District-owned land. A memorial may be built with District funds authorized by the Board or through funds received from student, community or parent groups, or individuals. A final decision regarding any memorial rests with the Board of Education.

**Public Dedication of New Facilities**

The Board reserves the right to hold a public dedication of any new facilities. The dedication will provide the community with the opportunity to see the new facility. Sufficient notice to the community regarding the date and time of the dedication will be made.

Adopted: 9/14/10

## Community Relations

**SUBJECT: NEWS MEDIA RELATIONS/SCHOOL SPONSORED MEDIA****News Media Relations**

Representatives of the local press, radio and TV are an important link in the communications chain between the school and the community. The maintenance of good working relationships with the media is essential to meeting those objectives of the school/community relations program and requires the support and cooperation of the media representatives.

The Chief Communications Representative for the School District and for the Board of Education shall be the Superintendent of School. As the official spokesperson, the Superintendent (or his/her designee) shall issue all news releases concerning the District. All statements of the Board and publicity relative to Board of Education actions and decisions shall be disseminated through the Superintendent.

**School Sponsored Media**

The Superintendent, or designees of the Superintendent, shall communicate to the public through all available news media that information deemed appropriate concerning school programs, activities, student and staff achievement.

The School District, through the Office of the Superintendent, shall publish and disseminate to the residents of the community the following publications:

- a) A regularly published newsletter or report;
- b) An annual report including a proposed budget prior to the Annual District Election available at the Budget Meeting;
- c) Such other publications as deemed necessary for a well informed public. (e.g., brochures and/or flyers with specific information on propositions, etc.)

The principal of each building is responsible for the preparation of news releases and/or periodic publications including a calendar of events as well as noteworthy activities within that building, and for reviewing them with the Superintendent prior to release. Each principal shall disseminate such publications to parents of students enrolled in the school. Copies of all final news releases/publications will be sent to the Superintendent's Office.

The Superintendent may establish a speakers bureau to provide speakers from the School District staff for services to community organizations.

**ADOPTED: 8/14/00**

2000

3130

Community Relations

**SUBJECT: RELATIONS WITH THE MUNICIPAL GOVERNMENTS**

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

The Board will annually appoint one of the Board members or a central office administrator to act as a municipal liaison to the Town of Tonawanda and Village of Kenmore to foster positive working relations.

Adopted: 7/10/00



2000                      3140

Community Relations

**SUBJECT: SENIOR CITIZENS**

The Board of Education will consider school related programs for the elderly in accordance with Education Law and/or regulations of the Commissioner of Education. Such programs may include special use of school buses, school lunches and partial tax exemptions.

Education Law Sections 1502 and 1709(22)  
Real Property Tax Law Section 467

Adopted: 7/10/00

2000

3150

Community Relations

**SUBJECT: FLAG DISPLAY**

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

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

Education Law Sections 418 and 419  
Executive Law Section 403

Adopted: 7/10/00

**SUBJECT: ADULT SCHOOL VOLUNTEERS**

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

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

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

There are two levels of volunteer involvement with the schools:

Volunteers seeking to assist the schools on an occasional basis, e.g., chaperoning a field trip or helping with a class day activity, should contact the school several days before the event to notify the principal that the volunteer will be in building and the purpose for his/her presence. The principal shall make a note of the volunteer's presence in the building.

Individuals volunteering time in school on a regular basis, e.g., monitoring a math lab one morning a week, shall meet with the principal to discuss the responsibilities of the volunteer, learn about the routines of the building, and provide the principal with some background about the volunteer and past experiences working with children.

The building principal, and ultimately the Superintendent of Schools, reserve the right to deny any individual access to volunteer assignments in the schools.

The Board of Education directs the Superintendent/designee to develop regulations to implement this policy and to periodically inform the Board of the progress of the school volunteer program.

2000

3170

Community Relations

**SUBJECT: STUDENT INVOLVEMENT**

The Board of Education views student participation in school affairs as an extension of the education process. This District may encourage students to participate through planned programs and procedures in the government of the school and in curriculum evaluation.

As citizens, students have the right to acquire an education appropriate to their interests and potential. By participating more actively, students can be a resource to the improvement of schools and reduce cultural, generational, and authoritative barriers to communication.

Adopted: 7/10/00

## Community Relations

**SUBJECT: CHARTER SCHOOLS**

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

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

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

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

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

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

(Continued)

## Community Relations

**SUBJECT: CHARTER SCHOOLS (Cont'd.)**

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

Special Education programs and services shall be provided to students with disabilities attending a charter school in accordance with the individualized education program recommended by the Committee or Subcommittee of Special Education of the student's *school district of residence*. The charter school may arrange to have such services provided by the *school district of residence* or by the charter school directly or by contract by with another provider.

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

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

Teachers employed by the School District may apply for a leave of absence for purposes of teaching at a charter school. Approval for such leave of absence for a period of two (2) years or less shall not be unreasonably withheld. If such approval is granted to a teacher by the District, the teacher may return to teach in the School District during such period of leave without the loss of any right of certification, retirement, seniority, salary status, or any other benefit provided by law or by collective bargaining agreement. If an appropriate position is unavailable, the teacher's name shall be placed on a preferred eligible list of candidates for appointment to a vacancy that may thereafter occur in an office or position similar to the one such teacher filled in the District immediately prior to the leave of service.

**Charter School Finances**

Charter school financing shall be based on the number of students projected to be served by the charter school and the approved operating expenses of the *district of residence* of those students. The New York Charter Schools Act requires that the *school district of residence* forward payments to the charter school, which shall include State and Federal aid and any other pertinent aid to students with disabilities, in six (6) substantially equal installments each year beginning on the first business day of the months of July, September, November, January, March, and May. Failure by the School District to make such required payments will result in the State Comptroller deducting the required amounts from State funds due to the District and paying them to the charter school.

(Continued)

**SUBJECT: CHARTER SCHOOLS (Cont'd.)**

Approved operating expenses include the essential operating cost of the School District. Excluded are costs for transportation, debt services, construction, tuition payments to other school districts, some BOCES payments, cafeteria or school lunch expenditures, balances and transfers, rental income from leased property, and certain other limited categories.

Federal and State aid attributable to students with disabilities *are* required to be paid to a charter school by the *school district of residence* for those students attending such charter school *in proportion to the services the charter school provides such students*.

Amounts payable to a charter school by the School District will be determined by the Commissioner of Education.

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

**Notice And Hearing Requirements**

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

Before a charter is issued or renewed, the *school district in which the charter school is located* is entitled:

- a) To hold a *public hearing* to receive comments from the community, and
- b) To comment on the proposed charter to the charter entity.

Time limits on the charter application process will be in accordance with the Charter Schools Act.

Education Law Article 56 and  
Sections 3602(11) and 3635  
8 New York Code of Rules and Regulations  
(NYCRR) Parts 100 and 119

Adopted: 7/10/00

**SUBJECT: ANTI-HARASSMENT IN THE SCHOOL DISTRICT**

The Board of Education affirms its commitment to nondiscrimination and recognizes its responsibility to provide an environment that is free of harassment and intimidation. Harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of harassment on the basis of race, color, creed, religion, national origin, political affiliation, sex (including sexual harassment), sexual orientation, age, marital status, military status, veteran status, disability, or personal characteristics outside the accepted norm by employees, school volunteers, students, and non-employees such as contractors and vendors as well as any third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the District.

Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.

The Board also prohibits harassment based on an individual's opposition to discrimination or participation in a related investigation or complaint proceeding under the anti-discrimination statutes. This policy of nondiscrimination and anti-harassment will be enforced on School District premises and in school buildings; and at all school-sponsored events, programs and activities, including those that take place at locations off school premises.

It is intended that this policy apply to the dealings between or among employees with employees; employees with students; students with students; employees/students with vendors/contractors and others who do business with the School District, as well as school volunteers, visitors, guests and other third parties. All of these persons are hereinafter referred to collectively as "the named group."

For purposes of this policy, harassment shall mean communication (verbal, written, or graphic) and/or physical conduct based on an individual's actual or perceived race, color, creed, religion, national origin, political affiliation, sex (including sexual harassment), sexual orientation, age, marital status, military status, veteran status, disability, or personal characteristics outside the accepted norm that:

- a) Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or is used as a basis for employment decisions (including terms and conditions of employment) affecting such individual; and/or creates an intimidating, hostile or offensive work environment;
- b) Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creates an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit;
- c) Otherwise adversely affects the employment and/or educational opportunities and benefits provided by the District.

(Continued)



**SUBJECT: ANTI-HARASSMENT IN THE SCHOOL DISTRICT (Cont'd.)**

The School District will act to promptly investigate all complaints, either verbal or written, formal or informal, of allegations of harassment based on any of the characteristics described above; and will promptly take appropriate action to protect individuals from further harassment.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee, student, or other member of the above named group who believes he/she has been a victim of harassment in the school environment and/or at programs, activities and events under the control and supervision of the District, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence of harassment, immediately report such alleged harassment; such report shall be directed to or forwarded to the District's designated complaint officer(s) through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the complaint officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint, the District will conduct a thorough investigation of the charges. However, even in the absence of an informal/formal complaint, if the District has knowledge of any occurrence of harassment, the District will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis.

Based upon the results of this investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with applicable laws and/or regulations, District policy and regulation, and the District Code of Conduct. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations and/or the Code of Conduct, will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted.

(Continued)

**SUBJECT: ANTI-HARASSMENT IN THE SCHOOL DISTRICT (Cont'd.)**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the harassment complaint have not suffered retaliation.

Regulations will be developed for reporting, investigating, and remedying allegations of harassment based on the characteristics described above. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable complaint officer(s). Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of harassment with all employees and students, express the District's condemnation of such conduct, and explain the sanctions for such harassment. Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to harassment in the schools, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for the investigation of harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on anti-harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

This policy should not be read to abrogate other District policies and/or regulations or the District Code of Conduct prohibiting other forms of unlawful discrimination, inappropriate behavior, and/or hate crimes within this District. It is the intent of the District that all such policies and/or regulations be read consistently to provide the highest level of protection from unlawful discrimination in the provision of employment/educational services and opportunities. However, different treatment of any member of the above named group which has a legitimate, legal and nondiscriminatory reason shall not be considered a violation of District policy.

Title VII of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000-e et seq.  
Prohibits discrimination on the basis of race, color,  
religion, sex or national origin.

(Continued)

**SUBJECT: ANTI-HARASSMENT IN THE SCHOOL DISTRICT (Cont'd.)**

Title VI of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000-d et. seq.  
Prohibits discrimination on the basis of race, color or  
national origin.

Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et. seq.  
Prohibits discrimination on the basis of disability.

The Americans With Disabilities Act,  
42 United States Code (USC) Section 12101 et. seq.  
Prohibits discrimination on the basis of disability.

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

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

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

Age Discrimination in Employment Act,  
29 United States Code (USC) Section 621.

Military Law Sections 242 and 243

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**SUBJECT: CIVILITY POLICY**

Members of the School District staff will treat parents and other members of the public with respect, and expect the same in return. The District must keep schools and administrative offices free from disruptions and prevent unauthorized persons from entering school/District grounds.

Accordingly, this policy promotes mutual respect, civility, and orderly conduct among District employees, parents, and the public. We do not intend this policy to deprive any person of his or her right to freedom of expression. Rather, we seek to maintain, to the extent possible and reasonable, a safe, harassment-free workplace for our students and staff. In the interest of presenting teachers and other employees as positive role models, we encourage positive communication and discourage volatile, hostile, or aggressive actions. This District seeks public cooperation with this endeavor.

**Disruptive Individual Must Leave School Grounds**

Any individual who disrupts or threatens to disrupt school/office operations, threatens the health and safety of students or staff, willfully causes property damage, uses loud and/or offensive language that could provoke a violent reaction, or who has otherwise established a continued pattern of unauthorized entry on School District property, will be directed to leave school or School District property promptly by the school's principal or other administrative officer.

**Directions to Staff in Dealing with Abusive Individual**

If any member of the public uses obscenities or speaks in a demanding, loud, insulting, and/or demeaning manner, the administrator or employee to whom the remarks are directed will calmly and politely warn the speaker to communicate civilly. If the abusive individual does not stop the behavior, the District employee will verbally notify the abusing individual that the meeting, conference or telephone conversation is terminated; and, if the meeting or conference is on District premises, the employee shall direct the abusive individual to leave promptly. If the person refuses to leave, the local police will be called to respond and to escort the individual from the premises.

**Provide Policy and Report Incident**

When a staff member determines that a member of the public is in the process of violating the provisions of this policy, the staff member should provide a written copy of this policy at the time of the occurrence. The staff member will then immediately notify his or her supervisor and provide a written report of the incident.

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Community Relations

**SUBJECT: VISITORS TO THE SCHOOL**

Parents are welcome at school. Permission must be received at the office from an administrator in order to allow teachers the opportunity to arrange their schedules to accommodate such requests.

Other visitors should report to the office upon arrival at school and state their business. It may be a violation of criminal law to remain unlawfully in a public school building, or to refuse to leave the premises when personally asked to by a principal, custodian or other person in charge.

**Visitation By Board Members**

The Board encourages its members to visit the District Schools and supportive school departments. However, such visits shall be made in accordance with the following guidelines:

- a) School visits should be scheduled with the building principal.
- b) The supervisor or principal should accompany the Board member on the visit.
- c) Such visits are for the purpose of becoming acquainted with school programs, personnel, operation, and facility or as the visitation committee making its annual inspection.
- d) Board members should refrain from giving directions or making evaluations of personnel or operating procedures during their visit.
- e) If a school visit leaves a Board member with a concern, this concern should initially be discussed with the building principal and then with the Superintendent.

Board members may have children in the schools and therefore have parental opportunities to converse with their child's teacher, counselor, or administrator. In those instances, the Board member should make it clear that he/she is visiting as a parent and not as a member of the Board of Education.

Education Law Sections 1708 and 2801  
Penal Law Sections 140. 10 and 240.35

Adopted: 7/10/00

**SUBJECT: PUBLIC EXPRESSION AT MEETINGS**

The President of the Board of Education shall recognize speakers granting them an opportunity to speak. The President shall limit the number of speakers and length of each presentation in a fair but firm fashion.

In unusual circumstances, members of the Board may request that a time limitation be established. Such action shall require the majority consent of the members of the Board of Education.

For regular Board of Education meetings, the following format is used:

**AGENDA FORMAT:**

- a) Opening Ceremony
- b) Approval of Agenda
- c) Approval of Minutes
- d) Communications
- e) Consensus Items
- f) Other Matters
- g) Executive Session (if needed, may occur at any time during a meeting)
- h) Adjournment

For special and emergency meetings, the regular meeting agenda format shown above may be shortened and/or adapted to fit the purpose of the meeting. At its discretion, the Board may exclude or limit public discussion at any Board meeting.

All meetings of the Board shall be conducted in public, and the public has the right to attend all such meetings (with the exception of Executive Session). Public expression at such meetings shall be encouraged and a specific portion of the agenda shall provide for this privilege of the floor. At its direction, the Board may invite visitors to its meetings to participate in the Board's discussion of matters on the agenda.

The Board of Education shall provide for public participation in accordance with the following guidelines:

- a) *Who May Address the Board:*

Anyone who places his/her name, address and topic on the sign in sheet.

- b) *To Speak to an Item on the Agenda:*

The speaker should be recognized by the presiding officer, stand at the microphone and address comments to the presiding officer.

(Continued)

## Community Relations

**SUBJECT: PUBLIC EXPRESSION AT MEETINGS (Cont'd.)**c) *Time Limit for Speakers:*

No person should speak for more than three (3) minutes, unless the time limit is waived by a majority of the Board members present. When there is a large number of speakers to be heard or if pressure of business or other circumstances dictate, the Board chairperson may decide to curtail the length of questioning, comments, and/or the public expression period.

d) *Questions, Complaints, Charges or Challenges:*

Generally, if a person has a question about the operation of the schools, he or she is encouraged to contact the administrator closest to the situation to get a direct response.

At a public Board meeting, no person may orally initiate charges or complaints against individual District employees or Board members. All charges or complaints against individual District employees and all challenges of instructional material used in the District should be presented to the Superintendent and the Board in writing, signed by the complainant. All such charges, complaints and challenges if presented to the Board directly will be referred to the Superintendent for investigation and report. Challenges to instructional material used in the District are subject to District policy, rules and regulations.

e) *Response and Follow-up by Board, Superintendent and Administrators:*

The presiding officer will acknowledge a speaker's comments and may respond to the speaker, undertake to provide follow-up with the speaker after the meeting or ask the Superintendent to respond to the speaker or provide follow-up with the speaker after the meeting. In addition, other members of the Board may respond to the speaker or undertake to provide follow-up with speaker after the meeting, and the Superintendent may ask another administrator to respond to the speaker or provide follow-up with the speaker after the meeting.

f) *Conduct and Remarks Out of Order:*

Speakers are expected to avoid defamatory, abusive or vulgar language. The presiding officer may terminate the speaker's privilege of address, if after being called to order, the speaker persists in improper conduct or remarks.

To facilitate the orderly conduct of Board business, public participation in regular Board meetings will be limited to the "Public Comment" portions of the meetings as set forth in this policy. The presiding officer will not allow undue interruption or interference with the orderly conduct of Board business at a Board meeting.

Adopted: 7/10/00

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Community Relations

**SUBJECT: PUBLIC COMPLAINTS**

Complaints by citizens regarding any facet of the school operation often can be handled more satisfactorily by the administrative officer in charge of the unit closest to the source of the complaint. Complaints should be directed to the appropriate individual if the matter cannot be resolved by the teacher, coach, or other school employee.

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

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

The Superintendent is directed to develop regulations to implement this policy.

Adopted: 7/10/00



## Community Relations

**SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES**

In accordance with the provisions of General Municipal Law and the collective bargaining agreements, all District personnel shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal. The District shall provide at least two procedural stages and an appellate stage for the settlement of any grievance.

Complaints or grievances not covered under employee contracts shall be handled and resolved, whenever possible, as close to their origin as possible. The Superintendent is responsible for implementing regulations for the redress of complaints or grievances through proper administrative channels.

**Complaints and Grievances Coordinator**

Additionally, the Board shall ensure compliance with Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA). The Superintendent shall designate a District employee as the Title IX/Section 504/ADA Coordinator and shall implement regulations and procedures to resolve complaints of discrimination based on sex or disability.

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

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

Title VII of the Civil Rights Act of 1964,  
42 United States Code (U.S.C.)  
Section 2000-e, et seq. - Prohibits discrimination  
on the basis of race, color, religion, sex or  
national origin.

Title VI of the Civil Rights Act of 1964,  
42 United States Code (U.S.C.)  
Section 2000-d, et seq. - Prohibits discrimination  
on the basis of race, color or national origin.

(Continued)

Community Relations

**SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES (Cont'd.)**

Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (U.S.C.)  
Section 794 et seq.;

The Americans With Disabilities Act,  
42 United States Code (U.S.C.)  
Section 12101 et seq. - Prohibits discrimination  
on the basis of disability.

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

New York State Executive Law  
Section 290 et seq. - Prohibits discrimination on  
the basis of age, race, creed, color, national origin,  
sex, disability or marital status.

Age Discrimination in Employment Act,  
29 United States Code (U.S.C.) Section 621.

Military Law Sections 242 and 243

## Community Relations

**SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS**

While students have the responsibility to abide by the policies and regulations of the District, they shall also be afforded opportunity to present complaints and grievances free from interference, coercion, restraint, discrimination or reprisal. Administration shall be responsible for:

- a) Establishing rules and regulations for the redress of complaints or grievances through proper administration channels;
- b) Developing an appeals process;
- c) Ensuring that students have full understanding and access to these regulations and procedure; and
- d) Providing prompt consideration and determination of student complaints and grievances.

**Complaints and Grievances Coordinator**

In addition, students and parents/guardians will receive annual notification of the District's established grievance procedures for resolving complaints of discrimination based on sex or disability. This notice shall include the name, address and telephone number of the Title IX/Section 504/ADA Coordinator.

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

Title VII of the Civil Rights Act of 1964,  
42 United States Code (U.S.C.)  
Section 2000-e, et seq. - Prohibits discrimination  
on the basis of race, color, religion, sex or  
national origin.

Title VI of the Civil Rights Act of 1964,  
42 United States Code (U.S.C.)  
Section 2000-d, et seq. - Prohibits discrimination  
on the basis of race, color or national origin.

(Continued)

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Community Relations

**SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS (Cont'd.)**

Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (U.S.C.)  
Section 794 et seq.;

The Americans With Disabilities Act,  
42 United States Code (U.S.C.)  
Section 12101 et seq. - Prohibits discrimination  
on the basis of disability.

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

New York State Executive Law  
Section 290 et seq. - Prohibits discrimination on  
the basis of age, race, creed, color, national origin,  
sex, disability or marital status.

Age Discrimination in Employment Act,  
29 United States Code Section 621.

Adopted:7/10/00

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Community Relations

**SUBJECT: SCHOOL TO HOME COMMUNICATION**

The strongest link of communication with parents, and one of the most fertile public relations areas, is the student in the classroom. Since failure to provide students with information leads frequently to misinformation, it shall be the responsibility of the administration to see that information regarding school activities and programs is properly disseminated through the students to parents.

The use of letters and bulletins carried by students or mailed to their parents is encouraged. Care should be exercised, however, that such use of students shall be limited entirely to information about the School District or a particular school.

Adopted: 7/10/00

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Community Relations

**SUBJECT: PARENT-TEACHER-STUDENT ASSOCIATION**

Parent-teacher-student associations may be established to serve a school, principalship, or combination of schools.

Membership in each parent-teacher-student association shall be open to any parent, guardian or person otherwise housing a child legally attending a school served by the parent-teacher-student association and any staff member assigned to that school.

Adopted: 7/10/00

## Community Relations

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**SUBJECT: BOOSTER CLUBS**

Should an interested citizens group wish to initiate a Booster Organization for the supplemental support of any extracurricular activity; the following guidelines will govern their relationship with all school-sponsored activities.

a) The group will seek approval from the Board of Education to organize by submitting a written request containing the reason(s) for the groups' existence to the Board of Education through the Superintendent of Schools. Also to be included, a philosophy statement as to the purpose of the Booster Club and what some of the major goals are for the group. The mission statement, purpose, or by laws, must also include a statement within it indicating that they will prohibit alcohol at all events when students are present. Request for approval by the Board of Education must be submitted annually.

b) The group will be governed by a Board of Directors and will have officers consisting of a president, vice president, secretary and treasurer. The treasurer is expected to have experience with basic business accounting practices. School employees (including all interscholastic coaches, volunteer coaches, and their immediate family members) are not allowed to serve on the Board of Directors or as an officer.

c) All activities sponsored by a booster club must be free from alcohol when students are present. If the Board of Education is notified that alcohol was present at an event sponsored by a booster club in the known presence of students, it will investigate the allegation or designate an individual to investigate the allegation. If it is determined that alcohol was present at an event sponsored by a booster club, the Board of Education reserves the right to revoke the approval given by the Board of Education or organize as a booster club.

d) The Booster Club will be required to acquire advance approval from the Superintendent of Schools or his/her designee for any specific fundraising activity. The Superintendent of Schools or his/her designee has the authority to withhold approval for any fundraising activity. Strict guidelines will govern how students may be used to fundraise and what types of activities are suitable.

e) Booster Club meetings must be open and copies of both agendas and minutes must be sent to the Superintendent of Schools or his/her designee upon request.

f) Fundraising or organizational functions which transpire on school property will be subject to the same scrutiny and conditions as set forth for other non-school community groups (churches, youth groups, community agencies, etc.) including obtaining a building permit and incurring appropriate charges and/or fees for use of the facilities.

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Community Relations

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g) The financial records, including records of all monies received and all monies expended, shall be made available, upon request, for inspection by the Board, Superintendent or his/her designee.

h) Groups wishing to make a contribution of cash, equipment, or commodities must adhere to the District's policy and regulations regarding the acceptance of gifts.

i) Violations of District policy or regulations may result in the dissolution of the Booster Club.

j) Booster Clubs may not discriminate on the basis of gender, race, sex, religion, color, creed, age, national origin, ancestry, sexual orientation, gender identity (transgender status), HIV status, veteran status, disability, or any other legally protected status.

Adopted: August 12, 2014



## Community Relations

**SUBJECT: SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN**

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

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

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

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

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

Also, refer to Policy #7450 -- Fund Raising By Students.

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

Adopted: 7/10/00

## Community Relations

**SUBJECT: ADVERTISING IN THE SCHOOLS**

Except to the extent permitted by law and/or regulations and approved by the Superintendent of Schools and the Board of Education, the facilities, the staff, or the students of the School District shall not be employed in any manner for advertising or otherwise promoting the interests of any commercial, political, or other non-school agency, individual or organization, provided that:

- a) Schools may cooperate in furthering the work of any non-profit, community-wide, social service agency, provided that such cooperation does not restrict or impair the educational program of the schools or conflict with Section 19.6 of the Rules of the Board of Regents;
- b) The schools may use films or other educational materials bearing only simple mention of the producing firm;
- c) The Superintendent of Schools may, at his/her discretion, announce or authorize to be announced, any lecture or other community activity of particular educational merit;
- d) The schools may, upon approval of the Superintendent of Schools, cooperate with any agency in promoting activities in the general public interest that are non-partisan and non-controversial, and that promote the education and other best interests of the District's learners.

Individual school and Districtwide partnerships with private sector business, focusing on educational objectives, may be crafted by school officials. It is recognized that partnering with private business will result in a certain level of commercial presence in the schools. That presence may take the form of incidental advertising; but may not involve solicitation of students nor employees. In each case, such partnerships must be approved by the Superintendent of Schools. Concerns regarding commercialism in the schools are to be directed to the Superintendent of Schools. The Board of Education must be notified of all working relationships with businesses.

No materials of a commercial nature shall be distributed through the children in attendance in the Kenmore-Town of Tonawanda Union Free Schools except as authorized by law or the Commissioner's Regulations.

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

Adopted: 7/10/00

2000

3273

Community Relations

**SUBJECT: SOLICITING FUNDS FROM SCHOOL PERSONNEL**

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

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

Adopted: 7/10/00

2000                      3280

Community Relations

**SUBJECT:    COMMUNITY USE OF SCHOOL FACILITIES**

School District facilities shall be available according to District regulations and/or procedures for the use of the general public, when not scheduled for use by students, as part of the District program of continuing education or a regular parent-teacher-student association program. Any other use of School District facilities must be approved by the Board of Education. However, in accordance with law, District facilities may not be used by community groups for aiding any religious purpose or for any denominational doctrine, instruction or service.

The Superintendent shall develop regulations for implementation of this policy.

Education Law Section 414

Adopted: 7/10/00

2000

3281

Community Relations

**SUBJECT: USE OF SCHOOL-OWNED MATERIALS AND EQUIPMENT**

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

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

The Superintendent or his/her designee shall develop administrative regulations to assure the lender's responsibility for, and return of, all such materials and equipment.

Education Law Section 414

Adopted: 7/10/00

2000

3290

Community Relations

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

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

The District may prohibit, restrict or limit the stopping, standing, or parking of motor vehicles on driveways or parking fields of any school, playground or facility under the jurisdiction of the School District.

All student vehicles parked on school property are to be registered with the high school principal must conform to rules pertaining to school parking and must be parked in authorized areas only.

Vehicle and Traffic Law Section 1670

Adopted: 7/10/00

2000                      3310

Community Relations

**SUBJECT: PUBLIC ACCESS TO RECORDS**

Access to records of the District shall be consistent with the rules and regulations established by the State Committee on Open Government and shall comply with all the requirements of the New York State Public Officers Law Section 84 et seq.

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

Education Law Section 2116  
Public Officers Law Section 84 et seq.

Adopted: 7/10/00

2000

3320

Community Relations

**SUBJECT: CONFIDENTIALITY OF COMPUTERIZED INFORMATION**

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

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

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

Public Officers Law Sections 84 et seq.

Adopted: 7/10/00



## Community Relations

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

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

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

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

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

- a) Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property and at school functions, and conduct, dress and language deemed unacceptable and inappropriate on school property; provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions; the appropriate range of disciplinary measures which may be imposed for violation of such Code; and the roles of teachers, administrators, other school personnel, the Board of Education and parents/persons in parental relation to the student;
- b) Provisions prohibiting discrimination and harassment against any student, by employees or students on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or verbal threats, intimidation or abuse, of such a severe nature that:
  1. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
  2. Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.

Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law Section 11(6), or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a

(Continued)

## Community Relations

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

person's gender that would be permissible under Education Law Sections 3201-a or 2854(2) (a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under 504 of the Rehabilitation Act of 1973;

- c) Standards and procedures to assure security and safety of students and school personnel;
- d) Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;
- e) Provisions prescribing the period for which a disruptive student may be removed from the classroom for each incident, provided that no such student shall return to the classroom until the Principal (or his/her designated School District administrator) makes a final determination pursuant to Education Law Section 3214(3-a)(c) or the period of removal expires, whichever is less;
- f) Disciplinary measures to be taken for incidents on school property or at school functions involving the use of tobacco, the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, harassment and threats of violence;
- g) Provisions for responding to acts of discrimination and harassment against students by employees or students on school property or at a school function pursuant to clause (b) of this subparagraph;
- h) Provisions for detention, suspension and removal from the classroom of students, consistent with Education Law Section 3214 and other applicable federal, state and local laws, including provisions for school authorities to establish procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;
- i) Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;
- j) Provisions ensuring the Code of Conduct and its enforcement are in compliance with state and federal laws relating to students with disabilities;
- k) Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;

(Continued)

## Community Relations

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

- l) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;
- m) Provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition as defined in Articles 3 and 7 of the Family Court Act will be filed;
- n) Circumstances under and procedures by which referral to appropriate human service agencies shall be made;
- o) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. For purposes of this requirement, as defined in Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law Section 3214(3-a) and the provisions set forth in the Code of Conduct on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, as applicable;
- p) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a). However, the suspending authority may reduce the suspension period on a case-by-case basis consistent with any other state and federal law;
- q) A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior and a safe and supportive school climate, which shall be written in plain-language, publicized and explained in an age-appropriate manner to all students on an annual basis; and
- r) Guidelines and programs for in-service education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management.

(Continued)

## Community Relations

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

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

The Code of Conduct shall be reviewed on an annual basis, and updated as necessary in accordance with law. The District may establish a committee pursuant to Education Law Section 2801(5)(a) to facilitate review of its Code of Conduct and the District's response to Code of Conduct violations. The School Board shall reapprove any updated Code of Conduct or adopt revisions only after at least one (1) public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties. The District shall file a copy of its Code of Conduct and any amendments with the commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

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

- a) Posting the complete Code of Conduct on the Internet website, if any, including any annual updates and other amendments to the Code;
- b) Providing copies of a summary of the Code of Conduct to all students in an age-appropriate version, written in plain language, at a general school assembly to be held at the beginning of each school year;
- c) Providing a plain language summary of the Code of Conduct to all parents or persons in parental relation to students before the beginning of each school year and making the summary available thereafter upon request;
- d) Providing each existing teacher with access to the complete Code of Conduct and any amendments to the Code as soon as practicable following initial adoption or amendment of the Code. New teachers shall be provided access to a complete copy of the current Code upon their employment; and
- e) Making complete copies available for review by students, parents or persons in parental relation to students, other school staff and other community members.

(Continued)

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

As part of any investigation, the District has the right to search all school property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Education Law Sections 801-a, 2801 and 3214  
Family Court Act Articles 3 and 7  
Vehicle and Traffic Law Section 142  
8 NYCRR Section 100.2(1)(2)

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

Adoption Date 8/14/2012

## Community Relations

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

It shall be unlawful for any person to knowingly possess any air-gun, spring-gun or other instrument or weapon as defined in Federal and State law on school grounds or in any District building without the express written authorization of the Superintendent or his/her designee.

Unlawful possession of a weapon upon school grounds may be a violation of the New York State Penal Law, and is a violation of the District Policy on School Conduct and Discipline. This does not apply to law enforcement personnel who are present to conduct responsibilities pertinent to school affairs.

**Weapons in School**

The possession of a weapon on school property or in school buildings is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any school building must have written authorization of the Superintendent of Schools or his/her designee.

The term "weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or bodily injury.

The Penal Code of the State of New York and Federal Statute shall also be used to determine what is considered a weapon.

Penal Law Sections 265.01, 265.05 and 265.06

NOTE: Refer also to Policy #7360 -- Gun-Free Schools.

Adopted: 7/10/00

2000 3510

Community Relations

**SUBJECT: EMERGENCY CLOSINGS**

In the event it is necessary to close school for the day due to inclement weather or other emergency reasons, announcement thereof shall be made over local radio stations designated by the Board of Education.

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

**Snow Days**

Days on which school is closed for children because of hazardous driving, poor visibility, or some similar situation existing when buses normally deliver children to school, will be designated as "Snow Days." In general, retail businesses are open, public transportation operates, industrial plants are in operation, and other services are available, perhaps with some delays.

**Emergency Days**

Days on which the Superintendent declares the School District or a specific building in the District closed because of severe weather, a disaster such as a fire or flood, or any unusual circumstances under which normal work cannot be performed will be designated "Emergency Days."

Adopted: 7/10/00

2000                      4000

Administration

Kenmore-Town of Tonawanda Union Free School District

**ADMINISTRATION**

**(Section 4000)**

**NUMBER**

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2000                      4000

Administration

**ADMINISTRATION (Cont'd.)**

**(Section 4000)**

**NUMBER**

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2000

4110

Administration

**SUBJECT: SCHOOL ADMINISTRATION**

From time to time, the Board of Education may create administrative positions and appoint personnel to those positions. Such appointments shall be based on criteria objectively related to the best execution of the duties of each job, and shall not be based on considerations of race, religion, age, sex or disability, except as allowed by law. Specifically, any text or other criterion given or used by the School District for any such appointment shall not have an adverse effect on persons of a particular sex, unless related to a criterion or standard necessary for the successful performance of the job. No inquiries as to marital or parental status of any job applicant may be made.

Civil Rights Law Section 40(a)  
Executive Law Article 15 (State's Human Rights Law)  
Education Law Section 3004

Adopted: 7/10/00

2000

4120

Administration

**SUBJECT: ADMINISTRATIVE PERSONNEL**

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

These employees shall meet all certification and/or Civil Service requirements as outlined in New York State Civil Service Law, and the Rules and Regulations promulgated by the Commissioner of Education of New York State. The administrative and supervisory staff must be eligible to meet these requirements at the time of employment.

The obligations, duties and responsibilities of all administrative personnel shall be set forth in Board of Education approved job descriptions issued by the Superintendent of Schools.

8 New York Code of Rules and Regulations  
(NYCRR) Section 80.4  
Education Law Section 1709

Adopted: 7/10/00

2000

4121

Administration

**SUBJECT: RECOMMENDATION AND SELECTION OF ADMINISTRATORS**

The Board of Education recognizes the importance of the school administrator(s) in the quality of education in a school. Therefore, the Board has final approval for the appointment of administrators as based on the recommendation of the Superintendent of Schools. Also, the relationship of the administrators with staff, parents, and community members makes it important for especially those newly appointed, to have the support of the groups associated with the school. The support is more likely to be evident if the groups have participated in the selection of an administrator.

Therefore, the Board may approve procedures for the selection of administrators consistent with the above policy statement and with the negotiated agreement.

Adopted: 7/10/00

2000

4210

Administration

**SUBJECT: ADMINISTRATIVE ORGANIZATION AND OPERATION**

The basic principles of Administrative Organization and Operation are:

- a) The working relationships shall involve two types of officers: line and staff. Line organization involves a direct flow of authority upward and downward from the Superintendent to building principal. A line officer has power and authority over subordinates. Staff officers do not stand in the direct line of authority; they serve as coordinators or consultants.
- b) The Board of Education shall formulate and legislate educational policy.
- c) Administrative regulations shall be developed by the Superintendent in cooperation with affected or interested staff members or lay persons and provided to the Board of Education for their information and to ensure conformity with District policy.
- d) The central office administrative staff shall provide overall leadership and assistance in planning and research.
- e) A reasonable limit shall be placed upon the number of persons with whom an administrator shall be expected to work effectively.
- f) Areas of responsibility for each individual shall be clearly defined.
- g) There shall be full opportunity for complete freedom of communication between all levels in the school staff.

Adopted: 7/10/00

2000                      4211

Administration

**SUBJECT:    LINE RESPONSIBILITY**

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

Adopted: 7/10/00

2000 4220

Administration

**SUBJECT: ABOLISHING AN ADMINISTRATIVE POSITION**

Existing administrative positions shall not be abolished by the Board of Education without previous written notification of the impending abolition. Such written notification is to be served to the individual currently holding that position, and the individual should receive as much advance notice as reasonably possible.

Adopted: 7/10/00

2000

4230

Administration

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

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

Adopted: 7/10/00



2000                      4240

Administration

**SUBJECT: ADMINISTRATIVE LATITUDE IN THE ABSENCE OF BOARD POLICY**

From time to time problems and new questions arise for which no specific policy has been prepared. Members of the administrative staff shall act in a manner consistent with the existing policies of the School District

Administrators and other staff shall alert the Superintendent of Schools to the possible need for additional policy development. When possible, the administrator anticipating making a decision in an area absent Board policy direction shall first confer with the Superintendent.

Adopted: 7/10/00

2000

4250

Administration

**SUBJECT: USE OF COMMITTEES**

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

Adopted: 7/10/00

2000

4260

Administration

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

**Superintendent**

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

The formal performance procedures shall include written criteria, a description of the review procedures, provisions for post-conferencing, and methods used to record results of the evaluation. The Superintendent shall be granted the opportunity to respond to the evaluation in writing.

**Evaluation of Administrative Staff**

The Board shall direct the Superintendent to conduct an annual evaluation of all administrative personnel.

The purposes of this evaluation are:

- a) To determine the adequacy of administrative staffing;
- b) To improve administrative effectiveness;
- c) To encourage and promote self-evaluation by administrative personnel;
- d) To provide a basis for evaluative judgments by the Superintendent and the Board;
- e) To make decisions about continued employment with the District.

8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(o)

Adopted: 7/10/00

administration

**SUBJECT: SUPERINTENDENT OF SCHOOLS**

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

(Continued)

**SUBJECT: SUPERINTENDENT OF SCHOOLS (Cont'd.)**

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

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

## Administration

**SUBJECT: SUPERINTENDENT - BOARD OF EDUCATION RELATIONS**

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

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

Education Law Section 1711

Adopted: 7/10/00

2000                      4331

Administration

**SUBJECT: ASSISTANT SUPERINTENDENT FOR CURRICULUM**

The Assistant Superintendent for Curriculum is responsible for representing the Superintendent and Board of Education for curriculum and instruction, the development of educational programs and related services as assigned by the Superintendent of Schools.

Adopted: 7/10/00

2000

4332

Administration

**SUBJECT: DISTRICT OFFICE ADMINISTRATORS**

District office administrators shall have duties assigned to them by the Superintendent of Schools and shall act cooperatively, directing their separate operations so that each operation shall be properly integrated into the total School District program.

The Assistant Superintendent for Business is responsible for business management and accounting activities of the District, oversees the operation of buildings and grounds, food services and transportation. The duties of the Assistant Superintendent for Business are performed under the general direction of the Superintendent of Schools.

The Assistant Superintendent for Pupil Services shall have charge of the School District health services, speech services, psychological services, guidance program, services for students with disabilities, student attendance and accounting, census, standardized testing, and other related programs and services directed to improving the receptivity of students to education. In addition the Assistant Superintendent for Pupil Services will conduct research and evaluation projects related to the educational programs as requested by the Superintendent of Schools.

The Assistant Superintendent for Personnel oversees the operation of these departments under the general direction of the Superintendent of Schools.

District office administrators, principals and supervisors shall be directly responsible to the Superintendent of Schools.

Adopted: 7/10/00



Administrator

**SUBJECT: SUPERVISORS**

Supervisors shall be responsible to and shall advise the Assistant Superintendent for Curriculum relating to the development and periodic evaluation of educational programs assigned to them. The Supervisor of Special Education shall be responsible to the Assistant Superintendent for Pupil Services. Supervisors shall be appointed by the Board of Education on the recommendation of the Superintendent.

There may be the following categories of supervisors:

a) Supervisor for Health, Physical Education, Recreation and Athletics

The Supervisor for Health, Physical Education, Recreation and Athletics shall have charge of the School District physical education program including intra-school and inter-school District athletic activities and the summer recreation programs. This supervisor shall develop and, from time to time, evaluate these programs.

Although this supervisor shall be under the jurisdiction of the Assistant Superintendent for Curriculum, the scheduling of all programs under the direction of this supervisor shall be approved by the School District principals but only to the extent that the principal's school is affected.

b) Supervisor for Staff Development and Special Programs

The Supervisor for Staff Development and Special Programs shall be responsible for District staff development and inservice programs. The supervisor will assess staff development needs, plan for and conduct appropriate needs and coordinate the school planning program.

The Supervisor will coordinate all special programs as assigned by the Assistant Superintendent for Curriculum and the Superintendent of Schools.

c) Supervisor of Continuing/Community Education

The Supervisor of Continuing/Community Education shall assess community needs, develop and implement educational and fitness programs for the School District. These programs shall be continually evaluated based on community input. An Advisory Board chaired by the Supervisor and composed of community members will provide feedback and information.

The Supervisor shall be responsible for overseeing the production of the Continuing/Community Education brochure including course copy, editing, layout and distribution.

(Continued)

Administrator

**SUBJECT: SUPERVISORS (Cont'd.)**

Adult, welfare, and vocational education grants and programs shall be the responsibility of the Supervisor. This includes the written grant application, preparation of the budget, program administration, and subsequent follow-up reports.

The Supervisor shall perform his/her duties under the general direction of the Assistant Superintendent for Curriculum and the Superintendent of Schools.

d) Program Supervisors

Program Supervisors shall be charged with improving the teaching-learning process for a specific elementary school building or buildings. These supervisors shall be under the direction of the Superintendent or his/her designee and the principal of the building to which the supervisor is assigned.

e) Supervisor of Special Education

The Supervisor of Special Education shall coordinate all the activities related to children with disabilities and special education and will be involved in both the Committee on Special Education and the Committee on Pre-School Special Education as a member or a resource person under the direction of the Assistant Superintendent for Pupil Services.

8 New York Code of Rules and Regulations  
(NYCRR) Section 80.4

Adopted: 7/10/00

2000

4334

Administration

**SUBJECT: CONSULTANTS**

Upon the recommendation of the Superintendent of Schools, the Board of Education shall appoint consultants who shall constitute a staff available as innovative resource people advising School District personnel relative to the development of teaching programs. The staff shall be under the supervision of the appropriate administrator and shall be available on a consultative basis to all instructional personnel.

Education Law Section 1709

Adopted: 7/10/00

2000

4335

Administration

**SUBJECT: BUILDING ADMINISTRATION**

**Principals**

The Board of Education shall assign a principal to each school under its supervision.

Each principal shall be directly responsible to the Superintendent of Schools, but will cooperate with the Assistant Superintendents, Consultants and Supervisors so that all School District policies and procedures shall be effectuated throughout the District, without exception. In addition, each principal shall be expected to utilize all consultative and research facilities of the School District and supervise and evaluate staff instruction as directed by the administrative procedures so that the needs of all students can be most effectively met.

Within the buildings, the assigned principal shall be responsible for the execution of School District policies relative to the educational, administrative and personnel functions of the School District.

**Assistant Principals**

Upon the recommendation of the Superintendent of Schools the Board of Education may assign assistant principals to any school within the District. The responsibilities of each assistant principal shall be determined by the Superintendent or his/her designee.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 80.4 and 100.3

Adopted: 7/10/00

2000

4336

Administration

**SUBJECT: CURRICULUM LEARNING SPECIALISTS**

**Curriculum Learning Specialists**

The Board of Education may appoint such Curriculum Learning Specialists as recommended by the Superintendent of Schools. These Curriculum Learning Specialists shall be assigned responsibilities for improvement of instruction and comprehensive curriculum development in their specific subject areas. These chairpersons are responsible to the Assistant Superintendent for Curriculum and building principals. No rights of tenure shall accrue following appointment to these positions.

**School Department Chairpersons**

The Board of Education may appoint such school department chairpersons for secondary schools as recommended by the Superintendent of Schools. The department chairpersons shall be directly responsible to the building principal of the school to which they are assigned. In addition, the department chairpersons shall be concerned with the improvement of instruction in their departments as defined by the building principal and any other such duties as directed by the building principal. No rights of tenure shall accrue following appointment to these positions, but they may, upon the recommendation of the Superintendent, be compensated and/or excused from part of their regular teaching duties.

Adopted: 7/10/00

2000 4337

Administration

**SUBJECT: OTHER ADMINISTRATIVE POSITIONS**

**Superintendent of Buildings and Grounds**

The Superintendent of Buildings and Grounds shall be responsible for the maintenance and the operation of the buildings, fixtures, equipment (except food service equipment) of the School District, and for recording information concerning bomb threats, fires, break-ins, vandalism, etc.

The Superintendent of Buildings and Grounds may be assigned additional general duties by the Assistant Superintendent for Business or the Superintendent of Schools/designee.

**Supervisor of Food Services**

The Supervisor of Food Services shall be responsible for the operation of the School District food services which shall include the supervision of full time, part-time and student food service employees, the maintenance and procurement of food servicing equipment and the operation of any federal food service projects.

The Supervisor may be assigned additional general duties by the Superintendent of Schools/designee.

**Supervisor of Transportation**

The Supervisor of Transportation shall be responsible for the total operation and maintenance of the transportation facilities for the School District as directed by the Superintendent of Schools/designee.

**Special or Administrative Assistants**

The Superintendent, subject to Board approval, may appoint special or administrative assistants. The duty of each assistant shall be assigned by the Superintendent/designee.

Adopted: 7/10/00

2000                      4340

Administration

**SUBJECT: ADMINISTRATIVE COMMUNICATIONS**

The Superintendent shall keep the Board of Education informed of activities by whatever means the Superintendent deems appropriate.

Adopted: 7/10/00

2000 4410

Administration

**SUBJECT: PROFESSIONAL DEVELOPMENT OPPORTUNITIES**

The Board of Education shall encourage administrators to keep themselves informed of current educational theory and practice by study, by visiting other school systems, by attendance at educational conferences, and by such other means as are appropriate. A written report is required following attendance at a conference.

The approval of the Superintendent shall be required for any conference attendance or visitations requested by administrators.

Participation shall be limited by available resources, applicability of the topics, and reimbursement guidelines.

General Municipal Law Section 77-b

Adopted: 7/10/00



2012 5000

Non-Instructional/Business  
Operations

Kenmore-Town of Tonawanda Union Free School District

**NON-INSTRUCTIONAL/BUSINESS OPERATIONS**

**(Section 5000)**

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2012 5000

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**SUBJECT: PANDEMIC PREPAREDNESS IN THE WORKPLACE AND THE AMERICANS WITH DISABILITIES ACT**

The District, in conjunction with its District-wide and building-level school safety plans and team, will identify a pandemic coordinator and/or team with defined roles and responsibilities for preparedness and response planning. This team should include staff with expertise in all equal employment opportunity laws. Employees with disabilities should be included in planning discussions and employer communications concerning pandemic preparedness should be accessible to employees with disabilities.

Before an influenza pandemic occurs, the School District may make inquiries that are not disability-related. An inquiry is not disability-related if it is designed to identify potential non-medical reasons for absence during a pandemic (e.g., curtailed public transportation) on an equal footing with medical reasons (e.g., chronic illnesses that increase the risk of complications). The inquiry should be structured so that the employee gives one answer of "yes" or "no" to the whole question without specifying the factor(s) that apply to him or her. The answer need not be given anonymously.

If an influenza pandemic becomes more severe or serious, according to the assessment of local, state or federal public health officials, the District may have sufficient objective information from public health advisories to reasonably conclude that employees will face a direct threat if they contract pandemic influenza. Only in this circumstance, may the District make disability-related inquiries or require medical examinations of asymptomatic employees to identify those at higher risk of influenza complications.

The District may also encourage employees to telecommute (i.e., whereby the daily commute to a central workplace is replaced by telecommunication links, allowing employees to work from other locations such as their homes, etc.) as an infection-control strategy during a pandemic. Similarly, telecommute may be requested as a reasonable accommodation by employees with disabilities to reduce their chances of infection during an influenza pandemic.

**School Safety Plans**

The School District has developed comprehensive District-wide and building-level school safety plans that address prevention and intervention strategies, emergency response and management at both the District and building level, and have the contents as prescribed in Education Law and Commissioner's Regulations.

Both safety plans address pandemic preparedness and will be reviewed to ensure continuity with the Board policy and administrative regulations.

Americans with Disabilities Act Amendments Act (ADAAA) of 2008, Public Law 110-325  
Education Law Section 2801-a  
8 New York Code of Rules and Regulations (NYCRR) Section 155.17

Adopted 3/13/12

2000                      5110

Non-Instructional/Business  
Operations

**SUBJECT:    RESPONSIBILITY FOR BUSINESS OPERATIONS**

**Board of Education**

The Board of Education, considering the Superintendent's recommendation of the District's needs, has the responsibility of approving annually the budget for the School District, and of providing, by the exercise of its taxing power, the funds necessary to finance the operation of the schools.

**Superintendent of Schools**

The Superintendent/designee shall review and evaluate the budget requests of all principals and supervisory staff. The Superintendent shall prepare a School District budget for the following school year and submit it to the Board of Education as directed. He/she shall administer the budget as enacted by the Board, acting at all times in accordance with legal requirements, and the adopted policies, schedules, procedures, accounting techniques, and other business, financial and administrative controls established by the Board.

**Assistant Superintendent for Business**

The Assistant Superintendent for Business shall direct the business operations of the School District, working within State Education Department regulations and school board policies, and under the supervision of the Superintendent of Schools.

**Principals and Supervisory Staff**

Annually, the principals and supervisory staff as directed by the Superintendent/designee shall itemize and value the needs of each school or administrative unit for the following year and shall submit this budget request information in the appropriate format to the Superintendent of Schools. In the development of these needs, the principal or supervisor shall involve faculty, certified personnel, and other advisory groups.

Adopted: 7/10/00

**SUBJECT: BUDGET PLANNING AND DEVELOPMENT**

Budget planning and development for the District will be an integral part of program planning so that the annual operating budget may effectively express and implement programs and activities of the School System. Budget planning will be a year-round process involving participation of District-level administrators, principals, directors, coordinators, teachers, and other personnel. The process of budget planning and development should allow for community input and contain at least three (3) opportunities for public information and feedback.

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

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

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

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

The budget will be presented in three components which are to be voted upon as one proposition: a program component, a capital component and an administrative component as enumerated in law and regulations.

Additionally, the Board of Education shall append to the proposed budget the following documents:

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

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Non-Instructional/Business  
Operations

**SUBJECT: BUDGET PLANNING AND DEVELOPMENT (Cont'd.)**

- b) A list of all other school administrators and supervisors, if any, whose annual salary will be at or above that designated in law for such reporting purposes, with the title of their positions and annual salary identified;
- c) A School District Report Card, prepared pursuant to Commissioner's Regulations, which includes measures of the academic performance of the School District, on a school by school basis, and measures of the fiscal performance of the District; and
- d) A Property Tax Report Card prepared in accordance with law and Commissioner's Regulations when required.

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

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

Education Law Sections 1716(3-7), 2022(2-a),  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 170.8 and 170.9  
General Municipal Law Section 36  
State Education Department  
Handbook No. 3 on Budget

Adopted: 7/10/00



2000                      5121

Non-Instructional/Business  
Operations

**SUBJECT: BUDGET AS A SPENDING PLAN**

Expenditures within each function of the budget shall be kept within the appropriation.

Deviation of funds approved in sub-allocations within each budget category shall not be allowed in excess of ten percent without receiving authorization from the Assistant Superintendent for Business.

In accordance with Section 170.2(1) of Commissioner's Regulations, the Board of Education shall allow budgetary transfers between and within functional units of budget appropriations.

For those expenditures requiring specific authorization by the District voters, transfers up to five thousand dollars (\$5,000) per line may be made only when the original purpose for which the appropriations were budgeted has been accomplished.

Education Law Section 1718(1)

Adopted: 7/10/00

**SUBJECT: THE BUDGET: PUBLIC REVIEW AND APPROVAL**

The Budget is the expenditure and revenue plan based upon the policies established by the School District.

The making of the budget shall be a continuous, year-round activity culminating in the adoption of the budget in the spring of each year.

The Superintendent is charged with the responsibility of formulating a systematic budgetary process that will balance the fiscal constraints of the community with the educational needs of the students.

**Public Review**

The tentative budget shall be presented to the Board of Education well in advance of the Budget Hearing,

The Board of Education shall present the proposed budget to the citizens of the community in a manner which will enhance the community's appreciation of the educational program including, but not limited to, holding a budget hearing not less than seven (7) nor more than fourteen (14) days prior to the Annual District Meeting at which the budget vote is to occur.

A written statement of the proposed annual operating budget for the succeeding year shall be available, on request, to District residents during the business hours of the District office for fourteen (14) days (other than a Saturday, Sunday or holiday) preceding the Annual District Election and Budget Hearing. The availability of this budget information shall be included in a legal notice of the Annual Meeting.

District funds may not be expended to promote either a favorable or negative opinion of the proposed budget.

**Voter Approval of District Budget**

A majority of the eligible voters casting ballots at the Annual District Election shall be required for approval of the School District budget. In the event that the District voters fail to approve the School District budget at the annual election, the Board of Education may levy a tax for moneys to pay teachers' salaries and other ordinary contingent expenses of the School District, or call a Special District Meeting no sooner than fifteen (15) days after the annual election to reconsider the original budget or consider a new budget proposed by the Board of Education.

(Continued)

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2 of 2

Non-Instructional/Business  
Operations

**SUBJECT: THE BUDGET: PUBLIC REVIEW AND APPROVAL**

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

Notice of such Special District Meeting shall be made at least once in each preceding week with the first notice and any posting to be at least fourteen (14) days prior to the special meeting.

**Notice of Budget Hearing/Availability of Budget Statement**

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

**Election and Budget Vote**

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

**Budget Development and Attachments**

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

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

Adopted: 7/10/00

2000                      5140

Non-Instructional/Business  
Operations

**SUBJECT: ADMINISTRATION OF THE BUDGET**

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

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

Adopted: 7/10/00

2000

5210

Non-Instructional/Business  
Operations

**SUBJECT: REVENUES**

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

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

Adopted: 7/10/00

**SUBJECT: DISTRICT INVESTMENTS****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.

**Objectives**

The primary objectives of the local government's investment activities are, in priority order:

- a) To conform with all applicable federal, state and other legal requirements (legal);
- b) To adequately safeguard principal (safety);
- c) To provide sufficient liquidity to meet all operating requirements (liquidity); and
- d) To obtain a reasonable rate of return (yield).

**Delegation of Authority**

The governing board's 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.

**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 Kenmore-Town of Tonawanda Union Free 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 investments, 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.

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

It is the policy of the Kenmore-Town of Tonawanda UFSD to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

**Internal Controls**

It is the policy of the Kenmore-Town of Tonawanda UFSD for all moneys collected by any officer or employee of the government to transfer those funds to the Treasurer within five (5) days of receipt, 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 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 designated annually by the Board of Education at the Annual Reorganizational Meeting.

**Collateralizing of Deposits**

In accordance with the provisions of General Municipal Law Section 10, all deposits of Kenmore-Town of Tonawanda UFSD, 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:

- a) By a pledge of "eligible securities" with an aggregate "market value" as provided by General Municipal Law Section 10, at least equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
- b) By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the 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 organizations or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

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

- c) 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 category by at least two nationally recognized statistical rating organizations.
- d) By an irrevocable letter of credit issued in favor of the Kenmore-Town of Tonawanda Union Free School District 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 (at a level equal to 100% of the aggregate amount of deposits and the agreed-upon interest, if any).

**Safekeeping and Collateralization**

Eligible securities used for collateralizing deposits shall be held at banks and trust as designated at the Annual Reorganizational Meeting 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 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 event which will enable the local government to exercise its rights against the pledged securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Kenmore-Town of Tonawanda UFSD or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of the 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 Section 11, the Kenmore-Town of Tonawanda UFSD authorizes the Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs. While the following types of investments are legally authorized for School District participation, the Board of Education directs the investment be limited to "a," "b," and "c" below.

- a) Special time deposit amounts;
- b) Certificates of deposit;



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

- c) Obligations of the United States of America;
- d) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- e) Obligations of the State of New York;
- f) Obligations issued pursuant to Local Finance Law Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, School District or District corporation other than the Kenmore-Town of Tonawanda UFSD;
- g) 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.
- h) Certificates of Participation (COP's) issued pursuant to General Municipal Law Section 109b.
- i) Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML Sections 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 Kenmore-Town of Tonawanda UFSD 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 Kenmore-Town of Tonawanda UFSD within two years of the date of purchase.

**Authorized Financial Institutions and Dealers**

The Kenmore-Town of Tonawanda UFSD 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 Kenmore-Town of Tonawanda UFSD. 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 custodians. Such listings shall be evaluated at least annually.

**SUBJECT: DISTRICT INVESTMENTS (Cont'd.)****Purchase of Investments**

The Treasurer is authorized to contract for the purchase of investments:

- a) Directly from an authorized trading partner.
- b) 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.
- c) 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 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 prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Kenmore-Town of Tonawanda UFSD 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 Section 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.

**SUBJECT: DISTRICT INVESTMENTS (Cont'd.)****Appendix A**Schedule of Eligible Securities

- (i) Obligations issued, or fully insured or guaranteed as to payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation. YES
- (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank, and the African Development Bank. NO
- (iii) Obligations partially insured or guaranteed by an agency of United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty. YES
- (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, School District or District corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys. YES
- (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization. YES
- (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization. NO
- (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization. YES
- (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization. NO
- (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies. YES
- (x) Commercial paper and banker's acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged. YES
- (xi) Zero coupon obligations of the United States government marketed as "Treasury STRIPS." YES

Adopted: 12/14/10

2005 5230

**Non-Instructions/Business  
Operations**

SUBJECT: ACCEPTING GIFTS

*GIFTS:*

The Board designates that the Superintendent or a designee may accept gifts of either money or merchandise on their behalf that add to the overall welfare of the District.

All gifts must safeguard the District, the staff and students from commercial exploitation from special interest groups and the like.

A gift will not be considered for acceptance until and unless it receives the offer in writing. The Board would prefer the gift to be a general offer rather than a specific one and that the donor work first with the school administrators in determining the nature of the gift.

Gifts of money shall be formally received into the trust fund accounts of the District.

*MEMORIAL SCHOLARSHIPS OR OTHER AWARDS:*

To be accepted by the Board of Education, presentations of Memorial Scholarships or other awards shall be fittingly recognized by the Board. Such recognition shall in no case be considered as a testimonial or endorsement by the School District of a product, business or organization enterprise.

*GIFT GIVING:*

The Board of Education recognizes that gift giving, especially during the holiday season, may be a common practice for many District employees. While the giving or exchanging of gifts may be acceptable among staff members, the Board strongly encourages District employees and students to show appreciation through written notes or greeting cards.

Gifts with a value or more than \$75.00 to District employees will be returned or donated to charity.

Education Law Section 1709(12) and 1709(12-a)  
General Municipal Law Section 805-a(1)

Adopted: 3/15/2005

Kenmore-Town of Tonawanda Union Free School District  
1500 Colvin Boulevard, Buffalo, New York 14223-1196

**BY-LAWS OF POLICIES OF THE KENMORE-TOWN OF TONAWANDA  
UNION FREE SCHOOL DISTRICT FOR GIFTS AND DONATIONS**

*The school district shall accept no gift or donation involving a commitment by the school district of an operational expense without approval of the Superintendent or designee as designated by the Board of Education.*

Board of Education policy #5230; Education Law Sections 1709(12); General Municipal Law 805-a(1)

Before accepting a gift or donation to a school district building, please fill out the information requested below and route as noted on the lower level portion of this form.

- 1. Name of school accepting gift: \_\_\_\_\_
- 2. Person accepting gift: \_\_\_\_\_
- 3. Donor's name: \_\_\_\_\_  
Donor's address: \_\_\_\_\_
- 4. Purpose for the gift or donation: \_\_\_\_\_  
\_\_\_\_\_
- 5. Description of the gift or donation: \_\_\_\_\_  
\_\_\_\_\_
- 6. Model or serial number, if any: \_\_\_\_\_
- 7. Estimate of installation expense, if any (ie. Transportation, service, etc.): \_\_\_\_\_  
\_\_\_\_\_
- 8. Estimate of annual operational cost, if discernible: \_\_\_\_\_
- 9. Location in building: \_\_\_\_\_

*In accordance with section 170(f)(8) of the Internal Revenue Code, the following statement is necessary for your tax filing purposes: Since no goods or services were provided in return for your gift, the fair market value is deductible as provided by the Internal Revenue Code. It is your responsibility to estimate the value of this donation.*

**You estimate the value of this donation to be: \_\_\_\_\_.**

**SEND COMPLETE PACKET TO SUPERINTENDENT'S OFFICE**

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Superintendent of Schools or Designee

Upon acceptance, distribute: Original to Superintendent  
Copies to: District Clerk, Treasurer, Originating School/Office, Board of Education Rev. Apr 2012

2000

5240

Non-Instructional/Business  
Operations

**SUBJECT: SCHOOL TAX ASSESSMENT AND COLLECTION**

No earlier than three (3) days after the annual election and before September 1st, following the annual election, the Board of Education shall levy a tax and vote a warrant for its collection on all non-exempt real estate within the School District boundaries. The tax rate shall be established based on the tax roll prepared and delivered to the School District by the Town of Tonawanda assessor, who shall deliver same on or about August 1st.

The Clerk of the Town of Tonawanda shall act as the receiver of taxes for the School District.

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

Adopted: 7/10/00

2000

5241

Non-Instructional/Business  
Operations

**SUBJECT: PROPERTY TAX EXEMPTION FOR SENIOR CITIZENS**

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

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

Real Property Tax Law Section 467

Adopted: 7/10/00

2000                      5250

Non-Instructional/Business  
Operations

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

**Sale of School Property**

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

**Disposal of District Personal Property Equipment**

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

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

**Textbooks**

Textbooks may lose their value to the educational program because of changes in the curriculum or they contain outdated material and/or are in poor condition.

If textbooks are no longer useful or usable, the procedures for disposal shall adhere to the following order of preference:

- a) Sale of textbooks. If reasonable attempts to dispose of surplus textbooks fail to produce monetary return to the School District; then
- b) Donation to charitable organizations; or
- c) Disposal as trash.

General Municipal Law Sections 51 and 800 et seq.

Adopted: 7/10/00



2000

5310

Non-Instructional/Business  
Operations

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

In accordance with New York State Education Law and the Commissioner's Regulations, the Board of Education directs that the Treasurer of the Board of Education, the tax collector and the internal auditor be bonded prior to assuming their duties. Such bonds shall be in the amounts as determined and approved by the Board of Education.

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

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

Adopted: 7/10/00

2000                      5320

Non-Instructional/Business  
Operations

**SUBJECT: EXPENDITURES OF SCHOOL DISTRICT FUNDS**

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

All claims shall be properly confirmed and verified before payment.

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

The Superintendent shall develop purchasing guidelines.

Education Law Section 1720

Adopted: 7/10/00

2013

5321

Non-Instructional/Business  
Operations

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

The School District will issue a credit card in its name to the Purchasing Agent for the use of its officers and designated employees for authorized expenses. However, authorized personnel must submit purchase orders for those related expenses, prior to the use of the credit card.

The School District credit card will primarily be for those purchases of goods and services that require a credit card and do not accept other payment methods. Any use of the credit card must be approved in advance by the Assistant Superintendent for Finance.

Expenses incurred on the credit card shall be paid in such a manner as to avoid interest charges. The credit card shall be locked in a secure place in the Administration Office.

Any individual who makes an unauthorized purchase with the School District credit card shall be required to reimburse the School District for the purchase.

*In addition to the primary credit card for use as indicated above, the Assistant Superintendent for Finance is authorized to obtain a limited-use credit card for purchases that cannot practically be made through other means and where a physical card is necessary for the purchase (i.e. the purchase of compressed natural gas to fuel a District vehicle). Any card so obtained would be limited to a single Merchant Category Code and be subject to all other restrictions outlined above.*

Adoption Date: 12/10/2013

2000

5330

Non-Instructional/Business  
Operations

**SUBJECT: BUDGET TRANSFERS**

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

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

Adopted: 7/10/00

2000                      5340

Non-Instructional/Business  
Operations

**SUBJECT:   BORROWING OF FUNDS**

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

**Securing Quotes on Short Term Loans**

Quotes shall be solicited for all short term loans which the Board has authorized and funds shall be borrowed from the responsible organization offering the most favorable terms. In the event of equal quotes, the local competitor will be favored.

New York State Local Finance Law Section 20

Adopted: 7/10/00

**SUBJECT: PURCHASING**

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

**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 School District.

A bid bond may be required if considered advisable.

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

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 School District.

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

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

**Procurement of Goods and Services**

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

- a) Assure the prudent and economical use of public moneys in the best interest of the taxpayer;

**SUBJECT: PURCHASING (Cont'd.)**

- b) Facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and
- c) Guard against favoritism, improvidence, extravagance, fraud and corruption.

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

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

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

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

**Alternative Formats for Instructional Materials**

Preference in the purchase of instructional materials will be given to vendors who agree to provide materials in a usable alternative format (i.e., any medium or format, other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for each



**SUBJECT: PURCHASING (Cont'd.)**

student with a disability, including students requiring Section 504 Accommodation Plans, enrolled in the School District). Alternative formats include, but are not limited to, Braille, large print, open and closed captioned, audio, or an electronic file in an approved format as defined in Commissioner's Regulations.

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

For school districts, Boards of Cooperative Educational Services (BOCES), State-operated schools, State-supported schools and approved private schools that choose to participate in NIMAC, **contracts with publishers executed on and after December 3, 2006** for textbooks and other printed core materials *must* include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this will not add any cost to the contract).

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

**Computer Software Purchases**

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

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

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

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

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

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

**Apparel and Sports Equipment Purchases****Competitive Bidding Purchases**

The Board of Education will only accept bids from "responsible bidders." A determination that a bidder on a contract for the purchase of apparel or sports equipment, is not a "responsible bidder" shall be based upon either or both of the following considerations:

- a) The labor standards applicable to the manufacture of the apparel or sports equipment including, but not limited to, employee compensation, working conditions, employee rights to form unions, and the use of child labor; or
- b) The bidder's failure to provide information sufficient for the Board of Education to determine the labor standards applicable to the manufacture of the apparel or sports equipment.

**SUBJECT: PURCHASING (Cont'd.)****Contracts for Goods and Services**

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

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

Upon the adoption of a resolution by a vote of at least three-fifths (3/5) of all Board members stating that for reasons of efficiency or economy there is need for standardization, purchase contracts for a particular type or kind of equipment, materials or supplies of more than ten thousand dollars may be awarded by the Board to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided in law.

20 United States Code (USC) Section 1474(e)(3)(B)

Education Law Sections 305(14), 409-i, 701, 751(2)(b), 1604, 1709, 1950, 2503, 2554 and 3602

General Municipal Law Articles 5-A and 18

State Finance Law Sections 162 and 163-b

8 New York Code of Rules and Regulations (NYCRR) Sections 155, 170.2, 200.2(b)(10), 200.2(c)(2)  
and

200.2(i)

Adoption Date: 3/9/10

2000

5420

Non-Instructional/Business  
Operations

**SUBJECT: 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 School District.

A bid bond may be required if considered advisable.

No bid for supplies shall be accepted that does not conform to specifications furnished unless specifications are revised by the District. 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 Assistant Superintendent for Business or Superintendent/designee is authorized to enter into cooperative bidding for various needs of the School District.

**Purchasing from Local Merchants**

Purchase of school items from local merchants will be encouraged. However, taxpayers shall not be forced to bear an increased burden simply to place purchases locally when the price is higher than outside the District.

General Municipal Law Article 5-A  
Education Law Section 305(14)

Adopted: 7/10/00

**SUBJECT: PROCUREMENT OF GOODS AND SERVICES**

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

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

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

- a) Prescribe a process for determining whether a procurement of goods and services is subject to competitive bidding and if it is not, documenting the basis for such determination;
- b) With certain exceptions (purchases pursuant to General Municipal Law, Section 186; State Finance Law, Sections 175-a and 175-b; State Correction Law, Section 184; or those circumstances or types of procurements set forth in (f) of this section), provide that alternative proposals or quotations for goods and services shall be secured by use of written request for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of Section 104-b of General Municipal Law;
- c) Set forth when each method of procurement will be utilized;
- d) Require adequate documentation of actions taken with each method of procurement;
- e) Require justification and documentation of any contract awarded to other than the lowest responsible dollar offer, stating the reasons; and
- f) Set forth any circumstances when, or the types of procurement for which, the solicitation of alternative proposals or quotations will not be in the best interest of the District.

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.

(Continued)

2000

5421  
2 of 2

Non-Instructional/Business  
Operations

**SUBJECT: PROCUREMENT OF GOODS AND SERVICES (Cont'd.)**

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

General Municipal Law Sections 103(1)(5) and 104-b

Adopted: 7/10/00

2000

5430

Non-Instructional/Business  
Operations

**SUBJECT: CONTRACTS FOR SERVICES AND MATERIALS**

No contracts 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 Assistant Superintendent for Business.

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

Education Law Section 305(14)  
General Municipal Law, Article 18  
8 New York Code of Rules and Regulations  
(NYCRR) Section 170.2

Adopted: 7/10/00

2000

5510

Non-Instructional/Business  
Operations

**SUBJECT: ACCOUNTING OF FUNDS**

**Accounting System**

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

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

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

**Financial Reports and Statements**

The Treasurer shall render a monthly report to the Board of Education.

**Audits**

It shall be the responsibility of the Assistant Superintendent for Business to arrange annually for an audit of School District accounts.

Education Law Section 2116-a

Adopted: 7/10/00



2000

5511

Non-Instructional/Business  
Operations

**SUBJECT: CHECKING ACCOUNTS**

All checks issued by the School District shall bear the signature of the Treasurer.

The use of a check-signer is authorized.

Adopted: 7/10/00

2007 5512

**Non-Instructional / Business  
Operations**

**SUBJECT: MANUAL CHECK POLICY-HUMAN RESOURCES**

The purpose of this policy is to authorize the processing of all payroll checks through the automated system of the District.

Exceptions may be approved by the Superintendent of Schools or Superintendent's designee provided one of the following criteria is met:

- A manual check may be drawn to correct a Human Resources staff employee error or omission if the error or omission would cause a financial hardship
- A manual check may be drawn to correct a District staff error or omission if the error or omission would cause a financial hardship[1]

Otherwise, errors and omissions will be corrected in the following automated check runs.

[1] The presence of a financial hardship will be determined by the Superintendent of Schools or the Superintendent's designee.

Adopted: 12/11/07

**SUBJECT: SCHOOL DISTRICT FUNDS**

All moneys collected by the School District shall be deposited in a School District fund as possible in accordance with following procedures:

- a) Extraclassroom Activity Funds - Funds raised other than by taxation or through charges of the Board of Education, for, by, or in the name of a school, student body or any subdivision thereof, shall be known as student activity funds. The principal of each school shall designate a school employee to collect such funds daily and reconcile the accounts of deposit. A courier will pick up the funds each day and deliver and deposit said amount intact in a bank authorized to do business with the District by the Board of Education. All transactions involving extraclassroom funds shall be on a cash basis and no accounts shall remain unpaid at the end of the school year. Receipts and payments from these funds shall be governed by regulations established by the Claims Auditor, the Assistant Superintendent for Business and the building principal with the approval of the Superintendent of Schools. See Safeguarding, Accounting and Auditing of Extraclassroom Activity Funds Policy #5520R for complete procedures.
- b) Capital Indebtedness Funds - The accounts in this fund shall be used to record the liability for outstanding bonds, capital notes and accrued interest to maturity on bonds. These long term liabilities are excluded from funds accounting for current moneys.
- c) School Lunch Fund - The school lunch fund shall be used to record transactions of the School District lunch and milk programs and all direct expenses of lunch and milk programs will be paid from this fund. A general fund appropriation to subsidize the programs will be transferred to the school lunch fund for expenditure.
- d) Trust and Agency Fund - Trust and agency funds shall be used to account for all moneys and other assets received by the School District Treasurer to be held in trust or to be transmitted to others. The purpose of these funds is to separate trust moneys from the other funds of the School District, and to provide for their disbursement in accordance with the specific terms of the trust or other governing regulations.
- e) Special Aid Fund - The Special Aid Fund shall be used to account for special projects or programs supported in whole or in part with federal funds. Any surplus moneys of completed projects must be repaid to the federal government or returned to the general fund. Accounts will be closed at the completion of each specific project. All revenues received from the federal government will be credited directly to this fund, and the local share, if any, shall be provided in the general fund and transferred to the Federal Aid Fund.
- f) General Fund - The general fund is the principal fund of the School District and includes all operations not required to be recorded in other funds.

Adopted: 10/13/09

2011

5521

**Non-Instructional/Business  
Operations**

**SUBJECT: RESERVE FUNDS**

Reserve funds (essentially legally authorized savings accounts designated for specific purposes) are an important component in the District's financial planning for specific expenses, future projects, acquisitions, and other lawful purposes. To this end, the District may establish and maintain reserve funds in accordance with New York State Laws and Commissioner's Regulations. The District will also consider rules and/or opinions issued by the New York State Comptroller when they are not in conflict with law.

Any and all District reserve funds shall be properly established and maintained to promote the goals of creating an open, transparent and accountable use of public funds. The District may engage independent experts and professionals, including but not limited to auditors, accountants, attorneys, and other advisors, as necessary to monitor all reserve fund activity and prepare reports that the Board may require.

**Government Fund Type Assignment (GASB 54)**

The District shall comply with the reporting requirements of Article 3 of the General Municipal Law of the State of New York and Government Accounting Standards Board (GASB) Statement Number 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. The Board authorizes the Assistant Superintendent for Finance to complete the following actions as necessary to comply with GASB 54 requirements:

- A. If an expenditure is incurred for which both restricted and unrestricted fund balance is available, the District will first consider restricted funds to be spent. Once restricted fund balance has been exhausted, the District will then proceed to use committed, then assigned, and lastly unassigned fund balance.
- B. Committed fund balances are amounts as approved by the Board of Education that will be designated for specific purposes. If the specific dollar amount to be committed is not known as of year end, the Board authorizes the Assistant Superintendent for Finance to establish a funding plan subsequent to the District's year end when the amount of unrestricted fund balance is determined. The amounts must be approved by a majority vote of the Board of Education at a regular meeting or special meeting called for this purpose prior to the release of the audited financial statements for that respective year.

2011

5521

**Non-Instructional/Business  
Operations**

- C. The Board authorizes the Assistant Superintendent for Finance to make a determination of the assigned amounts of fund balance in the general fund. Assigned funds represent amounts intended to be used for a specific purpose. For example the amount appropriated to reduce the tax levy as determined through the budget process and finalized when the tax rates are established would be considered an assigned fund balance. Encumbrances that are not associated with restricted or committed fund balances would also be considered assigned.

Governmental Accounting Standards Board  
Statement No. 54

Adopted: 8/9/11

2009

5530

Non-Instructional/Business  
Operations

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

**Petty Cash Funds**

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

The Superintendent shall develop appropriate regulations for implementation of this policy.

**Cash In School Buildings**

No cash should be retained in the classrooms. All cash should be retained at the main office of the school. A courier will pick up all cash daily and deliver to the bank for deposit. Any money received after the courier has been to the school will be locked in a safe with restricted employee access. All money received after hours shall be double counted and attested by the individuals doing the counting. The Faculty Advisor, and Chief Faculty Counselor (or designee) shall ensure that deposits are made regularly during an after-hours activity. Under no circumstances shall cash be left in classroom areas or desks. The District will not be responsible for funds left unprotected.

District funds (not extraclassroom) received in schools should be sent to the business office via courier in locked District-issued bags.

No cash funds will be left in school buildings over a weekend period, except for those activities held on Friday or Saturday nights. These funds will be picked up by a courier Monday morning and taken to the bank for deposit. Under no circumstances should money leave school property. Only authorized personnel designated by the building administrator shall be allowed in the main office vault.

Education Law Section 1709(29)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 170.4

Adopted: 10/13/09

2000 5540

Non-Instructional/Business  
Operations

**SUBJECT: PUBLICATION OF THE DISTRICT'S FINANCIAL STATEMENTS**

**Annual Financial Statement**

In compliance with Education Law, the Board of Education shall direct the District Clerk to publish annually during the month of July or during the month of August a full and detailed account of all moneys received by the Board or the Treasurer of the District for its account and use, and all of the money expended therefore, giving the items of expenditure in full.

The account shall be published in the official District newspaper once each year.

**State Department of Education Reports**

At the end of each fiscal year, the Assistant Superintendent for Business shall prepare and forward all financial reports required by the State Department of Education.

**Report of Student Activity Fund**

School District employees responsible for student activity funds shall, at the end of each school year, submit to the District Treasurer for audit all records and accounts of such funds.

Education Law Sections 1610, 1721 and 2117  
8 New York Code of Rules and Regulations  
(NYCRR) Section 170.2

Adopted: 7/10/00

2000                      5550

Non-Instructional/Business  
Operations

**SUBJECT: MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS)**

A Local Educational Agency (LEA) may receive its full allocation of Title I funds if the combined fiscal effort per student or the aggregate expenditures of state and local funds with respect to the provision of free public education in the (LEA) for the preceding fiscal year was not less than ninety percent (90%) of the combined fiscal effort per student or the aggregate expenditures for the second preceding fiscal year.

In determining an LEA's compliance with the maintenance of effort requirement, the State Educational Agency (SEA) shall consider the LEA's expenditures from state and local funds for free public education. These include expenditures for administration, instruction, attendance, health services, student transportation services, plant operation and maintenance, fixed charges, and net expenditures to cover deficits for food services and student body activities.

The SEA shall not consider the following expenditures in determining an LEA's compliance with the maintenance of effort requirements:

- a) Any expenditures for community services, capital outlay, and debt service;
- b) Any expenditures made from funds provided by the federal government for which the LEA is required to account to the federal government directly or through the SEA.

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

Title I of the Elementary and Secondary  
Education Act of 1965, as amended by the  
Improving America's Schools Act of 1994  
34 Code of Federal Regulations (CFR) Part 200

Adopted: 7/10/00



2000                      5560

Non-Instructional/Business  
Operations

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

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

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

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

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

NOTE:    Refer also to Policy #6430 -- Employee Activities.

Adopted: 7/10/00

2011            5570

**Non-Instructional/Business  
Operations**

SUBJECT:    USE OF DISTRICT OWNED CELL PHONE

A District owned cell phone may be issued to Board of Education Members and various employees of the District as determined by the Superintendent of Schools. Primarily it is for the Superintendent, Assistant Superintendents, department heads and principals, and is a primary tool to communicate within the District and its representatives. It is also understood that personal use of these phones may occur and is acceptable (see Administrative Procedure).

Adopted: 1/11/11

**Non-Instructional/Business  
Operations**

**SUBJECT: REIMBURSEMENT FOR MEAL EXPENSES INCURRED DURING STAFF  
MEETINGS**

It is the position of the New York State Comptroller's Office that meals for public officers and employees may not be reimbursed or paid by the municipal entity unless the officer or employee is traveling outside his/her regular work area on official business for an extended period of time. The School District requires overnight travel to be eligible for such meal expenses. This regulation also applies to any meals provided at staff meetings except under the following circumstances:

- a. Meals may be considered a proper municipal expense where the School District is faced with business of an immediate nature between two or more people, and the meetings are required to be held at meal times due to staff schedules.
- b. In order for meal expenses for a meeting between staff members to be eligible for reimbursement or payment by the organization, the following conditions must be met:
  1. *The topic(s) of the meeting must be of an immediate nature, or there must be a pressing need to complete the business at hand;*
  2. *Scheduling prevents the meeting from being held at a different time;*
  3. *The meal must be provided during the meeting. It cannot be delivered or served at the beginning or end of the scheduled meeting. For example: where a luncheon meeting is scheduled from 10:00 am to 2:00 pm because it is the only time a meeting can be held before an important deadline, the meal may be eligible for reimbursement or payment if it was delivered at 12:00 noon.*
  4. *All meals are to be provided by the School Food Service Department unless a building level and central office administrator approves the meal to come from a different venue. This will be done in conjunction and communicated with the Food Service Director. If this meal is outside normal hours of operations of the Food Service Department, the department which needs the meal can go to an outside vendor to provide this service.*

(Continued)

2008 5580  
1 of 2

**Non-Instructional/Business  
Operations**

**SUBJECT: REIMBURSEMENT FOR MEAL EXPENSES INCURRED DURING STAFF  
MEETINGS (Cont'd)**

- c. Liquid refreshment (i.e. water and/or coffee) may be provided at District sponsored meetings greater than three hours in length or when the District is hosting a meeting involving out-of-district guests.

When claiming such expenses for reimbursement or requesting that payment be made, staff must justify on the claim form the need for such expense as outlined above.

Before meal expenses for meetings with staff members can be reimbursed or paid, the following information must be provided to the Business Office:

1. The purpose of the meeting.
2. The date and time of the meeting.
3. The reason that the meal had to be served during the meeting.

These guidelines apply to all employees of the School District and are effective immediately.

Adopted: 9/9/08

2007 5581

**Non-Instructional/Business  
Operations**

**SUBJECT: FOOD EXPENSES INCURRED AT STUDENT, STAFF AND VOLUNTEER  
RECOGNITION EVENTS**

The Board of Education wishes to recognize student, staff and volunteer accomplishments and services. Occasionally, it may be appropriate to provide assorted light foods and non-alcoholic beverages at these recognition events. All food and beverages provided at approved recognition events shall be appropriately documented. Food and beverages shall be procured through the District's Food Service Department or through an alternate arrangement if the Food Service Department is unable to provide the service. The cost of the food service shall be charged back to the school or office requesting the food service.

Adopted: 8/14/07

2000 5610

Non-Instructional/Business  
Operations

**SUBJECT: INSURANCE**

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

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

The Board of Education shall purchase the type and amount of insurance necessary to protect itself as a corporate body, its individual members, its appointed officers and its employees from financial loss arising out of claims, demands, suits or judgments by reason of alleged negligence or other act resulting in accidental injury to any person or in property damage within or without the school buildings while the above-named insured are acting in the discharge of their duties within the scope of their employment and/or under the direction of the Board.

All insurance policies, along with an inventory of the contents of the building, should be kept in a fireproof depository or with the appropriate insurance agent for safekeeping and referral purposes. The Superintendent shall review the District's insurance program annually and make recommendations to the Board if more suitable coverage is required.

Public Officers Law Section 18  
General Municipal Law Section 6-n  
Education Law Sections 1709(8), 3023, 3028,  
and 3811

Adopted: 7/10/00

2000

5620

Non-Instructional/Business  
Operations

**SUBJECT: INVENTORIES**

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

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

Uniform System of Accounts for  
School Districts (Fiscal Section)

Adopted: 7/10/00

**SUBJECT: ACCOUNTING FOR CAPITAL ASSETS**

The Assistant Superintendent for Finance or Designee shall be responsible for oversight of the accounting for capital assets according to the procedures documented in this policy and procedures outlined by the Uniform System of Accounts for School Districts and GASB 34 Statement Regulations.

All activity shall be recorded within appropriately named general ledger accounts within the accounting system and serve as the basis for financial reporting purposes. In addition, a complete listing of individual assets, which supports the general ledger accounts will be maintained.

This underlying support will serve to:

- 1) Document a physical inventory of capital assets;
- 2) Establish accountability;
- 3) Determine replacement costs; and
- 4) Provide appropriate insurance coverage.

**Capital Assets Inventory**

A property record will be maintained for each asset and maintain the following minimum information: **description, date of purchase, actual cost or estimated historical cost, depreciation and accumulated depreciation, estimated useful life, location, replacement cost, date and method of disposition, and VIN # where applicable.** This information will be updated each year for additions, dispositions, and any other changes. The Assistant Superintendent for Finance or designee shall arrange a procedure to safeguard inventory of all assets, establish procedures to be used in tracking assets, monitor for compliance and supervise those who shall be responsible for maintaining the database. Any differences between the inventory and the financial accounting records will be traced and reconciled.

**Valuation**

Assets shall be recorded at cost based upon invoice price and include all necessary costs incurred to place the asset in service. The incidental costs may include, but are not limited to, shipping, handling, freight, duties, title search, registration fees, installation costs or insurance during transit. All gifts of capital assets will be recorded at fair value at the time received.

(Continued)



2003

5621  
2 of 3

Non-Instructional/Business  
Operations

**SUBJECT: ACCOUNTING FOR CAPITAL ASSETS**

**Capitalization (\$ Threshold)**

Assets with a useful life of greater than one reporting period will be considered for capitalization. The threshold to be used for the following purposes and/or categories of assets is as follows:

	<u>Physical and Insurance</u>	<u>Financial Reporting</u>
Land Improvements	<b>\$750</b>	<b>\$5000</b>
Building and Improvements	<b>\$750</b>	<b>\$5000</b>
Furniture and Equipment	<b>\$750</b>	<b>\$5000</b>

**Depreciation Method and Useful Lives**

All assets will be depreciated by using the straight line method and useful lives based upon the **attached list**. All assets will be depreciated from the date they are placed in service using the **annual average convention method**.

Adopted: 2/10/03

Non-Instructional/Business  
Operations**MAXIMUS CLASS CODES & LIVES**

Class Code	Class Code Description	Examples	Useful Life	Category Code
1000	Land Parcels		N/A	100
1100	Outdoor Equipment	Playgrounds, Fuel Tanks	20	500
1200	Police & Fire Equipment		N/A	500
1300	Machinery & Tools	Shop/Main Equip	15	500
1400	Kitchen/Appliance/Custodial Equipment	Appliances, Floor Scrubbers	15	500
1500	Science & Engineering Equipment	Lab Equip, Scientific Equip	10	500
1600	Furniture & Accessories	Classroom, Office Furniture	20	500
1700	Business Machines	Fax, Duplication, Printing	10	500
1800	Communications Equipment	Mobile, Portable Radios	10	500
1900	Computer Equipment	PC's, Printers, Network Hardware, Copiers	5	500
2000	Computer Software	Instructional Administrative	5	500
2100	Audiovisual Equipment	Projectors, Cameras	10	500
2200	Books & Multi-Media Materials	Collections	5	500
2300	Athletic Equipment	Weight Machines	10	500
2400	Uniforms	Band & Sports	5	500
2500	Musical Instruments	Pianos, String, Bass	10	500
2600	Licensed Vehicles	Buses, On Road Vehicles	8	600
2700	Contractor's Equipment	Off Road Vehicles, Front End Loaders	10	500
2800	Grounds & Maintenance Equipment	Mowers, Tractors	15	500
2900	Land Improvements	Paving, Sidewalks, Fencing	20	200
3000	Construction	School Buildings	50	300
3001	Construction in Progress	In Process Cap Projects	0	300
3010	Portable Structures	Classrooms	25	300
3020	Swimming Pools		50	300
4100	Bridges		N/A	400
4150	Tunnels		N/A	400
4200	Streets/Alleys-Asphalt		N/A	400
4250	Streets/Alleys-Concrete		N/A	400
4300	Traffic Signals		10	400
4400	Sidewalks & Curbs		N/A	400
4500	Seawalls & Levees		N/A	400
4550	Dams		N/A	400
4600	Marinas/Slips/Docks/Piers/Boardwalk		N/A	400
4700	Rail System/Monorails/Subways		N/A	400
4800	Street Lighting		N/A	400
4900	Collect & Distribute (Water & Sewer)		N/A	400
4950	Collect & Distribute (Gas/Electric)		N/A	400
5000	Art & Historical Collections		0	500
*	HVAC, Roofing	Cap Projects		300
	Interior Construction	Cap Projects		300
	Carpet			300
	Electrical, Plumbing	Cap Projects		300
	Sprinkler, Fire System	Cap Projects		300

\* The accounts will most likely be categorized under the construction category

2000

5630

1 of 2

Non-Instructional/Business  
Operations

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

**Operation and Maintenance**

The Superintendent is charged with the responsibility for administering plant operations in the most efficient and economical manner possible, while placing high priority on health and safety of students and conservation of natural resources.

The Board, through the Superintendent and his/her staff, has the responsibility of protecting the District investment in plant and facilities through a systematic maintenance program.

It is expected that the program shall include periodic preventive maintenance activities, long-range maintenance schedules and emergency repair procedures. It is further expected that all maintenance work will be carried out in a manner that will cause the least interference with the educational program.

**Construction and Remodeling of School Facilities**

Plans and specifications for the erection, enlargement, repair or remodeling of facilities of the School District shall be submitted to the Commissioner when the contemplated construction costs of such work are \$10,000.00 or more, and for all projects affecting the health and safety of pupils.

Plans and specifications submitted to the Commissioner shall bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications shall also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250) and the State Energy Conservation Construction Code (9 NYCRR Parts 7810 through 7816).

For remodeling or construction projects costing \$5,000 or more, the District shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (9 NYCRR 600 through 1250) and Part 155 of the Commissioner's Regulations, and shall retain the services of an architect or engineer licensed to practice in New York State.

For remodeling or construction projects costing less than \$5,000, the District shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250) and Part 155 of the Commissioner's Regulations.

(Continued)

**SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)****Inspections**

The administration of the School System shall cooperate with officials conducting health, fire, asbestos, bus, and boiler inspections. The administration shall keep the Board of Education informed of the results of such inspections in a timely fashion.

**Structural Safety Inspections**

It shall be the duty of the Board of Education to ensure that each facility owned by the District which is used for instructional purposes shall be inspected annually for structural deficiencies.

Every annual structural safety inspection shall be a visual inspection which will examine the structural elements of each building, and may also include inspection of building systems such as heating, plumbing and electrical systems.

If a visual inspection results in a determination that a building may have a structural deficiency, then the building shall be inspected by a licensed architect or a licensed professional engineer.

The annual structural safety inspection shall be made prior to June thirtieth of every school year, and reports of the inspections shall be made available to the public.

Fire Inspection: 8 New York Code of Rules and  
Regulations (NYCRR) Section 155.4  
Education Law Section 807-a  
Health Inspection: Education Law Section 906  
Asbestos Inspection: Education Law, Article 9-A  
40 Code of Federal Regulations (CFR)  
Part 763, Subpart E  
Plans and Specifications: Education Law  
Sections 408, 408-a and 409  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 155.1 and 155.2  
Structural Safety Inspections: Education Law  
Sections 409-d and 3602(6)(d)

Adopted: 7/10/00

2000

5631

Non-Instructional/Business  
Operations

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

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

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

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

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

Adopted: 7/10/00

**SUBJECT: SMOKING/TOBACCO USE**

**School Grounds**

Tobacco use shall not be permitted and no person shall use tobacco on school grounds or within one hundred (100) feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary schools. However, this shall not apply to smoking in a residence, or within the real property boundary lines of such residential real property. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's preschool, nursery school, elementary or secondary school's legally defined property boundaries as registered in the County Clerk's Office; as well as ~~any~~ all District vehicles used to transport children or school personnel.

For purposes of this policy, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, spit/spitless tobacco and any other smoking or tobacco product (smokeless, dip, chew, snus and/or snuff) in any form.

The use of e-cigarettes and any other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited.

**Off School Grounds**

Tobacco use is prohibited by students at any school-sponsored event or activity off school grounds.

**Indoor Facilities**

The District shall not permit smoking at any time within any indoor facility owned or leased or contracted for and utilized by the District for provision of routine or regular kindergarten, elementary, or secondary education or library services to children. The District also prohibits smoking in indoor facilities in which regular or routine health care, day care or early childhood development programs - such as Head Start - are provided to children.

In compliance with the New York State Clean Indoor Air Act, the District will prominently post its Smoking/Tobacco Use policy and signs prohibiting all forms of tobacco products in District buildings and supply a copy upon request to any current or prospective employee. The District will also designate a school official to tell individuals found to be smoking or using tobacco products that they are in violation of Article 13-E of the State Public Health Law, the federal Pro-Children Act of 1994, and School District policy.

The District shall also ensure that this policy is communicated annually to staff, students, parents/guardians, volunteers, community, and visitors as deemed appropriate in order to orient all persons to the District's "No Tobacco Use" Policy and environment.

(Continued)

**SUBJECT: SMOKING/TOBACCO USE (Continued)**

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

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

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

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

In addition, tobacco advertising is also prohibited in all school-sponsored publications and at all school sponsored events. The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

Goals 2000: Educate America Act,  
(Pro-Children Act of 1994)  
Public Health Law Article 13-E  
Education Law Sections 409 and 3020-a

Adopted: 7/2/2013

2000

5650

Non-Instructional/Business  
Operations

**SUBJECT: ENERGY/WATER CONSERVATION AND RECYCLING OF SOLID WASTE**

The Board of Education recognizes the importance of energy and water conservation and is committed to the analysis, development, and initiation of conservation measures throughout the District for the purpose of reducing energy consumption.

**Recycling**

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

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

General Municipal Law Section 120-aa

Adopted: 7/10/00



2000 5660

Non-Instructional/Business  
Operations

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)**

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

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

Free or reduced price "Type A" school meals may be allowed for qualifying students attending Kenmore-Town of Tonawanda Union Free schools upon written application of the student's parent or guardian. Applications will be provided by the School District.

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

**Child Nutrition Program**

Because of the District's participation in the child nutrition program, the Board of Education approves the establishment of a system to allow a student to charge a meal. The Superintendent is directed to develop rules which address:

- a) What can be charged;
- b) The limit on the number of charges per student;
- c) The system used for identifying and recording charged meals;
- d) The system used for collection of repayments.

**Restriction of Sweets in School**

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

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

Adopted: 7/10/00

Education Law Sections 915, 1709(22) and (23)  
National School Lunch Act 1946  
Child Nutrition Act 1966

**SUBJECT: DISTRICT WELLNESS POLICY**

The Kenmore-Town of Tonawanda Union Free School District is committed to providing a school environment that promotes and protects children's health, well-being, and the ability to learn by fostering healthy eating and physical activity. The District has established a wellness committee to develop the local wellness policy, making such policy recommendations for review and adoption by the Board of Education. The District's Wellness Committee includes, but is not limited to, representatives from each of the following groups:

- a) The District's Food Service Program
- b) The School Board
- c) School Administrators
- d) Physical Education Teachers
- e) Health Education Teachers
- f) Family and Consumer Science Teachers
- g) School Nurse
- h) Parents
- i) Students

**GOALS TO PROMOTE STUDENT WELLNESS**

Taking into account the parameters of the School District (academic programs, annual budget, staffing issues, and available facilities) as well as the community in which the District is located (the general economy; socioeconomic status; local tax bases; social cultural and religious influences; geography; and legal, political and social institutions) the Wellness Committee recommends the following District goals relating to :

- Nutrition education and wellness promotion
- Nutrition standards
- Physical activity
- Other school-based activities
- Monitoring and evaluation

**Section 1: Nutrition Education and Wellness Promotion**

The District will provide nutrition education and promote wellness to facilitate healthy eating habits and other nutrition-related behaviors conducive to health and well-being by establishing the following standards for:

**a) Nutrition Curriculum**

A nutrition curriculum enables students to gain the knowledge and skills necessary to make healthy food choices for a lifetime. This is accomplished through a comprehensive nutrition education curriculum in Health, Family and Consumer Science, and Physical Education classes.

**b) Linked with the School Food Environment**

The entire school environment, not just the classroom, shall be aligned with healthy school goals. This will positively influence students' understanding, beliefs, and habits as they relate to good nutrition and regular physical activity.

**c) Skill Based**

Nutrition education teaches specific skills and activities that are behavior focused which include media awareness, menu planning, critical thinking skills and reading Nutrition Facts food labels.

**d) Encourage Staff to Be Role Models for Healthy Behavior**

Staff will be encouraged to model healthy eating and physical activity as a valuable part of daily life.

**e) Coordinated School Health Program Model**

The district is working toward the use of the Center of Disease Control and Prevention's (CDC) coordinated school health program model. The CDC's "School Health Index" tool will be used every three years for regular program assessment.

**f) Families and Community Information Sharing and Input**

Nutrition education will be provided to parents and the community in the form of:

- handouts,
- school website
- newsletter articles and information
- presentations that focus on nutrition and healthy lifestyles
- any other appropriate means available to reach parents

**g) Marketing to Promote Healthy Choices**

It is recommended that organizations operating concessions at school functions label/mark healthy food items available so students know which are healthy items and these items will be comparably priced.

**h) Restricting Marketing of Unhealthy Choices**

Display and advertising of foods with minimal nutritional value is strongly discouraged on school grounds.

**i) Advisory Committees to Address Health and Wellness Beyond Policy**

The school district will create, strengthen, or work within existing district-wide and building wellness teams to develop, monitor, review, and revise nutrition and physical activity policies. The teams will serve as resources to school sites for implementing these policies.

<b>Section 2: Standards for USDA Child Nutrition Programs and School Meals</b>
--

The Food Service breakfast and lunch program is regulated by the national government, whereby the USDA sets the standards as written in the Healthy Hunger-Free Kids Act of 2010.

**a) Access to and promotion of the School Breakfast Program (USDA)**

All schools will offer breakfast through the USDA Breakfast Program to students.

**b) Nutrition Standards for School Meals**

All school meals meet the USDA (National School Lunch Program/School Breakfast Program) minimum standards:

- 4 fruits and/or non-fried vegetables per day;
- Only 1% and fat-free milk served;
- All grains must be 51% whole grain;

- Eliminates trans fats, using low fat versions of foods or low fat cooking methods

**c) Strategies to Increase Participation in School Meal Programs**

School meals shall be made attractive to students by appealing to their taste preferences and promoted via Food Service menu, monthly promotions, and district calendar.

**d) Adequate Time to Eat**

All school lunches require meal periods to include at least 20 minutes for lunch, and at least 10 minutes for breakfast.

**e) Nutrition Training For Food Service Director**

Ensure that professional development in the area of food and nutrition is provided for Food Service Managers and Staff.

**f) School Meal Environment**

Appropriate supervision by cafeteria monitors shall be provided in the cafeteria and rules for safe behavior shall be consistently enforced. Students shall be provided a pleasant environment with adequate space/seating to eat their school meal.

**g) Availability of Nutrition Information of School Meals**

The District will share and publicize information about the nutritional content with students and parents via student serving lines, monthly menu, and district web site.

**Section 3: Nutrition Standards for Competitive and Other Foods and Beverages**

The District Wellness Committee supports nutrition standards of all foods sold or provided on school campus outside USDA School Meals (competitive foods) during the school day. The goal is to encourage healthy lifelong eating habits by providing foods that are high in nutrients, low in fat and added sugars, and of moderate portion size.

**a) Nutrition Standards**

Food of minimal nutritional value on the school campus will be replaced with more nutritional options by adhering to the following USDA standards for nutritional value of foods as stated in the Healthy, Hunger-Free Kids Act of 2010, “Smart Snacks in School” rule.

<b>“Smart Snacks in School” Rule</b> <i>*effective July 1, 2014</i>	
Any Foods Sold in School Must Meet At Least One of the Following:	The Food Must Also Meet ALL of the Following Standards:
<ul style="list-style-type: none"> <li>• Be Whole Grain Rich (At least 50% whole grain by weight or grain as the 1<sup>st</sup> ingredient</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Calories</u>: Snack items must be no more than 200 calories; entrée items no more than 350 calories</li> </ul>
<ul style="list-style-type: none"> <li>• First ingredient must be a <b>fruit</b>, vegetable, dairy product, or <b>protein</b> food</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Fat</u>: Total fat no more than 35%, Saturated Fat no more than 10% of total calories, Trans Fat: 0 grams (artificial)</li> </ul>
<ul style="list-style-type: none"> <li>• Be a combination food that contains at least ¼ cup of fruit or vegetable</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Sodium</u>: Snack Items: must be no more than 230 mg per portion</li> </ul>
<ul style="list-style-type: none"> <li>• Contain 10% of the Daily Value of a nutrient cited as a public health concern in the 2010 Dietary Guidelines for Americans: Calcium, Potassium, Vitamin D or Dietary Fiber</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Sugar</u>: must be no more than 35% of weight from total sugars in foods.</li> </ul>

\*\* If the product is served on the school breakfast or lunch menu, the competitive food can be served the same day or day after in is menued and be in compliance regardless of nutrition content.

\*\*Foods can be analyzed using the “Smart Snacks in Schools” calculator found at:  
[https://schools.healthiergeneration.org/focus\\_areas/snacks\\_and\\_beverages/smart\\_snacks/alliance\\_product\\_calculator/](https://schools.healthiergeneration.org/focus_areas/snacks_and_beverages/smart_snacks/alliance_product_calculator/)

**b) Vending Machines/School Store/Food Service a La Carte**

All items sold through vending machines, school store and Food Service a La Carte must meet the District’s Nutritional Standards as defined above.

**c) Class Parties and School Celebrations**

Foods and beverages served at school celebrations must meet the District's Nutritional Standards, (as defined above).

**d) Whole Foods (whole grains, unprocessed foods, or fresh produce) as Sold/Served Outside of USDA Meals**

At least half of the grains served will be whole grains and the consumption of unprocessed foods and fresh produce are encouraged. Schools are encouraged to source fresh fruits and vegetables from local farmers where practical.

**e) Food Not Being Used As a Reward**

Prohibit the use of food as a reward with the exception of Individual(ized) Education Plans (IEP). The use of food or candy as a classroom reward in any school is prohibited.

**f) Serving Size Limits for Beverages Sold/Served Outside Of School Meals**

The following USDA standards for nutritional value of beverages as stated in the Healthy, Hunger-Free Kids Act of 2010, “Smart Snacks in School” rule.

<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
<ul style="list-style-type: none"> <li>Plain water or plain carbonated water (no size limit)</li> </ul>	<ul style="list-style-type: none"> <li>Plain water or plain carbonated water (no size limit)</li> </ul>	<ul style="list-style-type: none"> <li>Plain water or plain carbonated water (no size limit)</li> </ul>
<ul style="list-style-type: none"> <li>Low-fat milk, unflavored no more than 8 fl. oz.</li> </ul>	<ul style="list-style-type: none"> <li>Low-fat milk, unflavored no more than 12 fl. oz.</li> </ul>	<ul style="list-style-type: none"> <li>Low-fat milk, unflavored no more than 12 fl. oz.</li> </ul>
<ul style="list-style-type: none"> <li>Nonfat milk, flavored or unflavored no more than 8 fl. oz., including nutritionally equivalent milk alternatives as permitted by the school meal requirement</li> </ul>	<ul style="list-style-type: none"> <li>Nonfat milk, flavored or unflavored no more than 12 fl. oz., including nutritionally equivalent milk alternatives as permitted by the school meal requirement</li> </ul>	<ul style="list-style-type: none"> <li>Nonfat milk, flavored or unflavored no more than 12 fl. oz., including nutritionally equivalent milk alternatives as permitted by the school meal requirement</li> </ul>
<ul style="list-style-type: none"> <li>100% fruit/vegetable juice no more than 8 fl. oz.</li> </ul>	<ul style="list-style-type: none"> <li>100% fruit/vegetable juice no more than 12 fl. oz.</li> </ul>	<ul style="list-style-type: none"> <li>100% fruit/vegetable juice no more than 12 fl. oz.</li> </ul>
<ul style="list-style-type: none"> <li>100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweetener no more than 8 fl. oz.</li> </ul>	<ul style="list-style-type: none"> <li>100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweetener no more than 12 fl. oz.</li> </ul>	<ul style="list-style-type: none"> <li>100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweetener no more than 12 fl. oz.</li> </ul>
		<ul style="list-style-type: none"> <li>Other flavored and/or carbonated beverages no more than 20 fl. oz., that are labeled to contain no more than 5 calories per 8 fl. oz.,</li> </ul>

or 10 calories per 20 fl. oz.

- Other flavored and/or carbonated beverages no more than 12 fl. oz., that are labeled to contain no more than 40 calories per 8 fl. oz., or 60 calories per 12 fl. oz.

**g) Access to Free Drinking Water**

Free water is always available. Students and staff will have access to free, safe, and fresh drinking water throughout the school day.

**h) Food Sold for Fundraising At All Times (not only during the school day).**

It is suggested that all food items sold as fundraisers comply with the district nutrition standards defined above.

**Section 4: Physical Education and Physical Activity**

The District will provide opportunities for every student to develop the knowledge and skills for specific physical activities, to maintain physical fitness, to regularly participate in physical activity, and to understand the short-term and long-term benefits of a physically active and healthy lifestyle.

The Wellness Committee has determined that the following standards are necessary to achieve this goal:

**a) Required Written Physical Education Curriculum for Each Grade Level**

The district has a written physical education curriculum for grades K-12 addressing the NYS Physical Education standards which is included in the [www.NYLeads.org](http://www.NYLeads.org) website.

**b) Required Time per Week of Physical Education for Elementary School Students** Schools will use NYS mandate, 120 minutes per week or more, when planning Physical Education classes to the extent possible.

**c) Required Time per Week of Physical Education for Middle/High School Students**

Schools will use NYS mandate of no less than 3 times per week, when planning Physical Education classes to the extent possible.

**d) Teacher-Student Ratio for Physical Education**

The student to teacher ratio for Physical Education is equivalent to other disciplines at all levels.

**e) Adequate Equipment and Facilities for Physical Education**

The Physical Education program shall be provided adequate space and equipment and conform to all applicable safety standards.

**f) Qualifications for Physical Education Instructors**

Physical Education will be taught by a certified instructor which follows NASPE and NYS Standards.

**g) District Provides Physical Education Training For Physical Education Teachers**

As per New York State regulations all teachers of Health, Physical Education and Family and Consumer Sciences will be certified in appropriate areas. Teachers of Health, Physical Education and Family and Consumer Sciences will continue to develop professional expertise by attending classes offered by the Ken-Ton Staff Development Center.

**h) Physical Education Waiver Requirements**

Physical Education in alternative education programs, such as Big Picture School, may utilize some non-traditional curricula which must be approved by the Supervisor of Physical Education.

**i) Regular Physical Activity Breaks**

Classrooms shall incorporate, where possible, appropriate, short breaks that include physical movement in addition to Physical Education and recess.

**j) Structured Physical Activity Before or After School**

Physical activity classes, clubs, intramurals or interscholastic activities may be an option for all students, including wellness nights, sports nights, evening programs, etc.

**k) Community Use of School Facilities For Physical Activity Outside Of The School Day**

The district should allow community-based organizations to use facilities outside school hours.

**l) Restricting Physical Activity as Punishment**

Students may not be pulled out of physical education for any other content area instruction or punishment or should not be denied participation in recess or other physical activity opportunities as a form of discipline or punishment.

**m) Daily “Free Time”/ Recess in Elementary School**

Supervised recess time is recommended for all students within each school day at all elementary schools.

<b>Section 5: Policy Evaluation</b>
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Evaluation and feedback from interested parties, including an assessment of student, parent, teacher, and administration satisfaction with the wellness policy, is essential to the District's evaluation program. Further, the District shall document the financial impact, if any, to the school food service program, school stores, or vending machine revenues based on the implementation of the wellness policy.

**a) Policy Implementation**

Yearly, the Superintendent shall designate one or more staff members within each school as appropriate to have operational responsibility for educating students, parents, teachers and staff as well as ensuring that the District meets the goals and mandates of its local wellness policy. Designated staff members may include, but are not limited to, the following personnel:

- Administrators;
- School health personnel including the school Nurse and the Health and/or Physical Education teacher; and
- School Food Service Director.

**b) Policy Evaluation**

The Advisory Council shall meet at least annually to review nutrition and physical activity policies, evidence on student health impact, and effective programs and program elements. The outcomes will be measured using the CDC School Health index, Fitness Gram results, meal participation rates, and annual staff Wellness Survey. Results are shared annually with the Superintendent.

c) **Progress Report**

The advisory council shall prepare a report annually for the Superintendent evaluating the implementation of the policy, regulations and compliance as well as include any recommended changes or revisions. That report will be provided to the School Board and also distributed to the wellness committee, parent-teacher organizations, Building Principals, and school health services personnel within the District. The report shall also be available to community residents upon request.

d) **Revising the Policy**

The advisory council will meet to discuss revisions to policy. The policy shall be revised as necessary.

Adopted: September 9, 2014



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Non-Instructional/Business  
Operations

**SUBJECT: RECORDS MANAGEMENT**

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

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

The Superintendent shall develop appropriate regulations and procedures, and provide a copy for Board of Education review and notification.

**Retention and Disposition of Records**

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

8 New York Code of Rules and Regulations  
(NYCRR) Section 185  
Public Officers Law Section 65-b  
Local Government Records Act of 1987

Adopted: 7/10/00

**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION**

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

- a) "*Private information*" shall mean *personal information* in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:
1. Social security number;
  2. Driver's license number or non-driver identification card number; or
  3. Account number, credit or debit card number, in combination with any required security code, or password which would permit access to an individual's financial account.

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

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

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

**Examples of Determining Factors**

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

- a) Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- b) Indications that the information has been downloaded or copied; or
- c) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

(Continued)

**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd)**

**Notification Requirements**

- a) For any computerized data owned or licensed by the School District that includes private information, the District shall disclose any breach of the security of the system following discovery or notification of the breach of any New York State resident whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure to affected individuals shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The District shall consult with the State Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures.
- b) For any computerized data maintained by the District that includes private information which the District does not own, the District shall notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been acquired by a person without valid authorization.

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

**Methods of Notification**

The required notice shall be directly provided to the affected person(s) by one of the following methods:

- a) Written notice;
- b) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form; and a log of each such notification is kept by the District when notifying affected person(s) in electronic form. However, in no case shall the District require a person to consent to accepting such notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;
- c) Telephone notification, provided that a log of each such notification is kept by the District when notifying affected person(s) by phone; or

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**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd)**

- d) Substitute notice, if the District demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000, or that the affected class of subject persons to be notified exceeds 500,000, or that the District does not have sufficient contact information. Substitute notice shall consist of **all** of the following:
1. E-mail notice when the District has an e-mail address for the subject persons;
  2. Conspicuous posting of the notice on the District's website page, if the District maintains one; and
  3. Notification to major statewide media.

Regardless of the method by which notice is provided the notice shall include contact information for the notifying District and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

In the event that any New York State residents are to be notified, the District shall notify the State Attorney General, the Consumer Protection Board, and the State Office of Cyber Security and Critical Infrastructure Cooperative as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affect New York State residents.

In the event that more than 5,000 New York State residents are to be notified at one time, the District shall also notify consumer reporting agencies, as defined pursuant to State Technology Law Section 208, as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents. A list of consumer reporting agencies shall be compiled by the State Attorney General and furnished upon request to school districts required to make a notification in accordance with Section 208(2) of the State Technology Law, regarding notification of breach of security of the system for any computerized data owned or licensed by the District that includes private information.

State Technology Law Sections 202 and 208

Adopted: 2/13/07

## Non-Instructional/Business Operations

**SUBJECT: EMPLOYEE PERSONAL IDENTIFYING INFORMATION**

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

The District shall not unless otherwise required by law:

- a) Publicly post or display an employee's social security number;
- b) Visibly print a social security number on any identification badge or card, including any time card;
- c) Place a social security number in files with unrestricted access; or
- d) Communicate an employee's personal identifying information to the general public.

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

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

Labor Law Section 203-d

Adopted: April 21, 2009

**SUBJECT: SAFETY AND SECURITY**

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

It shall be the responsibility of the Superintendent to implement written regulations that will:

- a) Identify those staff members who will be responsible for the effective administration of the regulations;
- b) Provide staff time and other necessary resources for the effective administration of the regulations;
- c) Establish periodic written review of the activities of the staff to insure compliance with applicable laws and regulations;
- d) Provide an on-going mechanism for the effective review of safety and security concerns of the staff, students and affected public;
- e) Provide for semi-annual reports to the Board of Education regarding the significant aspects of safety and security of the District.

Labor Law Section 27-a

**Student Safety**

All staff who are made aware of physical and/or verbal threats to students must immediately report these threats against students to the next level of supervisory authority for prompt action. The immediate supervisor must then inform the Superintendent/designee, including any action taken, after learning of such threats to students.

The District shall disseminate this policy to all employees in order to ensure staff awareness.

(Continued)

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5680  
2 of 2

Non-Instructional/Business  
Operations

**SUBJECT: SAFETY AND SECURITY (Cont'd.)**

**Hazard Communication Standard**

All personnel shall be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard.

The Superintendent/designee shall maintain a current record of the social security numbers of every employee who handles toxic substances.

The Board directs the Superintendent to develop rules and regulations to insure District implementation of this policy which shall include awareness information, employee training and record keeping.

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

NOTE: Refer also to Policy #5683 -- Districtwide Safety Conditions and Programs.

Adopted: 7/10/00

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5681

Non-Instructional/Business  
Operations

**SUBJECT: EMERGENCY MANAGEMENT PLAN**

To be prepared for an emergency or crisis in the District and to insure a prompt, thoughtful response, the Superintendent will prepare guidelines for the development of a District Emergency Management Plan. The plan (adopted annually at the Reorganizational Meeting) shall make provision for:

- a) Shelter,
- b) Evacuation,
- c) Early dismissal,
- d) Annual written notification to students and staff,
- e) An annual drill, and
- f) Coordination with local emergency preparedness coordinators.

An Emergency Planning Committee may be established to supervise the plan, and an Emergency Management Plan Coordinator may be appointed with responsibility for overall coordination and decision-making should an emergency occur.

The Board of Education may create and sustain a control center in anticipation of an emergency. Further, a survey shall indicate the location of potential emergency sites on School District property as well as within the community itself.

8 New York Code of Rules and Regulations  
(NYCRR) Section 155.13

Adopted: 7/10/00



**SUBJECT: CRISIS RESPONSE**

When a crisis arises no school system is immune to the negative, physical or mental effect on its students, staff and the local community. Immediate, effective and responsible management and communication can address the crisis and maintain a District's integrity and credibility. Therefore, the District shall develop and maintain a unified position by:

- a) Identifying a District crisis response team to develop a plan and maintain a strong, ongoing communications program in each District building. This is the foundation for long range success.
- b) The crisis teams in each building shall be reviewed annually to assure memberships, communication channels, and procedures are up-to-date and functional. Each building will submit an updated plan to the Office of Pupil Services annually.

A written crisis team plan will include:

- role/purpose of the team
- members and their specific roles
- a communication plan that outlines the alternate methods of contact with students, parents, staff, and the local community depending on the nature of the crisis - death; significant tragedies and trauma; incidents/illegal acts that affect students and their families; significant loss or damages to school property; potential damage to persons/property
- follow-up activities:
  - maintain a telephone tree for central and ongoing communication
  - prepare letters, notices, memos
  - maintain a register of names and telephone contacts for counseling support teams to include counselors, psychologists and social workers from District staff and from community agencies such as the Life and Death Transition Center
  - plan for participation in programs, memorials, and appropriate follow-up activities
  - plan for a debriefing

The crisis response plan should be utilized.

- c) Identifying a media spokesperson who will be briefed on all details. This spokesperson shall be the Superintendent or his/her designee. Only this spokesperson shall talk to and maintain a timely flow of information to the media.

The Superintendent/designee shall be responsible for informing staff of the crisis plan that is to be developed by both administration and the crisis response team.

Adopted: 7/10/00

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5683

Non-Instructional/Business  
Operations

**SUBJECT: DISTRICTWIDE SAFETY CONDITIONS AND PROGRAMS**

The Board of Education is committed to providing a safe healthy environment for students, employees and visitors to the District's buildings and grounds. To that end, the Board directs the Superintendent to institute a safety program for the School District.

The safety program may include, but is not limited to, in-service training, plant inspection, fire prevention, accident recordkeeping, driver and vehicle safety programs, emergency procedures and drills, and traffic safety programs relevant to students, employees and the community.

It shall be the duty of the Board of Education to provide for inspections and supervision of the health and safety aspects of the school facilities. At the Annual Reorganizational Meeting of the Board, a facilities committee shall be identified and assigned to carry out the facility inspection responsibilities, and to communicate with the buildings and grounds department so as to be aware of upcoming major repair, maintenance and capital projects and represent those projects to the Board and the public.

NOTE: Refer also to Policies #5680 -- Safety and Security and #8210 -- Safety Conditions and Programs.

Adopted: 7/10/00

Non-Instructional/Business  
Operations

**SUBJECT: ANTHRAX AND OTHER BIOLOGICAL TERRORISM: PREVENTION  
PROTOCOLS/PROTOCOLS FOR MAIL HANDLING**

The School District shall assess and review their protocols for handling mail or packages. Common sense and care should be used in inspecting and opening mail or packages. Whenever feasible, the opening of mail should be limited to one individual staff member in an area that is separate from other accessible areas within the school building, including the main office.

Additionally, precautions will be taken for those staff members responsible for handling letters or packages such as making available protective gloves to be worn when handling mail and providing appropriate training and protocols for the handling of mail and identifying suspicious envelopes or packages.

The building administrator should limit the area and persons exposed to the threat. Immediately after identifying the threat, the building administrator/designee shall notify the Superintendent/designee, dial 911 and/or the local law enforcement authorities according to the procedures identified in the applicable School Safety Plan (whether District-wide or Building-level plans). The local FBI field office and the county health department will also be notified, if not otherwise provided for in the applicable School Safety Plan.

As far as possible, the school will attempt to limit the area and the persons exposed to the threat and will not allow anyone other than qualified emergency personnel to enter. Custodial and maintenance personnel will follow established procedures for quickly shutting down the building(s) heating/air conditioning/and ventilation systems if possible and as may be deemed necessary.

Furthermore, the building administrator/designee shall, as soon as possible, make a list of all persons who have been identified as having actual contact with the powder or other suspicious element, such as anthrax, for investigation authorities.

Administration shall review and revise, as appropriate, their school safety plans; and provide information regarding applicable safety prevention and response procedures to all staff.

All threats to school buildings and/or its occupants shall be treated seriously. All threats shall be treated as criminal actions and measures shall be taken to preserve the evidence.

Under no circumstances, shall students be permitted to organize and/or handle School District mail; nor shall students be present in the room/area during that time that District mail is being opened by school staff.

Adopted: 2/11/02

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

The School District shall provide and maintain on-site in each *instructional school facility* functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each such facility shall have sufficient automated external defibrillator equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors enumerated in Commissioner's Regulations. *An instructional school facility means a building or other facility maintained by the School District where instruction is provided to students pursuant to its curriculum.*

Whenever an *instructional School District facility* is used for a school-sponsored or school-approved curricular or extracurricular event or activity and whenever a *school-sponsored athletic contest* is held at any location, the public school officials and administrators responsible for such school facility or athletic contest shall ensure that AED equipment is provided on-site and that there is present during such event, activity or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED. *School-sponsored or school-approved curricular or extracurricular events or activities means events or activities of the School District that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an extraclass intramural athletic activity of instruction, practice and competition for students in grades 4 through 12 consistent with Commissioner's Regulations Section 135.4.*

Where a *school-sponsored competitive athletic event* is held at a site other than a School District facility, School District officials shall assure that AED equipment is provided on-site by the sponsoring or host district and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during such athletic event. *A school-sponsored competitive athletic event means an extraclass interscholastic athletic activity of instruction, practice and competition for students in grades 7 through 12 consistent with Commissioner's Regulations Section 135.4.*

School District facilities and District staff responsible for carrying out the duties enumerated in Education Law Section 917 are deemed a "public access defibrillation provider" as defined pursuant to Public Health Law Section 3000-b and subject to the Public Health Law requirements and limitations.

Therefore, it is the policy of our School District to provide proper training requirements for District AED users, to ensure the immediate calling of 911 and/or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units as enumerated in the District's Public Access Defibrillation Collaborative Agreement.

(Continued)

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Non-Instructional/Business  
Operations

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN  
PUBLIC SCHOOL FACILITIES (Cont'd)**

The District will provide for regular maintenance and checkout procedures of the AED unit(s) which meet or exceed manufacturer's recommendations. Appropriate documentation will be maintained in accordance with law and/or regulation. Further, the District will participate in the required Quality Improvement Program as determined by the Regional Emergency Medical Services Council.

Pursuant to Public Health Law Sections 3000-a and 3000-b, the School District (as a public access defibrillation provider), or any employee or other agent of the School District who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured, shall not be liable for damages for injury or death unless caused by gross negligence.

Education Law Section 917  
Public Health Law Sections 3000-a and 3000-b  
8 New York Code of Rules and Regulations  
(NYCRR) Section 136.4

Adopted: 11/12/02

2000 5690

Non-Instructional/Business  
Operations

**SUBJECT: EXPOSURE CONTROL PROGRAM**

The Superintendent shall establish and implement an exposure control program designed to prevent and control exposure to bloodborne pathogens. According to the New York State Department of Labor's Division of Safety and Health and OSHA standards, the program shall consist of:

- a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike.
- b) Written standard operating procedures for blood/body fluid clean-up.
- c) Appropriate staff education/training.
- d) Evaluation of training objectives.
- e) Documentation of training and any incident of exposure to blood/body fluids.
- f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV.
- g) Written procedures for the disposal of medical waste.
- h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids or tissues.
- i) The Superintendent/designee will be responsible for including these guidelines in the Health Services Manual.

Occupational Safety and Health Administration (OSHA)  
29 Code of Federal Regulations (CFR) 1910.10:30

Adopted: 7/10/00

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5691

Non-Instructional/Business  
Operations

**SUBJECT: COMMUNICABLE DISEASES**

The Board of Education directs the Superintendent or his/her designee to establish regulations and procedures for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

The Superintendent/designee will create a Health Services Manual including procedures for dealing with communicable diseases.

Adopted: 7/10/00

2000

5692

Non-Instructional/Business  
Operations

**SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES**

The Board of Education contends that a student shall not be denied the right to attend school or continue his/her education nor shall an employee be denied the right to continue his/her employment who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

Administrative regulations and procedures shall be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff in the District.

The Superintendent shall also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness. (Refer to the Health Services Manual for procedures.)

Confidentiality: Public Health Law, Article 27-F

Adopted: 7/10/00



**SUBJECT: MEDICAID CODE OF ETHICS POLICY FOR ALL DISTRICT PERSONNEL**

Pursuant to the provision of Section 806 of the General Municipal Law, the Board of Education of the Kenmore-Town of Tonawanda UFSD recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained in our unit of local government. It is the purpose of this law to promulgate these rules of ethical conduct for the offices and employees of the District. These rules shall serve as a guide for official conduct of this local law as adopted, shall not conflict with us, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Definition: "Municipal Officer or Employee" means an officer or employee of the Kenmore-Town of Tonawanda UFSD, whether paid or unpaid, including members of any administrative board, commission, or other agency thereof. No personal shall be deemed to be a municipal officer or employee solely by reason of being volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer. **In the event of a breach of confidentiality that is required by law, proceedings may be commenced to discipline for such violation of the law.**

Standards of Conduct

Every officer or employee of the Kenmore-Town of Tonawanda UFSD shall be subject to and abide by the following standards of conduct:

1. Report to the compliance officer any suspected problems concerning Medicaid billings, payments, medical necessity of services, quality of services, governance, mandatory reporting, credentialing, and other risk areas identified.
2. Shall not participate in non-compliant behavior concerning Medicaid billings, payments, medical necessity of services, quality of services, governance, mandatory reporting, credentialing, and other risk areas identified.
3. Shall not encourage, direct, facilitate, or punish, either actively or passively, non compliant behavior concerning Medicaid billings, payments, medical necessity of services, quality of services, governance, mandatory reporting, credentialing, and other risk areas identified.

Distribution of Code of Ethics

The Superintendent of the Board of Education of the Kenmore-Town of Tonawanda UFSD shall cause a copy of this code of ethics to be distributed to every officer, administrator, and affected employee within thirty (30) days after the effective date of this resolution. Each office and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment.

Penalties

In addition to any penalty in any other provision of the law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Effective Date: This resolution shall take effect immediately.

18 New York Code of Rules and Regulations  
(NYCRR) Part 521  
Section 363-d Social Services Law

Adopted: 12/8/09

**SUBJECT: MEDICAID GOVERNANCE POLICY**

The Board of Education recognizes its responsibility provide for the governance and oversight of the district's affairs, personnel, and properties. To address these responsibilities, the Board shall establish a strong control environment, issue comprehensive policies, ensure the district operates in accordance with its mission and all legal requirements monitor the district's financial conditions, and ensure the district hires qualified individuals.

The control environment sets the tone of the organization, influencing the control consciousness of its people. The governing board and other management personnel shall set the proper tone for the control environment by establishing and effectively communicating a code of ethics and written policies and procedures, behave in an ethical manner, observe the same rules they expect everyone else to observe, and require the appropriate standard of conduct from everyone in the district. Employees observe how management conducts itself, and that conduct often speaks more fluently the writing policies that management expects employees to follow.

The Kenmore-Town of Tonawanda UFSD, therefore, promulgates:

1. A code of ethics as applies to Medicaid billing, payments, medical necessity and quality of services, mandatory reporting, credentialing and other risk areas that may be identified by due diligence.
2. A staff/governance board training schedule on procedures and compliance issues.
3. A communication process where compliance issues can be reported confidentially.
4. The appointment of a Medicaid compliance officer with the responsibilities articulated.
5. Disciplinary procedures that encourage good faith reporting and sanctions for failure to do so.
6. Definition of administrative responsibilities for fair and firm enforcement of discipline for failure to comply.
7. A system for routine identification of compliance risk areas.
8. A system for responding to, investigating, correcting, reporting and developing policies that discourage non-compliance issues or activit9es.

It is the board's policy to fairly and firmly enforce the disciplinary policies pertaining to Medicaid non-compliance.

2009 56202  
Non-Instructional/Business  
Operations

**SUBJECT: MEDICAID CODE NON INTIMIDATION AND NON RETALIATION POLICY**

The Board of Education prohibits any retaliatory behavior directed against the person or persons who reports a non compliance issue or suspicion in good faith, as well as against any witness who testifies in a non compliance investigation.

This includes, but is not limited to, reporting potential issues, investigating issues, self evaluations, audits and remedial actions and reporting to appropriate officials as provided in section 740 and 741 of the labor law.

18 New York Code of Rules and Regulations  
(NYCRR) Part 521  
Section 363-d Social Services Law

Adopted: 12/8/09

2007

5710

Non-Instruction/Business Operations

**SUBJECT: TRANSPORTATION PROGRAM**

It is the intent of the Board of Education to comply with the letter and spirit of the New York State Education Law; with the regulations of the Department of Motor Vehicles and of the Department of Transportation and with the Commissioner of Education's regulations and decisions pertinent to student transportation, and these shall govern any questions not covered by specific declaration of policy herein.

The purposes of the transportation program are to transport student to and from school, to transport them for extracurricular activities, to transport them on field trips, and to transport those requiring special services.

The Board of Education recognizes and assumes the responsibility of all aspects of the transportation of children wherein the health and safety of students are involved, for the Board of Education has a legal obligation to safeguard the welfare of bus-riding children. ***This implies that the Board is responsible for the safety of children from the time the student boards the bus at the authorized pick up point to the school the student legally attends and returns to the authorized drop off point and further implies that in no way shall education suffer as a result of transportation or lack of it.***

ADOPTED: 01/09/07

**Non-Instructional/Business Operations****SUBJECT: SCHEDULING AND ROUTING**

Bus routes are authorized by the Board of Education. In establishing bus routes, the Board shall impose such reasonable limits on spacing and frequency of stops as to:

- a) Promote economy of operation;
- b) Make it possible for all buses to meet their time schedules;
- c) Promote student safety.

*All assigned stops are at corner locations and any alternate location must be approved by the Supervisor of Transportation. Students will be expected to walk a reasonable distance to the bus stop.*

Education Law Sections 3621 and 3635

ADOPTED: 7/3/2012

**Non-Instructional/Business Operations****SUBJECT: TRANSPORTATION OF STUDENTS****TRANSPORTATION SERVICES**

The Board of Education shall provide School District Transportation to meet the needs of the students of the District within specified limits and areas established by the Board of Education. Only those students meeting the establish criteria are eligible for transportation.

**REQUESTS FOR TRANSPORTATION TO AND FROM NON-PUBLIC SCHOOLS**

The parent or guardian of a parochial or private school child residing in the School District who desires that the child be transported to a parochial or private school outside of the School District during the next school year should submit a written request to the Board of Education no later than April 1<sup>st</sup> of the preceding year, or within thirty (30) days of moving into the District. No late request of a parent or guardian shall be denied where a reasonable explanation is provided for the delay. ***The district will determine if transportation to out of district private schools will be by district owned vehicles, public transportation, or contracted transportation.***

**TRANSPORTATION OF STUDENTS WITH DISABILITIES**

Students with disabilities in the District shall be transported up to fifty (50) miles (one way) from their home to the appropriate special service or program, unless the Commissioner certifies that no appropriate non-residential special service or program is available within fifty (50) miles. The Commissioner may then establish transportation arrangements.

**TRANSPORTATION OF NON-RESIDENT STUDENTS**

The District shall not extend its bus routes outside of the District to pick-up non-resident students; nor will the District transport non-resident students to locations within our District.

**TRANSPORTATION TO SCHOOL SPONSORED EVENTS**

Annually, the Board of Education may provide sufficient funds to provide bus transportation for educational trips, extracurricular activities and interscholastic sports as determined by the Superintendent of Schools to be reasonable for the educational purposes of the School District and within budgetary limitations.

If the District provides transportation for student athletes participating in interscholastic competition and students attending District sponsored educational field trips, students will not be authorized to use any other means of transportation when participating in these events, unless the principal or his/her designee authorized such alternate transportation. The principal shall require written application prior to approval. As an exception to this policy, a coach may release a student to the

(Continued)

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Non-Instructional/Business Operations

**SUBJECT: TRANSPORTATION OF STUDENTS (CONT'D)**

parent/guardian for transportation from an interscholastic event upon the receipt of a written request from the parent/guardian.

**STUDENT SPECTATORS USING SCHOOL-OWNED BUSES**

The Board of Education approves the use of School District buses to transport student spectators to school approved activities and events off School District property. The cost for this transportation will be funded through donations from the various student organizations within the District. The donations will equal or exceed the costs to the District as determined by the established rates at the time of use.

The buses will be provided only to students of the particular school involved and it will be the responsibility of that school's administration to provide appropriate supervision.

ADOPTED: 01/09/07



2000

5740

Non-Instructional/Business  
Operations

**SUBJECT: USE OF BUSES BY COMMUNITY GROUPS**

Upon formal application to and approval by the Board of Education buses may be rented to a municipal corporation; to any senior citizen center recognized and funded by the Office for the Aging; to any not-for-profit organization serving those with disabilities; or, to any not-for-profit organization which provides recreational, youth services or neighborhood recreation centers. Such rentals can be made only for times when vehicles are not needed for student transport and must be made for a fee acceptable to the Board.

Education Law Section 1501-b

Adopted: 7/10/00

2000

5750

Non-Instructional/Business  
Operations

**SUBJECT: SCHOOL BUS SAFETY PROGRAM**

The safe transportation of students to and from school is of primary concern in the administration of the school bus program. All state laws and regulations pertaining to the safe use of school buses shall be observed by drivers, students and school personnel.

To assure the safety and security of students boarding or exiting school buses on school property, it shall be unlawful for a driver of a vehicle to pass a stopped school bus when the red bus signal is in operation.

The Transportation Supervisor, in cooperation with the principals, has the responsibility of developing and publishing safety rules to be followed by drivers and passengers, including rules of student conduct. In order to ensure maximum safety to those riding school buses, it is necessary that students and drivers cooperate in this effort. Drivers are responsible for maintaining discipline on the school buses and the Transportation Supervisor and the principals will work with drivers and students to enforce a progressive discipline program. There is no substitute for training to develop safe habits in pedestrian and vehicular traffic.

All buses and other vehicles owned and operated by the School District will be serviced regularly and follow a comprehensive preventative maintenance program, which includes scheduled safety inspections. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

The Board recognizes the importance of long-range planning in the area of transportation. The Board further commits itself to establishing a bus replacement plan that will allow the District to project anticipated needs, yet be flexible enough to adapt if student enrollment changes. The Board will annually review the bus replacement plan.

Every bus driver is required to report promptly any school bus accident involving death, injury, or property damage. All accidents, regardless of damage involved, must be reported at once to the Transportation Supervisor.

Education Law Section 3623  
8 New York Code of Rules and Regulations  
(NYCRR) Section 156.3  
Vehicle and Traffic Law  
Section 1174, subdivisions a and b

Adopted: 7/10/00

**SUBJECT: QUALIFICATIONS OF BUS DRIVERS**

A person shall be qualified to operate a bus only if such person:

- a) Is at least twenty-one (21) years of age;
- b) Has been issued a currently valid driver's license or permit which is valid for the operation of a bus in New York State;
- c) Has passed the bus driver physical examination administered pursuant to Commissioner's Regulations;
- d) Is not disqualified to drive a motor vehicle;
- e) Has on file at least three character references;
- f) Has completed, or is scheduled to complete, State Education Department safety programs as required by law;
- g) Has taken and passed a physical performance test at least once every two (2) years and/or following an absence from service of sixty (60) or more consecutive days from his/her scheduled work duties; and,
- h) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements and drug and alcohol testing mandates.

**Special Requirements For New Bus Drivers**

Before employing a new bus driver, the Superintendent or his/her designee shall:

- a) Require such person to pass a physical examination within four (4) weeks prior to the beginning of service;
- b) Make an inquiry to the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three years;
- c) Investigate the person's employment record during the preceding three years;
- d) Request the department of Motor Vehicles to initiate a criminal history check;

(Continued)

2000

5760  
2 of 2

Non-Instructional/Business  
Operations

**SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)**

- e) Require such person to submit to the mandated finger-printing procedure.

Section 509 Article 19-A of the  
Vehicle and Traffic Law  
Part 6 of the Rules and Regulations of the  
Commissioner of Motor Vehicles  
8 New York Code of Rules and Regulations  
(NYCRR) Section 156.3

NOTE: Refer also to Policy #5761 -- Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees.

Adopted: 7/10/00

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND  
OTHER SAFETY-SENSITIVE EMPLOYEES**

In accordance with federal regulations, employees in safety-sensitive positions as defined in regulations, including school bus drivers who are required to have and use a commercial drivers license (CDL), are now subject to random testing for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). The District shall adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for such employees in safety-sensitive positions.

The District shall either establish and manage its own program, by contract, or through a consortium for the provision of alcohol and drug testing of employees in safety-sensitive positions. Safety-sensitive employees (SSE), including school bus drivers who drive a vehicle which is designed to transport 16 or more passengers (including the driver), shall be subject to this requirement.

Federal regulations require that the District test school bus drivers and other SSEs for alcohol and drugs at the following times:

- a) Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. Such pre-employment testing will also be required when employees transfer to a safety-sensitive position.
- b) Safety-sensitive employees are also subject to a random drug and/or alcohol test on an unannounced basis just before, during or just after performance of safety-sensitive functions.
- c) In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol.
- d) There will also be post accident testing conducted after accidents on employees whose performance could have contributed to the accidents.
- e) Finally, return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol and/or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return-to-duty.

All employee drug and alcohol testing will be kept confidential and shall only be revealed without the driver's consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer and any other individual designated by law.

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND  
OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

The following alcohol and controlled substance-related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles and other SSEs:

- a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- b) Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
- c) Using alcohol while performing safety-sensitive functions.
- d) Using alcohol 4 hours or less before duty.
- e) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
- f) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.
- g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.
- h) Reporting for duty, remaining on duty or performing a safety-sensitive function, if the SSE tests positive for controlled substances.

Drivers and other SSEs who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties pursuant to District policy and collective bargaining agreements, as well as the sanctions provided for in federal law. SSEs who have engaged in such prohibited behavior shall not be allowed to perform safety-sensitive functions until they are:

- a) Evaluated by a substance abuse professional (SAP).

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND  
OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

- b) Complete any requirements for rehabilitation as set by the District and the SAP.
- c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.
- d) The SSE shall also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be as directed by the SAP, and consist of at least 6 tests in the first 12 months.

The Superintendent of Schools shall ensure that each SSE receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or his/her designee shall ensure that a copy of these materials is distributed to each SSE, who shall sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any safety-sensitive employees. Representatives of applicable collective bargaining units shall be notified of the availability of this information.

The Superintendent or his/her designee shall arrange for training of all supervisors who may be utilized to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use/abuse.

Any violation of this policy, administration regulations and/or procedures, and applicable federal and state laws by a covered employee shall be grounds for disciplinary action including, but not limited to, fines, suspension, and/or discharge in a manner consistent with District policy, collective bargaining agreements and applicable law.

The Superintendent or his/her designee shall establish regulations necessary to implement this policy.

Omnibus Transportation Employee Testing Act of  
1991 (P.L. 102-143)  
49 United States Code (USC) Section 521(b)  
49 Code of Federal Regulations (CFR)  
Parts 40, 382, 391, 392 and 395

Adopted: 7/10/00

2009

5770

**Non-Instructional/Business  
Operations**

**SUBJECT: IDLING SCHOOL BUSES ON SCHOOL GROUNDS**

The Board of Education recognizes the need to promote the health and safety of District students and staff and to protect the environment from harmful emissions found in bus and vehicle exhaust. In accordance with Education Law and Commissioner's Regulations, the District will minimize, to the extent practicable, the idling of all school buses and other vehicles owned or leased by the District while such bus or vehicle is parked or standing on school grounds or in the front of any school. This policy also applies to contractor owned and operated school buses under contract with the District.

The District shall ensure that each driver of a school bus or other vehicle owned, leased or contracted for by the District turn off the engine of the bus or vehicle while waiting for passengers to load or off load on school grounds, or while such vehicle is parked or standing on school grounds or in front of or adjacent to any school.

**Exceptions**

Unless otherwise required by State or local law, the idling of a school bus or vehicle engine may be permitted to the extent necessary to achieve the following purposes:

- a) For mechanical work; or
- b) To maintain an appropriate temperature for passenger comfort; or
- c) In emergency evacuations where necessary to operate wheelchair lifts.

**Private Vendor Transportation Contracts**

All contracts for pupil transportation services between the School District and a private vendor that are entered into on or after August 21, 2008, shall include a provision requiring such vendor's compliance with the provisions of reducing idling in accordance with Commissioner's Regulations Section 156.3(h).

Education Law Section 3637  
Vehicle and Traffic Law Section 142  
8 New York Code of Rules and Regulations (NYCRR) Section  
156.3(h)

Adopted: 1/13/09



2012 6000

Personnel

**Kenmore-Town of Tonawanda Union Free School District**

**PERSONNEL**

**(Section 6000)**

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## Personnel

**SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL**

Section 1. Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Education of the Kenmore-Town of Tonawanda Union Free School District recognizes that there are rules of ethical conduct for members of the Board and employees of the District that must be observed if a high degree of moral conduct is to be obtained in our unit of local government. It is the purpose of this resolution to promulgate these rules of ethical conduct for the Board members and employees of the District. These rules shall serve as a guide for official conduct of the Board members and employees of the District. The rules of ethical conduct of this resolution, as adopted, shall not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of Board members and employees.

Section 2. Standards of Conduct. Every Board member or employee of the Kenmore-Town of Tonawanda Union Free School District shall be subject to and abide by the following standards of conduct:

(a) Gifts. Pursuant to Section 805-a of the General Municipal Law, he/she shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence him/her in the performance of official duties or was intended as a reward for any official action on his/her part.

(b) Confidential Information. He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.

(c) Representation before one's own agency. He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.

(d) Representation before any agency for a contingent fee. He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.

(Continued)

## Personnel

**SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL (Cont'd.)**

(e) Disclosure of interest in resolution. To the extent that he/she knows thereof, a member of the Board of Education or employee of the Kenmore-Town of Tonawanda Union Free School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Education on any resolution before the Board of Education shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such resolution.

(f) Investments in conflict with official duties. He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his/her official duties.

(g) Private employment. He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

(h) Future employment. He/she shall not, after the termination of service or employment with the School District, appear before any board or agency of the Kenmore-Town of Tonawanda Union Free School District in relation to any case, proceeding, or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

Section 3. Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Board member or employee of any claim, account, demand or suit against the Kenmore-Town of Tonawanda Union Free School District, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Section 4. Distribution/Posting of Code of Ethics. The Superintendent of the Kenmore-Town of Tonawanda Union Free School District shall cause a copy of this code of ethics to be distributed to every Board member and employee of the School District within thirty (30) days after the effective date of this resolution. Each Board member and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The Superintendent shall also cause a copy of Article 18 of the General Municipal Law to be kept posted in each building in the District in a place conspicuous to its Board members and employees. Failure to distribute any such copy of this code of ethics or failure of any Board member or employee to receive such copy, as well as failure to post any such copy of General Municipal Law, Article 18, shall have no effect on the duty of compliance with such code or Article 18, nor with the enforcement of provisions thereof.

(Continued)

2000

6110  
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Personnel

**SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL (Cont'd.)**

Section 5. Penalties. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Section 6. Effective Date. This resolution shall take effect immediately.

General Municipal Law, Article 18

NOTE: Refer also to Policy #1340 -- Principles of Conduct for School Board Members.

Adopted: 7/10/00

Personnel

**SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)**

The Board of Education requires that all School District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District up to and including termination of employment.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; personal communication with a student unrelated to course work, official school matters or concerns regarding a student's safety and welfare; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. (Personal communication with a student unrelated to course work, official school matters or concerns regarding a student's safety and welfare means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, e-mail, blogging, 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.

## Personnel

**SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)**

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, child abuse in an educational setting) must also follow the District's reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to his/her Building Principal or Supervisor.

The District shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

**Prohibition of Retaliation**

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

**District Responsibility/Training**

The Principal of each school and/or program supervisor shall be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students shall be provided such training in an age appropriate manner.

The District's policy (or a summary thereof) shall be disseminated as appropriate to staff, students and parents. Further, this topic shall be addressed in the District Code of Conduct.

**Disciplinary Sanctions**

Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.



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Personnel

**SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)**

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.  
Education Law Article 23-B  
Social Services Law Sections 411-428  
8 New York Code of Rules and Regulations (NYCRR) Part 83

Adoption Date: 3/9/10

## Personnel

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of this District to provide, through a positive and effective program, equal opportunities for employment, retention and advancement of all people regardless of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, veteran status, military status, or disability.

Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.

The term "military status" means a person's participation in the military service of the United States or the military service of the state, including but not limited to, the armed forces of the United States, the army national guard, the air national guard, the New York naval militia, the New York Guard, and such additional forces as may be created by the federal or state government as authorized by law.

Provisions will be provided for the publication and dissemination, internally and externally, of this policy to ensure its availability to interested citizens and groups.

Additionally, administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination. Those intending to file a grievance due to alleged discrimination must follow the grievance procedure as established by the District.

Age Discrimination in Employment Act,  
29 United States Code (U.S.C.) Section 621

Americans With Disabilities Act,  
42 United States Code (U.S.C.) Section 12101 et seq.  
Prohibits discrimination on the basis of disability.

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

Title VI of the Civil Rights Act of 1964,  
42 United States Code (U.S.C.) Section 2000-d, et seq.  
Prohibits discrimination on the basis of race, color or  
national origin.

(Continued)

2003

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Personnel

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY**

Title VII of the Civil Rights Act of 1964  
42 United States Code (U.S.C.) Section 2000-e et seq.  
Prohibits discrimination on the basis of race, color,  
religion, sex or national origin.

Title IX of the Education Amendments of 1972,  
20 United States Code (U.S.C.) section 1681 et seq.  
Prohibits discrimination on the basis of sex.

New York State Civil Rights Law Section 40-c  
Prohibits discrimination on the basis of race, creed,  
Color, national origin, sex, sexual orientation, marital  
Status or disability.

New York State Executive Law Section 290 et seq  
Prohibits discrimination on the basis of age, race, creed,  
Color, national origin, sex, sexual orientation,  
disability,  
Military status, or marital status.

New York State Military Law Sections 242 and 243

Adopted: 10/14/03

2004

6121

Personnel

**SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL**

Refer to Section #3190, Anti-Harassment in the School District.

Adopted: 06/14/04

**SUBJECT: EVALUATION OF PERSONNEL**

The Base School District is committed to supporting the development of effective teachers and administrators. To this end, the District shall provide procedures for the evaluation of all professional staff. District plans for Annual Professional Performance Review (APPR) of teachers and Principals shall be developed in accordance with applicable laws, Commissioner's Regulations, and Rules of the Board of Regents.

The primary purposes of these evaluations are:

- a) To encourage and promote improved performance;
- b) To guide professional development efforts; and
- c) To provide a basis for evaluative judgments by applicable school officials.

**APPR Ratings**

For those teachers and Principals subject to Education Law 3012-c, the Annual Professional Performance Review (APPR) will result in a single composite effectiveness score and final quality rating of "highly effective," "effective," "developing," or "ineffective." The composite score will be determined as follows:

- a) 20% - student growth on state assessments or other comparable measures of student growth (increases to 25% upon implementation of a value-added growth model);
- b) 20% - locally selected measures of student growth or achievement that are determined to be rigorous and comparable across classrooms as defined by the Commissioner (decreases to 15% upon implementation of a value-added growth model); and
- c) 60% - other measures of teacher/Principal effectiveness consistent with standards prescribed by the Commissioner in regulation.

The ratings scale based on composite scores has been established as follows:

- a) Highly Effective = composite effectiveness score of 91-100
- b) Effective = composite effectiveness score of 75-90
- c) Developing = composite effectiveness score of 65-74
- d) Ineffective = composite effectiveness score of 0-64

## Personnel

**SUBJECT: EVALUATION OF PERSONNEL (Cont'd.)**

If a teacher or Principal is rated "developing" or "ineffective," the School District will develop and implement a teacher or Principal improvement plan (TIP or PIP). Tenured teachers and Principals with a pattern of ineffective teaching or performance, defined as two consecutive annual "ineffective" ratings, may be charged with incompetence and considered for termination through an expedited hearing process.

The School District will ensure that all evaluators are appropriately trained consistent with standards prescribed by the Commissioner and that an appeals procedure is locally developed.

**Disclosure of APPR Data**

Consistent with Chapter 68 of the Laws of 2012, which amends Education Law 3012-c, the Commissioner is required to disclose professional performance review data for teachers and Principals on the New York State Education Department (NYSED) website and in any other manner to make such data widely available to the public. However, the release of such aggregate data may not include personally identifiable information for any teacher or Principal. Such public disclosure of final quality ratings and composite effectiveness scores will be suitable for research, analysis and comparison of APPR data for teachers and Principals across the state.

Upon request, the District will release to parents/legal guardians the final quality ratings and composite effectiveness scores for teachers and Principals to which their student is currently assigned. The District's obligation to disclose this information is limited to those teachers and Building Principals subject to Education Law 3012-c. The District will provide conspicuous notice to parents/legal guardians of their right to obtain such information and the methods by which the data can be obtained. Upon request, parents will receive an oral or written explanation of the composite effectiveness scoring ranges for final quality ratings and be offered the opportunity to understand such scores in the context of teacher evaluation and student performance. When a request for this information is received, reasonable efforts will be made to verify that it is a bona fide request by a parent/legal guardian entitled to review the data.

Annual professional performance reviews of individual teachers and Principals shall not be subject to disclosure under the Freedom of Information Law (FOIL).

Education Law Section 3012-c  
Public Officers Law Sections 87 and 89  
8 NYCRR Sections 30-2 and 100.2(o)~~(2)~~

Adoption Date: 9/30/2013

2000

6140

Personnel

**SUBJECT: HEALTH EXAMINATIONS**

All teachers initially appointed to probationary positions shall obtain a physical examination. When such examination is made by the school physician the cost of such examination shall be borne by the District. A teacher, however, may elect to have a health examination at his/her own expense by a physician of his/her own choice.

The Board delegates the right to request a health examination at any time during employment, at School District expense, in order to determine the physical and mental capacity of an employee to perform his/her duties.

Support staff personnel initially appointed to positions may be requested to obtain physical examinations at the expense of the School District. The physical examination is to be obtained from the school physician.

All bus drivers and substitute bus drivers shall have yearly physical examinations. Each bus driver initially employed by the School District shall have a physical examination within the four (4) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a twelve (12) month period.

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician and the Superintendent, such procedure is deemed necessary.

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician shall take precedence over all other medical advice.

Education Law Section 913  
Bus Drivers: 8 New York Code of Rules and  
Regulations Section 156.3(2)  
Rules and Regulations of the Commissioner of  
Motor Vehicles Section 5.09-b  
Cafeteria Workers: State Sanitary Code

Adopted: 7/10/00

# POLICY

2015

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Personnel

## **SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)**

The Board of Education, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

The Board, therefore, prohibits the consumption, sharing and/or selling, use and/or possession of illegal drugs, counterfeit and designer drugs or alcoholic beverages in the workplace, or when the effects of such drugs and/or alcohol use may impair an employee's job performance or be in evidence to students, colleagues, parents, or others.

The range of District responses and/or District imposed penalties for violations of these prohibitions may include required counseling and/or other forms of rehabilitation, or such penalties as reprimand, suspension, or termination, subject to the provisions of law and collective bargaining agreements. Responses will be considered on a case-by-case basis.

Information about any drug and alcohol counseling and/or rehabilitation programs shall be made available to employees.

Confidentiality shall be ensured as required by state and federal law.

The Superintendent/designee shall periodically review the drug and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Safe and Drug-Free Schools and Communities Act, as reauthorized by the No Child Left Behind Act of 2001  
20 USC Section 7101 et seq.  
Civil Service Law Section 75  
Education Law Sections 913, 1711(2)(e), 2508(5) and 3020-a

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#6530 -- Employee Assistance Program (EAP)  
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)  
*District Code of Conduct on School Property*

Adoption Date: 7/7/15



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Personnel

**SUBJECT: DRUG-FREE WORKPLACE**

It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) 1308.11-1308.15. An acknowledgment form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

The Board of Education directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

In addition to complying with Federal legislation regarding the use of drugs, the Board of Education prohibits any employee acting within the scope of his/her employment from being under the influence, using or having in his or her possession or distributing in any way alcohol on school property or at school sponsored activities off school property.

Drug-Free Workplace Act  
20 United States Code (U.S.C.) Section 3171

Adopted: 7/10/00

Personnel

**SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT PROGRAMS &  
BOARD MEMBER TRAVEL**

It is the policy of the District that attention be given to in-service, pre-service, and other staff development programs which are beneficial to the School District and its students. The Superintendent, in consultation with the appropriate administrative staff and the Staff Development Center or teacher committees, is directed to arrange in-service programs and other staff development opportunities which will provide for the selection of subjects pertinent to the curriculum in the schools, to build from these subjects those topics or courses for in-service or staff development which will help employees acquire new methods of performing their job responsibilities or help staff improve on those techniques which are already being used in the schools, with the object of improving professional competencies.

It is required that administration shall develop meaningful in-service and/or staff development programs which will address the following:

- a) Improve the instructional program of the schools;
- b) Improve student achievement;
- c) Achieve state mandates;
- d) Enhance the professional competencies and/or instructional abilities of staff members.

The Board of Education, therefore, encourages all employees to improve their competencies beyond that which they may obtain through the regular performance of their assigned duties. Opportunities should be provided for:

- a) Orientation/re-orientation of staff members to program and/or organizational changes as well as District expectations.
- b) Planned in-service programs, courses, seminars, and workshops offered both inside and outside the District.
- c) Visits to other classrooms and schools, as well as attendance at professional meetings, for the purpose of improving instruction and/or educational services.

Attendance at such professional development programs must be directly linked to the duties and responsibilities comprising the job description of the employee. Consequently, employees are encouraged to participate in the planning of staff development programs designed to meet their specific needs.

2011

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Personnel

**SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT PROGRAMS & BOARD MEMBER TRAVEL**

Members of the staff are also encouraged to continue their formal education as well as to attend their respective work-related workshops, conferences and meetings.

Funds for participating at such conferences, conventions, and other similar professional development programs will be budgeted for by the Board of Education on an annual basis. Reimbursement to District staff for all actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established regulations for conference attendance and expense reimbursement.

The Superintendent of Schools or his/her designee has authority to approve release time and expenses for staff members' attendance at professional training conferences, study councils, in-service courses, workshops, summer study grants, school visitations, professional organizations and the like within budgetary constraints.

A conference request form/course approval form must be submitted by the employee and approved by the designated administrator prior to the employee's attendance at such conference or other professional development program.

**Conferences and Visitations**

The Board of Education recommends and supports the attendance of School District staff at conferences and/or visitations for the purposes of improving instruction, acquiring information and skills related to their responsibilities or for activities which are consistent with District, building or department goals. Requests shall be reviewed by the principal and the Assistant Superintendent for Curriculum or appropriate supervisor(s) to determine if attendance at the conference/visitation will satisfy the requirements of this policy. Prior approval by the principal and the Assistant Superintendent for Curriculum or appropriate supervisor(s) is required. Those attending conferences shall share the information gained at the building or district level as appropriate.

**Board Member Travel & Conference Expenses**

Board members who incur expenses in carrying out their authorized duties shall be reimbursed upon submission of a voucher. Specific instructions can be found in 6160R, Professional Development and Conference Attendance / Expense Reimbursement.

Education Law Section 1604(27)  
General Municipal Law Section 77-b and 77-c

Adopted: 2/8/11

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Personnel

**SUBJECT: STAFF INVOLVEMENT IN DECISION-MAKING**

The Board of Education believes that District employees should meaningfully participate in the decision-making process regarding the operation of the schools.

The process of decision-making in the School District is enhanced by opinions and suggestions from District employees. While it is recognized that the Board of Education is the final decision-making authority, the Board respects the judgment of District employees and will consider employee recommendations prior to reaching decisions.

Adopted:

7/10/00

Personnel

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES**

Unless otherwise authorized in accordance with law and regulation, the District shall not employ or utilize a prospective school employee, as defined below, unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The School District shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. For purposes of this provision of law, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI).

Prior to initiating the fingerprinting process, the District shall furnish the applicant with written notice on a form prepared by the Commissioner of Education addressing the fingerprinting requirements and the applicant's right to obtain, review and seek correction of his/her criminal history information. Additionally, where the prospective school employee is not already in the SED criminal history file, the District shall obtain the signed, informed consent of the applicant to perform the criminal history check. Every set of fingerprints taken shall be promptly submitted to the Commissioner of Education for purposes of clearance for employment.

Where the prospective school employee is already in the SED criminal history file, the District shall request the clearance for employment on forms or an equivalent manner prescribed by SED. Furthermore, the District shall notify SED, in a manner prescribed by the Department, of a prospective school employee who has commenced employment with or began providing services for the District, the date of the commencement of such employment or service, and the position held by such individual. Similarly, the District shall notify SED, in a manner prescribed by the Department, of a fingerprinted employee who has been separated from employment with the District or ceased providing services for the School District and the date of such separation from employment or cessation of services. All criminal history records processed by DCJS and the FBI and sent to the Commissioner of Education are confidential. The records may not be published or in any way disclosed to persons other than the Commissioner unless otherwise authorized by law.

Unless otherwise exempted pursuant to law, the applicant shall be responsible for the payment of fees to SED for a criminal history record check. However, if approved by Board resolution, the District may authorize the payment of such fees on behalf of prospective employees. The Board is also authorized to waive the payment of such fees in cases of unreasonable financial hardship to the applicant or his/her family. If the Board decides to waive payment of the fees for the prospective employee, payment of the fees becomes the District's responsibility.

(Continued)

Personnel

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES**

**Who Must Be Fingerprinted**

All “prospective employees” of the School District must be fingerprinted. For purposes of this policy and the applicable provisions in law and Commissioner’s Regulations, “prospective school employee” shall mean any individual who will reasonably be expected by the School District to provide services which involve direct contact, meaning in person, face-to-face communication or interaction, with students under the age of twenty-one (21) and who is either:

- a) Seeking a compensated position with the District and is not currently employed by the District or a student enrolled in the instructional program of a grade level in the School District; or
- b) An employee of a provider of contracted services to the School District who is to be placed within the District; or
- c) A worker who is to be placed within the District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law, directly or through contract.

**Individuals Who Are Specifically Excluded**

Individuals excluded from a criminal history record check/fingerprinting pursuant to this provision of law and regulation are those individuals who:

- a) Are seeking a position as a school bus driver or school bus attendant and are cleared for employment pursuant to the Vehicle and Traffic Law; or
- b) Have provided services to the District in the previous school year either in a compensated position, or as an employee of a provider of contracted services to the District, or as a worker placed within the School District under a public assistance employment program pursuant to Title 9-B or Article 5 of the Social Services Law directly or through contract; or
- c) Will reasonably be expected by the School District to provide services for the District on no more than five (5) days in the school year in which services are to be performed, provided that the District provides in-person supervision of such individual by one or more employees of the District while that individual is providing such services. Individuals providing such time-limited and supervised services may include but shall not be limited to artists, guest lecturers and speakers, and sports officials.

(Continues

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES**

Any prospective employee who previously has been fingerprinted in order to obtain certification, and whose fingerprints remain on file with the Division of Criminal Justice Services (DCJS), will not be required to be fingerprinted again for purposes of a criminal history record check.

**Removal from the SED Criminal History File**

Where individuals have been separated from employment at the School District and have not become employed in this District or another school district, BOCES or charter school within twelve (12) months of such separation, SED shall notify DCJS of such separation for the purpose of destroying the fingerprints of that individual. Further, upon request of such individual, SED shall notify DCJS prior to the expiration of such twelve-month period for the purpose of destroying his/her fingerprints. Such individuals shall be removed from the SED criminal history file.

**Conditional Appointments/Emergency Conditional Appointments**

Conditional Appointments

Upon the recommendation of the Superintendent of Schools, the Board of Education may conditionally appoint a prospective employee. A request for conditional clearance shall be forwarded to the Commissioner of Education along with the prospective employee's fingerprints as mandated pursuant to law. Such conditional appointment shall not commence until notification by the Commissioner that the prospective employee has been conditionally cleared for employment, and such conditional employment shall terminate when the School District is notified of the determination by the Commissioner to grant or deny full clearance; however, if full clearance is granted, the appointment shall continue and the conditional status shall be removed.

Prior to commencement of such conditional appointment, the District must obtain a signed statement for conditional employment from the prospective employee indicating whether, to the best of his/her knowledge, the prospective employee has a pending criminal charge or criminal conviction in any jurisdiction outside the state.

Emergency Conditional Appointments

Upon the recommendation of the Superintendent of Schools, the Board may make an emergency conditional appointment when an unforeseen emergency vacancy has occurred. When such an appointment is made, the process for conditional appointment as enumerated above must also be initiated.

(Continued)

Personnel

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES**

Emergency conditional appointment may commence prior to notification from the Commissioner of Education on conditional clearance but shall terminate twenty (20) business days from the date such appointment commences or when the District is notified by the Commissioner that conditional clearance is either granted or denied, whichever occurs earlier; however, if conditional clearance is granted, the appointment shall continue as a conditional appointment.

Prior to the commencement of such appointment, the District must obtain a signed statement for emergency conditional appointment from the prospective employee indicating whether, to the best of his/her knowledge, the prospective employee has a pending criminal charge or criminal conviction in any jurisdiction.

An unforeseen emergency shall be defined as:

- a) A vacancy that occurred less than ten (10) business days before the start of any school session including summer school, or during any school session, including summer school, without sufficient notice to allow for clearance or conditional clearance (however, this provision shall not apply if the Board of Education finds that the School District has been unable to fill the vacancy despite good faith efforts to fill the vacancy in a manner that would have allowed sufficient time for full clearance or conditional clearance); and
- b) When no other qualified person is available to fill the vacancy temporarily; and
- c) When the emergency conditional appointment is necessary to maintain services which the District is legally required to provide or services necessary to protect the health, education or safety of students or staff.

**Safety of Students**

The District will develop internal building and/or program procedures to help ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. Such procedures will address the safety of students in the classroom, students attending off-campus activities under the supervision of the School District, and students participating in extracurricular and/or co-curricular activities (including sports and athletic activities).

- a) Human Resources Department will notify the immediate supervisor that a new employee has conditional or emergency fingerprint clearance.

(Continued)



Personnel

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES**

- b) The supervisor will meet with the employee to review safety considerations and expectations and expectations for any contact such staff member will have with students. These will include:
  - 1. Teaching with door open.
  - 2. Unannounced drop in visits by the supervisor.
  - 3. Procedures deemed appropriate by the supervisor.
- c) The Human Resources department will promptly notify the immediate supervisor of any changes in the employee's appointment, including receipt of the clearance for employment.

Education Law Sections 305(30), 1604,  
1709, 1804, 1950, 2503, 2554, 2854,  
3004-b and 3004-c, and 3035

Correction Law Article 23-A

Executive Law Section 296(16)

Social Services Law Article 5, Title 9-B

8 New York Code of Rules and  
Regulations (NYCRR) Section 80-1.11  
and Part 87

**SUBJECT: SAFE MENTORING ACT**

In accordance with the Safe Mentoring Act, to ensure the safety of students involved in the District's mentoring program, the District will obtain a criminal history record check from the Division of Criminal Justice Services (DCJS) for each prospective employee as well as prospective volunteer mentors who are involved in any District mentoring program and who may engage in unsupervised activities with youth or in activities with youth in a setting without constant District or parental/guardian oversight.

**Definitions**

- a) "Prospective employee" shall mean a person being considered for employment by a mentoring program.
- b) "Prospective mentor" shall mean an individual who is currently applying to volunteer to help a child or a group of children in a mentoring program for a period of time. Such help shall include, but not be limited to, being a positive role model for youth, building relationships with youth, and providing youth with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of children to become responsible adults.
- c) A "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the DCJS and the Federal Bureau of Investigation (FBI).
- d) "Mentoring program" shall mean a formalized program operated by an educational institution or school district that matches youth with adult volunteers with the purpose of providing such youth with positive role models to enhance their development.

**Prospective School Employees**

All prospective school employees (as enumerated pursuant to Commissioner's Regulations, 8 New York Code of Rules and Regulations Section 80-1.11 and Part 87) must already receive clearance from the State Education Department (SED) in accordance with existing procedures. However, all other requirements of the Safe Mentoring Act apply to prospective school employees who are being considered for employment by a mentoring program.

The District shall require that a criminal history record check be conducted for any "prospective employee" not otherwise defined as a "prospective school employee" per Commissioner's Regulations in accordance with Social Services Law Section 390-e and District procedures.

**Prospective Volunteer Mentors**

Volunteers, however, are not "covered" by such regulations, and "prospective mentors" (i.e., defined as applicants for volunteer work in a mentoring role/program) will be subject to the requirements of Social Services Law Section 390-e and District procedures.

(Continued)

**SUBJECT: SAFE MENTORING ACT (Cont'd.)****Fees for Fingerprinting**

Both the DCJS and the FBI impose a processing fee. The fees for the criminal history record search shall be an amount equal to the fees established by DCJS and the FBI for processing the criminal history information request. In addition, the entity that actually takes the fingerprints may impose a fee. The fees shall be payable to OCFS and paid by money order, check or certified check by the District.

Unless otherwise authorized by the Board of Education, the prospective employee and/or prospective volunteer mentor shall pay such fees.

**Waiver by Custodial Parent/Guardian**

A custodial parent/guardian may sign a waiver authorizing a mentor to work with his/her child regardless of a criminal charge or crime related to a mentor, unless the crime is a sex offense or a crime against a child. No waiver is permitted in the case of a sex offense or a crime against a child. This waiver process may only be initiated upon the consent of the prospective mentor, and be on a form developed by the OCFS. Where applicable, the District may notify a custodial parent/guardian of his/her waiver right, but a waiver shall only be authorized by a custodial parent or guardian.

**Confidentiality**

The criminal history record shall be confidential pursuant to applicable federal and state laws, rules and regulations, and shall not be published or in any way disclosed to persons other than authorized personnel, unless otherwise authorized by law.

**Parental Disclosure**

The District will provide each custodial parent/guardian of every child participating in its mentoring program a description of the kind of criminal background checks conducted on prospective employees and prospective volunteer mentors in accordance with law.

Social Services Law Section 390-e  
Correction Law Sections 752 and 755  
Executive Law Section 837(8-a)  
8 New York Code of Rules and Regulations (NYCRR)  
Section 80-1.11 and Part 87

Adopted: 2/13/07

2009 6182  
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Personnel

**SUBJECT: \*POSTING REQUIREMENT OF CORRECTION LAW ARTICLE 23-A**

The District shall post, in a place accessible to employees and in a visually conspicuous manner, a copy of Article 23-A of the Correction Law and any regulations promulgated under that statute. Article 23-A addresses the licensure and employment of persons previously convicted of one or more criminal offenses.

Labor Law Section 201-f

\*We recommend this sample policy be merged as a subheading with another policy in the Personnel Section of your Policy Manual. One suggested policy would be to merge with the policy on Equal Employment Opportunity.

Adopted: April 21, 2009

**Personnel****SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR**

Regulations recently promulgated by the Office of the State Comptroller provide guidance to school districts to help them determine whether an individual is an employee, and therefore eligible for membership in the New York State and Local Retirement System (NYSLRS) and for service credit, or an independent contractor who is not eligible for membership.

A certification of the determination that an individual is an employee will now be required when the School District initially reports to the NYSLRS certain covered professionals -- those persons providing services as an attorney, physician, engineer, architect, accountant or auditor.

Employee shall mean an individual performing services for the School District for which the District has the right to control the means and methods of what work will be done and how the work will be done. Independent contractor shall mean a consultant or other individual engaged to achieve a certain result who is not subject to the direction of the employer as to the means and methods of accomplishing the result.

**Employees to be Reported to NYSLRS**

Only persons who are active members of NYSLRS and who have been assigned a registration number shall be included in the reporting requirements. In the case of employees who are in the process of being registered to membership, all service, salary and deductions data and mandatory contributions shall be accumulated by the District and such accumulation shall be included with the first monthly report which is due after the employee's registration number has been assigned.

An individual serving the District as an independent contractor or consultant is not an employee and should not be reported to the retirement system.

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making such a determination the District must consider the factors enumerated in State Regulations.

The District shall also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS2414) as promulgated by the Office of the New York State Comptroller. As noted on the Certification Form instructions, when making a determination as to an individual's status as an employee or independent contractor, no single factor should be considered to be conclusive of the issue. All factors should be considered in making an assessment of an individual's status when engaged to perform services.

(Continued)

2008

6190  
2 of 2

**Personnel**

**SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR  
INDEPENDENT CONTRACTOR (Cont'd)**

**Written Explanation by District: Certain Professions**

In the case of an individual whose service has been engaged by the School District in the capacity of attorney, physician, engineer, architect, accountant or auditor and the District has determined that the individual is rendering service as an employee and, therefore, may be eligible for credit with a retirement system, the District shall submit to the retirement system, in a form prescribed by the Comptroller and certified by the Chief Fiscal Officer of the District, an explanation of the factors that led to the conclusion that the individual is an employee and not an independent contractor or consultant.

Retirement and Social Security Law Sections 11, 34, 311, and 334  
2 New York Code of Rules and Regulations (NYCRR) Sections 315.2 and 315.3

Adopted: 9/9/08

2000

6210

Personnel

**SUBJECT: CERTIFICATED PERSONNEL**

From time to time the Board of Education may create and appoint personnel to professional positions as outlined hereafter. Such appointments shall be based on criterion objectively related to the best execution of the duties of each job, and shall not be based on considerations of race, religion, age, sex or disability, except as allowed by law. Specifically any test or other criterion given or used by the School District for any such appointment shall not have an adverse effect on persons of a particular sex unless related to a criterion or standard necessary for successful performance of the job. No inquiries as to marital or parental status be made.

Any employee of the District believing he or she has been discriminated against, denied a benefit, or excluded from participation in a School District program or activity related to the District's employment program, may file a written complaint with the Superintendent or designee.

The Board of Education shall, upon the recommendation of the Superintendent, create, abolish, maintain and/or consolidate positions involving certificated persons as necessary for the proper and efficient achievement of its goals.

All assignments and transfers shall be made in accordance with the provisions of law, Board of Education policies, and the employee's negotiated agreement.

8 New York Code of Rules and Regulations  
(NYCRR), Part 30  
Education Law Sections 2510 and 3013

Adopted: 7/10/00

2000

6211

Personnel

**SUBJECT: RECRUITMENT**

The District will attempt to employ the best qualified personnel for any position.

All vacant positions or newly created positions will be posted internally as well as outside the District.

It is the responsibility of the Superintendent and of persons delegated by him/her to determine personnel needs and to locate suitable candidates for employment. The candidate recommended to fill the position shall be the applicant who in the judgment of the interviewing team and the Superintendent, best meets the requirements of the position.

Education Law Section 3012

Adopted: 7/10/00



2000

6212

Personnel

**SUBJECT: QUALIFICATIONS AND APPOINTMENT**

The qualifications for appointment to a professional personnel position in the School District are as follows:

- a) Compliance with the regulations affecting that position as set forth by the Commissioner of Education of the State of New York.
- b) A physical examination administered by a licensed physician.

All candidates for teaching positions in the School District shall apply to the Personnel Office. For each available position, the Superintendent shall recommend for appointment to the Board of Education only those candidates meeting the above qualifications for appointment and shall specify the tenure area or the specific subject area for all appointments of professional personnel. The Superintendent will provide information of incidences of potential conflicts of interest to the Board of Education prior to the meeting at which the personnel action is being considered.

Education Law Section 3001  
8 New York Code of Rules and Regulations  
(NYCRR), Part 80

Adopted: 7/10/00

2000

6213

Personnel

**SUBJECT: CERTIFICATION**

In accordance with applicable statutes, Rules of the Board of Regents, and Regulations of the Commissioner of Education, each employee whose employment requires certification or other licensure shall inform the Superintendent of Schools immediately of any change in the status of his/her certification or licensure. The changes shall include, but not be limited to, the granting, revocation, upgrading, expiration, conversion and/or extension of these documents as to their periods of validity or their titles.

The original certificates and/or licenses must be presented for examination and copying in the Personnel Office as soon as they are available to the employee. The copies will be maintained in a personnel file in support of the legitimate employment of each affected employee. The failure of any such employee to possess the required certification or other licensure may result in the discharge of that employee.

Whether or not the District verifies an individual's certification or licensure does not waive the responsibility of the employee to maintain what is required for his/her assignment.

Education Law Sections 3001, 3001-a, 3004,  
3006, and 3008  
8 New York Code of Rules and Regulations  
(NYCRR), Part 80

Adopted: 7/10/00

2000

6213.1

Personnel

**SUBJECT: INCIDENTAL TEACHING**

The Superintendent may assign a teacher to teach a subject not covered by his/her certification for up to five classroom hours per week, pursuant to the following regulations:

- a) The Superintendent shall make a finding that the teacher being assigned to teach a subject on an incidental basis has sufficient teaching experience and knowledge of the subject matter to teach such subject in a competent manner.
- b) By October 1 of each year the Superintendent shall submit to the Board of Education at a public meeting a list of all teachers assigned to teach on an incidental basis, including the courses they have been assigned to teach and their certification area. In the event an incidental teaching assignment is made after October 1, the Superintendent shall report the assignment to the Board at the next regularly scheduled public Board meeting. The list of incidental teaching assignments for the current school year shall be submitted to the District Superintendent of the Supervisory District.

Parents/guardians shall be informed by letter, issued by the building principal, if their child is affected by an incidental teaching assignment. The notice will include information regarding a process through which parents/guardians may appeal such assignment.

8 New York Code of Rules and Regulations  
(NYCRR) Section 80.2(c)

Adopted: 7/10/00

## Personnel

**SUBJECT: PROBATION AND TENURE****Probation**

Upon the recommendation of the Superintendent of Schools, the Board of Education may appoint probationary teachers as professional personnel. For the period of probationary appointment, each such teacher shall serve at the pleasure of the Board. An evaluation by the teacher mentor and the teacher's administrator will be furnished each probationary teacher at least twice each school year. Each probationary teacher who is not to be recommended for appointment or tenure shall be so notified by the Superintendent in writing no later than sixty (60) days immediately preceding the expiration of the probationary period. At the end of the probationary period the Superintendent shall submit a list of teachers recommended for tenure to the Board of Education and only those teachers so recommended shall be eligible for tenure status.

Probationary teachers may be dismissed from their position by the Board of Education upon the recommendation of the Superintendent, with at least thirty (30) days notice to the employee of such recommendation. Such dismissal shall be effective thirty (30) days after notice of the Board's decision has been served upon probationary teachers. (Refer to Policy #6215 -- Administrator and Teacher: Separation.)

**Tenure**

Tenure status shall be achieved when a teacher has served for the required period of satisfactory teaching as a probationary teacher, received a tenure appointment from the Board of Education upon the recommendation of the Superintendent and has reported for a fourth consecutive year of service in the specific area of his/her probationary appointment. Tenure status may also be achieved after two years of satisfactory teaching as a probationary teacher if said teacher previously attained tenure status in New York State, provided the teacher was not dismissed from the former district as a result of charges brought pursuant to Education Law Section 3020-a(1)..

Tenure is granted for the area of probationary appointment. Any change in the level or area of appointment will require Board approval and will necessitate a new probationary period before tenure can be achieved in the new area or level of appointment.

Tenure areas for teachers of this District shall be defined by rules set by the Board of Regents and the Commissioner of Education.

(Continued)

2000

6214  
2 of 2

Personnel

**SUBJECT: PROBATION AND TENURE (Cont'd.)**

Tenure teachers may be dismissed from their position only for the following causes shown after a hearing based on written charges and allegations:

- a) Insubordination, immoral character or conduct unbecoming a teacher;
- b) Inefficiency, incompetency, neglect of duty, or physical or mental disability such that they are unable to perform the essential functions of the job with or without reasonable accommodations pursuant to law.
- c) Failure to maintain certification as required by law.

Education Law Sections 3012 and 3031

Adopted: 7/10/00

2000

6214.1

Personnel

**SUBJECT: DISCIPLINING OF A TENURED TEACHER, ADMINISTRATOR OR  
CERTIFICATED PERSONNEL**

Tenured teachers, administrators, and certain certificated personnel may be subject to disciplinary charges that are set forth in Section 3012 of the Education Law.

Procedures for a hearing regarding these disciplinary measures will be in accordance with Section 3020-a of the Education Law and/or in accordance with applicable contractual provisions.

Adopted: 7/10/00

2000

6215

Personnel

**SUBJECT: ADMINISTRATOR AND TEACHER: SEPARATION**

A teacher and administrator may be dismissed upon provision of at least sixty (60) days' notice and pay during the probationary period only upon the recommendation of the Superintendent and majority vote of the Board in accordance with the Education Law.

The Board shall expect any teacher or administrator desiring to terminate his/her services to provide the Board with a minimum of thirty (30) days' notice before the effective termination date. When possible, a teacher or administrator shall make every effort to terminate employment at the end of the school year. Resignations must be in writing and include the effective date.

There shall be no termination pay except a per them pay for days worked up to the date of termination if said termination date is between pay periods.

Education Law Sections 3012, 3019-a, and 3031

Adopted: 7/10/00

2000

6216

Personnel

**SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS**

A probationary or permanent appointment of a professional staff member who is related by bloodline or legal process (including marriage) to any member of the Board of Education shall be subject to the consent of two-thirds of the members of the Board of Education to be determined at a Board meeting and to be entered upon the proceedings of the Board.

The Board shall announce such appointment in public session prior to taking action.

Education Law Section 3016  
General Municipal Law Sections 800-809

Adopted: 7/10/00



2010 6220

Personnel

**SUBJECT: TEMPORARY PERSONNEL**

District's needs may sometimes require temporary appointments. The terms of these appointments shall be defined by the Board of Education on a case by case basis.

**Student Teachers**

The Kenmore-Town of Tonawanda Union Free School District shall cooperate with teacher training institutions in the placement of student teachers in order to provide beginning teachers with the best possible student teaching experience.

In order to facilitate the participation of student teachers in the District's schools, the Superintendent or his designee is authorized to approve and assign student teachers to appropriate student teaching assignments within the District.

Student teachers shall be protected from liability for negligence or other acts resulting in accidental injury to any person by the School District, as provided by law.

**Substitute Teachers**

A substitute teacher qualified to teach in the Kenmore-Town of Tonawanda Union Free School District shall be employed, whenever possible, by the Superintendent of Schools in the absence of a regular teacher.

**Professional Intern**

Upon the approval of the Superintendent of Schools/designee, a student legally registered and attending a teacher educational program approved by the Commissioner which includes an internship experience may be permitted to intern in the School District provided the student has a valid internship certificate issued by the Commissioner. Such internship shall in no way involve those financial or other benefits accruing to professional personnel by virtue of their employment.

**Visiting Lecturers**

Persons deemed by the Superintendent to have unusual qualifications may be employed on a temporary basis with approval of the Commissioner of Education. The appointment shall not exceed one year in duration.

**Summer Employees**

Summer employees may be hired by the Board of Education and shall be selected in accordance with policies developed and approved by the Board.

8 New York Code of Rules and Regulations  
(NYCRR) Section 80.36  
Education Law Section 3023

Adopted: 11/9/10

2009

6230

Personnel

**SUBJECT: PROFESSIONAL SERVICES PROVIDERS**

**Determination by Employer**

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making such a determination the District must consider the factors enumerated in Commissioner's Regulations Sections 315.2 and 315.3. An individual serving the District as an independent contractor or consultant is not an employee and should not be reported to the New York State and Local Retirement System (NYSLRS).

**Charging for Professional Services**

A lawyer shall not simultaneously be an independent contractor and an employee of the School District for the purpose of providing legal services to the District.

A lawyer who is not an employee of the School District shall not seek to be or be considered, treated or otherwise reported by the District as an employee thereof for purposes of compensation, remuneration, health insurance, pension and all employment-related benefits and emoluments associated therewith [Education Law Section 2051(2)].

Enforcement

Any person who shall knowingly:

- a) Violate the provisions of Education Law Section 2051(2);
- b) Make a false statement of material fact; or
- c) Falsify or permit to be falsified any record or records of the retirement system in an attempt to defraud the retirement system as a result of such act for the purpose of obtaining a credit towards pension benefits, or a benefit or payment in excess of \$1000 from such retirement system for a professional services provider to which such professional services provider would not be entitled, shall be guilty of a Class E felony.

**Reports Regarding Lawyers**

The District shall, on or before the 45th day after the commencement of its fiscal year, file with the State Education Department, the State Comptroller and the Attorney General a report specifying those requirements enumerated in Education Law Section 2053.

(Continued)

2009

6230

Personnel

**SUBJECT: PROFESSIONAL SERVICES PROVIDERS (Cont'd.)**

**Protection Against Fraud**

Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of the retirement system in any attempt to defraud the system as a result of such act, shall be guilty of a misdemeanor, and shall be punishable under the laws of New York State.

Any violation of applicable law that results in a member or beneficiary of the retirement system receiving a benefit or payment in excess of \$1000 more than he/she would have been entitled to shall be a class E felony. Any violation of applicable law that results in a member or beneficiary of the retirement system receiving a benefit or payment in excess of \$3000 more than he/she would have been entitled to shall be a class D felony.

Education Law Sections 525, 2050-2054

Retirement and Social Security Law Sections 111 and 411

8 New York Code of Rules and Regulations (NYCRR) Sections 315.2 and 315.3

NOTE: Refer also to Policy #6190 -- Determination of Employment Status: Employee or Independent Contractor

Adoption Date: 7/7/09

2000

6310

Personnel

**SUBJECT: CIVIL SERVICE EMPLOYEES**

From time to time, the Board of Education may create and appoint personnel to Civil Service positions or support staff positions as outlined hereafter. Such appointments shall be based on criterion objectively related to the best execution of the duties of each job, and shall not be based on considerations of race, religion, age, sex or disability, except as allowed by law. Specifically, any test or other criterion given or used by the School District for any such appointment shall not have an adverse effect on persons of a particular sex, unless related to a criterion or standard necessary for the successful performance of the job.

Any employee of the District believing he or she has been so discriminated against, denied a benefit, or excluded from participation in a School District program or activity related to the District's employment program, may file a written complaint with the Superintendent/designee.

NOTE: Refer also to Policy #6320 -- Appointment - Support Staff.

Adopted: 7/10/00

2000                      6320

Personnel

**SUBJECT: APPOINTMENT - SUPPORT STAFF**

Support staff personnel shall be appointed by the Board of Education from the Erie County Civil Service list where applicable upon recommendation of the Superintendent of Schools/designee.

All Civil Service employees will be classified in accordance with regulations of the Civil Service Commission.

The time, place and conditions of employment shall be assigned by the Superintendent of Schools/designee. The duties for each of the Civil Service employees shall be clearly defined.

Civil Service Law Section 63

Adopted: 7/10/00

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6330

Personnel

**SUBJECT: QUALIFICATIONS FOR APPOINTMENT**

The following qualifications shall be met for appointment to a Civil Service position in the District:

- a) Compliance with the regulations affecting that position of the State Civil Service commission or the Civil Service Commission of the County of Erie, except that in the case of teacher aides, their appointment shall be in compliance with rules and regulations of the Commissioner of Education.
- b) A physical examination administered by a licensed physician after the appointment.
- c) Possession of skills, training and personal habits required for the satisfactory execution for that position.
- d) A county-wide (Erie County) list of eligibles as provided by the Erie County Civil Service Department will be used in the selection of employees for original appointment (i.e., the initial provisional, probationary or permanent appointment of an employee) to positions in the classified service of the District.

All appointments to a position in a Civil Service Class shall be for a probationary term of twenty-six (26) weeks. If the conduct or the performance of a probationary employee is not satisfactory, his/her employment may be terminated at any time on or before the expiration of the twenty-six (26) week probationary period.

An appointment shall automatically become permanent upon the completion of the twenty-six (26) week probationary term.

Civil Service Law Section 63

Adopted: 7/10/00

2000 6340

Personnel

**SUBJECT: EMPLOYMENT OF TEACHER AIDES**

In accordance with Regulations of the Commissioner, the Board of Education may employ aides to assist in the daily operation of the school through nonteaching duties.

A teacher aide may be assigned by the Board of Education to perform such non-teaching duties as:

- a) Managing records, materials and equipment;
- b) Attending to the physical needs of children;
- c) Supervising students and performing such other services as support teaching duties when such services are determined and supervised by teachers.

Persons employed as aides shall be responsible to the building principal and/or his/her designated representatives.

8 New York Code of Rules and Regulations  
(NYCRR) Section 80.33(a)

Adopted: 7/10/00

6410

2000

Personnel

**SUBJECT: MAINTAINING DISCIPLINE AND CONDUCT**

All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours or at extracurricular events.

Personnel are to abide by District Policy #7350 -- Corporal Punishment and enforce reasonable disciplinary measures as warranted to maintain appropriate student conduct.



Adopted: 7/10/00

## Personnel

**SUBJECT: EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION****Personnel Records**

The Board of Education directs the Superintendent to maintain a personnel file for each teacher, administrator and support staff member employed by the District.

The Board also directs the Superintendent to maintain regulations and procedures governing the inspection by District employees of their personnel files.

**Release of Personnel Information**

All steps should be taken to protect the privacy of the employees of the Board of Education. To ensure the individual's privacy, directory or confidential information should not be shared with a third party except in the following situations:

- a) When members of the Board of Education need information from the employee's personnel record to aid them in performing their legal responsibilities in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies.
- b) When the employee grants permission.
- c) Board of Education members may review official APPR scores of staff in accordance with New York State Education law.

Procedures for obtaining consent for release of records to third parties shall be developed by the administration.

8 New York Code of Rules and Regulations  
(NYCRR), Part 84  
Public Officers Law Section 87

**Adopted: 9/30/2013**

2000

6430

Personnel

**SUBJECT: EMPLOYEE ACTIVITIES**

**Political Activities**

The Board of Education recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally-protected rights to address matters of public concern.

However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds and/or during school times. When such speech or action occurs on school grounds and/or during school time, the Board of Education can impose reasonable restrictions on the time, place and manner of the speech or action, and can further regulate the content of such speech when it materially imperils the efficient operation of the school.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, and to motivate students to participate in the political process.

**Solicitations by Staff Personnel**

Staff members shall not be engaged in advertising or commercial solicitations on school time, except as authorized by the Superintendent and/or designee.

NOTE: Refer also to Policy #5560 -- Use of Federal Funds for Political Expenditures.

Adopted: 7/10/00

2000                      6440

Personnel

**SUBJECT: NEGOTIATIONS**

**Legal Status**

The legal status for negotiations is the Public Employees' Fair Employment Law (Taylor Law), Article 14 of the Civil Service Law.

Organizations recognized for the purposes of collective bargaining include:

- a) Kenmore Teachers' Association;
- b) Kenmore Tonawanda School Employees' Association;
- c) Kenmore Administrators' Association; and
- d) Substitute Teachers.

**Employer/Employee Relations**

The District understands its responsibility to negotiate in good faith regarding salary, wages, hours, and other terms and conditions of employment with organizations duly recognized to represent employees in designated units.

The District accepts the responsibility for administering the negotiated agreements in accordance with the conditions set forth therein.

It is the intention of the District to resolve disputes regarding the interpretation and application of the agreements in an equitable manner within a reasonable time at the lowest administrative level.

**Board Rights and Duties**

The Board of Education as the governing body of the Kenmore-Town of Tonawanda Union Free School District shall approve or disapprove all negotiated contracts.

The Assistant Superintendent for Personnel shall be responsible for negotiations with all District bargaining units.

Adopted: 7/10/00

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6450

Personnel

**SUBJECT: THEFT OF SERVICES OR PROPERTY**

The theft of services or property from the District by an employee will result in immediate disciplinary action that can lead to dismissal or other penalty, and shall not preclude the filing of criminal or civil charges by the District.

Adopted: 7/10/00

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6460

Personnel

**SUBJECT: JURY DUTY**

A District employee called for jury duty shall receive his/her full day's pay from the School District plus mileage from the State. No employee shall be entitled to receive the per diem allowance for any regularly scheduled workday on which jury duty is rendered if on such a day his/her wages are not withheld on account of such service.

Judiciary Law Section 521(b)

Adopted: 7/10/00

## Personnel

**SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES**

The Board of Education will provide staff with access to various computerized information resources through the District's computer system (DCS hereafter) consisting of software, hardware, computer networks and electronic communication systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may also include the opportunity for some staff to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments. Toward that end, the Board directs the Superintendent or his/her designee(s) to provide staff with training in the proper and effective use of the DCS.

Staff use of the DCS is conditioned upon written agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to insure acceptable use of the DCS. All such agreements shall be kept on file in the District office.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and tele-communications are not to be utilized to share confidential information about students or other employees.

This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate staff conduct and use as well as proscribed behavior.

District staff shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy created by federal and state law.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

(Continued)

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6470  
2 of 2

Personnel

**SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)**

**Privacy Rights**

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The computer coordinator may access all such files and communications to insure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should **NOT** expect that information stored on the DCS will be private.

**Implementation**

The Board of Education directs the Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy, addressing general parameters of acceptable staff conduct as well as prohibited activities so as to provide appropriate guidelines for employee use of the DCS.

Adopted: 7/10/00



**SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT**

Electronic mail or email is a valuable business communication tool, and users shall use this tool in a responsible, effective and lawful manner. Every employee/ authorized user has a responsibility to maintain the District's image and reputation, to be knowledgeable about the inherent risks associated with email usage and to avoid placing the School District at risk. Although email seems to be less formal than other written communication, the same laws and business records requirements apply. School District employees/authorized users shall use the District's designated email system for all business email, including emails in which students or student issues are involved.

**Employee Acknowledgement**

All employees and authorized users shall acknowledge annually and follow the District's policies and regulations on acceptable use of computerized information resources, including email usage.

**Classified and Confidential**

District employees and authorized users may not:

- a) Provide lists or information about District employees or students to others and/or classified information without approval. Questions regarding usage should be directed to a Principal/supervisor.
- b) Precautions should be taken when sending documents of a confidential nature.
- c) Use file names that may disclose confidential information. Confidential files should be password protected and encrypted, if possible. File protection passwords shall not be communicated via email correspondence in any event.
- d) Send or forward email with comments or statements about the District that may negatively impact it.

**Personal Use**

Employees and authorized users may use the District's email system for limited personal use. However, there is no expectation of privacy in email use. Personal use should not include chain letters, junk mail, and jokes. Employees and authorized users shall not use the District's email programs to conduct job searches, post personal information to bulletin boards, blogs, chat groups and list services, etc. without specific permission from the Principal/ supervisor. The District's email system shall not be used for personal gain or profit.

**Email Accounts**

All email accounts on the District's system are the property of the School District. Personal accounts and instant messaging shall not be used to conduct official business.

### **Receiving Unacceptable Mail**

Employees and authorized users who receive offensive, unpleasant, harassing or intimidating messages via email or instant messaging shall inform their Principal/supervisor immediately.

### **Records Management and Retention**

Retention of email messages are covered by the same retention schedules as records in other formats, but are of a similar program function or activity. Email shall be maintained in accordance with the NYS Records Retention and Disposition Schedule ED-1 and as outlined in the Records Management Policy. Email records may consequently be deleted, purged or destroyed after they have been retained for the requisite time period established in the ED-1 schedule.

### **Training**

Employees/authorized users should receive regular training on the following topics:

- a) The appropriate use of email with students, parents and other staff to avoid issues of harassment and/or charges of fraternization.
- b) Confidentiality of emails.
- c) Permanence of email: email is never truly deleted, as the data can reside in many different places and in many different forms.
- d) No expectation of privacy: email use on District property is NOT to be construed as private.

### **Sanctions**

The Computer Coordinator may report inappropriate use of email by an employee/authorized user to the employee/authorized user's Principal/supervisor who will take appropriate disciplinary action. Violations may result in a loss of email use, access to the technology network and/or other disciplinary action. When applicable, law enforcement agencies may be involved.

### **Notification**

All employees/authorized users will be required to access a copy of the District's policies on staff and student use of computerized information resources and the regulations established in connection with those policies. Each user will acknowledge this employee/designated user agreement before establishing an account or continuing in his/her use of email.

### **Confidentiality Notice**

A standard Confidentiality Notice will automatically be added to each email as determined by the District.

2012 6480  
Personnel 3 of 3

NOTE: Refer also to Policies #3320 -- Confidentiality of Computerized Information  
#3190 -- Anti-Harassment in the School District

Adopted 1/10/12

2000 6510

Personnel

**SUBJECT: HEALTH INSURANCE**

Health insurance for certified and support staffs shall be in accordance with their respective negotiated agreements.

**Continuation of Medical Insurance Coverage at Termination of Employment**

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage for up to eighteen (18) months when termination of their insurance is due to a reduction in their hours worked, or upon termination of their employment.

Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one of the following events:

- a) Death of the covered employee; or
- b) Divorce or legal separation from the covered employee; or
- c) An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan; or
- d) The dependents of a covered employee reach the maximum age for dependent coverage.

Those who are eligible to continue coverage have up to sixty (60) days to complete the Continuation of Coverage Election Form.

Consolidated Omnibus Budget  
Reconciliation Act of 1985

Adopted: 7/10/00

**SUBJECT: Reconciliation of Retirees on District Health Plans**

Retired employees of the District are permitted to participate in the District's self-insured health insurance coverage. This policy is intended to set auditing standards that limit the District cost due to coverage of those who have deceased.

Auditing Procedures:

1. With the annual health insurance open enrollment period, (conducted on the Districts fiscal year) envelopes utilizing the "Return Service Requested" will be used. Any address corrections received will be followed up in the following manner.
  - a. Notice will be resent immediately along with an address correction form.
  - b. Phone contact will be attempted using the current number on file to substantiate a move and/or verification the party is not deceased.
  - c. If unable to contact after a two week period the Human Resource Department will do a second follow-up using methods (a) and (b).
  - d. Contact emergency contact person to establish any address change or death of retiree.
2. Every other calendar year the Human Resource Department will contact retirees participating in the District Health plan asking them to verify address, phone number and emergency contact person information.
3. Utilization of the other outside services will also be used to establish the retirees status:
  - a. Monthly periodic review of the Buffalo News Obituaries
  - b. Notices received from both the New York State Teachers and Employees Retirement Systems
  - c. Any verbal or written notifications of death of former employees
  - d. A third party service through NTIS which provides a death master file search of the Social Security Administration records.

Adopted 1/10/12

2000                      6520

Personnel

**SUBJECT: WORKERS' COMPENSATION**

Employees injured in the performance of their duties are covered by Workers' Compensation Insurance. Employees shall report work-related injuries immediately to their immediate supervisor and to the payroll benefits office. The employee shall also complete the work-related injury forms. Delay in reporting, if necessary, must be justified to the satisfaction of the Board of Education and/or the insurance agency.

Reimbursement for Workers' Compensation Insurance benefits shall be in accordance with their respective negotiated agreements.

Education Law Sections 1604(31), 1709(34)  
and 2503(10)

Adopted: 7/10/00

2000                      6530

Personnel

**SUBJECT: PAYROLL DEDUCTIONS**

Payroll deductions may be made when authorized by employees or when required by law or negotiated agreements.

Education Law Section 1709

Adopted: 7/10/00

2000                      6540

Personnel

**SUBJECT:   EMPLOYEE PROTECTION**

The District will provide legal defense for employees being sued for events arising from the individual's performance of duties, provided the employee was, at the time of the incident, acting in the discharge of his/her duties within the scope of his/her employment.

The District shall not be subject to the duty to defend unless the employee, within the time prescribed by the specific statute, delivers the original or a copy of the claim to the Clerk of the District.

**Public Officers Law Section 18**

The Board of Education hereby also confers the benefits of Section 18 of the New York State Public Officers Law upon the "employees" of the District, as defined in Section 18 of the Public Officers Law; and the District assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to District employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactments or provisions of law.

Education Law Sections 3023, 3028 and 3811  
Public Officers Law Section 18

NOTE:   Refer also to Policy #1310 -- Powers and Duties of the Board.

Adopted:

7/10/00



## Personnel

**SUBJECT: LEAVES OF ABSENCE**

- a) In general, leaves of absence:
1. Shall be administered by the Superintendent.
  2. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement.
  3. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used.
  4. Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.
- b) Leaves of absence, contractual, et al:
1. Employees who are members of a negotiating unit:  
Authorization is granted to approve requests for leaves of absence submitted pursuant to provisions of contracts in effect between the District and each bargaining unit.
  2. Employees who are not members of a negotiating unit:  
Authorization is granted to approve requests for leaves of absence submitted by such employees where such requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.
  3. Employees who are under contract to the District:  
Authorization is granted to implement provisions for leaves of absence contained in each such contract.
- c) Leaves of absence, unpaid, not covered in b) 1. above:
1. Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence.
    - (a) For a period of time not to exceed one school year for approved graduate study, such leave to include any required internship experience.

(Continued)

## Personnel

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

- (b) At the expiration of a paid sick leave of absence, to extend such a leave of absence for a period of time not to exceed the end of the school year next succeeding the school year in which the paid leave of absence commenced.
  - 2. Unpaid leaves of absence shall not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent shall have discretion, where circumstances warrant, to approve leaves of absence for such purposes.
  - 3. Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.
  - 4. Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.
- d) Other leaves of absence:
- 1. Emergency Service Volunteer Leave  
Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers shall be granted leave from work with pay for up to twenty (20) days in any calendar year to participate in specialized disaster relief operations. This leave shall be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.
  - 2. Screenings for Breast Cancer and Prostate Cancer  
Employees shall be granted up to four (4) hours of leave on an annual basis to undertake a screening for breast cancer; employees shall be granted up to four (4) hours of leave on an annual basis to undertake a screening for prostate cancer (i.e., male employees are entitled to a total of eight (8) hours for both screenings). This leave shall be excused leave and shall not be charged against any other leave to which the employee is entitled.
  - 3. Blood Donation

## Personnel

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

Employees desiring to make blood donations shall be granted three (3) hours of leave in any twelve (12) month period. The leave may not exceed three (3) hours unless agreed to by the Superintendent/designee. Additional leaves for the purpose of blood donation under any other provision of law shall not be prevented.

## 4. Bone Marrow Donation

Employees seeking to undergo a medical procedure to donate bone marrow shall be granted leaves to do so, the combined length to be determined by the physician, but may not exceed twenty-four (24) work hours unless agreed to by the Superintendent/designee. The District shall require verification for the purpose and length of each leave requested by the employee for this purpose.

## e) Other Leaves

## 1. Nursing Mothers

The District shall provide reasonable unpaid break time or permit the use of paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three (3) years following child birth. The District shall make reasonable efforts to provide a room or other location in close proximity to the work area where the nursing mother can express milk in privacy.

## 2. Military Leave

The District will comply with state and federal laws regarding military leave and reemployment.

Leaves of absence for military spouses are granted in accordance with law and are unpaid.

Uniformed Services Employment and Reemployment Rights Act  
of 1994 (USERRA), 38 United States Code (USC) Sections  
4301-4333  
Civil Service Law Sections 71-73, 159-b and 159-c  
Education Law Sections 1709(16), 3005, 3005-a, and 3005-b  
General Municipal Law Section 92-c  
Labor Law Sections 202a, 202-c, 202-i and 202-j  
Military Law Sections 242 and 243

Adopted: 7/08/08

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT**

The Board of Education, in accordance with the Family and Medical Leave Act of 1993 (FMLA), gives "eligible" employees of the District the right to take unpaid leave for a period of up to twelve (12) workweeks in a twelve-month period as determined by the District. The District will compute the twelve-month period according to the following time frame: a "rolling" twelve-month period will be used that is measured backward from the date an employee uses any FMLA leave.

Employees are "eligible" if they have been employed by the District for at least twelve (12) months and for at least 1,250 hours of service during the previous twelve-month period. Full-time teachers are deemed to meet the 1,250 hour test. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one (1) or more of the following reasons:

- a) The birth of a child and care for the infant;
- b) Adoption of a child and care for the infant;
- c) The placement with the employee of a child in foster care;
- d) To care for a spouse, child or parent who has a serious health condition as defined by the FMLA;
- e) A serious health condition of the employee, as defined by the FMLA, that prevents the employee from performing his/her job;
- f) Because of "any qualifying exigency" (such term to be defined by regulations issued by the Secretary of Labor) arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. In the interim, the Department of Labor is encouraging employers to provide this type of leave to qualifying employees.

**Service Member Family Leave**

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative of that individual) of a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

(Continued)

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)**

The term "covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves.

**Implementation/Benefits**

At the Board of Education's or employee's option, certain types of paid leave may be substituted for unpaid leave.

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The Board of Education has a right to thirty (30) days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member. Failure to comply with these requirements may result in the denial of FMLA leave. The Board may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition. The Board of Education has the right to deny restoration to employment if the employee does not furnish the certificate of fitness.

**Notice for Leave Due to Active Duty of Family Member**

In any case in which the necessity for leave due to any qualifying exigency is foreseeable, whether because the spouse, or a son, daughter, or parent of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.

**FMLA Notice**

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA shall be posted in each school building.

Administration shall provide information to employees regarding their rights and responsibilities under the FMLA.

Family and Medical Leave Act of 1993, Public Law 103-3  
29 Code of Federal Regulations (CFR) Part 825

Adopted: 7/08/08

2000

6560

Personnel

**SUBJECT: EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The District will provide an Employee Assistance Program for employees who are experiencing personal difficulties. The purpose of the program is to assist employees in obtaining help to resolve such problems in an effective and confidential manner. This program recognizes that the primary obligation to seek assistance and to resolve the problem rests with the employee.

The Board recognizes that a wide range of problems that are not directly associated with an employee's job function may have an effect on an employee's job performance. The problems may involve physical illness, mental or emotional illness, alcohol abuse or alcoholism, drug abuse or dependency, or personal problems such as those of a marital, family, or financial nature.

Adopted: 7/10/00

2014 7000

Students

(Section 7000)

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2000

7110

Students

**SUBJECT: ATTENDANCE**

The Education Law requires that the students enrolled in the schools of this District attend school on every school day unless legally excused. The educational program offered by this District is predicated upon the presence of the student and requires continuity of instruction and classroom participation. The regular contact of students with one another in the classroom and their participation in a well planned instructional activity under the tutelage of a competent teacher are vital to this purpose. Absences other than legal absences as defined by State regulations have a highly adverse effect on the student as well as the entire educational program. Therefore, the Board of Education urges all parents to make every effort for their children to be in attendance.

Education Law Sections 3205 and 3210

**Educational Services for Married and/or Pregnant Students**

Married/Pregnant Students

The Board of Education will comply with State law in reference to married/pregnant students attending school.

The Board of Education directs the Superintendent of Schools to provide instruction as required by the New York State Education Law for students who become/are pregnant. The Superintendent, or his/her designee, is directed to consult with the student's personal physician in determining the form of instruction.

The form of instruction may be any of the following or a combination of the following:

- a) Remain in school with provisions for special instruction, scheduling, and counseling where needed.
- b) Receive home instruction.
- c) Attend an alternative program designed for pregnant students.

Education Law Sections 1604(20), 3202-1,  
3205-1, 4401-1, and 4402-2

Adopted: 7/10/00

## Students

**SUBJECT: CLASS ATTENDANCE AND COURSE COMPLETION**

According to New York State Education Law, a student who becomes six (6) years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September.

Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen (16) years of age. The Education Law further provides that resident students over five (5) and under twenty-one (21) are entitled to attend school in the district in which they reside. The law further requires that a school district provide for this instruction and also to provide temporarily for home instruction for those students of legal age who are unable to participate in the school program during a period of treatment and rehabilitation.

The District believes that classroom participation is related to and affects a student's achievement and, as such, is properly reflected in a student's final grade. In order for a student's participation to count, the student must be present in the class to benefit from instruction.

It is within the scope and authority of a building principal to determine how the issue of classroom participation and attendance is addressed. An attendance policy may be developed and implemented.

A building attendance policy should expect that students be present 85% of the days of instruction in a course in order to meet the requirements for credit. Absences beyond this standard may result in the loss of credit that results from lack of participation in classroom activities. All absences, legal and illegal, count. Transfers and new entrants will have attendance pro-rated using the 85% standard for the duration of each course they enter. However, in no case can a student who has taken all tests and earned a passing grade in a course be denied credit despite excessive absence.

The student will have the opportunity to make up the work missed as determined by the principal/designee. To assure due process, the policy will be fairly implemented with rules and regulations and an appeal procedure developed by the administration. The building shall vigorously publicize and disseminate this policy in order to ensure faculty, student, and parental awareness.

Flexibility and good judgment will guide the implementation of a building attendance policy.

The Board of Education's Policy on Class Attendance and Course Completion applies only to regular school offerings during the regular school year. The summer school attendance policy is regulated by the State law.

Adopted: 7/10/00

2000 7112

Students

**SUBJECT: NON-MANDATORY ATTENDANCE**

Persons who are legally authorized to attend the schools of this District are as follows:

- a) All such resident persons between the ages of five (5), as of December 1st of the school year, and twenty-one (21), who have not received a high school diploma or an equivalent may attend a school in this District without a tuition charge.
- b) A non-veteran resident under 21 years of age who has received a high school diploma may attend classes at a school within the District upon payment of a tuition charge as determined by the Board of Education.
- c) All resident persons regardless of age having served in the armed forces of the United States and not having been dishonorably discharged therefrom may attend school in the District without a tuition charge if they have not received a high school diploma or an equivalent. If they have received a diploma or an equivalent, they may attend upon payment of a tuition charge as determined by the Board of Education.

Education Law Sections 3202 and 3205

Adopted: 7/10/00

2000 7120

Students

**SUBJECT: AGE OF ENTRANCE**

**Kindergarten**

Students who are legal residents of the School District and who reside with parents or guardians within the School District at the time of the opening day of school must be five (5) years of age or more on December 1st in order to register for Kindergarten.

A child who transfers into the School District at any time during the school year may be considered for admission to Kindergarten by the Superintendent provided:

- a) The parents were not legal residents of the School District on the opening day of school and
- b) The child has been registered and enrolled in kindergarten in the district in which his/her parents were legal residents.

**Other Grades**

Admission of children to other grades shall involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

**Proof of Age**

A student's birth certificate or other satisfactory evidence of age shall be presented at the time of initial registration. The child shall be entered under his/her legal name.

Education Law Sections 1712, 3202 and 3212

Adopted: 7/10/00  
BOE reviewed this policy with no revisions on 1/10/12

## Students

**SUBJECT: SCREENING OF NEW SCHOOL ENTRANTS**

The Board of Education shall provide for the screening of every new entrant to school to determine which students may have disabilities, may be gifted or may be of limited English proficiency. Such diagnostic screening shall be conducted:

- a) By persons appropriately trained or qualified;
- b) In the student's native language if the language of the home is other than English;
- c) In the case of new entrants, prior to the school year, if possible, but no later than December 1st of the school year of entry or within fifteen (15) days of transfer of a student into a New York State public school should the entry take place after December 1st of the school year;
- d) In the case of students who score below achievement levels designated by the New York State Education Department within timelines designated by the State.

Such screening shall include, but not be limited to the following:

- a) A physical examination by a physician or submission of a health certificate in accordance with Sections 901, 903, and 904 of the Education Law, including proof of immunization as required by Section 2164 of the Public Health Law;
- b) An assessment of motor development, of receptive and expressive language development, articulation skills, and cognitive ability in the student's native language, if the language of the home is not English.

If such screening indicates a possible disability, a referral shall be made to the Committee on Special Education (CSE) within timelines designated by the State.

If such screening indicates a possibly gifted child, the name and finding shall be reported to the Superintendent of Schools or designee and to the parents/guardians within guidelines designated by the State.

If such screening indicates a child identified as possibly being of limited English proficiency, such child shall be provided appropriate transitional bilingual or free-standing ESL programs.

**SUBJECT: SCREENING OF NEW SCHOOL ENTRANTS (Cont'd.)****Reporting to Parents**

Parents/guardians of children to be screened shall receive information in advance regarding the purpose of screening, the areas to be screened and the referral process. The information shall be communicated either orally or in writing in the parents' primary language(s). This information may be provided during the registration interview.

Parents/guardians have the right to request information regarding their child's performance during screening. They shall have access to the screening results and obtain copies upon request.

**Confidentiality of Information**

The Board of Education's policy and administrative regulations in accordance with the Family Educational Rights and Privacy Act of 1974, Public Law 93-380, shall apply to all information collected about a child through the screening program. In accordance with the policy and regulations, parents shall be informed of their right to privacy, their right to access to the records and their right to challenge those records should they be inaccurate, misleading or otherwise inappropriate.

This program is subject to and should remain consistent with changes in New York State Education Law.

Education Law Section 3208(5)  
8 New York Code of Rules and Regulations  
(NYCRR), Part 117 and 154



2000

7122

Students

**SUBJECT: ATTENDANCE RECORDS**

The Superintendent shall keep the Board informed as to its legal responsibilities for the compulsory education of the students of the District.

The system of recording attendance and the procedures to be used in keeping data shall be selected by the Superintendent.

The Superintendent shall instruct administrative and instructional personnel of the District regarding procedures for recording and maintaining attendance records.

Education Law Sections 3024, 3025 and 3211

Adopted: 7/10/00

2000 7122.1

Students

**SUBJECT: EXCUSES AND ABSENCES**

A written excuse, signed by parent/guardian, should be presented by the student within three (3) days of return to school. The Board directs the Superintendent to develop rules and regulations for dealing with truancy and excessive illegal absences.

Education Law Sections 3205 and 3210

Adopted: 7/10/00

2000 7122.2

Students

**SUBJECT: RELEASE TIME OF STUDENTS**

Written requests from the parent/guardian for the release of students generally will be honored. The appropriate time and reason for absence shall be recorded on the attendance record, using the procedures mandated by the state.

The building principal shall assume this responsibility or shall designate an individual to review and approve all requests.

No enrolled School District student shall be excused from classes of instruction during the school day for the purposes of employment unless approved by the Superintendent or his/her designee in accordance with New York State Education Law.

8 New York Code of Rules and Regulations  
(NYCRR) Section 109.2

Adopted: 7/10/00

**SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY**

**Ages of Attendance/Compulsory Attendance Age**

As specified by the New York Education Law, a student who becomes six (6) years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six (6) years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen (16) years of age.

All persons residing within the District who are between the ages of five (5) years and twenty-one (21) years and who have not received a high school diploma shall be entitled to enroll in the District.

Pursuant to current law, undocumented children, like U.S. citizen children, have the right to attend school full-time as long as they meet the age and residency requirements established by state law and otherwise set forth in this Policy.

**Proof of Age**

In circumstances where the District is required to collect certain data pursuant to State and/or federal laws, it will do so **after** an enrollment determination has been made by the district with respect to the student so as to ensure that information related to immigration status will not be used in making registration/enrollment determinations.

In accordance with Education Law, where a duly-certified birth certificate or record of baptism is not available, a passport (including foreign passport) may be used to determine a child's age for purposes of enrollment/registration in school. Should none of these be available, the District may consider certain other documentary or recorded evidence to determine a child's age.

The following are examples of documentation that may be used to establish a student's age. This list is not intended to be exhaustive, nor is it a list of required documentation.

- a) School photo ID with date of birth;
- b) Hospital or health records;
- c) State or other government-issued ID;
- d) Military dependent ID card;
- e) Native American Tribal document;
- f) Record(s) from non-profit international aid agencies and voluntary agencies (VOLAGs);
- g) Consulate identification card; and

h) Official driver's license.

### **Determination of Student Residency**

The residency of a child shall be determined in a manner consistent with State Law and the Regulations of the Commissioner. The Board of Education or its designee shall determine whether a child is entitled to attend a District school, and shall request and obtain whatever information and documentation is relevant to a determination of residency. Any adverse residency decision by a school official, other than the Board or its designee, shall include written notice to the parent/person in parental relation of the procedures for obtaining review of the decision within the District.

A child's residence is presumed to be that of his/her parents or legal guardians. However, the District may encounter students, particularly from other countries, who reside with persons other than their parents or legal guardians. In order to determine residency in these cases, the District may request information regarding such student's custody to establish residency and to ensure the health, safety and welfare of the child.

Because the District is committed to providing the maximum educational opportunity for each resident student, and in consideration of the resources available in which to accomplish this goal, the District will make every effort to verify student residency, and to remove those children from attendance who are not legal residents of the District as permitted by law. All District administrators, instructional staff, support staff and other District employees must promptly report any information indicating that a student is not a legal resident of the District to the administrator(s) designated by the Superintendent for this purpose.

If a non-resident child is discovered to be attending the District's schools without authorization, the District reserves the right to recover from a responsible party the full cost of educating the child for the entire period that the child attended the District's schools without authorization, as well as related costs.

### **Children of Parents Who Live Separately**

Where a child's parents live apart, a child can only have one legal school district of residence. If a court order awards custody to one parent/person in parental relation, the child's residence is presumed to be that of the custodial parent/person in parental relation.

The presumption that a child lives with the custodial parent/person in parental relation is rebuttable if, for example, the child does not actually reside with the custodial parent/person in parental relation. In such circumstances, the District may determine that the child's school district of residence is not the residence of the custodial parent/person in parental relation.

A custodial parent/person in parental relation may designate a child's residence to be that of the non-custodial parent/person in parental relation. Absent a modification to the applicable court order, there must be compelling evidence that (1) the custodial parent/person in parental relation consents to that child's legal residence being that of the non-custodial parent/person in parental relation and (2) the child actually resides with the non-custodial parent/person in parental relation.

In cases where a child's parents have joint custody and a child's time is essentially divided between the households of parents living separately, with both parents assuming the day to day responsibility for the child, the determination of the child's residence ultimately rests with the family. Absent proof that the child's time is essentially divided between both households, the residency of a child of parents who live separately will be deemed to be that of the primary custodial parent, determined by the traditional tests of physical presence and intent to remain.

## **Homeless Children**

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Executive Law Article 19-H, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

## **Children of Activated Reserve Military Personnel**

Students temporarily residing outside the boundaries of the District, due to relocation necessitated by the call to active military duty of the student's parent or person in parental relation, other than training, will be allowed to attend the public school that they attended prior to the relocation. However, the District is not required to provide transportation between a temporary residence located outside the District and the school the child attends under these circumstances.

## **Emancipated Minors**

The presumption that a child shares the residence of his or her parents, or person(s) in parental relation, may be rebutted if the child is emancipated. A determination of whether a student is emancipated will be based on evidence that the student is no longer under custody, control and support of his/her parents/persons in parental relation, and the application of legal standards to that evidence. To establish emancipation, a minor may be required to submit documentation of his/her means of support, proof of residency and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with his/her parents or persons in parental relation. Emancipated status will be reviewed as appropriate. If emancipated status is discovered to have been based upon the provision of false information, the District reserves the right to recover from a responsible party the full cost of educating the child for the entire period that the child attended the District's schools as an emancipated minor.

## **Children Living With Persons Not Their Parents -- Guardianship or Custody**

Where a court of competent jurisdiction has legally transferred custody of a child, and the child actually lives with the court-appointed guardian, the District will accept the court's order as determinative for residency purposes. Accordingly, a person possessing a lawful order granting that person guardianship or custody of a minor child, and who is a District resident, may enroll the child in the District.

McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the No Child Left Behind Act of 2001  
Domestic Relations Law Section 74  
Education Law Sections 2045, 3202, 3205, 3209, 3212(4), and 3218(1)(b), 3218(1)(d)  
Family Court Act Section 657  
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(x) and (y)

Adopted: 4/9/2013

2009

7131

Students

**SUBJECT: INITIAL ENROLLMENT**

Each child that applies for enrollment in the District's schools must establish that he or she is a legal resident of the District. The parent(s), the person(s) in parental relation or the child, whichever is appropriate, is required to present a minimum of two proofs of residency (for instance, utility bills or a deed, lease or rental agreement accompanied by a utility bill) and to satisfactorily complete a registration form and all other required forms. The District may require any additional information necessary to demonstrate legal residency in the District.

Enrollment shall be conducted at the District level. In any instance where a question arises regarding the residency of a child, the matter shall be referred to the Executive Director of Student Services for investigation and determination. Under these circumstances the child shall not be permitted to enroll until the District Registrar is notified by the Office of the Executive Director of Student Services that residence in the District has been established.

Adopted: 7/7/09

**SUBJECT: NON-RESIDENT STUDENTS**

Because the Kenmore-Town of Tonawanda Union Free School District is committed to providing District students with positive educational opportunities, and in consideration of the resources available in which to accomplish that objective, the District will not admit non-resident students to attend the District's schools except in the following limited circumstances:

1. The child is a "homeless child" pursuant to the Regulations of the Commissioner of Education and the District is properly designated as the school district of attendance;
2. The non-resident child's attendance is compelled by other existing legal authority;
3. A resident child enrolled in the District moves outside of District boundaries between the start and end of classes in any school year. In this case, and if approved as set forth below, the student shall be permitted to finish the marking period during which the move occurred. The parent(s), person(s) in parental relation or student, whichever appropriate, must submit an application to the student's building-level principal and to the Director of Student Services in order to invoke this exception (see form 7132A). The Director, in his or her discretion, shall determine whether the student shall be permitted to continue attendance, and shall consider relevant circumstances including the student's academic, attendance and disciplinary records. The District shall not be responsible for providing transportation for students attending pursuant to this exception;
4. A resident child enrolled in the District moves out of the District after July 1<sup>st</sup> of the child's senior year of school, in which case the child shall be permitted to continue attendance for the remainder of senior year, subject to application (see form 7132B) and approval process described in paragraph 3, above, and the condition that the District shall not be responsible for providing transportation for the child.



KENMORE TOWN-OF TONAWANDA UFSD-STUDENT SERVICES  
1500 COLVIN BOULEVARD  
BUFFALO NY 14223  
PHONE: (716-874-8400) – FAX (716) 874-8615

To: Parent/Guardian

From: Robin Zymroz, Assistant Superintendent for Instruction and Student Services

You have requested an End of Marking Period Exception Application for your child.

Please complete the form on the reverse side and return as outlined on the form.

Your application is based on Policy 7132, paragraph 3 which states:

**3.) A resident child enrolled in the District moves outside of District boundaries between the start and end of classes in any school year. In this case, and if approved as set forth below, the student shall be permitted to finish the marking period during which the move occurred. The parent(s), person(s) in parental relation or student, whichever appropriate, must submit an application to the student's building-level principal and to the Assistant Superintendent in order to invoke this exception (see form 7132A). The Director, in his or her discretion, shall determine whether the student shall be permitted to continue attendance, and shall consider relevant circumstances including the student's academic, attendance and disciplinary records. The District shall not be responsible for providing transportation for student's attending pursuant to this exception.**

If you have any questions, please contact our office at the above-listed phone number.

Thank you for your cooperation in this matter.

KENMORE TOWN-OF TONAWANDA UFSD-STUDENT SERVICES  
1500 COLVIN BOULEVARD  
BUFFALO NY 14223  
PHONE: (716-874-8400) – FAX (716) 874-8615

**END OF MARKING PERIOD EXCEPTION APPLICATION**

**Please Print or Type all responses.**

Student's Name \_\_\_\_\_ Date of Birth \_\_\_\_\_ School \_\_\_\_\_

Current Address \_\_\_\_\_ Phone No. \_\_\_\_\_

Former District Address \_\_\_\_\_ Date Moved \_\_\_\_\_

Proof of Move \_\_\_\_\_

Parent(s) Name(s) \_\_\_\_\_

Brief reason for request:  
\_\_\_\_\_  
\_\_\_\_\_

- Notes: 1. See reverse side for terms and conditions regarding Policy 7132, Paragraph 3.**  
**2. Parents are responsible for transportation.**  
**3. All interscholastic program rules and regulations of the New York State Public High School Athletic Association, Section 6 and the Niagara Frontier League (NFL) will be applied.**

\_\_\_\_\_  
Parent/Guardian signature

Date

**Receiving Principal: please complete and return to Student Services as soon as possible.**

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ If *not* approved, reason \_\_\_\_\_

\_\_\_\_\_  
Principal Signature Date School

\_\_\_\_\_  
Assistant Superintendent of Instruction and Student Services Date

KENMORE TOWN-OF TONAWANDA UFSD-STUDENT SERVICES  
1500 COLVIN BOULEVARD  
BUFFALO NY 14223  
PHONE: (716-874-8400) – FAX (716) 874-8615

To: Parent/Guardian

From: Robin Zymroz, Assistant Superintendent of Instruction and Student Services

You have requested a Senior Exception Application for your child.

Please note this application refers only to students entering or currently enrolled in their senior year.

Please complete the form on the reverse side and return as outlined on the form.

Applications must be submitted during July and August before classes begin in September for entering seniors. For those seniors affected by a change in district residency after the school year began, you must submit this form as soon as possible.

Your application is based on Policy 7132, Paragraphs 3 and 4 which state:

**3.) A resident child enrolled in the District moves outside of District boundaries between the start and end of classes in any school year. In this case, and if approved as set forth below, the student shall be permitted to finish the marking period during which the move occurred. The parent(s), person(s) in parental relation or student, whichever appropriate, must submit an application to the student's building-level principal and to the Assistant Superintendent of Instruction and Student Services in order to invoke this exception (see form 7132A). The Assistant Superintendent, in his or her discretion, shall determine whether the student shall be permitted to continue attendance, and shall consider relevant circumstances including the student's academic, attendance and disciplinary records. The District shall not be responsible for providing transportation for student's attending pursuant to this exception.**

**4.) A resident child enrolled in the District moves out of the District after July 1<sup>st</sup> of the child's Senior year of school, in which case the child shall be permitted to continue attendance for the remainder of senior year, subject to application (see form 7132B) and approval process described in paragraph 3, above, and the condition that the District shall not be responsible for providing transportation for the child.**

If you have any questions, please contact our office at the above-listed phone number.

Thank you for your cooperation in this matter.

KENMORE TOWN-OF TONAWANDA UFSD-STUDENT SERVICES  
1500 COLVIN BOULEVARD  
BUFFALO NY 14223  
PHONE: (716-874-8400) – FAX (716) 874-8615

**SENIOR EXCEPTION APPLICATION**

**Please Print or Type all responses.**

Student's Name \_\_\_\_\_ Date of Birth \_\_\_\_\_ KW  KE

Current Address \_\_\_\_\_ Phone No. \_\_\_\_\_

Former District Address \_\_\_\_\_ Date Moved \_\_\_\_\_

Proof of Move after 7/1 \_\_\_\_\_

Parent(s) Name(s)  
\_\_\_\_\_

Brief reason for request:  
\_\_\_\_\_

**Notes: 1. See reverse side for terms and conditions regarding Policy 7132, Paragraphs 3 and 4.**

- 2. Parents are responsible for transportation.**
- 3. All interscholastic program rules and regulations of the New York State Public High School Athletic Association, Section 6 and the Niagara Frontier League (NFL) will be applied.**

\_\_\_\_\_  
Parent/Guardian signature \_\_\_\_\_ Date \_\_\_\_\_

**Receiving Principal: please complete and return to Student Services as soon as possible.**

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ If *not* approved, reason \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Principal Signature \_\_\_\_\_ Date \_\_\_\_\_ School \_\_\_\_\_

\_\_\_\_\_  
Assistant Superintendent of Instruction and Student Services \_\_\_\_\_ Date \_\_\_\_\_

2003 7140

Students

**SUBJECT: STUDENT TRANSFERS**

The Board of Education affirms that its primary responsibility is to provide the best possible educational opportunities for the children who are legal District residents.

Students residing within the boundaries of Kenmore-Town of Tonawanda Union Free School District shall, unless approved for the transfer, attend the school designated for the zone in which they reside.

If the residence of an enrolled student is removed, after the opening of school, outside a school building boundary but remains in the overall Kenmore-Town of Tonawanda Union Free School District boundary, the student may finish the school year in that building. No School District transportation shall be provided. Thereafter, continuation in that building is available through the Open Enrollment policy.

Upon written request of the parent/guardian submitted before the opening of the school, the Superintendent of Schools or his/her designee is authorized to approve request for transfer from the school to another school within the District under the Open Enrollment policy.

No transfers will be made or denied by reason of race or religion.

All transfers, regardless of reason, are subject to space being available in the receiving school.

All transfers are temporary and may be rescinded when the conditions for which the transfer was granted no longer pertain, or for other good and sufficient reason.

The transportation of transferred students will become the responsibility of the parent.

All non-resident families must provide their own transportation.

From time to time it may be necessary for the Superintendent to transfer students from one school building in the District to another. Such transfer shall be made, if possible, before the opening of school and parents or guardians shall be notified of the transfer. Transportation shall be provided for such students if in conformity with the transportation policies of the School District.

Education Law Sections 1709(3) and 3214(5)

Adopted: 6/09/03

## Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH**

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth establish pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

Pursuant to Commissioner's Regulations, a "homeless child" means a child or youth who lacks a fixed, regular and adequate nighttime residence; including a child who is:

- a) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
- b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
- c) Abandoned in hospitals;
- d) Awaiting foster care placement; or
- e) A migratory child who qualifies as homeless in accordance with Commissioner's Regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" *includes* a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one school district to another in the preceding 36 months in order to obtain, or accompanies such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work.
- f) A child or youth who has a primary nighttime location that is:
  1. A supervised, publicly or privately operated shelter designated to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services and residential programs for runaway and homeless youth established pursuant to Article 19-H of the Executive Law; or
  2. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.

(Continued)

## Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

The term "homeless child" shall not include a child in foster care or receiving educational services pursuant to Education Law Section 3202(4),(5),(6),(6a) or (7) or pursuant to Article 81, 85, 87 or 88. For example, a child in a family home at board, a school for the mentally retarded, a hospital or other institution for the care, custody and treatment of children; youths under the direction of the Division for Youth incarcerated in county correctional facilities or youth shelters; or children residing in child care institutions or schools for the deaf or blind would not be considered "homeless."

**Enrollment, Retention and Participation in the Educational Program**

Enrollment of homeless children shall not be delayed and their ability to continue or participate in the educational program shall not be restricted due to issues such as:

- a) Transportation;
- b) Immunization requirements;
- c) Residency requirements;
- d) Birth certificates, medical records, IE:s, school records and other documentation;
- e) Guardianship issues;
- f) Comprehensive assessment and advocacy referral processes;
- g) Resolution of disputes regarding school selection;
- h) Proof of social security numbers;
- i) Attendance requirements;
- j) Sports participation rules;
- k) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- l) Other enrollment issues.

**Educational Programs and services**

The School District shall provide homeless children and youth with access of all of its programs, activities and services to the same extent that they are provided to resident students.

Homeless children and youth shall be educated as part of the school's regular academic program. Services must be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their non-homeless counterparts, including programs for special education, vocational and technical education, gifted and talented students, before and after school, English language learners/limited English proficiency, Head Start, Even Start, and school nutrition. Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program. Consequently, the School District shall ensure that homeless children and youth are not segregated in a separate school, or in a separate program within the school, based on their status as homeless; and to the extent feasible consistent with the requirements of Commissioner's Regulations, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child's or youth's parent or guardian. Further, the School District shall review and revise policies and practices, including transportation guidelines, that may act as barriers to the enrollment, attendance, school success, and retention of homeless children and youth in the School District.

(Continued)

## Students

### **SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

All homeless children and youth are automatically eligible for Title I Part A services whether or not they meet the academic standards or live in a Title I school attendance area. Homeless students may receive Title I educational or support services from schoolwide and targeted-assistance school programs.

#### **Transportation**

If the local social service district or the Office of Children and Family Services is not required to provide transportation, the designated district is responsible for providing the student's transportation. However, the school district of origin is responsible for the cost of transportation provided by the designated district. Transportation responsibilities apply to all school districts regardless of whether or not they receive McKinney-Vento funds. Where a homeless student designates the school district of current location as the district the student will attend, that district shall provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin, the district of current location, at the request of a parent/guardian, shall provide or arrange for transportation to and from the school of origin in accordance with law and/or regulation even if the district does not provide transportation to non-homeless students (except for preschoolers). Transportation must be provided during the pendency of enrollment disputes. If the designated district provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

#### **School District Liaison for Homeless Children and Youth**

The School District shall designate an appropriate staff person, who may also be a coordinator for other federal programs, as the local educational agency liaison for homeless children and youth to carry out the duties as enumerated in law, Commissioner's Regulations and applicable guidance issued by the U.S. and New York State Education Departments. The District will inform school personnel, local service providers and advocates of the office and duties of the local homeless liaison.

#### **Training**

The District will train all school enrollment staff, secretaries, school counselors, school social workers, and principals on the legal requirements for enrollment. School nutrition staff, school nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

#### **Outreach**

The District will make every effort to inform the parents or guardians of homeless children and youth of the education, transportation and related opportunities available to their children including transportation to the school of origin. The parent(s)/guardian(s) will be assisted in accessing transportation to the school they select, and will be provided with meaningful opportunities to participate in the education of their children. Public notice of educational rights of homeless children and youth will be disseminated by the District in places where families and youth are likely to be

(Continued)



## Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

present (e.g., schools, shelters, soup kitchens), and in comprehensible formats (e.g., geared for low literacy or other community needs).

**Dispute Resolution**

The District shall also establish guidelines for the prompt resolution of disputes regarding school selection or enrollment of a homeless student and provide a written explanation, including a statement regarding the right to appeal to the parent or guardian if the School District sends such student to a school other than the school of origin or the school requested by the parent or guardian.

If there is a factual dispute over whether a student is homeless, the District will immediately enroll the student and then provide the parent/guardian the opportunity to submit verification of homelessness. The student will remain enrolled until a final determination is made by the District and for a minimum of thirty (30) days after the final determination to allow the parent/guardian opportunity to appeal to the Commissioner of Education. If the student files an appeal that contains a request for a stay within thirty (30) days of such final determination, the District must continue to enroll the student until the Commissioner rules on the stay request.

**Record Reporting Requirements**

If the District, as the school district of origin, receives a request to forward student records to a receiving district, the records must be forwarded within five days.

The School District shall maintain documentation regarding all aspects of the District's contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

The School District shall collect and transmit to the Commissioner of Education, at such time and in the manner as the Commissioner may require, a report containing such information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.

McKinney-Bento Homeless Education Assistance Act,  
as reauthorized by the No Child Left Behind Act of 2001  
42 United States Code (U.S.C.) Section 11431 et seq.

Education Law Section 3209

8 New York Code of Rules and Regulations (NYCRR)  
Section 100.2(x)

Adopted: 2/13/07

2000 7150

Students

**SUBJECT: SCHOOL CENSUS**

With the exception of the cities of New York, Buffalo and Rochester, as well as small city school districts, all other school districts are authorized, rather than obligated, to take a census of all children from birth to 18 years of age. The Superintendent/designee shall conduct a census biennially.

The census will indicate the names of all children between birth and 18 years of age, and of children with disabilities between birth and 21 years of age; their respective residences by street and number; the day of the month and the year of their birth; the names of the persons in parental relation to them; information available on disabilities, and other information as the Board and the State Education Department (SED) shall require.

On written request and in such form as prescribed by the Commissioner of Education, the Board shall provide to the Commissioner reports on resident students classified as disabled along with programs through which their needs are met.

A parent, guardian or other person having under his/her control or charge a child between birth and 18 years of age who withholds or refuses to give information in his/her possession relating to such census data as required by law pertaining to the child; or, in the alternative, gives false information in relation to such census data, shall be liable to and punished by a fine or imprisonment as established by law.

Census data shall be reported as required by law.

Education Law Sections 3240-3243 and 4402(1)(a)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 200.2(a)

NOTE: Refer also to Policy #7650 -- Identification and Register of Children With Disabilities.

Adopted: 7/10/00

**SUBJECT: STUDENT EVALUATION AND REPORTS TO PARENTS/GUARDIANS****Placement**

Placement within the system, with respect to building, teacher, and grade or special class, shall be at the discretion of the school administration and shall be subject to review and change at any time. In making such decisions, the administrator will be guided by performance in class, past records, parent/guardian and teacher recommendations, standardized test scores and assessments, and any other appropriate sources of information, but the final decision shall rest with the school administration.

Any student or parent/guardian of a student of the School District believing he or she has been discriminated against, denied a benefit, or excluded from participation in any educational program or activity, may file a written complaint with the Assistant Superintendent for Pupil Services, Research, and Program Evaluation.

**Promotion and Retention**

The procedures to be followed by the staff regarding promotion and retention will be developed by the Superintendent and will be continually evaluated in the light of School District policy. Building principals will establish uniform written standards for promotion or retention within the District, subject to the regulations of the Superintendent and the approval of the Board of Education.

**Testing Program**

The Board of Education endorses and supports the use of ability, achievement, diagnostic, readiness, interest and guidance assessments as part of the total educational process to the degree to which assessments help the District to serve its students.

**Alternative Assessment Procedures**

The use of alternative assessment procedures shall be limited to:

- a) Students identified by the Committee on Special Education as having a disability;
- b) Students with mild disabilities not deemed severe enough to warrant classification for whom a 504 plan is written.
- c) Students whose native language is other than English, within the score of alternative testing procedures established by the State Education Department.

(Continued)

**SUBJECT: STUDENT EVALUATION AND REPORTS TO PARENTS/GUARDIANS  
(Cont'd.)**

The alternative assessment procedures employed shall be based upon a student's individual needs and the type of assessment administered at the discretion of the Committee on Special Education or the 504 building team.

The District shall report the use of alternative assessment procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

**Reporting to Parents/Legal Guardians**

Parents/guardians shall receive an appropriate report of student progress at regular intervals. Progress reports including, but not limited to, report cards shall be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Report cards are to be standardized throughout the elementary, middle and high schools of the District. Building principals are responsible for ensuring compliance with this reporting requirement. Progress reports, however, are not intended to exclude other means of reporting progress, such as conferences, phone conversations, etc.

When necessary, attempts will be made to provide interpreters for non-English speaking parents/guardians.

8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(g)

Students

**SUBJECT: PROVISION OF ACCOMMODATIONS FOR PARENTS WHO ARE  
DISABLED OR USE A SECOND LANGUAGE AS THEIR PRIMARY  
LANGUAGE**

The Board of Education assures parents or persons in parental relationship who are disabled or use a second language the right to meaningful access to school initiated meetings or activities pertaining to the academic and/or disciplinary aspects of their children's education. School initiated meetings or activities are defined to include, but are not limited to, parent-teacher conferences, child study or building-level team meetings, planning meetings with school counselors regarding education progress and career planning, suspension hearings or any conferences with school officials relating to disciplinary actions. The term "disabled" shall include any physical impairment, whether permanent or fluctuating, which prevents meaningful participation in School District meetings or activities about their children.

Parents or persons in parental relationship shall be notified of the availability of accommodations and/or interpreter services to be provided at no charge, provided that a request is made to the School District within a reasonable time of the scheduled event. Exceptions to the time frame request may be made for unanticipated circumstances as determined by the principal/designee. The District shall also notify appropriate school personnel as to the terms and implementation of this policy. Staff should attempt to identify early those who will need provision of these accommodations.

If accommodations are requested, the District shall secure the accommodation to interpret during the meeting or activity. The District will arrange for interpreters through a District-created list or through an interpreter referral service. The District shall also develop interagency agreements, as appropriate, to ensure that interpreters or other accommodations are provided for eligible parents or persons in parental relationship when District students attend out-of-District schools or programs.

In the event that interpreters or other accommodations are unavailable, the School District shall make other reasonable accommodations which are satisfactory to the parents or persons in parental relationship. Examples of what constitutes reasonable accommodations include, but are not limited to:

- a) Written communications, transcripts, notetakers;
- b) Technology, such as: a decoder or telecommunication device for the deaf, assistive listening devices, and close or open captioning; and
- c) Location of conference in an alternate barrier-free setting.

Adopted: 7/10/00

Education Law Section 3230  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(aa)

**SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS**

In order to graduate from Kenmore-Tonawanda Union Free School District, a student must complete or may exceed the requirements set forth in Part 100 of the Commissioner's Regulations. The Board of Education reserves the right to establish requirements for graduation which exceed the minimum standards as defined by the New York State Regents. All students must be in compliance with Commissioner's Regulations for graduation in achieving a minimum of a Regents diploma unless otherwise indicated.

**Regents Diploma with Honors**

The District may award a Regents diploma with honors to students who receive an average of ninety percent (90%) on all Regents examinations required for a Regents diploma. These exams include comprehensive English, mathematics, science, US History and Government, Global History and Geography and languages other than English (LOTE). This diploma with honors may also be given to a student who has substituted no more than two (2) alternative assessments for a Regents examination as approved by Commissioner's Regulations Section 100.2(f). However, the student's actual score on the substituted alternative assessment will not be factored into the ninety percent (90%) calculation.

**Regents Diplomas with Advanced Designation**

The District may award a Regents diploma with Advanced Designation to students who complete all credits for a Regents diploma as well as additional credits, consisting of two (2) LOTE or a five (5) unit sequence in the Arts or Career and Technical Education (CTE). These students must also pass all the required Regents examinations and three additional Regents examinations in Math, Science and LOTE (when available or local exam).

**Regents Diplomas with Advanced Designation with Honors**

The District may award a Regents diploma with advanced designation with honors. A student needs to have an average score of ninety percent (90%) on all Regents examinations required for the advanced diploma. These Regents examinations are: comprehensive English, two (or three) mathematics, two sciences (one in physical science/the other in life science), US History and Government, Global History and Geography and languages other than English (LOTE).

**Annotation of Science and/or Math Mastery**

To earn an annotation of science and/or math mastery on a diploma, a student must complete all Regents with advanced designation credits and pass with a score of 85 or better on three Regents examinations in science and/or mathematics.

**SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS****Career and Technical Endorsement**

To earn a career and technical endorsement on a diploma, a student must complete all Regents Diploma credits; complete an integrated career and technical education course, which is jointly developed and taught by an academic subject teacher and/or career and technical education teacher; and pass a technical assessment. If no assessment exists in a particular field, a District or BOCES may form a consortium to solicit local regional or national business or related professional organizations to create an assessment.

**Appeal of Regents Examination Score Option**

School Districts must provide unlimited opportunities for all students (students with and without disabilities) to retake required Regents examinations to improve their scores so that the student may graduate with a Regents diploma. Any student who fails, after at least two (2) attempts, to attain a score of 65 or above on a required Regents examination for graduation must be given an opportunity to appeal such score in accordance with the provisions of Section 100.5(d)(7) of the Regulations of the Commissioner of Education. No student may appeal his/her score on more than two (2) of the five (5) required Regents examinations. A student whose appeal is accepted for one (1) required Regents examination, and who has attained a passing score of 65 or above on each of the four (4) remaining required Regents examinations, shall earn a Regents diploma. A student whose appeal is accepted for two (2) required Regents examinations, and who has attained a passing score of 65 or above on each of the three (3) remaining required Regents examinations, shall earn a local diploma. *This is the only circumstance in which a general education student may earn a local diploma.*

**Early Graduation**

Upon request from the student's parent/guardian, a student shall be eligible for early graduation in fewer than eight (8) semesters upon completion of all requirements for graduation, excluding physical education, as mandated by Commissioner's Regulations. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements.

**Accelerated Programs****Eighth Grade Acceleration for Diploma Credits**

Individual eighth grade students only may be afforded the opportunity to take high school courses in mathematics and in at least one of the following areas: English, social studies, languages other than English, art, music, career and technical education subjects, or science courses. The Superintendent or his/her designee is responsible for determining that an eighth grade student is eligible to take high school courses. The District shall utilize a set of criteria to determine each

**SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS (Cont'd.)**

student's readiness for acceleration. Students who are accelerated for diploma credit must have been provided instruction designed to facilitate their attainment of, by the end of Grade 7, the State intermediate learning standards in each subject area in which they are accelerated.

Advanced Placement

Advanced Placement (AP) examinations are administered by the College Board with strict guidelines as to their implementation. A national, standardized, arduous examination is administered by the College Board in May of each year for a great variety of courses in various subject areas. In addition to entering a universe of knowledge that might otherwise remain unexplored in high school, Advance Placement examinations afford students the opportunity to earn credit or advanced standing in most of the nation's colleges and universities. The District shall utilize a set of criteria to determine a student's readiness for enrollment in the Advanced Placement classes.

**Online Coursework**

Section 100.5(d) of NYCRR amends the Commissioner's Regulations to allow school districts and BOCES to offer students the ability to complete general education and diploma requirements for a specific subject through online instruction or blended coursework that combines online and classroom-based instruction.

To receive credit students shall successfully complete an online or blended course and demonstrate mastery of the learning outcomes for the subject by passing the Regents exam and/or other assessment in the subject area.

8 NYCRR Sections 100.1(i), 100.2(f), 100.4(d), 100.5, 100.6 and 200.5

NOTE: Refer also to Policy #7222 -- Diploma and/or Credential Options for Students with Disabilities

Adoption Date: 6/10/2014

Further information is available on the NY State Education Website for General Education & Diploma Requirements at: <http://www.p12.nysed.gov/ciai/gradreq/intro.html>

The General Education and Gradation Chart is available at: <http://www.p12.nysed.gov/ciai/gradreq/revisedgradreq3column.pdf>



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Students

**SUBJECT: EARLY GRADUATION**

A student shall be eligible for early graduation in fewer than eight semesters upon completion of all requirements for graduation, excluding physical education, as mandated by Commissioner's Regulations. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements. The District, upon request from the student's parent/guardian, may choose to grant the student a high school diploma prior to his/her completion of the eighth semester.

8 New York Code of Rules and Regulations  
(NYCRR) Section 100.5(3)

Adopted: 7/10/00

**SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES**

The District is committed to ensuring that students with disabilities are provided appropriate opportunities to earn a Regents or Local Diploma or other exiting Commencement Credential in accordance with the Commissioner's Regulations. To this end, the District will ensure that graduation and transition planning for students with disabilities is appropriate.

In addition to all graduation options afforded to general education students, *including the Regents Diploma and various honors and/or designations*, the following diplomas and/or credentials are also available for students with disabilities.

**Local Diploma**

To earn a Local Diploma, students with disabilities must:

- a) a) Complete the same twenty-two (22) units of credit required for a Regents Diploma; and
- b)
- c) b) Achieve a score of 55 or higher on one or more of the five (5) examinations required for a Regents Diploma.
- d)
- e) Note: Students with disabilities entering Grade 9 prior to September 2011: A passing grade on a Regents Competency Test (RCT) may be used in lieu of a passing grade on a Regents examination. The school may administer the RCT before or after the corresponding Regents exam, however the student must take the required Regents exam. The RCT option remains available until the applicable student graduates or turns twenty-one (21) years old.
- f)

**Local Diploma Compensatory Option (Safety Net)**

To earn a Local Diploma using the compensatory option, students with disabilities must:

- g) a) Complete the same twenty-two (22) units of credit required for a Regents Diploma;
- h)
- i) b) Achieve a score of at least 55 on both the English (ELA) and Math Regents exams;
- j)
- k) c) Achieve a score between 45-54 on one or more of the other required Regents exams (US History and Government, Global History, and a Science), in which case each score of 65 or higher on any other Regents exam may compensate for a single 45-54 required exam;
- l)
- m) d) Obtain a passing grade for the course in the subject area of the Regents exam in which he or she received a score of 45-54;
- n)
- o) e) Have a satisfactory attendance rate in accordance with the District's or school's attendance policy for the school year; and

## Students

**SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)**

- p) q) f) Not already be using a passing score on any RCTs, if such exam is available to the student (entered Grade 9 prior to September 2011).

**Career Development and Occupational Studies (CDOS) Commencement Credential**

The Career Development and Occupational Studies (CDOS) Commencement Credential may be earned by a student with a disability to document his or her preparation for entry-level employment after high school. This credential can be awarded in conjunction with a Regents or Local Diploma, or may be issued by itself.

When awarding the CDOS Commencement Credential using *option one*, the student shall demonstrate evidence of the following requirements, which shall be verified by the District:

- r) a) The student has a developed, annually reviewed and, as appropriate, revised Career Plan to assure the student is actively engaged in career exploration;
- s) t) b) The student has demonstrated commencement level knowledge and skills of the CDOS learning standards. To evidence this level of knowledge and skill, a student must demonstrate: career development, integrated learning, and universal foundation skills. In addition a student may also, but is not required to, demonstrate additional career skills by completing a career-specific major;
- u) v) c) The student has successfully completed at least two (2) units of study (216 hours) in Career and Technical Education (CTE) courses, including a minimum of 54 hours of documented school supervised work-based learning experiences, which may, but is not required to, be completed in conjunction with the CTE courses; and
- w) x) d) Within one year prior to a student's exit from school, at least one Employability Profile must be completed by designated school staff or other individuals knowledgeable about the student's employment skills and experiences.
- y) z) A student's CTE courses and supervised work-based learning experiences must be documented on his or her transcript and the Career Plan and Employability Profile must be placed in a student's permanent record. The State Education Department (SED) has provided models of the Career Plan and Employability Profile forms as well as charts of work-based learning programs and nationally-recognized work-readiness credentials, located at:
- aa) <http://www.p12.nysed.gov/specialed/publications/CDOScredential-memo-613.htm>
- bb)

**SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)**

cc)

dd) Instead of the above (a-d) requirements, a District may utilize *option two* by awarding a CDOS Commencement Credential to a student who has completed a nationally-recognized work-readiness program or certification. Districts cannot exclusively offer option two and must still provide opportunities for students to fulfill the CDOS Commencement Credential through option one's requirements.

ee)

**Skills and Achievement (SA) Commencement Credential**

To issue the Skills and Achievement (SA) Commencement Credential the District must ensure that the student:

- a) Meets the definition of a student with a severe disability;
- b) Has been recommended by the Committee of Special Education (CSE) to take the New York State Alternative Assessment (NYSAA) for students with severe disabilities;
- c) Has been given appropriate opportunities to participate in community experiences and development of employment and other instructional activities to prepare the student for post-secondary living, learning and employment; and
- d) Has been issued a summary of the student's academic achievement and functional performance. A model summary form developed by SED is located at:  
<http://www.p12.nysed.gov/specialed/publications/SACC-SESform-att2.htm>

**Awarding the SA or CDOS Commencement Credentials**

The SA and CDOS Commencement Credentials may be issued at any time after such student has attended school for at least twelve (12) years, or at the end of the school year in which the student turns twenty one (21) years old. When a student is under twenty-one (21) and is issued SA Commencement Credential or the CDOS Commencement Credential *without* the Regents or Local Diploma, the credential award must be accompanied by a written statement of assurance. This statement must indicate that the student remains eligible to attend the public school within the District, without payment of tuition, until the student has either earned a diploma or until he/she turns twenty-one (21), whichever occurs first.

The CDOS and SA Commencement Credentials must be similar in form to the diplomas issued by the District, except that they shall not use the term "diploma" on them. The SA Commencement Credential must contain a clear annotation that it is based on alternate academic achievement standards. The CDOS Commencement Credential shall indicate that it has been endorsed by the New York State Board of Regents as a certificate of readiness for entry-level employment.

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Students

**SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH  
DISABILITIES (Cont'd.)**

Education Law Sections 3202 and 4402  
8 NYCRR Sections 100.1, 100.2, 100.5, 100.6, 200.4 and 200.5

NOTE: Refer also to Policy #7220 -- Graduation Requirements/Early Graduation/Accelerated  
Program

Adoption Date: 6/10/2014

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Students

**SUBJECT: DUAL CREDIT FOR COLLEGE COURSES**

All students who have successfully fulfilled the requirements to enter into their senior year and have demonstrated intellectual and social maturity may choose to matriculate at any one of the colleges that have a cooperative agreement with our School District. Such opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. Review and approval by the administration are necessary before any college courses may be taken during the school day.

The Board shall not be required to pay tuition and other related costs for those high school students enrolled in college courses. Students who wish to enroll in college level coursework shall meet all academic, grade level and coursework requirements as set forth by administrative rules and regulations.

Adopted: 7/10/00

## Students

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE****Student Records**

The Kenmore-Town of Tonawanda Union Free School District shall comply with the provisions of the "Family Educational Rights and Privacy Act of 1974" and subsequent reenactments. Under its provisions, "parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, have a right to inspect and review any and all official records, files, and data, including all material that is incorporated into each student's cumulative record folder and intended for school use or to be available to parties outside the school or School System and specifically including, but not necessarily limited to identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns." Exceptions are "working notes" maintained temporarily by a staff member in his/her personal files to assist in the development of appropriate instructional and management strategies.

**Access to Student Records**

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of Federal Law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older or who are attending an institution of post-secondary education, student records, and files on students, and to insure the confidentiality of such records with respect to third parties.

**Challenge to Student Records**

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years or older, or who is attending an institution of post-secondary education, shall have an opportunity for a hearing to challenge the content of the school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein. Requests for challenges shall be directed to the Assistant Superintendent for Pupil Services. Procedures and forms shall be available in school buildings and the Pupil Services Office to persons defined above.

The rights of access and challenge shall be widely disseminated on an annual basis.

Adopted: 7/10/00

Family Educational Rights and Privacy Act of 1974  
20 United States Code (U.S.C.) Section 1232(g)



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Students

**SUBJECT: RELEASE OF INFORMATION TO THE NONCUSTODIAL PARENT**

The District may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

20 United States Code (U.S.C.) 1232(g)(b)(4)(A)  
34 Code of Federal Regulations (CFR), Part 99

Adopted: 7/10/00

## Students

**SUBJECT: STUDENT DIRECTORY INFORMATION**

The District shall publish an annual public notice informing parents or eligible students (i.e., a student eighteen (18) years of age or older or who is attending an institution of post-secondary education) of the District's definition of directory information, the parent/eligible student's right to refuse the release of student directory information and indication of the time period for their response. (Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.) Following such public notice and a reasonable response period, the District may release such information to an outside group without individual consent.

The Family Educational Rights and Privacy Act (FERPA) defines student directory information as any of the following: name; address; telephone listing; date and place of birth; major field of study; grade level; participation in officially recognized activities and sports; weight and height (if members of athletic teams); dates of attendance; honors, degrees and awards received; electronic mail address; photograph; and the name of the educational agency or institution most recently previously attended by the student. The District will release only the following defined directory information: **parent contact information, student's name; major field of study; participation in officially recognized activities and sports; weight and height (if members of athletic teams); grade level; dates of attendance; degrees, honors, and awards received; photograph.**

Directory information **does not** include:

- a) A student's social security number; or
- b) A student's identification (ID) number, except as provided below.

Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

ff) The release of student directory information is not to be confused with the release of names, addresses and telephone listings of eligible students (i.e., a student seventeen (17) years of age or older or in the eleventh grade (or its equivalent) or higher) to Military Recruiters. In compliance with the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB), and the National Defense Authorization Act, the School District shall notify parents that by law it routinely releases this information to Military Recruiters upon request subject to a parents'/eligible students' request not to disclose such information with written parental verification of such request.

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232(g)  
34 Code of Federal Regulations (CFR) Part 99

NOTE: Refer also to Policy #7243 -- Military Recruiters' Access To Secondary School Students  
and Information on Students

Adopted: 7/3/2012

## Students

**SUBJECT: MILITARY RECRUITERS' ACCESS TO HIGH SCHOOL STUDENTS AND INFORMATION ON STUDENTS**

In compliance with the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB); and the National Defense Authorization Act, and in accordance with the Family Education Rights and Privacy Act (FERPA), the School District shall comply with a request by a military recruiter for secondary students' names, addresses and telephone listings, **unless a parent has "opted out" of providing such information.**

Further, in compliance with the NCLB, the District shall give military recruiters the same access to secondary school students as they provide to postsecondary institution or to prospective employers.

Under FERPA, the School District must provide notice to parents of the types of student information that it releases publicly. This type of information commonly referred to as "directory information" which is released by the District includes—but is not limited to—such items as students' names, addresses, and telephone listings. The notice must include an explanation of a parent's right to request that the information not be disclosed without prior written parental consent: names, addresses, and telephone listings to military recruiters upon request, subject to a parent's request not to disclose such information without written parental consent.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents of the above information is sufficient to satisfy the parental notification requirements of both FERPA and the NCLB. The notification shall advise the parent of how to opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so.

If a parent opts out of providing directory information (or any subset of such information) to third parties, the opt-out relating to their child's name, address, or telephone listing applies to request for military recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, the District may not disclose telephone numbers to military recruiters.

The Superintendent/designee shall ensure that appropriate notification is provided to parents informing them of their right to opt-out of the release of designated directory information without prior written parental consent.

Elementary and Secondary Education Act of 1965  
Section 9528  
20 United States Code (U.S.C.) Section 7908 as  
amended by the No Child Left Behind Act of 2001  
National Defense Authorization Act Section 544  
10 United States Code (U.S.C.) Section 503  
Family Educational Rights and Privacy Act of 1974  
20 United States Code (U.S.C.) Section 1232(g)  
34 Code of Federal Regulations (C.R.F.) Section  
300.571  
Education Law Section 2-a

Adopted: 2/10/03

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL, ACCESS TO INFORMATION,  
AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO  
MINORS**

**U.S. Department of Education-Funded Surveys**

In compliance with the Protection of Pupil Rights Amendment (PPRA), the School District is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

The District shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the School District **shall obtain prior written parental/guardian consent** before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning:

- a) Political affiliations or beliefs of the student or the student's parent/guardian;
- b) Mental or psychological problems of the student or the student's family;
- c) Sex behavior or attitudes;
- d) Illegal, anti-social, self-incriminating, or demeaning behavior;
- e) Critical appraisals of other individuals with whom respondents have close family relationships;
- f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

**Surveys Funded by Sources Other than U.S. Department of Education**

The School District has developed and adopted this Board policy, in consultation with parents/guardians, regarding the following:

- a) The right of the parent/guardian to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents/guardians to inspect such surveys are to be submitted, in writing, to the building principal at least 10 days prior to the administration or distribution of any survey. Further, the District shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District.

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

- b) Arrangements shall be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the following items (including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of such items):
1. Political affiliations or beliefs of student toward the student's parent/guardian;
  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/guardian;
  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 have the right to inspect, upon request, any survey containing one or more of such items. Such requests must be submitted by the parent/guardian, in writing, to the building principal at least 10 days prior to the administration or distribution of any survey.

- c) Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (defined by the School District, for the purposes of this policy, as 30 days) after such request is received by the District. Requests shall be submitted by parents/guardians, in writing, to the building principal. The term "*instructional material*" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). *The term does not include academic tests or academic assessments*
- d) The administration of physical examinations or screenings that the School District may administer to a student.

*Further, this law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.*

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the School District incorporates by reference Board policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.

- e) Unless mandated/authorized in accordance with Federal or State law and/or regulation, it is policy of the Board of Education, to **not permit** the collection, disclosure, or use of personal information (the term "*personal information*" is defined as individually identifiable information including a student's or parent/guardian's first and last name; home address; telephone number; or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), *unless otherwise exempted pursuant to law as noted below*. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the Superintendent/designee.

These requirements **do not apply** to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- a) College or other postsecondary education recruitment, or *\*military recruitment*;
- b) Book clubs, magazines, and programs providing access to low-cost literary products;
- c) Curriculum and instructional materials used by elementary schools and secondary schools;
- d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- e) The sale by students of products or services to raise funds for school-related or education-related activities;
- f) Student recognition programs.

This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.

*\*Military recruiter access to student information is governed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and the National Defense Authorization Act for Fiscal Year 2002.*

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

**Notification of Policies/"Opt Out" Provisions**

The School District shall provide for reasonable notice of the adoption or continued use of this policy directly to the parents/guardians of students enrolled in the District. At a minimum, the District shall provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the District shall offer an opportunity for parents/guardians to opt their child out of participation in the following activities:

- a) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
- b) The administration of **any survey** containing one or more of the eight items of information listed above in the subheadings referencing DOE-funded surveys as well as non-DOE-funded surveys.
- c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "*invasive physical examination*" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but *does not include a hearing, vision or scoliosis screening.*

Notification of Specific Events

In the notification, the School District shall directly notify parents/guardians, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the above activities are scheduled or expected to be scheduled.

**General Provisions**

The requirements of PPRA do not apply to a survey administered to a Student in accordance with the Individual with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of FERPA.

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

The rights provided to parents/guardians under PPRA transfer from the parent/guardian to the student when the student turns 18 years old or is an emancipated minor under applicable State law.

The School District may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian involvement in areas affecting the in-school privacy of students.

20 United States Code (U.S.C.)  
Section 1232h(b) and (c), as amended by the  
No Child Left Behind Act of 2001

34 Code of Federal Regulations (C.F.R.) Part 98

NOTE: Refer also to Policies #7121 – Screening of New School Entrants  
#7243 – Military Recruiters' Access to Secondary School Students  
and Information on Students  
#7511 – Immunization of Students  
#7512 – Student Physicals  
#7513 – Administration of Medication

Adopted: 8/11/03



**SUBJECT: RESPONSE TO INTERVENTION (RtI) PROCESS**

In accordance with Commissioner's Regulations, the School District has established administrative practices and procedures for implementing District-wide initiatives that address a Response to Intervention (RtI) process applicable to all students. For students suspected of having a potential learning disability, the District will provide appropriate RtI services pursuant to Commissioner's Regulations prior to a referral to the Committee on Special Education (CSE) for evaluation.

**Minimum Requirements of Kenmore-Tonawanda UFSD RtI Program**

The Kenmore-Tonawanda UFSD RtI process shall include the following minimum requirements:

a) Scientific, research-based instruction for ALL students in reading grades K-4 provided to all students in the general education class by qualified personnel. Instruction in reading, per Commissioner's Regulations, shall mean scientific, research-based reading programs that include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies;

b) Screenings shall be provided to all students grades K-4, three times a year, to identify those students who are not making academic progress at expected rates;

c) Scientific, research-based instruction matched to student need with increasingly intensive levels of targeted interventions for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards;

d) Repeated assessments of student achievement which should include curriculum based measures to determine if interventions are resulting in student progress toward age or grade level standards;

e) The Instructional Support Team will utilize information about the student's response to intervention to make educational decisions about changes in goals [i.e., goals for all students, not just Individualized Education Program (IEP) goals], instruction and/or services and the decision to make a referral for special education programs and/or services; and

f) Written notification to the parents when the student requires an intervention beyond that provided to all students in the general education classroom that provides information about:

1. The amount and nature of student performance data that will be collected and the general education services that will be provided as enumerated in Commissioner's Regulations;
2. Strategies for increasing the student's rate of learning; and
3. The parents' right to request an evaluation for special education programs and/or services.

**SUBJECT:RESPONSE TO INTERVENTION (RtI) PROCESS (Cont'd.)****Structure of Response to Intervention Program**

The Kenmore-Tonawanda UFSD RtI model will consist of three tiers of instruction/assessments to address increasingly intensive levels of targeted intervention to promote early identification of student performance needs and/or rate of learning, and to help raise achievement levels for all students.

Instructional Support Teams, whose members may include, but are not limited to, regular education teachers, special education personnel, the school psychologist, reading and math specialists, designated administrators, and other individuals deemed appropriate by the District, will be available for each building/grade level classification to address the implementation of the District's RtI process.

The Instructional Support Team's responsibilities shall include, but are not limited to, the following:

- a) Determining the level of interventions/student performance based upon the District's Academic Intervention Services Plan criteria appropriate for each tier of the RtI model;
- b) Analyzing information/assessments concerning a student's response to intervention and making educational decisions about changes in goals, instruction and/or services;
- c) Determining whether to make a referral for special education programs and/or services.

**Criteria for Determining the Levels of Intervention to be Provided to Students**

The Kenmore-Tonawanda UFSD will utilize the Academic Intervention Services Plan guidelines for targeted areas of student performance in accordance with Commissioner's Regulations to identify students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards.

The Kenmore-Tonawanda UFSD will utilize the Academic Intervention Services Plan guidelines to identify assessment measures/tools and the corresponding scores or levels of proficiency below which students shall be considered for increasingly intensive levels of targeted intervention and instruction.

**Types of Interventions**

The District will provide a three-tiered model of increasingly intensive levels of targeted intervention and instruction for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards.

It is expected that use of the three-tiered model of instruction will be specific to each student's needs and will be an ongoing process, with students entering and exiting tiers of intervention according to the analysis of student performance data and progress monitoring.

**SUBJECT:RESPONSE TO INTERVENTION (RtI) PROCESS (Cont'd.)****Tier One Instruction**

Tier One instruction is provided to all students in the general education setting. The use of scientific, research based instruction in the areas of reading will be provided by the general education teacher and/or other qualified personnel as appropriate, and will emphasize proactive, preventative core instructional strategies in the classroom setting. Group and/or individualized instruction, assessment and reinforcement activities will be provided as deemed appropriate by the classroom teacher.

The analysis of Tier One student performance data will be used to identify those students who need additional intervention at the Tier Two Level of instruction.

**Tier Two Instruction**

In general, Tier Two instruction will consist of small group, targeted interventions for those students identified as being "at-risk" who fail to make adequate progress in the general education classroom. Tier Two instruction will include programs and intervention strategies designed to supplement Tier One interventions provided to all students in the general education setting.

Tier Two instruction may be provided by a faculty member, which may include a child's teacher, a reading specialist, a teaching assistant or other professionals such as, tutors, speech therapists, school psychologists and/or school counselors as determined by the Instructional Support Team.

At the conclusion of Tier Two instruction, the Instructional Support Team will review the student's progress and make a determination as to whether Tier Two interventions should be maintained; the student returned to the general education classroom if satisfactory progress is shown; or referred for Tier Three instruction.

**Tier Three Instruction**

Tier Three instruction is the provision of more intensive instructional interventions, tailored to the needs of the individual student; and is provided to those students who do not achieve adequate progress after receiving interventions at the Tier Two level. Tier Three instruction will include smaller group size, and increased frequency and duration of services than those provided in the first two Tiers based upon the needs of the student.

Tier Three instruction will be provided by those specialists, as determined by the Instructional Support Team, best qualified to address the individual student's targeted area(s) of need. If deemed appropriate by the Team, and in accordance with applicable law and regulation, a referral of the student may be made to the Committee on Special Education.

Progress monitoring on a continuous basis is an integral part of Tier Three; and the student's response to the intervention process will determine the need/level of further intervention services and/or educational placement.

**SUBJECT:RESPONSE TO INTERVENTION (RtI) PROCESS (Cont'd.)****Amount and Nature of Student Performance Data to be Collected**

The Instructional Support Team will determine the amount and nature of student performance data that will be collected to assess, on an ongoing basis, student performance results and address ongoing academic needs as warranted. Such data collection will reflect the Tier Level of intervention provided to the student. Student performance data will also be used to review the Kenmore-Tonawanda UFSD RtI process and make modifications to the process as deemed necessary.

**Manner and Frequency for Progress Monitoring**

The Instructional Support Team shall monitor the progress of those students receiving intervention services beyond that provided to all students in the general education classroom. The Team shall meet with the student's teacher(s) and will determine if further adjustments need to be made to the student's current instructional program and/or a change made to the Tier Level of intervention provided. Monitoring of student progress shall be an ongoing part of the RtI process from the initial screening to completion of the RtI process as applicable. Parents may also request that the progress of their child be reviewed by the Instructional Support Team.

Fidelity measures (e.g., an observational checklist of designated teaching behaviors in accordance with the RtI intervention/process being implemented) will also be completed by Team members to assess whether the intervention was implemented as intended and uniformly applied. Clear benchmarks will be established for student performance and performance charts will be plotted at the completion of the instructional period/intervention process.

**Staff Development**

All staff members involved in the development, provision and/or assessment of the District's RtI process, including both general education and special education instructional personnel, shall receive appropriate training necessary to implement the District's RtI model. Staff development will include the criteria for determining the levels of intervention provided to students, the types of interventions, collection of student performance data, and the manner and frequency for monitoring progress.

**Parent Notification**

Written notification shall be provided to parents when their child requires an intervention beyond that provided to all students in the general education classroom. Such written notice shall include the following information:

- a) The amount and nature of student performance data that will be collected and the general education services that will be provided as part of the RtI process;
- b) Strategies for increasing the child's rate of learning; and
- c) The parents' right to request an evaluation for special education programs and/or services.

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Students

**SUBJECT:RESPONSE TO INTERVENTION (RtI) PROCESS (Cont'd.)**

34 Code of Federal Regulations (CFR) Sections 300.309 and 300.311  
Education Law Sections 3208, 4002, 4401, 4401-a, 4402, 4402, and 4410  
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(ii), 200.2(b)(7), 200.4(a),  
200.4(j)(3)(i), and 200.4(j)(5)(i)(g)

Adopted 3/13/12

**SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES**

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of the District; or
- b) Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

In instances where the District has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed \$5,000. Under certain circumstances, prior to the entering of a judgment in the sum total of \$500.00 or more, a court may consider the parent's or guardian's financial inability to pay any portion or all of the amount of damages which are in excess of \$500.00, and enter a judgment in an amount within the financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than \$500.00.

**False Reporting of an Incident and/or Placing a False Bomb**

The School District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has falsely reported an incident; or
- b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the School District in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, the School District shall file with the court, district attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

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Students

**SUBJECT: STUDENT DRESS CODE**

The responsibility for the dress and appearance of students shall rest with individual students and parents. They have the right to determine how the student shall dress, provided that such attire is not destructive to school property, complies with requirements for health and safety, does not interfere with the educational process, or impinge upon the rights of others. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

While the school administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, socks, shorts, tee shirts, they may not prescribe a specific brand which students must wear.

This policy does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, as long as his/her dress and appearance meet the above requirements.

Adopted: 7/10/00

**STUDENTS****SUBJECT: SUSPENSION OF STUDENTS**

The Superintendent and/or the Principal may suspend the following students from required attendance upon instruction:

- a) A student who is insubordinate or disorderly; or
- b) A student who is violent or disruptive; or
- c) A student whose conduct otherwise endangers the safety, morals, health or welfare of others.

**Suspension**Five School Days or Less

The Superintendent and/or the Principal of the school where the student attends shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the Principal, the designated "Acting Principal" may then suspend a student for a period of five (5) school days or less.

When the Superintendent or the Principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with **notice** of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an **explanation** of the basis for the suspension.

When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student *may be* suspended from school.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the Principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.



## STUDENTS

### **SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

The notice and opportunity for informal conference shall take place **prior to** suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

Teachers shall immediately report or refer a violent student to the Principal or Superintendent for a violation of the *District's Code of Conduct* and a minimum suspension period.

For suspension of five (5) school days or less, a parent/person in parental relation wishing to appeal the suspension of the student by the Principal, must file a written appeal to the Superintendent, if necessary, prior to commencing an appeal to the Commissioner of Education.

#### More Than Five School Days

In situations where the Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/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 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 of Education 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 of Education within 30 days of the decision.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

**STUDENTS****SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**Minimum Periods of Suspension

Pursuant to law, Commissioner's Regulations and the *District's Code of Conduct*, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a weapon to school or possessed a weapon on school premises shall be suspended for a period of not less than one (1) calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.
- b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" shall be determined in accordance with the Regulations of the Commissioner.
- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

**Suspension of Students with Disabilities**

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the *District's Code of Conduct* and in conjunction with applicable law and the determination of the Committee on Special Education (CSE).

For suspensions or removals up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern because the suspensions or removals cumulate to more than ten school days in a school year, a manifestation determination must be made.

**STUDENTS**

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

**Manifestation Determinations**

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten (10) school days after a decision is made:

- a) By the Superintendent to change the placement to an interim alternative educational setting (IAES);
- b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or
- c) By the Board, District Superintendent, Superintendent or building principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

The manifestation team shall review all relevant information in the student's file including the student's individualized education program (IEP), any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the IEP.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability the CSE shall conduct a functional behavioral assessment and implement or modify a behavioral intervention plan. Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent/person in parental relation to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to such student.

**STUDENTS**

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, for subsequent suspensions or removals for ten (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change of placement, and for suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement for behavior, the CSE shall determine the services to be provided to students with a disability necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP, and shall conduct or provide, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

**Interim Alternative Educational Setting (IAES)**

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) school days may, as determined by the CSE, be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred. Additionally, the District may seek an order from a hearing officer for a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the District establishes, in accordance with law, that such student is substantially likely to injure himself/herself or others.

There are three (3) specific instances when a student with a disability may be placed in an IAES for up to forty-five (45) school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or
- b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or
- c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:
  1. Substantial risk of death;
  2. Extreme physical pain; or
  3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

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

## STUDENTS

### **SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES shall:

- a) Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP, and
- b) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

### **Suspension From BOCES**

The BOCES Principal may suspend School District students from BOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

### **In-School Suspension**

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

### **BOCES Activities**

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES is to be considered as an act within the School District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or his/her designee.

**STUDENTS****SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)****Exhaustion of Administrative Remedies**

If a parent/person in parental relation wishes to appeal the decision of the Building Principal and/or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board of Education prior to commencing an appeal to the Commissioner of Education.

**Procedure after Suspension**

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

When a student has been suspended, the suspension may be revoked by the Board of Education whenever it appears to be for the best interest of the school and the student to do so. The Board of Education may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

Individuals with Disabilities Education Improvement Act of  
2004 [[Public Law 108-446 Section 615\(k\)\(1\)](#)]  
[18 United States Code \(USC\) Section 921](#)  
Individuals with Disabilities Education Act (IDEA)  
[20 United States Code \(USC\) Sections 1400 et seq.](#)  
[20 United States Code \(USC\) Section 7151](#), as reauthorized  
by the No Child Left Behind Act of 2001  
[34 Code of Federal Regulations \(CFR\) Part 300](#)  
[Education Law Sections 2801\(1\), 3214 and 4402](#)  
[Penal Law Section 265.01](#)  
8 New York Code of Rules and Regulations (NYCRR)  
Section 100.2(1)(2) and Part 201

ADOPTED: 4/9/2013

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES**

The Board of Education will provide access to various computerized information resources through the District's computer system ("DCS" hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may include the opportunity for some students to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations. Further, all such use must be in support of education and/or research and consistent with the goals and purposes of the School District.

One purpose of this policy is to provide notice to students and parents/guardians that, unlike most traditional instructional or library media materials, the DCS will allow student access to external computer networks not controlled by the School District where it is impossible for the District to screen or review all of the available materials. Some of the available materials may be deemed unsuitable by parents/guardians for student use or access. This policy is intended to establish general guidelines for acceptable student use. However, despite the existence of such District policy and accompanying guidelines and regulations, it will not be possible to completely prevent access to computerized information that is inappropriate for students. Furthermore, students may have the ability to access such information from their home or other locations off school premises. Parents/guardians of students must be willing to set and convey standards for appropriate and acceptable use to their children when using the DCS or any other electronic media or communications. The District respects the right of each family to decide whether or not to apply for independent computer access.

Student use of the DCS is conditioned upon written agreement by all students and their parents/guardians that student use of the DCS will conform to the requirements of this policy and any regulations adopted to insure acceptable use of the DCS. All such agreements shall be kept on file in the District Office.

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the DCS. This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior.

District students shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and student rights of privacy created by federal and state law.

(Continued)

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(Cont'd.)**

Students who engage in unacceptable use may lose access to the DCS in accordance with applicable due process procedures, and may be subject to further discipline under the District's school conduct and discipline policy and the Student Discipline Code of Conduct. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The computer coordinator may access all such files and communications to insure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the DCS will be private.

The Superintendent or his/her designee is authorized to establish regulations as necessary to implement the terms of this policy.



## Students

### SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY

The Board of Education seeks to maintain a safe and secure environment for students and staff. Advances in technology have made it possible to expand the learning environment beyond traditional classroom boundaries. Using personal electronic devices during instructional time can enable students to explore new concepts, personalize their learning experience and expand their global learning opportunities. Additionally, the use of personal technology devices is ubiquitous in today's society and standards for student use during non-instructional time should adapt to this change. This policy defines the use of personal technology during instructional and non-instructional times and reinforces the standard that all use, regardless of its purpose, must follow the guidelines outlined in the Student Acceptable Use Policy (AUP), the District's *Code of Conduct*, and the Dignity for All Students Act.

Personal technology includes all existing and emerging technology devices that can take photographs; record audio or video; input text; upload and download media; and transmit or receive messages or images. Examples of personal technology includes, but are not limited to, iPods and MP3 players; iPad, Nook, Kindle, and other tablet PCs; laptop and netbook computers; personal digital assistants (PDAs), cell phones and smart phones such as BlackBerry, iPhone, or Droid, as well as any device with similar capabilities. Unacceptable devices shall include, but are not limited to, gaming devices or consoles, laser pointers, modems or routers, and televisions.

Instructional purposes include, but are not limited to, approved classroom activities, research, college admissions activities, career development, communication with experts, homework and other activities as deemed appropriate by school staff.

Personal technology use by students is permitted during the school day for educational purposes and/or in approved locations only. Teachers will indicate when and if classroom use is acceptable. Students are expected to act responsibly and thoughtfully when using technology resources. Students bear the burden of responsibility to inquire with school administrators and/or teachers when they are unsure of the permissibility of a particular use of technology prior to engaging in such use. Videotaping and use of photography and use of photography is prohibited on school grounds through the use of personal devices and is considered a breach of the AUP and Code of Conduct unless authorized by instructional staff and administration.

The District shall not be liable for the loss, damage, misuse, or theft of any personal technology brought to School. The District reserves the right to monitor, inspect, and/or confiscate personal technology when administration has reasonable suspicion to believe that a violation of school policy or criminal law has occurred.

The Board expressly prohibits use of personal technology in locker rooms, restrooms, Health Offices and any other areas where a person would reasonably expect some degree of personal privacy.

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## Students

Students will not be permitted to use personal technology devices in school or at school functions until they have reviewed the AUP, the applicable sections of the *Code of Conduct* and associated technology guidelines, and signed the Student Use of Personal Technology (#7000F) Permission Form with their parents. The District reserves the right to restrict student use of District owned technologies and personal technology on school property or at school-sponsored events, at the discretion of the administration.

Students must follow the guidelines for use set out in the District *Code of Conduct* and the Acceptable Use Policy at all times. Consequences for misuse will follow guidelines in the District's *Code of Conduct*. The District will develop regulations for the implementation of this policy that shall include, but are not limited to, instructional use, non-instructional use, liability, bullying and cyber bullying, and privacy issues.

NOTE: Refer also to Policies #7315 -- Student Use of Computerized Information Resources  
#7550 -- Dignity for All Students Act  
#7551 -- Bullying in the Schools  
#8271 -- Internet Safety/Internet Content Filtering Policy

Adopted: 7/2/2013

## Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)**

The Board of Education recognizes that the misuse of alcohol, drugs, tobacco, and other illegal substances is a serious problem with legal, physical, emotional and social implications for our students, as well as the entire community. Therefore, the consumption, sharing and/or selling, use and/or possession of alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any school-sponsored function, on school grounds and on school buses at all times. The inappropriate possession and use of prescription and over-the-counter drugs shall also be disallowed.

**Zero Tolerance Policy**

The Board of Education endorses a “Zero Tolerance Policy” regarding the use of illegal substances of any kind by our students. See the District’s School Conduct and Discipline Policy for the text of the “Zero Tolerance Policy.”

**Smoking**

Smoking shall not be permitted and no person shall smoke within one hundred (100) feet of the entrance, exits or outdoor areas of any public or private elementary or secondary schools. However, this shall not apply to smoking in a residence, or within the real property boundary lines of such residential real property.

**Non-medical Use of Prescription Drugs**

Non-medical use of prescription drugs among young people has become an increasing problem in the United States. Prescription drugs are easier to access because they can be taken from their home’s medicine cabinet and young people may believe they are safer than illicit drugs because they are manufactured by a pharmaceutical company.

Should a student be found in possession of any of these substances, they shall be dealt with in accordance with the *Code of Conduct*.

**Persons Entering School Grounds**

Persons shall be banned from entering school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances. A school-sponsored function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

(Continued)

**SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)  
(Cont'd.)**

In accordance with Penal Law Section 220.00 for purposes of controlled substances offenses:

- a) "School grounds" means (a) in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of the District's schools, or (b) any area accessible to the public located within one thousand (1,000) feet of the real property boundary line comprising any such school or any parked automobile or other parked vehicle located within one thousand (1,000) feet of the real property boundary line comprising any District school. An "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.
- b) "School bus" means every motor vehicle owned by the District and operated for the transportation of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

**Prevention and Intervention**

Through the collaborative efforts of staff, students, parents/guardians and the community as a whole, a comprehensive program shall be developed addressing alcohol, tobacco, drugs, and other substances to include the following elements:

Primary Prevention

Preventing or delaying alcohol, tobacco, drugs, and other substance use/abuse by students shall be the major focus of a comprehensive K through 12 program in which proactive measures of prevention and early intervention are emphasized. This program shall include:

- a) A sequential K through 12 curriculum based on recognized principles of effectiveness that is developed and incorporated into the total educational process. This curriculum shall be concerned with education and prevention in all areas of alcohol, tobacco, drugs, and other substances use/abuse;
- b) Training school personnel and parents/guardians to reinforce the components of the policy through in-service and community education programs with up-to-date factual information and materials;
- c) An effort to provide positive alternatives to alcohol, tobacco, drugs, and other substances use/abuse through the promotion of drug/tobacco/alcohol-free special events, service projects and extracurricular activities that will develop and support a positive peer influence.

(Continued)

**SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)  
(Cont'd.)****Intervention**

School-based intervention services shall be made available to all students, grades K through 12, and provided by prevention professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol, tobacco, drugs, and other substances and to identify students considered to be at risk for use/abuse. Intervention programming shall include:

- a) Counseling of students in groups and as individuals on alcohol, tobacco, drugs, and other substance use/abuse. Counselors shall be appropriately trained and skilled school staff assigned for this purpose;
- b) Referring students to community or other outside agencies when their use/abuse of alcohol, tobacco, drugs, and other substances requires additional counseling or treatment. Referral is a key link in school and community efforts and the process is basic to the dissemination of information regarding available counseling and health services;
- c) Providing a supportive school environment designed to continue the recovery process for students returning from treatment. A re-entry program may include continuing student and/or family counseling and emphasizing positive alternatives to alcohol, tobacco, drugs, and other substance use/abuse;
- d) Developing a parent network to serve as a support group and provide a vehicle of communication for parent education;
- e) Ensuring confidentiality as required by state and federal law.

**Disciplinary Measures**

Disciplinary measures for students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs, or possessing or inappropriately using prescription and over-the-counter drugs shall be outlined in the *District's Code of Conduct on School Property*.

(Continued)

Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)  
(Cont'd.)**

**Staff Development**

There shall be ongoing training of District staff about the components of an effective alcohol, tobacco and other substances program. Training shall include, but not be limited to, District policies and regulations and the staff's role in implementing such policies and regulations. Teachers shall be trained to implement the District's K through 12 alcohol, tobacco, drugs and other substance prevention curricula; intervention staff shall be suitably trained to carry out appropriate services.

**Implementation, Dissemination and Monitoring**

It shall be the responsibility of the Superintendent to implement the alcohol, tobacco, drugs, and other substances Board policy by collaboration with school personnel, students, parents/guardians and the community at large.

Additionally, copies of Board policy shall be disseminated to District staff, parents/guardians and community members. The Superintendent/designee shall periodically review the tobacco, drugs and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Safe and Drug-Free Schools and Communities Act, as reauthorized by the No Child Left Behind Act of 2001  
20 USC Section 7101 et seq.  
Education Law Section 2801(1)  
Penal Law Sections 70.70(2)(a)(i), 220.00(17) and 220.44(5)  
Public Health Law 1399(o)  
Vehicle and Traffic Law Section 142  
8 NYCRR Section 409

NOTE: Refer also to Policies #3280 – Community Use of School Facilities  
#3410 -- Code of Conduct on School Property  
#5640 -- Smoking/Tobacco Use  
#8211 -- Prevention Instruction  
*District Code of Conduct*

Adoption Date: 7/2/2013

**SUBJECT: ALCOHOL (STUDENTS, ADULTS, & ORGANIZATIONS)**

In accordance with the District's "Zero Tolerance Policy" regarding the use of illegal substances of any kind by our students and whereas the consumption, sharing, and/or selling, use and/or possession of alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited by all participants, regardless of age, at any school sponsored or school related function, on or off school grounds, and on school buses at all times it is also expected that:

All event attendees, regardless of age, must refrain from consuming, sharing, selling, or being in possession of alcohol while participating in any activity sponsored by any District Athletic Team, Extracurricular or Co-Curricular Organization, including District approved booster clubs, or other independent organizations with a relationship to the District while in the presence of students. This also includes, but is not limited to, all field trips and athletic trips and events. If the Board of Education is notified that any event attendee was consuming, sharing, selling or in possession of alcohol during any such event and the event supervisors failed to make an honest attempt to prevent or stop the infraction, it will investigate the allegation or designate an individual to investigate the allegation. If it is determined that alcohol was being consumed, shared, sold, or in the possession of any event attendee during an event and event supervisors failed to make an honest attempt to prevent or stop the infraction, the Board of Education reserves the right to take appropriate disciplinary action against any employee, revoke the approval given by the Board of Education to organize as a booster club, or in the case of an independent organization with a relationship to the District, it may terminate that relationship. This policy shall not be interpreted to impede or prevent activities from taking place in a venue that may, as a normal course of conducting business, legally sell alcohol to other nonparticipating members of the general public such as in the case of restaurants, concert halls, theatres, bowling alleys, and other professional arenas.

Adopted: 7/3/2012

## Students

**SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS**

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband/prohibited items seized on school grounds or in a school building by an authorized School District official (as designated below) only when the School District official has reasonable suspicion to believe the student has engaged in or is engaging in proscribed activity which is in violation of the law and/or the rules of the school (i.e., the District Code of Conduct).

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

- a) The age of the student;
- b) The student's school record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed;
- d) The probative value and reliability of the information used as a justification for the search;
- e) The school official's prior knowledge of and experience with the student; and
- f) The urgency to conduct the search without delay.

The Superintendent, Building Principals, Assistant Principals, School Nurse and designated teachers are authorized to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will produce evidence that the student has violated or is violating the law and/or the Code of Conduct.

If reasonable suspicion exists to believe that a student has violated or is violating the law and/or school rules, it is permissible for an authorized school official to search that student's outer clothing, pockets, or property. The search may include, but is not limited to, the student's outer clothing such as a jacket or coat, pockets, backpack, and/or purse. Searches will be conducted by a staff member of the same sex as the student. Whenever possible, another staff member, also of the same sex, will be present as a witness.

**Strip Searches**

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. Strip searches are intrusive in nature and are not permissible. If school authorities believe there is an emergency situation that could threaten the safety of others, the student shall, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.



**SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)**

**Searches and Seizure of School Property**

Student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces loaned by the school to students remain the property of the school, and may be opened and inspected by school employees at any time. Students have no reasonable expectation of privacy with respect to school property; and school officials retain complete control over such property. This means that student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces may be subject to search and/or seizure of contraband/prohibited items at any time by school officials, without prior notice to students and without their consent.

**Questioning of Students by School Officials**

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

## **Law Enforcement Officials**

It shall be the policy of the School District that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions.

## **Interrogation of Students by Law Enforcement Officials**

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations or general questions regarding crimes committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the student's parent/guardian.

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/guardian.

If possible, questioning of a student by police should take place in private and in the presence of the Building Principal/designee.

## **Child Protective Services' Investigations**

From time to time, Child Protective Services may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The Board encourages cooperation with Child Protective Services in accordance with applicable Social Services Law.

Education Law Sections 1604(9), 1604(30), 1709(2), 1709(33) and 2801  
Family Court Act Section 1024  
Social Services Law Sections 411-428  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)

Adopted 6/14/11

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Students

**SUBJECT: BUS RULES AND REGULATIONS**

The Kenmore-Town of Tonawanda Union Free School District furnishes transportation to those students whose disability or distance from the school make the service essential. Riding these buses is a privilege and may be withdrawn if the student does not comply with the rules and regulations set forth in this District.

Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely.

The Board of Education, the Superintendent and/or his/her designee have the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. In these cases, the parents/guardians of the children involved become responsible for seeing that their children get to and from school safely.

Bus drivers and/or attendants shall be held responsible for reasonable and acceptable behavior of students while riding the school bus.

The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from transportation privileges. These rules and regulations shall be promulgated to all concerned, including the non-public schools to which students are transported. See the District's School Conduct and Discipline Code for these rules and regulations.

8 New York Code of Rules and Regulations  
(NYCRR) Section 156  
20 United States Code (U.S.C.)  
Sections 1400-1485, Individuals With Disabilities  
Education Act (IDEA)

Adopted: 7/10/00

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Students

**SUBJECT: CORPORAL PUNISHMENT**

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this School District.

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

- a) Self-protection;
- b) Protection of others;
- c) Protection of property; or
- d) Restraining/removing a disruptive student.

Whenever a school employee uses physical force against a student, the school employee shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Kenmore-Town of Tonawanda Union Free School authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Rules of the Board of Regents Section 19.5  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(1)(3)

Adopted: 7/10/00

## Students

**SUBJECT: GUN-FREE SCHOOLS**

No student shall bring onto school premises any "firearm" as defined in federal law. For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (i.e., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices). The term does not include a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks.

In accordance with the Gun-Free Schools Act of 1994 and Section 3214(3)(d) of the Education Law, any student who brings a firearm, as defined in federal law, onto school property will be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Article 3 of the Family Court Act when the student is under the age of sixteen and will be referred by the Superintendent to the appropriate law enforcement officials when the student is sixteen years of age or older.

In addition, any student attending a District school who has been found guilty of bringing a firearm onto school, after a hearing has been provided pursuant to Section 3214 of the Education Law, shall be suspended for a period of not less than one calendar year and any student attending a non-district school who participates in a program operated by the School District using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to a District school or other premises used by the School District to provide such programs shall be suspended for a period of not less than one calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-district school. Further, after the imposition of the one year penalty has been determined, the Superintendent of Schools has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one year suspension penalty, the Superintendent may modify the penalty based on factors as set forth in Section 100.2 of the Regulations of the Commissioner of Education and in Commissioner's Decisional Law. The determination of the Superintendent shall be subject to review by the Board of Education in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 3 10.

A student with a disability who is determined to have brought a firearm to school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than 45 calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement.

A student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if the Committee on Special Education determines that the bringing of a firearm to school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

(Continued)

## Students

**SUBJECT: GUN-FREE SCHOOLS (Cont'd.)**

If it is determined that the student's bringing of a firearm to school was a manifestation of the student's disability, the Superintendent must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

The District may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.

The District may also seek a court order or request an impartial hearing to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

Students with disabilities continue to be entitled to all rights enumerated in the Individuals With Disabilities Education Act and Article 89 of the Education Law; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

This policy does not prohibit the District from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of five days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school. Additionally, this policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

The District will continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.

Goals 2000: Educate America Act,  
P.L. 103-227 (Gun-Free Schools Act of 1994)  
18 United States Code (U.S.C.) Section 921  
Education Law Sections 310, 809-a, 3214, and Article 89  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2 and Part 200  
20 United States Code (U.S.C.)  
Sections 1400-1485,  
Individuals With Disabilities Education Act (IDEA)  
Family Court Act Article 3

NOTE: Refer also to Policy #3411 -- Unlawful Possession of a Weapon Upon School Grounds.

Adopted: 7/10/00

**SUBJECT: EXTRACURRICULAR ACTIVITES**

The Board of Education considers extracurricular activities to be a valuable part of the program of the school and shall support these activities within the financial means of the District.

**Limited Open Forum**

The Board of Education maintains a limited open forum where secondary students may meet for voluntary student-initiated activities unrelated directly to the instructional program, regardless of religious, political or philosophical content.

To provide a “a fair opportunity” to students who wish to conduct a meeting, the Board of Education, in accordance with the provisions of the Equal Access Act, shall ensure that:

- a) The meeting is voluntary and student-initiated;
- b) There is no sponsorship of the meeting by the school, the government, or its agents or employees;
- c) Employees or agents of the school or government are present at religious meetings only in a non-participatory capacity;
- d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- e) Non-school persons may not direct, conduct, control, or regularly attend activities of student groups (20 U.S.C. Section 4071 [c]).

The Board prohibits student organizations whose activities may be unlawful or may cause disruption or interference with the orderly conduct of the educational process.

Administration is responsible for establishing regulations governing the use of school facilities by student organizations.

**Eligibility for Attendance**

- a) Students who are suspended from school on a day of an athletic game or practice session, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.
- b) In order for students to attend a school-sponsored function, it is necessary that students attend classes for at least half of the school day on the day of the activity, unless otherwise excused by the building administrator. One-half of the school day is defined as follows: from 8:30 a.m. until noon or from noon until the end of the school day.

(cont'd)

## **Extracurricular Academic Policy for Middle School and High School**

The main objective of the Kenmore-Town of Tonawanda secondary schools is to provide the best possible education for each student commensurate with the student's abilities. In addition, we recognize that a varied and comprehensive extracurricular program plays a vital role in the total development of the student. Through these activities, the student learns self-discipline, leadership, and a spirit of cooperation; at the same time, such activities allow the student to participate in and develop activities of interest. We cannot forget, however, that the attainment of academic skills is of primary importance. It is our belief that a student must maintain a satisfactory academic performance in order to be eligible for participation in extracurricular activities, including approved Interscholastic Athletics.

### **Eligibility Requirements**

A student must be enrolled in and meet the minimum passing grade in **at least** four (4) subjects and physical education to be eligible to participate in extracurricular activities. Participation includes practicing and traveling to athletic competitions and scrimmages, concerts, musicals, clubs or the like; or participation in athletic competitions and scrimmages, or concerts, musicals, clubs, dances, etc. **It is important to distinguish extracurricular activities from those requiring attendance as a part of their course grade whereby these outlined eligibility requirements would not apply.**

### **Procedure**

In order to participate in approved fall extracurricular activities, the student must have earned four (4) academic credits and one for physical education between September and August of the preceding school year. In addition, after the first five (5) weeks of each marking period and at the end of each marking period (i.e. interim report and report card), a list will be developed containing the names of students who are not passing the required four (4) academic courses of study plus physical education. This list of students will be distributed to all teachers, advisors and coaches who will, in turn, notify these students that they are ineligible to participate in extracurricular activities based upon their current academic status. The student will be given up to seven (7) school days to demonstrate that they are passing four (4) academic courses plus physical education. Students interested in remaining eligible for an extracurricular activity must obtain a Verification of Academic Eligibility form from the school's main office. The form is to be completed as per the directions. Upon receipt and review of the Verification of Academic Eligibility form (Policy 7410F), the principal or his/her designee will notify the student and the coach/advisor of their eligibility status.

For those students who remain ineligible after this process is completed, further participation in the extracurricular activity/event will be denied.

The building principal at any time may declare a student ineligible for lack of acceptable performance in school work or violations to the District's Code of Conduct and/or Athletic Code of Conduct.

(cont'd)



**Extenuating Circumstances**

The District recognizes that extenuating circumstances may exist resulting in the need to extend their probationary status. Upon review of the extenuating circumstance(s), the building principal may make a recommendation to extend the probationary period of a student to the Director of Student Services. A final determination will be rendered by the Director of Student Services within three (3) school days and communicated with the student, their parent(s), the coach/advisor, and when applicable, the Supervisor of Health, Physical Education, Recreation and Athletics by the building principal.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 172.1 and 172.2  
Education Law Sections 1709, 1709-a, 2503-a,  
and 2554-a  
Equal Access Act, 20 United States Code (U.S.C.)  
Sections 4071-4074

Adoption Date 8/14/2012

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Students

**SUBJECT: CENSORSHIP OF SCHOOL SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES**

The District may exercise editorial control over the style and content of student speech in school sponsored publications and activities that are part of the educational curriculum.

With the approval of the building principal, students may organize to publish and distribute such literary publications, written material, or any announcements which do not violate the laws of the United States or the State of New York or its subdivisions and are consistent with the educational policies of this District.

All such organizations shall have a faculty advisor appointed by the principal.

In the event individuals or groups of students desire to distribute any literary publications, other written material, or make any announcements of any sort within or about a School District building, the prior approval of the principal in charge of that building shall be obtained by the student(s).

In no event shall School District funds be used for publication or distribution of any literary publications, written material, or any announcements of any sort by any student organization without the prior approval of the Superintendent or his/her designee.

Adopted: 7/10/00

**SUBJECT: SPORTS AND THE ATHLETIC PROGRAM**

Athletics are an integral part of a well balanced educational program. Therefore, the Board supports within its resources a broad sports program with equal access for both males and females, with an emphasis on maximum participation, through interscholastic and intramural activity. The District will comply with recommendations from the U.S. Department of Education's Office for Civil Rights (OCR) regarding Title IX equal opportunity for males and females in the District's total athletic program regarding any of the following factors which may be applicable:

- a) The nature and extent of the sports program to be offered (including the levels of competition, such as varsity, club, etc.);
- b) The provision of equipment and supplies;
- c) The scheduling of games and practice time;
- d) The provision of travel and per diem allowances;
- e) The nature and extent of the opportunity to receive coaching and academic tutoring;
- f) The assignment and compensation of coaches and tutors;
- g) The provision of locker rooms, practice and competitive facilities;
- h) The provision of medical and training facilities and services;
- i) The provision of housing and dining facilities and services;
- j) The nature and extent of support, publicity and promotion including cheerleading, bands, published programs distributed at games, and booster club activities.

The interscholastic athletic program shall conform to the Regulations of the Commissioner of Education as well as the established rules of the New York State Public High Schools Athletic Association and the State Education Department.

Eligibility for interscholastic athletic competition requires that the students:

- a) Provide written parental/guardian consent;
- b) Pass satisfactorily the medical examination administered by the school physician/nurse practitioner or the student's personal physician. The school physician/nurse practitioner retains final approval on all physicals performed by the student's personal physician; and
- c) Meet the requirements for interscholastic competition as set forth by the Commissioner's Regulations and the New York State Public High School Athletic Association.

(Continued)

**SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)**

**Booster Clubs**

The School District has a responsibility under Title IX to ensure that boys' and girls' programs are provided with equivalent benefits, treatment, services and opportunities regardless of their source. When determining equivalency, benefits, services and opportunities attained through the use of private funds (e.g., "booster clubs"), such funds are considered in combination with all benefits, services and opportunities.

Private fundraising, including student-initiated fundraising, is permissible under Title IX. Further, compliance with Title IX does not mean that teams must "share" proceeds from fundraising activities. It does, however, place a responsibility on the District to ensure that benefits, services, treatment and opportunities overall, regardless of funding sources, are equivalent for male and female athletes.

In accordance with OCR, in order for the District to be in continuing compliance with Title IX requirements, the District must assure that services, benefits and opportunities in its athletic programs are provided on an equivalent basis to both boys and girls, including those services, benefits and opportunities that are provided through the use of outside financial assistance such as donations, fundraising by coaches, and booster clubs.

**Selection/Classification Process**

The Board approves the use of the selection/classification process for all secondary school interscholastic team members. The Board directs the Superintendent to implement the procedures and maintain a file of those students deemed eligible as a result of those procedures.

**Student Athletic Injuries**

The diagnosis of and prescription of treatment for injuries is strictly a medical matter and should under no circumstances be considered within the province of only the coach. A coach's responsibility is to see that injured players are given prompt and competent medical attention, and that all details of a doctor's instructions concerning the student's functioning as a team member are carried out. No student will be allowed to practice or compete if there is a question whether he/she is in adequate physical condition.

A physician's certificate may be required before an athlete is permitted to return to practice or competition.

**Athletic Program - Safety**

The District will take reasonable steps to see that physical risks to students participating in the interscholastic athletic program shall be kept at a minimum by:

- a) Requiring medical examinations of participants;

(Continued)

Students

**SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)**

- b) Obtaining appropriately certified and/or licensed officials to coach all varsity, junior varsity, and modified games; and
- c) Ensuring that equipment is both safe and operative within approved guidelines.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.  
45 Code of Federal Regulations Part 86  
8 New York Code of Rules and Regulations (NYCRR) Section 135

2000                      7430

Students

**SUBJECT: CONTESTS FOR STUDENTS, STUDENT AWARDS AND SCHOLARSHIPS**

**Contests for Students**

Distribution of educational material, essay contests, and poster contests must be approved in advance by the building principals if the sponsoring organization wishes to involve students in the project on school time. Samples of informational material should accompany the request. Upon the judgment of the principal, the request may be forwarded to the Superintendent and the Board of Education for approval.

**Student Awards and Scholarships**

The School District may obtain and award to its students awards and scholarships. The Board of Education, having been entrusted by law, will hold in trust gifts, grants, bequests and legacies given or bequeathed to the Kenmore-Town of Tonawanda Union Free School District and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

Education Law Section 1709(12-a)

Adopted: 7/10/00

2000                      7440

Students

**SUBJECT: MUSICAL INSTRUMENTS**

- a) All instrumental music students shall be expected to own or rent their instrument -- particularly the common and less expensive instruments (flute, clarinet, trumpet, saxophone etc.).
- b) Students will not be required to own or rent the less common and more expensive instruments. Instruments in this category are as follows: oboe, bassoon, tuba, French horn, trombone, baritone horn, tenor and baritone saxophones, bass trombone and percussion instruments. School-owned instruments in this classification will be disbursed upon decisions by the instrumental music staff. Decisions will be dependent upon the individual student's talent and merit and the need for a balanced instrumentation at each grade level.
- c) Students and parents/guardians will assume responsibility for proper care of school-owned instruments and will pay for damages to same.
- d) The District will only transport on its vehicles those instruments meeting certain safety standards as indicated in the New York State Department of Transportation Regulations.

New York State Department of Transportation  
Regulations Section 720.22

Adopted: 7/10/00

2001 7450

Students

**SUBJECT: FUND RAISING BY STUDENTS**

Fund raising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the express approval of the building principal. Any such plan shall have a clearly defined purpose and must contribute to the educational experience of students and must not conflict with instructional programs or state mandates. Fund raising activities away from school property shall be held to a minimum.

All participation in fund raising will be voluntary with written parent/legal guardian consent for children in grades K-8. Non-participation in fund raising will not prohibit a student from the educational benefit of the activity. No fund raising activity will be approved where a conflict of interest, with any district employee, exists.

Profits will be used to enhance school programs by providing funds for expenditures not normally funded by the District

The Board of Education will be informed of all fund raising.

Also, refer to Policy #3271 -- Solicitation of Charitable Donations From School Children.

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

Adopted: 4/02/01



## Students

**SUBJECT: IMMUNIZATION OF STUDENTS**

The Board of Education recognizes its responsibility under the New York State Public Health Law to insure that the children under its charge are immunized against measles, polio, diphtheria, mumps, rubella, \*Haemophilus influenza type b (Hib), and \*\*hepatitis B. Additionally, the varicella (chicken pox) vaccine shall be required for all children born on or after January 1, 1998 who will enter grades kindergarten and above in September 2003; and for all children born on or after January 1, 2000 and enrolled in any school as defined in Public Health Law Section 2164(1). The Board, therefore, requires that a physician's certificate or some other acceptable evidence of immunization be submitted for all children entering and presently attending school.

The Board directs the administration not to permit any child lacking evidence of immunization to remain in school for more than fourteen (14) days, or thirty (30) days for an out-of-state transferee who can show an effort to obtain the necessary evidence or certification. The administration should notify the local health authority of the name and address of the child, as well as to provide the person in parental relation to the child who has been denied admission or attendance a statement of his/her duty regarding immunization and a consent form prescribed by the Commissioner of Health. The school shall cooperate with the local health authorities to provide a time and place for the immunization of children lacking same.

The only exceptions to this policy are as follows:

- a) If a child whose parent, parents, or guardian hold genuine and sincere religious beliefs which are contrary to the practices required, no certificate shall be required as a prerequisite to such children being admitted or received into school or attending school;
- b) If a physician will certify that administering a vaccine to a particular child is detrimental to the child's health, the requirement may be waived by the Board.

A student denied entrance or attendance due to failure of meeting health immunization standards may appeal to the Commissioner of Education.

\*Applicable only to Pre-K, Nursery and Day Care.

\*\* Shall apply to children born on or after January 1, 1993, beginning with their enrollment in any public, private or parochial kindergarten, elementary, intermediate or secondary school, and to children born on or after January 1, 1995, beginning with their enrollment in any school, as defined in Public Health Law Section 2164(1)(a). Also, on or after September 1, 2000, all children are to be immunized against hepatitis B prior to enrollment in the seventh grade in any public, private or parochial intermediate or middle school.

Adopted: 7/10/00

Public Health Law Section 2164  
Education Law Section 914

2000 7512

Students

**SUBJECT: STUDENT PHYSICALS**

All students shall have a periodic physical appraisal as indicated below by the school physician at the District's expense and such examination shall be conducted in accordance with all legal requirements.

Proof of examination by a private physician, subject to the approval of the school physician, shall be accepted in lieu of an examination in school. Private physicians shall indicate this proof using forms provided by the District. Such examinations shall be at the expense of the parent/guardian.

The physical appraisals required by New York State Law apply to:

- a) Grades K, one, three, seven, and ten;
- b) Students transferring into the District whose health records show no examination in the previous grade listed in a) above;
- c) All athletes prior to their first sport of the school year, thereafter, only those who were injured or ill during their first sport before participating in a second sport during that school year;
- d) All students who need a work permit. They will provide either proof of a recent physical appraisal or participation in physical education as outline in NYS Labor and Education Laws, or statement of fitness from a private physician;
- e) All students referred to the Committee on Special Education in accordance with Part 200 of the Commissioner's Regulations.

These examinations are not intended to replace the physical examination conducted by a private practitioner or professional in a clinical setting; nor are they to be used for sports, and camps, and similar activities that are not within the supervision of the School District.

Education Law Section 912  
8 New York Code of Rules and Regulations  
(NYCRR) Section 136

Adopted: 7/10/00

**SUBJECT: MEDICATION**

Under certain circumstances, when it is necessary for a student to take medication during school hours, the school nurse may administer the medication if the parent or guardian submits a written request accompanied by the documentation from a physician indicating the frequency and dosage of prescribed medication. The parent or guardian must assume responsibility to have the medication brought to the school health office in its original labeled container. All medications should be stored in a secure, locked cabinet at all times.

Non-prescriptive medication will be administered for a limited period of time by the school nurse upon the written request of the parent/guardian.

Approval of a school physician is also required when the dosage, frequency of dosage, and combination of medications raises concerns of the school nurse.

Procedures for taking medications off school grounds or after school hours while participating in a school-sponsored activity will be in accordance with State Education Department Guidelines.

Specific procedures are outlined in the Health Services Manual.

New York State Bureau of Health Service

**The Use Of Inhalers In Schools**

The School District permits students who have been diagnosed by a physician or other duly authorized health care provider as having a severe asthmatic condition to carry and use a prescribed inhaler during the school day. Prior to permitting such use, the school health office must receive the written permission of the prescribing physician, or other duly authorized health care provider and parental consent, based on such physician's or provider's determination that the student is subject to sudden asthmatic attacks severe enough to debilitate that student.

A record of such physician or health care provider/parental permission shall be maintained in the school health office.

(Continued)

Students

**SUBJECT: MEDICATION (Cont'd.)**

Health office personnel will maintain regular parental contact in order to monitor the effectiveness of such self-medication procedures and to clarify parental responsibility as to the daily monitoring of their child to ensure that the medication is being utilized in accordance with the physician's or provider's instructions. Additionally, the student will be required to report to the health office on a periodic basis as determined by health office personnel so as to maintain an ongoing evaluation of the student's management of such self-medication techniques, and to work cooperatively with the parents and the student regarding such self-care management.

Students who self-administer medication without proper authorization, under any circumstances, will be referred for counseling by school nursing personnel. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and school administration may also be involved in determining the proper resolution of such student behavior.

Education Law Section 916

Adopted: 7/10/00

2000

7514

Students

**SUBJECT: HEALTH RECORDS**

The school shall keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they shall be kept confidential. Individual records may be interpreted by the nurse to administrators, teachers, and counselors, consistent with law.

8 New York Code of Rules and Regulations  
(NYCRR) Part 136

Adopted: 7/10/00

**Students****SUBJECT: STUDENTS WITH LIFE-THREATENING ALLERGIES**

Students come to school with diverse medical conditions which may impact their learning as well as their health. Some of these conditions are serious and may be life-threatening.

Students, parents, school personnel and health care providers must all work together to provide the necessary information and training to allow children with chronic health problems to participate as fully and safely as possible in the school experience.

All students within the District with known life-threatening conditions should have a comprehensive plan of care in place: an Emergency Care Plan (ECP) and/or Individualized Healthcare Plan (IHP), and if appropriate an Individualized Education Plan (IEP) or Section 504 Plan.

The District has identified the following as important members of the School Health Team to ensure that health information is complete, appropriate accommodations are prepared, and any necessary medication and environmental protocols are in place for students with life-threatening health conditions:

- a) Parents/Guardians and Students;
- b) School District Administration;
- c) School Medical Director;
- d) School Nurse;
- e) Teachers;
- f) Guidance Counselor/Social Worker;
- g) Teaching Assistants and Teacher Aides;
- h) Food Service Personnel;
- i) Custodial Staff;
- j) Transportation Personnel;
- k) Athletic Director, Coaches and After School Volunteers.

(Continued)

**Students****SUBJECT: STUDENTS WITH LIFE-THREATENING ALLERGIES (Cont'd.)****Anaphylaxis**

Although anaphylaxis can affect almost any part of the body and cause various symptoms, the most dangerous symptoms include breathing difficulties and a drop in blood pressure or shock which are potentially fatal. Treatment for anaphylaxis includes immediate removal of the allergen, and treating the rapidly progressing effects of histamine release in the body with epinephrine and antihistamines.

Particularly for those students with chronic life-threatening conditions such as diabetes, seizure disorders, asthma and allergies (food, insect sting, latex, medications, etc.) which may result in severe, life-threatening reactions to various environmental triggers, it is necessary that the District work cooperatively with the parent(s) and the healthcare provider to:

- a) Immediately develop an Emergency Care Plan (ECP) for each at risk student to ensure that all appropriate personnel are aware of the student's potential for a life-threatening reaction;
- b) If appropriate, develop an Individualized Healthcare Plan that includes all necessary treatments, medications, training and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding evaluation and identification;
- c) Provide training by licensed medical personnel (e.g. registered professional nurse) for all adults in a supervisory role in the recognition and emergency management of a specific medical condition for specific students;
- d) Obtain specific legal documents duly executed in accordance with New York State law; appropriate health care provider authorization in writing for specific students that includes the frequency and conditions for any testing and/or treatment, symptoms, and treatment of any conditions associated with the health problem; and directions for emergencies;
- e) Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, transporting any medications to the school (cannot be carried to school by student), providing any necessary equipment, and participation in the education and co-management of the child as he/she works toward self-management;
- f) Once the medications have been properly delivered to the school by an adult, allow self-directed students, as assessed by the school nurse, to carry life saving medication with prior approval by the medical provider, and according to health practice and procedures, as long as duplicate life saving medication is also maintained in the health office in the event the self-carrying student misplaces their medication;
- g) Assure appropriate and reasonable building accommodations are in place within a reasonable degree of medical certainty.

(Continued)

**Students****SUBJECT: STUDENTS WITH LIFE-THREATENING ALLERGIES (Cont'd.)**

In addition, the District will:

- a) Provide training for all staff in the recognition of an anaphylactic reaction;
- b) Have standing emergency medical protocols for nursing staff;
- c) Request the School Medical Director to write a non-patient specific order for anaphylaxis treatment agents for the school's registered professional nurse to administer in the event of an unanticipated anaphylactic episode;
- d) As permitted by New York State law, maintain stock supplies of life saving emergency medications such as epinephrine and antihistamine in all health offices for use in first time emergencies;
- e) Ensure that Building-level and District-wide school safety plans include appropriate accommodations for students with life-threatening health conditions;
- f) Encourage families to obtain medic-alert bracelets for at risk students;
- g) Educate students regarding the importance of immediately reporting symptoms of an allergic reaction.

**Creating an Allergen-Safe School Environment**

Avoidance of exposure to allergens is the key to preventing a life-threatening anaphylactic reaction. Educating the entire school community about life-threatening allergies is crucial in keeping students with such allergies safe. The risk of accidental exposure or cross-contamination is always present, particularly for students with food allergies. The school setting is a high-risk environment for accidental ingestion of a food allergen due to the presence of a large number of students, increased exposure to food allergens, and cross-contamination of tables, desks and other surfaces.

To guard against accidental exposure to allergens, monitoring of the following high-risk areas and activities is crucial:

- a) Cafeteria;
- b) Food sharing;
- c) Hidden ingredients in art, science and other projects;
- d) Transportation;
- e) Fund raisers and bake sales;
- f) Parties and holiday celebrations;
- g) Field trips;
- h) Before and after school programs.

(Continued)



**Students****SUBJECT: STUDENTS WITH LIFE-THREATENING ALLERGIES (Cont'd.)****Use of Epinephrine Auto-Injector Devices (Epi-Pens) in the School Setting**

The administration of epinephrine by epi-pen to a student with a known severe allergy needing an anaphylactic treatment agent may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a registered professional nurse/nurse practitioner/physician/physician's assistant must have trained the staff member to administer the epi-pen for that emergency situation and given him/her approval to assist the student in the event of an anaphylactic reaction.

Documentation of training must be maintained in the Anaphylaxis Protocol for Non-Licensed School Staff Members for each affected student. The emergency response by non-licensed school staff members is permitted under the Medical Practice Act (Education Law Section 6527(4)(a)) and the Nurse Practice Act (Education Law Section 6908 (1)(a)(iv)) and is covered by the "Good Samaritan Law" (Public Health Law Section 3000-a).

**Medication Self-Management**

The District will work toward assisting students in the self-management of their chronic health condition based upon the student's knowledge level and skill by:

- a) Adequately training all staff involved in the care of the child;
- b) Assuring the availability of the necessary equipment and/or medications;
- c) Providing appropriately trained licensed persons as required by law;
- d) Providing additional appropriately trained adults to complete delegated tasks as allowed by law;
- e) Developing an emergency plan for the student; and
- f) Providing ongoing staff and student education.

Americans with Disabilities Act, 42 United States Code (USC) Section 12101 et seq.  
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400-1485  
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.  
34 Code of Federal Regulations (CFR) Part 300  
Education Law Sections 6527 and 6908  
Public Health Law Sections 2500-h and 3000-a

Adopted: 1/13/09

2000                      7520

Students

**SUBJECT: ACCIDENTS**

Procedures shall be established and maintained by the Superintendent for the handling of student injuries that occur on school property and during school activities.

**Student Emergency Treatment**

All staff members of the School District are responsible to obtain first aid care of students who are injured or become ill while under school supervision.

In most instances first aid should be rendered, and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board of Education encourages all staff members to become qualified to give emergency treatment through instruction in first aid and Cardiopulmonary Resuscitation (CPR).

**Transporting an Ill or Injured Student**

In the event of an illness or injury to a student, an ambulance may be called if warranted. This solution will be used after other alternatives, including parent/guardian contact, have been made.  
Insurance

The Board of Education shall approve provisions for all students to be covered by group insurance.

Such student accident insurance policies are to be a co-insurance with family coverage(s) as primary.

Education Law Sections 1604(7-a, b) and  
1709(8-a,b)

Adopted: 7/10/00

**SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT****Familial Child Abuse**

The School District subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law Sections 411-428. Our purpose is to provide protective services to abused and neglected/maltreated children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or neglect/maltreatment;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report;
- f) Obligations for provision of services and procedures necessary to safeguard the life of a child; and
- g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all current and new school officials shall be established and implemented to enable such staff to carry out their reporting responsibilities.

**School Officials Required to Report**

The definition of a "school official" who is mandated to report cases of child abuse or neglect/maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes, but is not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate.

All mandated reporters shall make the report themselves and then immediately notify the Building Principal or his/her designee. The Building Principal or his/her designee shall be responsible for all subsequent administration necessitated by the report.

(Continued)

**SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)**

Any report shall include the name, title and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

**Prohibition of Retaliatory Personnel Action**

Social Services Law Section 413(1) also prohibits a school from taking any retaliatory personnel action against an employee because such employee believes that he/she has reasonable cause to suspect that a child is an abused or neglected/maltreated child and that employee makes a report to SCR pursuant to Social Services Law. Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

Pursuant to Labor Law Section 740(1)(e), "retaliatory personnel action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

**Report Form**

The Revised May 2007 New York State Office of Children and Family Services "**Report of Suspected Child Abuse or Maltreatment**" Form LDSS-2221A may be accessed at:  
<http://www.ocfs.state.ny.us/main/cps/>

Education Law Section 3209-a  
Family Court Act Section 1012  
Labor Law Section 740(1)(e)  
Social Services Law Sections 411-428

**Child Abuse in an Educational Setting**

The School District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law.

"Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:

- a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or

(Continued)

**SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)**

- c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or
- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Penal Law Article 235.

"Educational setting" shall mean the building(s) and grounds of the School District; the vehicles provided by the School District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off School District grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

In any case where an oral or written allegation is made to a teacher, school's registered professional nurse, school guidance counselor, school psychologist, school social worker, school administrator, School Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (defined in the law as a person under the age of twenty-one (21) years enrolled in a school district in this state) has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

- a) Promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be completed on a form as prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving such an oral or written allegation, the employee completing the written report must promptly *personally deliver* a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred (subject to the following paragraph).

In any case where it is alleged the child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of such allegations shall be promptly forwarded to the Superintendent of Schools of the school district of the child's attendance and the school district where the abuse allegedly occurred.

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law shall have immunity from civil liability which might otherwise result by reason of such actions.

(Continued)

**SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)**

Upon receipt of a written report alleging child abuse in an educational setting, the school administrator or Superintendent must then determine whether there is "reasonable suspicion" to believe that such an act of child abuse has occurred. Where there has been a determination as to the existence of such reasonable suspicion, the school administrator or Superintendent must follow the notification/reporting procedures mandated in law and further enumerated in administrative regulations including parental notification. When the school administrator receives a written report, he/she shall promptly provide a copy of such report to the Superintendent.

Where the school administrator or Superintendent has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent shall also refer such report to the Commissioner of Education where the employee or volunteer alleged to have committed such an act of child abuse holds a certification or license issued by the State Education Department.

Any school administrator or Superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits such a report to a person or agency as required by law, shall have immunity from civil liability which might otherwise result by reason of such actions.

Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive such information, *shall be confidential and shall not be redisclosed except* to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. School administrators and the Superintendent shall exercise reasonable care in preventing such unauthorized disclosure.

Additionally, teachers and all other school officials shall be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education shall furnish the District with required information, including rules and regulations for training necessary to implement District/staff responsibilities under the law.

**Prohibition of "Silent" (Unreported) Resignations**

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner of Education, where appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his/her position.

(Continued)

2008

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5 of 5

Students

**SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)**

Superintendents (or a designated administrator) who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

Education Law Article 23-B and Sections 902(b) and 3028-b  
Penal Law Articles 130, 235 and 263  
Social Services Law Section 413  
8 New York Code of Rules and Regulations (NYCRR) Part 83

Adopted: March 11, 2008

2004

7531  
1 of 3

Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS**

Refer to Section #3190, Anti-Harassment in the School District

Adopted: 7/10/00



2000

7540

Students

**SUBJECT: SUICIDE**

The suicide of a student has an extremely disturbing effect on the school and the local community. Unfortunately, there has been a significant increase in the number of adolescents who choose suicide as a way to resolve their problems. It is the intent of this District to alert school personnel to the implications of suicide by a student, to help the school and the community cope with the aftermath of such a tragic event should it occur, to recommend ways of identifying children and adolescents at risk of attempting suicide and to suggest ways to prevent such occurrences.

Suicide prevention will be incorporated into the curriculum to make students aware of this growing problem. This will be done in a manner so as not to glamorize the situation but to educate students in regard to this policy.

The administration is responsible for informing staff of regulations and procedures of suicide prevention, intervention, and post-intervention that have been developed by the administration.

Adopted: 7/10/00

## Students

**SUBJECT: DIGNITY FOR ALL STUDENTS ACT**

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The District condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of discrimination or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

**Dignity Act Coordinator**

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint the Dignity Act Coordinator(s) and share the name(s) and contact information with all school personnel, students, and parents/persons in parental relation.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position.

**Training**

Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of harassment and discrimination directed at students that are committed by students or school employees on school property or at a school function. Training will include ways to promote a supportive school environment that is free from discrimination and harassment, emphasize positive relationships, and demonstrate prevention and intervention techniques to assist employees in recognizing and responding to harassment and discrimination, as well as ensuring the safety of the victims.

(Continued)

## Students

**SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)**

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes.

Rules against discrimination and harassment will be included in the Code of Conduct, publicized District-wide and disseminated to all staff and parents. An age-appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

**Reports and Investigations of Discrimination and Harassment**

The District will investigate all complaints of harassment and discrimination, either formal or informal, and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. If, after an appropriate investigation, the District finds that this policy has been violated, corrective action will be taken in accordance with District policies and regulations, the Code of Conduct, and all appropriate federal or state laws.

The District will annually report material incidents of discrimination and harassment to the State Education Department as part of the Uniform Violent and Disruptive Incident Reporting System (VADIR).

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

Any person who has reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment.

Education Law Sections 10-18 and 801-a  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(1)(2)

(Continued)

2012

7550  
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Students

**SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)**

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board of Education  
#3410 -- Code of Conduct on School Property  
#3420 -- Non-Discrimination and Anti-Harassment in the School District  
#3430 -- Uniform Violent and Disruptive Incident Reporting System (VADIR)  
#7551 -- Sexual Harassment of Students  
#7552 -- Bullying in the Schools  
#7553 -- Hazing of Students  
#8130 -- Equal Educational Opportunities  
#8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adoption Date 8/14/2012

Students

**SUBJECT: NOTIFICATION OF SEX OFFENDERS**

In accordance with the Sex Offender Registration Act (“Megan’s Law”), the Board of Education supports the New York State Department of Criminal Justice Services (DCJS) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality. This policy is enacted in order to minimize the possibility that the sex offender will come in contact with school-age children, and to assist law enforcement agencies in preventing further criminal activity from occurring. Furthermore, the District shall cooperate with local police authorities and the local community in promoting and protecting the safety and well being of its students.

It is the policy of the Board of Education to disseminate all information which the District receives from local police authorities in conjunction with Megan’s Law to designated staff members who might have possible contact with the offender during the course of their school duties including, but not limited to, building principals, supervisors, teachers, office personnel, coaches, custodians, bus drivers, and security personnel. The Superintendent reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, parents of District students, and other community residents who, in the opinion of the Superintendent, have an immediate need to be notified of such data in order to protect the safety of our students.

All staff members shall be informed of the availability of the information received by the District pursuant to Megan’s Law upon written request to the applicable building principal/designee or supervisor. Community residents who wish to receive such information must direct written request(s) to the District Office. Such requests may be directed further to the reporting agency.

Staff members shall inform their immediate supervisor if they observe within the school building, on school grounds, at school activities, or at or near bus routes any individual whose description matches the information which was provided to the District by local law enforcement authorities. Such law enforcement officials will be notified of this information by the District as appropriate.

Information that is disseminated to the School District pursuant to Megan’s Law may be disclosed or not disclosed by the District in its discretion.

Any information which the School District receives regarding a sex offender from a source other than the Sex Offender Registry, and which is maintained independent of the requirements of Megan’s Law, will be available from the District, upon written request, in accordance with the requirements of the Freedom of Information Law.

(Continued)

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7560  
2 of 2

Students

**SUBJECT: NOTIFICATION OF SEX OFFENDERS (Cont'd.)**

**Implementation**

Administrative regulations shall be developed to implement this policy.

Correction Law Article 6-C  
Public Officers Law Section 84 et seq.

Adopted: 7/10/00

2000                      7610

Students

**SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN**

A District plan shall be developed and updated every two years describing the Special Education program in the Kenmore-Town of Tonawanda Union Free School District. The District plan shall include the following:

- a) A description of the nature and scope of special education programs and services currently available to students residing in the District, including but not limited to descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition.
- b) Identification of the number and age span of students (school age and preschool) to be served by type of disability and recommended setting.
- c) The method to be used to evaluate the extent to which the objectives of the program have been achieved.
- d) A description of the policies and practices of the Board of Education to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities.
- e) The estimated budget to support such plan.
- f) The date on which such plan was adopted by the Board of Education.

The District plan, with personally identifiable student information deleted, shall be filed and available for public inspection and review by the Commissioner.

A District plan for personnel training and development shall be updated annually, describing the surveyed needs of staff and parents as well as a description of the programs for implementation.

8 New York Code of Rules and Regulations  
(NYCRR) Section 200.2(c)

Adopted: 7/10/00

2000 7611

Students

**SUBJECT: CHILDREN WITH DISABILITIES**

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional and physical development of children attending school in the District. In recognizing these differences the Board supports a system of services offered in the least restrictive environment for children with disabilities which includes:

- a) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting.
- b) Providing for the education of students with disabilities with nondisabled peers to the extent appropriate.
- c) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- d) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.
- e) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
- f) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

20 United States Code (U.S.C.)  
Sections 1400-1485, Individuals with Disabilities  
Education Act (IDEA)  
State Law - Education Law Sections 4401-4407  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.5, 100.9, 200.2(b)(3),  
200.2(c)(2)(v), and 200.6(a)(1)

NOTE: Refer also to Policy #7616 -- Least Restrictive Environment.

Adopted: 7/10/00



## Students

**SUBJECT: GROUPING BY SIMILARITY OF NEEDS**

The Board of Education will provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines shall apply:

- a) That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE).
- b) The Committee shall determine written goals and corresponding short-term instructional objectives for each student with a disability by considering the special and individual needs of each student with a disability.
- c) The Committee shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.
- d) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.
- e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.
- f) Students with disabilities may be grouped according to (1) academic or educational achievement and learning characteristics; (2) social needs; (3) physical development; and (4) management needs.
- g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.
- h) The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.
- i) The Regulations of the Commissioner in respect to age ranges and number of students will be observed. Any variations of the above will be implemented only upon approval of the State Education Department.

Adopted: 7/10/00

8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.2(b)(3), 200.6(a)(3)

Students

**SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A  
STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM****Committee on Special Education**

The Board of Education shall, upon completion of its review of the student's Individualized Education Program (IEP), arrange for the appropriate special education programs and services to be provided to a student with a disability as recommended by the Committee on Special Education (CSE). The Board shall notify the parent/guardian of its action in accordance with federal and state law and regulations.

For a student not previously identified as having a disability, the CSE shall provide a recommendation to the Board which shall arrange for the appropriate special education programs and services to be provided within 60 school days of the date of receipt of consent to evaluate. For a student with a disability referred for review, a recommendation shall be provided to the Board which shall arrange for the appropriate special education programs and services to be provided within 60 school days of the referral for review. However, if such recommendation of the CSE is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such special education programs and services for students with disabilities within 30 days of the Board's receipt of the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board of Education disagrees with such recommendation, the Board shall follow one of the following procedures:

- a) The Board may remand the recommendation to the CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,

(Continued)

## Students

**SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

- b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The second CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parents/guardians a copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

**Committee on Preschool Special Education**

Upon receipt of the recommendation of the Committee on Preschool Special Education (CPSE), the Board of Education shall arrange for the preschool student with a disability to receive such appropriate programs and services in accordance with the student's IEP, commencing with the July, September or January starting date for the approved program, unless such services are recommended by the CPSE less than 30 school days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, such services shall be provided no later than 30 days from the recommendation of the CPSE.

If the Board disagrees with the recommendation of the CPSE, the Board shall send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board of Education shall provide such notice as required by federal and state law and regulations.

Education Law Sections 4402 and 4410  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.2(d)(1), 200.4(c),  
200.4(d), 200.5 and 200.16(e)

Adopted: 7/10/00

2008

7614

Students

**SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM**

The Board recognizes the need for educational programs for (3) three and (4) four year old children with disabilities and directs that administrative practices and procedures be developed to:

- a) Ensure the timely evaluation and placement of each preschool child with a disability residing in the District so the child has the opportunity to participate in preschool programs.
- b) Establish a Committee on Preschool Special Education (CPSE) which shall be comprised in accordance with applicable federal and state law and regulation.
- c) Ensure that parents have received and understand the request for consent for evaluation and re-evaluation of a preschool aged child.

**Evaluations for Preschool Children with Disabilities**

The District is required to collect entry assessment data in the three (3) outcome areas on all preschool children who receive an initial evaluation. As currently required by Commissioner's Regulation Section 200.5, a parent must be fully informed about the proposed initial evaluation and must provide consent for an initial evaluation. This would include a description of the proposed evaluation.

The CPSE will receive entry-level assessment results in the three (3) outcome areas from approved preschool evaluators conducting initial evaluations on all preschool children suspected of having disabilities. The CPSE will then meet to determine the child's eligibility for preschool education programs and/or services and complete the Child Outcomes Summary Form to determine the child's entry level of functioning in the three (3) outcome areas for all preschool children evaluated and found to be eligible. The form is to be kept in the student's record until the exit assessment information is due as a way to summarize complex assessment information in a format so that the data can be aggregated and reported to the State Education Department (SED).

Individuals with Disabilities act (IDEA), 20 United States Code (USC) Section 1400 et esq.  
Education Law Section 4410  
9 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(2), 200.2(b)(5) and 200.5

NOTE: Refer also to Policy #7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members.

Adopted: 6/10/08

2000

7615

Students

**SUBJECT: TEMPORARY PLACEMENT OF STUDENTS WITH DISABILITIES**

The Board of Education authorizes the Chairperson for the Committee on Special Education to make an immediate, temporary placement of a student with a disability in an appropriate educational program, contingent upon obtaining written parental approval to do so, to prevent such student from being denied the benefit of the program while the Committee on Special Education is in the process of reviewing the referral documents and formulating their recommendation. Temporary placement may not exceed a thirty (30) day period from the date of the student's initial registration.

Upon completion of the review, a recommendation shall be submitted to the Board from the Committee on Special Education for each case whereby temporary placement will be made.

8 New York Code of Rules and Regulations  
(NYCRR) Section 200.4(d)(1)

Adopted: 7/10/00

2000

7616

Students

**SUBJECT: LEAST RESTRICTIVE ENVIRONMENT**

“Least restrictive environment” (LRE) is the legal mandate of the IDEA requiring that students with disabilities receive their education in the regular classroom environment to the maximum extent appropriate or, to the extent such placement is not appropriate, in an environment with the least possible amount of segregation from the students’ peers and community. Both inclusion and mainstreaming refer to placement of students with disabilities in the regular classroom environment.

“Inclusion” is commonly understood to mean that a student with disabilities receives portions of his or her education in the regular education environment. “Full inclusion” means the placement of a student in his or her home school in a regular education classroom with his or her age- and grade-appropriate peers.

The District will make a diligent effort to educate a student in a less restrictive environment before proposing a more restrictive one. Whenever there is a reasonable likelihood that a student with a disability can be educated appropriately in a regular classroom with the use of supplemental assistance and services, then a regular classroom placement should be considered.

20 United States Code (U.S.C.) Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (C.F.R.) Part 300  
State Law - Education Law Sections 4401-4410-a  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.5, 100.9, 200.1(cc),  
200.2(b), 200.4, and 200.6

Adopted: 7/10/00

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)**

The School District shall establish a plan for implementing schoolwide approaches and pre-referral interventions in order to remediate a student's performance *prior to referral* for special education.

The provision of programs and/or services for students starts with consideration/implementation of instruction in the general education curriculum, with appropriate supports and/or modifications as may be necessary. In implementing pre-referral intervention strategies, the District may utilize resources/strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973, and Educationally Related Support Services and Academic Intervention Services as defined in Education Law and/or Commissioner's Regulations. All of these programs may be considered as possible components of Pre-referral/Intervention Instructional Support Plans. The District will ensure that they have a system in place, with appropriate personnel, for developing, implementing and evaluating pre-referral intervention strategies.

The District will provide general education support services, instructional modifications, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education (CSE). Formal Instructional Support Services Teams (ISST) or other school-based teams (e.g., Direct Student Support Teams or Child Study Teams), will be formed in accordance with law and/or regulations as may be applicable as well as District guidelines. The ISST will include representatives from general and special education as well as other disciplines and include individuals with classroom experience. Parents/persons in parental relation to students will be involved in developing pre-referral strategies to address the educational needs of their child. Additionally, the District will seek collaboration between outside agencies and the school prior to a referral of the student to the CSE in order to address necessary student support services.

Administration shall ensure that appropriate opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents/persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

The determination of prevention and pre-referral intervention strategies/services shall consider the student's strengths, environment, social history, language and cultural diversity in addition to the teacher's concerns. The building administrator will further ensure that all staff are familiar with intervention procedures and procedures for operating an ISST.

(Continued)

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

Pre-referral/Intervention Instructional Support Plans shall be proactive in their strategies to meet the broad range of student needs and to improve student performance. Pre-referral/Intervention strategies and/or Instructional Support Plans are to be reviewed and evaluated to determine their effectiveness, and modified as may be appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented shall be maintained.

However, should a referral be made to the CSE during the course of implementing pre-referral/intervention instructional support services, the CSE is obligated in accordance with law to continue its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program, if applicable.

**Educational Related Support Services**

*Educational related support services* (ERSS) means curriculum and instructional modification services; direct student support team services; assessment and non-career counseling services; special instruction to eligible students with disabilities as defined in Education Law Section 4401, which does not generate excess cost aid including related services but excluding transportation and transition services; and to eligible, qualified students pursuant to Section 504 of the Rehabilitation Act of 1973. These services are provided to eligible students, individually or in groups, and may include those related consultation services provided to their families and related school personnel in order to enhance the academic achievement and attendance of such students. Educational related support services shall also meet speech and language improvement services as defined in Commissioner's Regulations.

ERRS Services may be utilized as a component of any Pre-referral/Intervention Instructional Support Plan.

**Section 504 of the Rehabilitation Act of 1973**

For students who are qualified for services pursuant to Section 504 of the Rehabilitation Act, but are not classified as students with disabilities as defined in Education Law Section 4401, Section 504 Accommodation Plans may address instructional support services that can be utilized as components of any pre-referral/intervention strategies as deemed necessary and/or appropriate.

(Continued)



**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)****Academic Intervention Services**

*Academic intervention services* means additional instruction which supplements the instruction provided in the general curriculum and assists students in meeting the State learning standards as defined in Commissioner's Regulations and/or student support services which may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance. However, such services shall not include services provided to students with limited English proficiency pursuant to Commissioner's Regulations or special education services and programs as defined in Education Law Section 4401. Academic intervention services are intended to assist students who are at risk of not achieving the State learning standards in English language arts, mathematics, social studies and/or science, or who are at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels on State assessments.

In implementing prevention and/or pre-referral intervention support strategies in order to remediate a student's performance prior to referral for special education, the utilization of academic intervention services, as enumerated in Commissioner's Regulations, may be included as a component of any such Pre-referral/Intervention Instructional Support Plan.

Education Law Sections 3602(32), 4401 and 4401-a  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.1(g),(p),(r),(s), and (t);  
100.2(v); 100.2(dd)(4); 200.2(b)(7);  
200.4(a)(2) and (9); 200.4(c); and Part 154  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (U.S.C.) Section 794 et seq.

Students

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES**

The School District shall establish and implement a plan for the appropriate declassification of students with disabilities which must include:

- a) The regular consideration for declassifying students when appropriate;
- b) A reevaluation of the student prior to declassification; and
- c) The provision of educational and support services to the student upon declassification.

**Eligibility Determinations**

The School District must evaluate a student with a disability prior to determining that a student is no longer a student with a disability in accordance with Commissioner's Regulations, and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent. The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regent diploma or exceeding the age eligibility for a free appropriate public education. However, the parent must receive prior written notice, in accordance with Commissioner's Regulations before the student's graduation from high school with a local or Regents diploma or before he/she receives an Individualized Education Program (IEP) diploma. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's IEP.

Prior to the reevaluation, the School District shall obtain informed parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District must have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation and/or due process procedures.

The District shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

**Individual Evaluation**

As part of any reevaluation, a group that includes the CSE and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments and observations, and observations by teachers and related services providers.

(Continued)

## Students

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)**

On the basis of that review, and input from the student's parents, the CSE and other qualified professionals, as appropriate, shall identify what additional data, if any, are needed to determine:

- a) In the case of a reevaluation of a student, whether the student continues to have such a disability;
- b) The present levels of performance and educational needs of the student;
- c) In the case of a reevaluation of a student, whether the student continues to need special education; and
- d) Whether any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goal set out in the Individualized Education Program (IEP) of the student and to participate, as appropriate, in the general curriculum.

If additional data are not needed, the District must notify the parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services provided in accordance with law and Commissioner's Regulations, the student continues to be a student with a disability. The District is not required to conduct the assessment unless requested to do so by the student's parents.

The CSE shall arrange for an appropriate reevaluation of each student with a disability at least every three (3) years by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The reevaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any reevaluations must be addressed by the CSE in reviewing and, as appropriate, revising the student's IEP.

**Recommendation for Declassification**

If the student has been receiving special education services, but it is determined by CSE that the student no longer needs special education services and can be placed in a regular educational program on a full-time basis, the recommendation shall:

- a) Identify the declassification support services, if any, to be provided to the student; and/or the student's teachers; and
- b) Indicate the projected date of initiation of such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one year after the student enters the full-time regular education program.

(Continued)

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)****Declassification Support Services**

When appropriate, the District shall provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

*Declassification support services* means those services provided by persons appropriately certified pursuant to Part 80 of Commissioner's Regulations, or holding a valid teaching license in the appropriate area of service, to a student or the student's teacher to aid in the student's move from special education to full-time regular education, including:

- a) For the student, psychological services, social work services, speech and language improvement services, noncareer counseling, and other appropriate support services; and
- b) For the student's teacher, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

**Procedural Safeguards Notice**

The District shall use the procedural safeguards notice prescribed by the Commissioner of Education. The District will further ensure that the procedural safeguards notice is provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the District shall take steps to ensure that the notice is translated orally or by other means to the parent in his/her native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that all due process procedures, pursuant to law and/or regulation, have been met.

20 United States Code (U.S.C.) Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (C.F.R.) Part 300  
State Law - Education Law Sections 4401-4410-a  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.1(q), 100.2(u), 200.2(b)(8),  
200.4(b)(4) and (5), 200.4(c)(3), 200.4(d)(1), and 200.5

Adopted: 7/10/00

2000

7620

Students

**SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT PROGRAMS**

All students with disabilities residing in the District, including those of preschool age, shall be provided with full access and opportunity to participate in School District programs, including extracurricular programs and activities, that are available to all other students enrolled in the public schools of the District. Parents/guardians of students with disabilities, including those students placed in out-of-District programs, shall receive timely notice of such District programs and activities.

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

Adopted: 7/10/00

2000

7621

Students

**SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973**

The Board of Education recognizes its responsibility for providing accommodations and services to meet the needs of individual students with disabilities that are not identifiable as having educational disabilities under Individuals with Disabilities Education Act (IDEA) or Commissioner's Regulations.

A building team made up of appropriate professionals designated by the principal will evaluate the student and develop a plan for special accommodations or services available within the regular school setting. Referrals shall be made to the principal by professional school staff members, parents, CSE, CPSE, a licensed physician, a judicial officer, a commissioner of a public agency with responsibility for welfare, health or education of children, or the student on his/her own behalf, if he/she is 18 years of age or older, or an emancipated minor. Documentation about Section 504 eligibility and services must be included in the student's file and reviewed periodically.

The District official responsible for coordination of activities relating to compliance with Section 504 shall provide information, including complaint procedures, to any person who feels his or her rights under Section 504 have been violated by the District or its officials.

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

Adopted: 7/10/00

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS**

The Board of Education shall appoint a Committee on Special Education (CSE) whose membership shall include, but not be limited to, the following members:

**Committee on Special Education (CSE) Membership**

- a) The parent(s) of the student;
- b) At least one regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) At least one special education teacher, or where appropriate, at least one special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer, or supervise special education and who is knowledgeable about the general curriculum and about the availability of resources of the District;
- e) An individual who can interpret the instructional implications of evaluation results, who may be a CSE member selected from the regular education teacher, the special education teacher or provider, the school psychologist, the School District representative described above or a person having knowledge or special expertise regarding the student as determined by the District;
- f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate;
- g) Whenever appropriate, the student with a disability;
- h) A school psychologist;
- i) A school physician, if requested in writing at least seventy-two (72) hours prior to the meeting by the parents of the student or the School District; and
- j) A parent of a student with a disability residing in the District or a neighboring school district, provided that the parent shall not be employed by or under contract with the School District; and provided further that such parent shall not be a required member if the parents of the student request, in writing, that the additional parent member not participate in the meeting.

(Continued)

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)**

The membership of each subcommittee shall include, but not be limited to, the following members:

**Subcommittee on Special Education Membership**

- a) The parent(s) of the student;
- b) At least one regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) At least one special education teacher, or where appropriate, at least one special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer, or supervise special education and who is knowledgeable about the general curriculum and about the availability of resources of the District;
- e) A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, as set forth in Section 200.6(f)(4) of the Regulations of the Commissioner, is considered;
- f) An individual who can interpret the instructional implications of evaluation results, who may be a member described above;
- g) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate; and
- h) Whenever appropriate, the student with a disability.

**Training**

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

(Continued)



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Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL  
EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION  
MEMBERS (Cont'd.)**

The Assistant Superintendent for Pupil Services shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Special Education and members appointed by the Board of Education to the Committee on Preschool Special Education.

Education Law Section 4402  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.2(b)(3) and 200.3  
20 United States Code (U.S.C.) Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (CFR)  
Sections 300.342-344

NOTE: Refer also to Policy #7632 -- Appointment and Training of Committee on Preschool Special Education Members.

Adopted: 7/10/00

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL  
SPECIAL EDUCATION (CPSE) MEMBERS**

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) whose membership shall include, but not be limited to the following members:

**Committee on Preschool Special Education (CPSE) Membership**

- a) The parent(s) of the child;
- b) At least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- c) At least one special education teacher or, where appropriate, at least one special education provider (i.e., related service provider) of such child;
- d) A representative of the School District who is qualified to provide, or supervise the provision of, special education and who is knowledgeable about the general curriculum and about the availability of preschool special education programs and services and other resources of the District (who shall serve as Chairperson of the CPSE);
- e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, the special education teacher or provider, the school psychologist, the School District representative described above or a person having knowledge on special expertise regarding the student as determined by the District;
- f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
- g) A parent of a child with a disability who resides in the School District or a neighboring school district, and whose child is enrolled in a preschool or elementary level education program provided that such parent shall not be employed by or under contract with the School District or municipality; and provided further that such parent shall not be a required member if the parents of the child request, in writing, that the additional parent member not participate in the meeting.
- h) For a child's transition from early intervention programs and services (Infant and Toddler Programs), the appropriately licensed or certified professional from the County Early Intervention Program. This professional must attend all meetings of the CPSE conducted prior to the child's initial receipt of services; and
- i) An appropriately certified or licensed professional from the municipality. Attendance of the appointee of the municipality is not required for a quorum.

(Continued)

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Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL  
SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)**

**Training**

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Assistant Superintendent for Pupil Services shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Special Education and members appointed by the Board of Education to the Committee on Preschool Special Education.

Education Law Section 4410  
20 United States Code (U.S.C.) Sections 1400-1485,  
Individuals With Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (C.F.R.) Part 300  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.2(b)(3) and 200.3

NOTE: Refer also to Policies #7614 -- Preschool Special Education Program and  
#7631 -- Committee on Special Education/Subcommittee on Special Education Members.

Adopted: 7/10/00

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PRIVISION****Development of Individualized Education Program**

The Board of Education directs that the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) shall have prepared a written statement (program) for each child with a disability.

Such an Individualized Educational Program (IEP) will be developed by the CSE or CPSE upon referral, and reviewed or revised, whichever is appropriate, for every child with a disability at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

**Provision of Individualized Education Program**

The Board of Education shall provide a copy of each student's IEP, *prior to implementation of the program*, to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for the implementation of a student's IEP. *This must be done prior to the implementation of the IEP.*

Any copy of a student's IEP provided to teachers and other service providers shall remain confidential and shall not be redisclosed to any other person, in compliance with federal and state laws and regulations, including the Individuals with Disabilities Education Act and the Family Educational Rights and Privacy Act.

**Individual Re-evaluations of Individualized Education Program**

The CSE shall arrange for an appropriate re-evaluation of each student with a disability if conditions warrant a re-evaluation, or if the student's parent or teacher requests a re-evaluation; however, a re-evaluation must take place at least once every three years. The re-evaluation will be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any re-evaluations must be addressed by the committee on special education in reviewing and, as appropriate, revising the student's IEP.

(Continued)

2003

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Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PRVISION (Cont'd.)**

**The Use of Recording Equipment at IEP Meetings**

The Board of Education shall allow recording equipment to be used at meetings regarding individualized education programs (IEPs) for students with disabilities.

8 New York Code of Rules and Regulations  
(NYCRR) Section 200.4(c)

Adopted: 1/6/03

## Students

**SUBJECT: TRANSITION SERVICES**

The Board of Education will provide transition services for students with disabilities who are fifteen (15) and older (and at a younger age if determined appropriate). Additionally, beginning at age fourteen (14), and updated annually, the student's Individualized Education Program (IEP) must include a statement of transition service needs under the applicable components of the student's IEP that focuses on the student's courses of study. As defined by the Commissioner's Regulations, transition services means a coordinated set of activities for a student with a disability, designed within an outcome-oriented process, that promotes movement from a school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational training, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the individual student's needs, taking into account the student's preferences and interests and shall include needed activities in the following areas:

- a) Instruction;
- b) Related services;
- c) Community experiences;
- d) The development of employment and other post-school adult living objectives; and
- e) If appropriate, acquisition of daily living skills and functional vocational evaluation.

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

20 United States Code (U.S.C.) Sections 1400-1485,  
Individuals With Disabilities Education Act (IDEA)  
Education Law Section 4401  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.1(ss), 200.1(tt), 200.4(c)(2)(v),  
200.4(c)(4), 200.4(d)(3), and 200.5(a)(1)(xii)

Adopted: 7/10/00

2000

7642

Students

**SUBJECT: TWELVE MONTH SPECIAL SERVICES AND/OR PROGRAMS**

The School District shall provide, directly or by contract, special services and/or programs during the summer school period to those students whose disabilities are severe enough to exhibit the need for a structured learning environment during the summer in order to prevent substantial regression as determined by the Committee on Special Education or Committee on Preschool Special Education.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.1 (qq), 200.60) and  
200.16(h)(3)(v)

Adopted: 7/10/00

2000                      7650

Students

**SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES**

The policy of the Board of Education is to conduct a census in order to have all children with disabilities within its jurisdiction under the age of twenty-one (21) identified, located and evaluated, including children of preschool age and children in all public and private agencies and institutions within its jurisdiction.

Persons involved in the collection of data must receive prior training and written information regarding data collection procedures.

**Register of Children with Disabilities**

It is the policy of the Board of Education of the Kenmore-Town of Tonawanda Union Free School District to maintain a register containing the data requirements as indicated in the Commissioner's Regulations.

Education Law Sections 3240-3242 and  
4402(l)(a)  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.2(a)(2)(a-f) and 200.4

NOTE: Refer also to Policy #7150 -- School Census.

Adopted: 7/10/00



2000

7660

Students

**SUBJECT: PARENT INVOLVEMENT**

The Board of Education recognizes the rights of the parent/guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation and educational placement of a child with a disability.

All due process procedures for parents/legal guardians and children in the Commissioner's Regulations shall be observed by the School District.

**Surrogate Parents**

In the event that no parent or legal guardian for a child with a disability can be identified or after reasonable efforts, the whereabouts of the parent or legal guardian cannot be determined, or the child with a disability is a ward of the state, the Board shall assign an individual to act as a surrogate for the parents or legal guardians. The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that insure adequate representation of the child.

It is the duty of the School District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law.

Education Law Sections 4401 and 4402  
8 New York Code of Rules and Regulations  
(NYCRR) Section 200.5

Adopted: 7/10/00

2006

7670

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**Students**

**SUBJECT: IMPARTIAL HEARING OFFICER**

In the event of a hearing called as a result of the initial identification or change in identification, evaluation or educational placement of a child with a disability or the provision of a free, appropriate public education to the child, an Impartial Hearing Officer shall be appointed by the Board of Education. Individuals so appointed shall be selected from a list of available hearing officers in accordance with a rotational selection process as described in Regulations of the Commissioner of Education.

The Board of Education will appoint annually a list of impartial hearing officers drawn from the current list trained and approved by the State Education Department

Impartial hearing officers who have been appointed by the Board of Education shall be compensated by the rate authorized by the Commissioner of Education. The District shall reimburse impartial hearing officers for normal office expenses including telephone calls, fax and mailing costs. Travel shall be reimbursed only for mileage at the District rate, and not for any other travel expenses. Reimbursement will be made for dinner meals and overnight lodging at the approved District rate for employee attendance at conferences, but only when impartial hearing dates are scheduled on consecutive days. The District will reimburse the impartial hearing officer in an amount not to exceed \$500 for expenses and lost revenue if a scheduled hearing date is cancelled on less than 3 days prior notice, but only if the hearing is cancelled by the District.

The Impartial Hearing Officer must be certified by the Commissioner of Education as a hearing officer eligible to conduct hearings and may not have a personal or professional interest which would conflict with his/her objectivity in the hearing. Furthermore, the District shall take steps to ensure that any hearing officer who is appointed pursuant to this policy is not currently employed by this or any other school district, school or program serving students with disabilities placed by any school district CSE; or, if formerly so employed, that such employment is terminated at least two years prior to the hearing officer's appointment by the Board. District employees who may be called as witnesses at an impartial hearing, or who may have been otherwise involved in the decision to be reviewed by the impartial hearing officer, shall not be involved in the selection of the hearing officer.

20 United States (U.S.C.) Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
Education Law Section 4404(l)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 200.5(c)

(Continued)

2006

7670

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Students

**SUBJECT: IMPARTIAL HEARING OFFICER**

### **Use of Guardians Ad Litem at Impartial Hearings**

An impartial hearing officer, duly designated by the Board of Education, is authorized to appoint a guardian ad litem, unless a surrogate parent has previously been assigned, whenever the partial hearing officer determines that the interests of the parent are opposed to or inconsistent with those of the child, or that for any reason the child's interests would best be protected by the appointment of a guardian ad litem.

The guardian ad litem must be familiar with the provisions of Part 200 of the Commissioner's Regulations and must be appointed from the list of surrogate parents or be a pro bono attorney appointed to represent the interests of the child in an impartial hearing. A guardian ad litem represents the student's interests for the duration of the hearing and has the right to fully participate in the hearing to the extent indicated in Commissioner's Regulations. However, the guardian ad litem may not initiate an appeal to the State Review Officer but may join an appeal initiated by the parent or the Board of Education.

The impartial hearing officer must ensure that the procedural due process rights of the child's parents are fully preserved and protected throughout the hearing whenever a guardian ad litem is appointed.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.1, 200.5(c) and 200.5(d)

ADOPTED: 12/12/06

2000

7680

Students

**SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS**

Parents of children with disabilities have the right under Federal and State regulations to obtain an independent evaluation at public expense under certain conditions. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education Part 200.5(a)(1)(vi). Additionally, the Federal Regulations (34 Code of Federal Regulations [CFR] 300.503) specify requirements for an independent evaluation. These documents are available from the District for parent(s) who desire additional information.

The Board of Education directs the Superintendent or his/her designee to develop administrative regulations on independent evaluations in order to explain the rights of parents and the responsibilities of school districts with regard to independent evaluations, and also to avoid any misunderstandings.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.1(u) and 200.5(a) 34  
Code of Federal Regulations (CFR)  
Sections 300.12 and 300.503

Adopted: 7/10/00

2000

7690

Students

**SUBJECT: SPECIAL EDUCATION MEDIATION**

The District will offer mediation as an alternative to the impartial hearing process in disputes regarding the provision of a free, appropriate public education for students identified by the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) as having a disability, or students suspected of having a disability. Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center under Article 21-A of the Judiciary Law.

Parents or persons in parental relationship to students suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial hearing procedures in accordance with Federal and State law and regulations.

Mediation will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relationship to request an impartial hearing subsequent to mediation. Parents or persons in parental relationship to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided for in 34 Code of Federal Regulations Sections 300.500-300.515 and in 8 New York Code of Rules and Regulations Section 200.5(c). Similarly, mediation shall not be construed to limit a parent or person in parental relationship from requesting an impartial hearing without having first utilized mediation procedures set forth in Education Law.

Education Law Section 4404-a

Adopted: 7/10/00

Students

**SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF VIOLENT CRIMINAL OFFENSE**

Any District student who is a victim of a violent criminal offense, as defined pursuant to Education Law and Commissioner's Regulations, that occurred on the grounds of the District elementary or secondary school that the student attends, shall be allowed to attend a safe public school within the School District to the extent required by the federal No Child Left Behind Act (NCLB) and state law and regulations.

In accordance with Commissioner's Regulations, a "safe public school shall mean a public school that has not been designated by the Commissioner [of Education] as a persistently dangerous public elementary or secondary school."

**Violent Criminal Offense**

The superintendent shall determine if the student has been the victim of a "violent criminal offense." "Violent criminal offense" means a crime that:

- a) Involves infliction of a serious physical injury upon another as defined in New York State Penal Law Section 10.00(10); or
- b) A sex offense that involves forcible compulsion; or
- c) Any other offense designed in State Penal Law Section 10.00(12) that involves the use or threatened use of a deadly weapon.

**Determination Whether Student is a Victim**

Procedures shall be established for determination by the Superintendent of whether a student is a victim of a violent criminal offense that occurred on school grounds of the school the student attends. The Superintendent shall, prior to making any such determination, consult with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by such agency. However, a criminal conviction is not required prior to the Superintendent's determination that a student has been a victim of a violent criminal offense. The Superintendent may also consult with the School District's attorney prior to making such determination.

The Superintendent's determination may be appealed to the Board of Education. However, this determination will not preclude any student disciplinary proceeding brought against the alleged victim or perpetrator of such violent criminal offense.

(Continued)

Students

**SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF VIOLENT CRIMINAL OFFENSE (Cont'd.)**

**Notice to Parents/Persons in Parental Relation**

A school district that is required to provide school choice in accordance with applicable provisions of the federal no Child Left Behind Act of 2001, Education Law and Commissioner's Regulations, shall establish procedures for notification of parents of, or persons in parental relation to, students who are victims of violent criminal offenses of their right to transfer to a safe public school within the district and procedures for such transfer. Such notice shall be, to the extent practicable, provided in the dominant language or mode of communication used by the parents or persons in parental relation to such student. The School District shall so notify the parents of, or persons in parental relation to, such student within twenty-four (24) hours of the determination that the student has been the victim of a violent criminal offense on school grounds at the school he/she attends.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of such determination at the last known address or addresses of the parents/persons in parental relation to the student. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

However, **such notification shall not be required** where there are no other public schools within the District at the same grade level or a transfer to a safe public school within the School District is otherwise impossible. Similarly, procedures for such notification of parents/persons in parental relation to students who are victims of violent criminal offenses shall not be required where the School District has only one public school within the District or only one public school at each grade level.

**Designation of Safe Public School**

It shall be the responsibility of the School District, based on objective criteria, to designate a safe public school or schools within the District to which students may transfer. However, the District is not required to designate a safe public school where there are no other public schools within the District at the same grade level or transfer to a safe public school within the District is otherwise impossible. Similarly, if the District has only one public school within the School System or only one public school at each grade level, the School District shall not be required to designate a safe public school.

(Continued)



Students

**SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE  
VICTIMS OF VIOLENT CRIMINAL OFFENSE (Cont'd.)**

Any student who transfers to a safe public school, in accordance with the provisions of this policy and applicable law and regulation, shall be enrolled in the classes and other activities of the public school to which such student transfers in the same manner as all other students at the public school. The receiving school shall be identified by the District and must be at the same grade level as the school from which the student is transferring. To the extent possible the School District shall allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as requiring school improvement, corrective action, or restructuring. The District shall provide transportation for any student permitted to transfer to the safe public school within the District designated by the School System within the transportation limits established pursuant to Education Law Sections 3635 and 4401(4). Any student who transfers to a safe school shall be permitted to remain in such safe public school until the student has completed the highest grade level in the school transferred to, or for such other period prescribed by the U.S. Department of Education, whichever is less.

While the parents/persons in parental relation to the student must be offered the opportunity to transfer their child, they may elect to have the child remain at the school he/she currently attends.

Elementary and Secondary Education Act of 1965  
Section 9532, as amended by the No Child Left behind Act of 2001  
Education Law Section 2802(7)  
8 New York Code of Rules and Regulation (NYCRR) Section 120.5

Adopted: 01/28/03

Students

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES**

It is the policy of this District that each student attending its public schools shall have equal educational opportunities and will not be excluded or prevented from participating in or having admittance to the educational courses, programs or activities; school services; and extracurricular events on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status or disability. Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.

Administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints pertaining to discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status or disability.

Title VII of the Civil Rights Act of 1964,  
42 United States Code (U.S.C.) Section 2000-e, et seq.  
Prohibits discrimination on the basis of race, color,  
Religion, sex or national origin.

Title VI of the Civil Rights Act of 1964,  
42 United States Code (U.S.C.) Section 2000-d, et seq.  
Prohibits discrimination on the basis of race, color, or  
National origin.

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

The Americans With Disabilities Act,  
42 United States Code (U.S.C.) Section 12101 et seq.  
Prohibits discrimination on the basis of sex.

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

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

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Students

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)**

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

Age Discrimination in Employment Act,  
29 United States Code Section 621

Adopted 6/9/03

2012 8000

Instruction

**(Section 8000)**

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Instruction

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2000

8110

Instruction

**SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES AND EVALUATION**

The Board of Education supports and encourages development of a District-wide, articulated curriculum that conforms to state mandates and is responsive to the needs of children in a rapidly changing society. The principals of the elementary and secondary schools shall be responsible to the Superintendent for developing District-wide efforts toward the short and long-range improvement of curriculum and instruction.

**Curriculum Resources**

There are many resources for curriculum development that exist in our School District, and the instructional staff, under the guidance of the administration, is expected to delve into those resources for possible improvement of the instructional program. Each teacher has the privilege of being an initiator of improvement, as well as a reactor to changing conditions, and the principals shall be leaders in curriculum development.

From the staff, the Superintendent may appoint curriculum study committees, and their findings, as well as the collective judgments of the staff about the pertinence of various possible changes, shall be submitted by the Superintendent to the Board of Education for consideration in the forming of curriculum policy.

**Curriculum Evaluation**

The Board of Education shall direct a continuing evaluation of the curriculum as part of a program of instructional improvement.

All aspects of the curriculum shall be subjected to a systematic analysis in an attempt to improve the learning and growth of students.

The administrative staff shall make periodic recommendations for action by the Board. The Board of Education from time to time may invite teachers or others to discuss the curriculum.

Education Law Sections 1709 and 3204

Adopted: 7/10/00

## Instruction

**SUBJECT: QUALITY CONTROL IN DISTRICT CURRICULUM**

In order to maximize local control of the curriculum, and to be responsible to the community, the Board sets forth these tenets to be followed by the Superintendent and professional staff in the development of curriculum in the District.

- a) There shall be locally developed written curriculum guides for all grade levels and subjects in the School District. These guides shall be revised and re-adopted by the Board every five (5) years or sooner and:
  1. Identify the specific content, skills, attitudes and processes to be taught.
  2. State the means for the evaluation or assessment of each of the content areas, skills, attitudes to be taught.
  3. Be integrated with and consistent with the adoption of textbooks and all other instructional resource materials.
- b) Curriculum developed for the District's elementary schools shall concentrate upon the basic skills, and provide for consistency and clarity of instructional focus among the elementary schools of the District. Common textbook adoptions and curricular materials shall be aimed at promoting consistency and clarity of instructional focus.
- c) Curriculum shall be developed in harmony with state guidelines and relevant federal mandates where applicable. It shall be congruent with those subject areas and skills tested by the state and locally adopted criterion referenced or standardized tests.

Accordingly, the Superintendent shall take steps to conduct a major review of three (3) curriculum areas per year, and organize a report/presentation to the Board of Education which demonstrates how this policy has been implemented and to present such recommendations as may be necessary for the improvement of student growth as may be required, except in the first year of implementation of this policy in which only one curricular area is required to be reviewed.

The areas to be reviewed are mathematics, physical education, reading, language arts (elementary), English (secondary), writing (creative and expository), foreign language, science, social studies (including geography, patriotism, civics, history), art, music, technology education/career and home skills, computers, special education, vocational education, health and safety.

(Continued)

**SUBJECT: QUALITY CONTROL IN DISTRICT CURRICULUM (Cont'd.)**

The review process shall include a statement of instructional goals by grade level, assessment or testing trend data, important new trends that are to be incorporated into the curriculum, recommended instructional resources and materials in the curriculum, and input from the teaching staff. The Superintendent shall employ one or more externally identified content area curriculum experts to critique the proposed or existing curriculum in light of available knowledge and current research regarding appropriate curricula in the areas being reviewed, and those reports/critiques shall be appended to the Board support.

Copies of the curriculum guides in complete sets shall be available for all teachers, and to the public in each principal's office for parental review and reference.

The Superintendent shall develop a set of administrative regulations that will effectively carry out this policy in its entirety, and ensure its consistent implementation at all schools of the District.



2000

8120

Instruction

**SUBJECT: REQUEST FOR PART 100 VARIANCE OR PART 200 INNOVATIVE PROGRAM WAIVER FROM COMMISSIONER'S REGULATIONS**

Consistent with the purposes of A New Compact for Learning, the Board of Education encourages collaboration by teachers, administrators, parents and students of the District in developing innovative educational programs and practices that will lead to greater achievement for all students.

Requests for a variance or waiver from the requirements in Part 100 and Sections 200.1/200.6, respectively, of the Commissioner's Regulations must be approved by the local Board of Education and signed by the Superintendent of Schools. An application may also be submitted by several districts, or a combination of districts, BOCES and/or private schools, applying as a consortium. Consortium applications must be approved by each participating local Board of Education and Superintendent of Schools.

Subsequent to Board of Education approval, all applications must be forwarded to the District Superintendent of Schools of which the local district is a part for review, consultation, and recommendation prior to submission to the State Education Department. The District Superintendent may provide technical assistance to the applicant and make recommendations to the State Education Department. Interested applicants may also request technical assistance through their Regional Education Coordinator.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.2(n) and 200.6(k)

Adopted: 7/10/00

2000

8210

Instruction

**SUBJECT: SAFETY CONDITIONS AND PROGRAMS**

The practice of safety will be considered an integral part of the instructional program through fire prevention, emergency procedures and drills, driver education, and traffic and pedestrian safety.

Each principal will be responsible for the supervision of a safety program for his/her school. That safety program shall include reference to the safety program of the District insofar as it is applicable in the particular school. The Superintendent of School will from time to time review individual school safety programs with the appropriate administrators.

**Eye Safety/Student Use of hand-Held Laser Pointers**

Eye safety devices are to be provided by the School District for the protection of employees, students and visitors, and worn in the technology education classes and labs when activities present a potential eye hazard. The Superintendent or his/her designee will insure that these devices are properly repaired, cleaned and stored to prevent the spread of germs or diseases after individuals use them.

Each classroom teacher is responsible for the safe and proper use of all instructional materials and equipment by students in his/her classroom. Laser pointers are to be used by students only when such use is approved and supervised by the classroom instructor.

Students will be advised not to stare directly into the beam from a laser pointer or direct the beam at the eyes of another individual. Students are not to aim the pointer into the audience. Students are to be made aware of the hazards associated with the particular type of laser pointer used.

Education Law Sections 409, 409-a, 807-a, and 906  
8 New York Code of Rules and Regulations  
(NYCRR) Part 136 and Section 141.10

Adopted: 7/10/00

## Instruction

**SUBJECT: PREVENTION INSTRUCTION****AIDS Instruction in Health Education**

The Board of Education shall provide a health education program that will include appropriate instruction for all students concerning Acquired Immune Deficiency Syndrome (AIDS). Accurate information concerning the nature of the disease, methods of transmission, and means of prevention shall be provided in an age-appropriate manner and shall be consistent with community values and will stress that abstinence is the most appropriate and effective premarital protection against AIDS.

A representative community advisory group consisting of appropriate school personnel, School Board members, parents, religious representatives, and other community members shall be established in order to make recommendations for curriculum content, implementation, and evaluation of an AIDS instructional program. Appropriate training will be provided for instructional staff.

No student shall be required to receive instruction concerning the methods of prevention of AIDS if the parent or legal guardian has filed with the school principal a written request that the student not participate in such instruction, with an assurance that the student will receive this instruction at home.

**Substance Abuse-Prevention Instruction**

The Board of Education recognizes the need to educate students on the hazards of alcohol, tobacco and/or drug abuse. A prevention program will be developed to inform students of:

- a) Causes for substance abuse;
- b) Physical and psychological damage associated with substance abuse;
- c) Avoidance of alcohol, tobacco and drugs.
- d) Dangers of driving while under the influence of alcohol or drugs.

**Environmental Conservation Instruction**

The Board of Education supports and encourages the development of a District-wide, articulated curriculum of environmental conservation integrated into other program disciplines.

**Fire and Arson Prevention Instruction**

The Board of Education directs the administration to provide instruction in fire and arson prevention for all students in each school for a period of not less than forty-five (45) minutes each month that school is in session.

(Continued)

## Instruction

**SUBJECT: PREVENTION INSTRUCTION (Cont'd.)****Student Safety**

Instruction in courses in technology education, science, home and career skills, art and physical education, health, and safety shall include and emphasize safety and accident prevention.

Safety instruction shall precede the use of materials and equipment by students in applicable units of work in the courses listed above, and instructors shall teach and enforce all safety procedures relating to the particular courses. These shall include the wearing of protective eye devices in appropriate activities.

**Emergency Planning**

The School District shall maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students shall be provided instruction to respond effectively in emergency situations.

**Instruction on Prevention of Child Abduction**

All students in grades K through 8 in District schools shall receive instruction designed to prevent the abduction of children. Such instruction shall be provided by or under the direct supervision of regular classroom teachers and the Board of Education shall provide appropriate training and curriculum materials for the regular classroom teachers who provide such instruction. However, at the Board's discretion, such instruction may be provided by any other public or private agency.

For purposes of developing such courses of study, the Board of Education may establish local advisory councils or utilize the school-based shared decision making and planning committee established pursuant to the Regulations of the Commissioner to make recommendations concerning the content and implementation of such courses. Alternatively, the District may utilize courses of instruction developed by consortia of school districts, boards of cooperative educational services, other school districts, or any other public or private agency. Such advisory council shall consist of, but not be limited to, parents, school trustees and Board members, appropriate school personnel, business and community representatives, and law enforcement personnel having experience in the prevention of child abduction.

AIDS Instruction: 8 New York Code of Rules and Regulations (NYCRR) Section 135.3(b) and (c)  
Substance Abuse: Education Law Section 804  
8 New York Code of Rules and Regulations (NYCRR) Section 135.3(a)  
Student Safety: Education Law Section 808  
8 New York Code of Rules and Regulations (NYCRR) Sections 107 and 155  
Fire and Arson: Education Law Section 808  
Civil Preparedness: New York State Office of Disaster Preparedness Prevention of Child

Adopted: 7/10/00

Abduction: Education Law Section 803-a

**SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS****Fire Drills**

The administration of each school building shall provide instruction for and training of students, through fire drills, in procedures for leaving the building in the shortest possible time and without confusion or panic.

Fire drills shall be held at least twelve (12) times in each school year; eight (8) of these shall be held between September 1 and December 1. At least one (1) of the twelve (12) drills shall be held during each of the regular lunch periods, or shall include special instruction on the procedures to be followed if a fire occurs during a student's lunch period.

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one of these drills shall be held during the first week of summer school.

**After-School Programs**

The building principal or his/her designee shall require those in charge of after-school programs, attended by any individuals unfamiliar with the school building, to announce at the beginning of such programs the procedures to be followed in the event of an emergency.

**Bomb Threats****School Bomb Threats**

A bomb threat, even if later determined to be a hoax, is a criminal action. No bomb threat should be treated as a hoax when it is first received. The school has an obligation and responsibility to ensure the safety and protection of the students and other occupants upon the receipt of any bomb threat. This obligation must take precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat - location, if any; time of detonation; etc. If the bomb threat is targeted at the school parking lot or the front of the school, building evacuation may not be an appropriate response. If the bomb threat indicates that a bomb is in the school, then building evacuation is necessary unless the building has been previously inspected and secured in accordance with State Education Department Guidelines and as incorporated in the School Emergency Management Plan and administrative regulations.

The decision to evacuate a building or to take shelter is dependent upon information about where the bomb is placed and how much time there is to reach a place of safety. Prudent action dictates that students and other occupants be moved from a place of danger to a place of safety. Routes of egress and evacuation or sheltering areas must be thoroughly searched for suspicious objects before ordering an evacuation. Failure to properly search evacuation routes before an evacuation takes place can expose students and staff to more danger than remaining in place until the search has taken place. Assistance is available from local police agencies and the New York State Police to train staff to check evacuation routes.

(Continued)

**SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS (Cont'd.)**Police Notification and Investigation

A bomb threat to a school is a criminal act, which is within the domain and responsibility of law enforcement officials. Appropriate State, county, and/or local law enforcement agencies must be notified of any bomb threat as soon as possible after the receipt of the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Therefore, the building administrator or designee is to notify local law enforcement officials and follow established procedures to move all occupants out of harm's way.

Implementation

The Board of Education directs the Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Additionally, such regulations are to be incorporated in the School Emergency Management Plan, with provisions for written notification by October 1 of each school year to all students and staff about emergency procedures, an annual emergency drill, and the annual updating of the School Emergency Management Plan as mandated pursuant to law and/or regulation.

**Bus Emergency Drills**

The Board of Education directs the administration to conduct a minimum of three (3) emergency drills to be held on each school bus during the school year. The first drill is to be conducted during the first week of the fall term, the second between November 1st and December 31st, and the third between March 1st and April 30th.

Each drill shall include instruction in all topics mandated by the Education Law and the Commissioner's Regulations and shall include, but will not be limited to, the following:

- a) Safe boarding and exiting procedures;
- b) The location, use and operation of the emergency door, fire extinguishers, first aid equipment and windows as a means of escape in case of fire or accident;
- c) Orderly conduct as bus passengers.

Students who ordinarily walk to school shall also be included in the drills.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 155.13 and 156.3(h)(2)  
Penal Law Sections 240.55, 240.60 and 240.61  
Education Law Sections 807 and 3623

Adopted: 7/10/00

2000

8220

Instruction

**SUBJECT: CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION**

The Board of Education recognizes the need for career and technical education and reaffirms its policy of strengthening the local high school career and technical program through utilization of any available federal and state funds for that purpose and of supporting the BOCES program.

**Equal Opportunity**

The Board of Education prohibits discrimination on the basis of sex, race, color, national origin or disability in any career and technical program or activity of this District.

The career and technical program and/or activities shall be readily accessible to students with disabilities.

**Public Notification**

Prior to the beginning of each school year or academic semester, the District shall issue an appropriate public announcement which advises students, parents, employees and the general public that career and technical education opportunities will be offered without regard to sex, race, color, national origin or disability. Included in such announcement will be the name, address, and telephone number of the person designated to coordinate Title IX/Section 504/ADA activities.

**Grievance Procedure**

Grievance procedures for resolving complaints regarding discrimination based on sex and/or disability shall be disseminated to adequately inform students, parents and employees of the existence of these procedures.

**BOCES Advisory Council**

In accordance with Education Law, the Advisory Council of the BOCES is designated as the local Advisory Council for career and technical education in the School District.

Education Law Article 93  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.2(h) and 141 et seq.

Adopted: 7/10/00



## Instruction

**SUBJECT: GUIDANCE PROGRAM**

A District plan for the K-12 guidance program shall be filed in the District office and made available for public review. This plan shall be subject to annual review and revised as necessary in the following areas:

- a) Identification of guidance program objectives;
- b) Activities to accomplish the objectives;
- c) Identification of staff members and other resources to accomplish the objectives;
- d) Provisions for the annual assessment of program results.

**Guidance Program (K-6)**

A coordinated guidance program in grades K-6 shall be developed and implemented to:

- a) Prepare students to participate effectively in their current and future educational programs;
- b) Help those students exhibiting any attendance, academic, behavioral or adjustment problems;
- c) Educate students concerning avoidance of child sexual abuse; and
- d) Encourage parental involvement.

**Guidance Program (7-12)**

A coordinated guidance program in Grades 7-12 shall be developed and implemented including the following activities and services:

- a) Each student's educational progress and career plans will be reviewed annually;
- b) Instruction at each grade level to help students learn about various careers and career planning skills;
- c) Other advisory and counseling assistance which will benefit students such as: helping students develop and implement postsecondary education and career plans; helping those students exhibiting any behavioral or adjustment problems; and encouraging parental involvement;
- d) Employment of personnel certified or licensed as school counselors.

**SUBJECT: INSTRUCTIONAL PROGRAMS: DRIVER EDUCATION, GIFTED AND TALENTED EDUCATION, PHYSICAL EDUCATION, PSYCHOLOGICAL SERVICES, SUMMER SCHOOL, AND CONTINUING/COMMUNITY EDUCATION**

**Driver Education**

A driver education course may be offered under the conditions set forth by the New York State Education Department.

Education Law Section 806-a

**Gifted and Talented Students**

The Board of Education will provide appropriate educational programs for students identified as being gifted and talented.

Education Law Article 90 and Section 3204(2)(b)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 142

**Physical Education Class**

All students, except those with medical excuses, shall participate in physical education in accordance with the Commissioner's Regulations. Any student whose condition precludes participation in a regular program shall be provided with adaptive physical education approved by the Commissioner of Education.

Education Law Sections 803 and 3204  
8 New York Code of Rules and Regulations  
(NYCRR) Section 135.4

(Continued)

## Instruction

**SUBJECT: INSTRUCTIONAL PROGRAMS: DRIVER EDUCATION, GIFTED AND TALENTED EDUCATION, PHYSICAL EDUCATION, PSYCHOLOGICAL SERVICES, SUMMER SCHOOL, AND CONTINUING/COMMUNITY EDUCATION (Cont'd.)**

**Psychological Services**

The Superintendent is authorized to provide for students a program of psychological services and recommend for appointment by the School Board such psychologists and assistants as needed.

School psychologists shall work with individual students, staff and parents to evaluate educational problems and recommend appropriate programs to meet student needs. No such psychological service shall be provided unless the service is authorized by the parents, the Assistant Superintendent for Pupil Services, Research and Program Evaluation and the principal in charge of the student.

**Summer School**

The Board of Education may provide for a summer school to be organized and administered to offer remedial and/or enrichment work for students in grades (1) through twelve (12).

**Continuing/Community Education Program**

The Board of Education authorizes a Continuing/Community Education Program for the benefit of both residents and non-residents. This program will be carried on in response to community interest and to the extent of available school personnel and facilities.

Except where mandated by law, all books and supplies for the Continuing/Community Education Program shall be purchased by the student.

2000

8241

Instruction

**SUBJECT: PATRIOTISM, CITIZENSHIP AND HUMAN RIGHTS EDUCATION**

In order to promote a spirit of patriotic and civil service and obligation, as well as to foster in students of the District moral and intellectual qualities which are essential in preparing them to meet the obligations of citizenship, the Board requires students attending District schools, over the age of eight years, to attend instruction in patriotism, citizenship, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery, the Holocaust, and the mass starvation in Ireland from 1845 to 1850 (the "Irish Potato Famine").

The Board also directs that all students attending District schools in grades eight through twelve receive instruction in the history, meaning, significance and effect of the United States Constitution, the New York State Constitution, and the Declaration of Independence.

The curricula for such courses must include the subjects specified by the Board of Regents and be for the period of instruction, as mandated by the Regents, which is necessary in these subjects in each of the appropriate grades.

One week during each school year a uniform course of exercises shall be provided to teach students, in an age appropriate manner, the purpose, meaning and importance of the Bill of Rights Articles in the United States and New York State Constitutions. These exercises shall be in addition to the above required courses.

The Board directs that the above named subjects, as mandated by law, be addressed in the instructional curricula provided by the District.

Education Law Section 801

Adopted: 7/10/00

## Instruction

**SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/  
INTERPERSONAL VIOLENCE PREVENTION EDUCATION****Civility, Citizenship and Character Education**

The Board of Education recognizes that teaching students respect, civility and understanding toward others, as well as the practice and reinforcement of appropriate behavior and values of our society, is an important function of the School System.

The School District wishes to foster an environment where students exhibit behavior that promotes positive educational practices, allows students to grow socially and academically, and encourages healthy dialogue in respectful ways. By presenting teachers and staff as positive role models, the District stresses positive communication and discourages disrespectful treatment. This policy is not intended to deprive and/or restrict any student of his/her right to freedom of expression but, rather, seeks to maintain, to the extent possible and reasonable, a safe, harassment free and educationally conducive environment for our students and staff.

Furthermore, the District shall ensure that the course of instruction in grades K through 12 includes a component on civility, citizenship and character education in accordance with Education Law. Character education is the deliberate effort to help students understand, care about, and act upon core ethical values.

Character education shall instruct students on the principles of:

- a) Honesty;
- b) Tolerance;
- c) Personal responsibility;
- d) Respect for others;
- e) Awareness and sensitivity to discrimination and/or harassment as defined in the Dignity for All Students Act (DASA);
- f) Civility in relation to people of different races, weights, national origins, ethnic groups, religions, religious practices, physical or mental abilities, sexual orientations, genders or sexes;
- g) Observance of laws and rules;
- h) Courtesy; and

(Continued)

## Instruction

**SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/  
INTERPERSONAL VIOLENCE PREVENTION EDUCATION (Cont'd.)**

- i) Dignity, and other traits which will enhance the quality of students' experiences in, and contributions to, the community.

As determined by the Board of Regents, and as further enumerated in Commissioner's Regulations, the components of character education shall be incorporated in existing School District curricula as applicable.

The District encourages the involvement of staff, students, parents and community members in the implementation and reinforcement of character education in the schools.

Education Law Sections 801 and 801-a  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(c)

**Interpersonal Violence Prevention Education**

The District will utilize the interpersonal violence prevention education package provided by the State Education Department. These materials will be incorporated as part of the health or other related curricula or programs for students in grades K through 12.

Education Law Section 804(4)

2000

8250

Instruction

**SUBJECT: EVALUATION OF THE INSTRUCTIONAL PROGRAM**

Evaluation may be concerned with the extent to which:

- a) Each student achieves in accordance with his/her ability;
- b) Each staff member performs at full potential;
- c) The total learning environment, including institutional processes, physical facilities, and the educational program, remains consistent with the needs of students and the larger society and contributes to the accomplishment of the goals of the school.

The Board of Education expects staff members to maintain a continual program of evaluation at every level to determine the extent of progress toward the schools' objectives. The Board of Education will periodically request the Superintendent to present factual information that it considers necessary to evaluate the effectiveness of the School System.

8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(m)

Adopted: 7/10/00

## Instruction

**SUBJECT: PROGRAMS AND PROJECTS FUNDED BY TITLE I****Parental Involvement**

The Board of Education recognizes the rights of parent/guardians to be fully informed of all information relevant to their children who participate in programs and projects funded by Title I. The District shall ensure parental involvement in these programs and projects by:

- a) Providing such support for parental involvement activities as required by law;
- b) Convening an annual meeting to which all parents/guardians of participating children shall be invited;
- c) Providing parents/guardians with reports on their children's progress;
- d) Providing opportunities for regular meetings of parents/guardians.

In addition to the above, the District shall, jointly and in agreement with parents of students receiving Title I services, establish expectations for parent involvement in Title I programs in accordance with Section 1118(a) of the Improving America's Schools Act of 1994. Similarly, each Title I school within the District shall establish building level school/parent involvement policies in accordance with Section 1118(b). Such school/parent policies shall include, where applicable, school-parent compacts outlining how parents, the entire school staff, and students will share the responsibility for improved student achievement and the means by which the school and parents will build and develop a partnership to help students achieve the state's high standards.

**Comparability of Services**

The School District shall ensure equivalence among the schools in the District of the same grade span and levels of instruction with regard to teachers, administrators and auxiliary personnel as well as equivalence in the provision of curriculum materials and instructional supplies in Title I programs.

Title I of the Elementary and Secondary  
Education Act of 1965, as amended by the  
Improving America's Schools Act of 1994  
20 United States Code (U.S.C.) Section 6301 et seq.  
34 Code of Federal Regulations (CFR) Part 75

Adopted: 7/10/00



**SUBJECT: TITLE I PARENT INVOLVEMENT POLICY**

The Board of Education recognizes the rights of parents/persons in parental relation to be fully informed of all information relevant to their children, including children who participate in programs and projects funded by Title I. Therefore, the Board of Education encourages the participation of parents of students eligible for Title I services in all aspects of their child's education, including the development and implementation of district programs, as well as activities and procedures that are designed to carry out No Child Left Behind (NCLB) parent involvement goals.

**District-Wide Parent Involvement Policy**

In order to facilitate parental participation, in accordance with NCLB requirements, as outlined in the Elementary and Secondary Education Act Section 6318(B), the District will:

- a) Involve parents in the joint development of the Title I Plan at designated buildings and the Annual Consolidated Application. If the plan is not satisfactory to the parents of children participating in Title I programs, the District will submit any parent comments to the State Education Department along with the District's plan;
- b) Provide the coordination, technical assistance, and support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;
- c) Build the schools' and parents' capacity for strong parental involvement through implementing and encouraging participation in appropriate parental involvement activities such as Ready, Set, Read training through the KenTon Family Support Center and activities implemented through the School-wide Program;
- d) Coordinate and integrate parental involvement strategies under Title I with those of other programs including, but not limited to, the KenTon Family Support Center, Sheridan-Parkside Center and the School-wide Program;
- e) Conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the Title I schools. The evaluation shall include identifying barriers to greater participation by parents in activities under the policy and use the findings of the evaluation to design strategies for more effective parental involvement and, to revise, if necessary, the parental involvement policies at the District and school levels. The District will use information gathered from School Planning Teams at the Title Buildings, the Annual Title I Planning Meeting, and focus groups for annual evaluation;
- e) Involve parents in the activities of the Title I schools. Parent activities will include, but not limited to, Annual Open Houses, Math Nights, Literacy Nights, PTA meetings, HSA meetings Parenting Classes, Musical Events, and Art Shows;

## Instruction

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- b) Provide the coordination, technical assistance, and support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;
- c) Build the schools' and parents' capacity for strong parental involvement through implementing and encouraging participation in appropriate parental involvement activities such as Ready, Set, Read training through the KenTon Family Support Center and activities implemented through the School-wide Program;
- d) Coordinate and integrate parental involvement strategies under Title I with those of other programs including, but not limited to, the KenTon Family Support Center, Sheridan-Parkside Center and the School-wide Program;
- e) Conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the Title I schools. The evaluation shall include identifying barriers to greater participation by parents in activities under the policy and use the findings of the evaluation to design strategies for more effective parental involvement and, to revise, if necessary, the parental involvement policies at the District and school levels. The District will use information gathered from School Planning Teams at the Title Buildings, the Annual Title I Planning Meeting, and focus groups for annual evaluation;
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## Instruction

**SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)**

- g) Involve parents of children in Title I programs in decisions regarding how funds reserved for parental involvement activities are spent. Parent involvement will include, but not be limited to, participation in School Planning Teams and Annual Consolidated Application Meetings.

**School-Level Parent Involvement Policy**

In accordance with Section 6318(c), the Board of Education directs each school receiving Title I funds to ensure that a building level parental involvement plan is developed with the participation of that school's parents. In addition to the goals stated above, each school building level plan will describe the details to:

- a) Convene an annual meeting, at a convenient time, to inform parents of their school's participation in Title I programs and to explain Title I requirements and the right of the parents to be involved. All parents of children participating in Title I programs will be invited and encouraged to attend the meeting;
- b) Offer a flexible number of meetings, such as meetings in the morning or evening; and may provide (with funds provided under this provision of law) transportation, child care, or home visits, as such services relate to parental involvement;
- c) Involve parents in an organized, ongoing, and timely way in the planning, review, and improvement of Title I programs, including the planning, review, and improvement of the school parental involvement policy;
- d) Provide parents of participating children with timely information about programs, a description and explanation of the curriculum in use in Title I programs, the forms of academic assessment used to measure student progress, the proficiency levels students are expected to meet, and if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children and respond to any such suggestions as soon as practicably possible; and
- e) Develop a school-parent compact jointly with parents that outlines how the parents, school staff and students will share the responsibility for improved student academic achievement and detail the means by which the school and parents will build and develop a partnership to help all children achieve the state's standards.

## Instruction

**SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)**

- f) The compact must include:
1. A description of the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served in Title I schools to meet the State's student academic achievement standards;
  2. A description of the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, television watching, volunteering in their child's classroom and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and
  3. Address the importance of communication between teachers and parents on an ongoing basis including, but not limited to:
    - (a) Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;
    - (b) Frequent reports to parents on their children's progress; and
    - (c) Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities. Parents are invited to volunteer in classrooms and school activities throughout the year. Content area information nights are held to model classroom activities and technology that is implemented in the children's programs. Monthly newsletters at the building and the District level are used to communicate information and invitations for parent participation.

To ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community in order to improve student academic achievement, the District and each school shall:

- a) Provide assistance to parents of children served by the District or school, in understanding such topics as the State's academic content standards and State student academic achievement standards, State and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of their children. This assistance will be provided through parent information nights and Open House/Curriculum Nights which will be held to share information on content area assessments. In addition, Parent-Teacher-Student conferences will be held twice per year;

## Instruction

**SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)**

- b) Provide materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement. Parenting books will be purchased to assist parents in working with their children. The Family Support Center is available to parents seeking assistance in how to work with their children. Curriculum nights will provide information and training in technology and content areas for parent;
- c) Educate teachers, pupil services personnel, Principals, and other staff, with the assistance of parents, in the value and utility of contribution of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school. The staff of the Family Support Center will work in the schools to build ties between parents and schools;
- d) Coordinate and integrate to the extent feasible and appropriate, parent involvement programs and activities and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children. The KenTon District facilitates parenting training groups called Ready, Set, Read. This is composed of parents and teachers working together to help other parents become more involved. Reading Recovery, Read 180 and a literacy consultant will be used to integrate parent involvement and instructional practice;
- e) Ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand.

In addition to the above activities which are required for the District and each school, the District and each school:

- a) May involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training;
- b) May provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such training;
- c) May pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;
- d) May train parents to enhance the involvement of other parents;

## Instruction

**SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)**

- e) May arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation;
- f) May adopt and implement model approaches to improving parental involvement;
- g) May develop appropriate roles for community-based organizations and businesses in parent involvement activities; and
- h) Shall provide such other reasonable support for parental involvement activities under this section as parents may request.

In carrying out the parental involvement requirements, the District and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under Section 6311 of the Elementary and Secondary Education Act in a format and, to the extent practicable, in a language such parents understand.

**Procedures for Filing Complaints/Appeals**

The District will disseminate free of charge to parents of children in Title I programs, and to appropriate private school officials or representatives, adequate information regarding the District's written complaint procedures for resolving issues of violation(s) of a Federal statute or regulation that applies to Title I, Part A programs.

**Comparability of Services**

The School District shall ensure equivalence among the schools in the District of the same grade span and levels of instruction with regard to teachers, administrators and auxiliary personnel as well as equivalence in the provision of curriculum materials and instructional supplies in Title I programs.

Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001  
20 USC Sections 6318 and 6321  
34 CFR Parts 74-86 and 97-99, and 200

Adoption Date: September 9, 2014

2000

8270

Instruction

**SUBJECT: INSTRUCTIONAL TECHNOLOGY**

The Board of Education recognizes its responsibility to further the District's educational goals through the use of appropriate and high quality technological materials and equipment. For the purpose of this policy, technology refers to computers, interactive videodiscs, Compact Disc-Read Only Memory (CD-ROM) devices, local area networks, satellite transmission and other telecommunications equipment.

Continuing advances in technology are bringing about changes that have an increasing impact on the way we obtain, process, evaluate and use information. Therefore, the District is committed to:

- a) A comprehensive staff development program to ensure appropriate and effective use of technology.
- b) The preparation of students to utilize multiple types of technology.
- c) The integration of technology within and across all curriculum areas.
- d) The equitable distribution and access to technological equipment and materials for all students.
- e) The promotion of technology as an alternative to traditional methods of gathering, organizing and synthesizing information.
- f) The provision of sufficient funds, within the budgetary constraints of the Board, for the implementation of technology instruction.

The Board directs the Superintendent or his/her designee to assess the technological needs of the District's instructional program, research and review current materials and make recommendations to the Board.

Adopted: 7/10/00

## Instruction

**SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY**

gg) In compliance with the Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the District has adopted and will enforce this Internet safety policy that ensures the use of technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) on all District electronic devices with Internet access. Such technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, child pornography, or, with respect to the use of computers by minors, considered harmful to such students. The District will provide for the education of students regarding appropriate online behavior including interacting with other individuals on social networking websites and in chat rooms, and regarding cyber-bullying awareness and response. Further, appropriate monitoring of online activities of minors, as determined by the building/program supervisor, will also be enforced to ensure the safety of students when accessing the Internet.

hh) Further, the Board of Education's decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the schools including the selection of appropriate teaching/instructional materials and activities to enhance the schools' programs; and to help ensure the safety of personnel and students while online.

ii) However, no filtering technology can guarantee that staff and students will be prevented from accessing all inappropriate locations. Proper safety procedures, as deemed appropriate by the applicable administrator/program supervisor, will be provided to ensure compliance with the CIPA.

jj) In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet and World Wide Web *may* include, but shall not be limited to, the following guidelines:

- a) Ensuring the presence of a teacher and/or other appropriate District personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using electronic mail, chat rooms, instant messaging and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of email, chat rooms, as well as social networking websites, may be blocked as deemed necessary to ensure the safety of such students;
- b) Monitoring logs of access in order to keep track of the web sites visited by students as a measure to restrict access to materials harmful to minors;
- c) In compliance with this Internet Safety Policy as well as the District's Acceptable Use Policy, unauthorized access (including so-called "hacking") and other unlawful activities by minors are prohibited by the District; and student violations of such policies may result in disciplinary action; and
- d) Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal identification information regarding such students.



## Instruction

**SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY (Cont'd.)**

The determination of what is "inappropriate" for minors shall be determined by the District and/or designated school official(s). It is acknowledged that the determination of such "inappropriate" material may vary depending upon the circumstances of the situation and the age of the students involved in online research.

The terms "minor," "child pornography," "harmful to minors," "obscene," "technology protection measure," "sexual act," and "sexual contact" will be as defined in accordance with CIPA and other applicable laws/regulations as may be appropriate and implemented pursuant to the District's educational mission.

*\*Under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor, or other person authorized by the School District.*

kk) The School District shall provide certification, pursuant to the requirements of CIPA, to document the District's adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., blocking/filtering of access to certain material on the Internet) for all School District computers with Internet access.

**Internet Safety Instruction**

In accordance with New York State Education Law, the School District may provide, to students in grades K through 12, instruction designed to promote the proper and safe use of the Internet. The Commissioner shall provide technical assistance to assist in the development of curricula for such course of study which shall be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the Internet.

Under the Protecting Children in the 21st Century Act, students will also be educated on appropriate interactions with other individuals on social networking websites and in chat rooms, as well as cyber-bullying awareness and response.

**Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices**

Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events.

## Instruction

**SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY (Cont'd.)**

The District is not responsible for inappropriate content or material accessed via a student's own personal technology or electronic device or via an unfiltered Internet connection received through a student's own personal technology or electronic device.

**Notification/Authorization**

The District's Acceptable Use Policy and accompanying Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the Internet.

ll)

mm) The District has provided reasonable public notice and has held at least one (1) public hearing or meeting to address the proposed Internet Safety/Internet Content Filtering Policy prior to Board adoption. Additional public notice and a hearing or meeting is not necessary when amendments are made to the Internet Safety Policy in the future.

nn)

The District's Internet Safety/Internet Content Filtering Policy must be made available to the FCC upon request. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of this policy as well as any other District policies relating to the use of technology.

The Internet Safety/Internet Content Filtering Policy is required to be retained by the school for at least five (5) years after the funding year in which the policy was relied upon to obtain E-rate funding.

oo)

pp)

qq)

47 United States Code (USC) Sections 254(h) and 254(l)

47 Code of Federal Regulations (CFR) Part 54

Education Law Section 814

NOTE: Refer also to Policy #7315 -- Student Use of Computerized Information Resources (Acceptable Use Policy)  
*District Code of Conduct on School Property*

Adoption Date: 7/2/2013

**BASE SCHOOL DISTRICT**

**INTERNET CONTENT FILTERING - AUTHORIZED "OVERRIDE" OPTION FORM**

In accordance with The Children's Internet Protection Act, authorization may be granted by the designated school official(s) to disable blocking or filtering measures on District computers to enable access by **adults** engaged in bonafide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor, or other person authorized by the District. There may be special projects/research done on the Internet where, for a limited period of time, filtering needs to be "turned off" to allow access to particular web sites. The capability of setting the time period to be "unfiltered," as well as the changing of the password, will reside with the person authorized to possess this user ID.

Only the designated authorized person will have the use of the user ID and password and will not share this information with the staff. Please provide the information below to the authorized designated person for approved "override" (i.e., disabling of technology protection measures). This form must be completed and submitted at least five (5) school days in advance.

**AUTHORIZED OVERRIDE CAPABILITY WILL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF THE SCHOOL DISTRICT'S INTERNET CONTENT FILTERING/ SAFETY POLICY.**

Please fill out the form below to request the authorized override option.

Staff Member's Name: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Title of Authorized Staff Member

\_\_\_\_\_

Signature of Authorized Staff

Member: \_\_\_\_\_

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS WITH LIMITED ENGLISH PROFICIENCY**

The Board of Education recognizes its responsibility to ensure that students of foreign birth or ancestry, who have limited English proficiency, (LEP) or English Language Learners (ELL) are provided with an appropriate program of bilingual transitional education or a free-standing program of English as a Second Language (ESL).

The District has developed a comprehensive plan to meet the educational needs of students with limited English proficiency. The plan will be kept on file in the District and made available for SED review upon request. The plan includes:

- a) The District's philosophy for the education of ELL/LEP students;
- b) Administrative practices and procedures to:
  - 1) Diagnostically screen students for limited English proficiency;
  - 2) Identify students with limited English proficiency;
  - 3) Annually evaluate each ELL/LEP student including his/her performance in content areas to measure the student's academic progress.
- c) A description of the nature and scope of the bilingual and/or English as a second language instructional program and services available to ELL/LEP students;
- d) A description of the criteria used by the District to place ELL/LEP students in appropriate bilingual or free-standing English as a second language programs;
- e) A description by building of the curricular and extracurricular services provided to ELL/LEP students;
- f) A description of the District and school level procedures for the management of the program, including staffing, site selection, parental notification, coordination of funds, training and program planning.

The instructional programs and services available to limited English proficient pupils to help them acquire English proficiency may include, pursuant to Commissioner's Regulations, bilingual education programs, free-standing English as a second language programs, appropriate support services, transitional services, in-service training and parental notification.

(Continued)

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS WITH LIMITED ENGLISH PROFICIENCY (Cont'd)**

A student who, as a result of a disability, scores below the State designated level on the Language Assessment Battery-Revised (LAB-R) or the NYS English as a Second Language Achievement Test (NYSESLAT) shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student and shall also be eligible for services available to an ELL/LEP student when those services are recommended in the IEP. Such a student will be counted as an ELL/LEP student as well as a student with a disability for purposes of calculating State aid.

The parent/guardian of a student identified as an English language learner or as limited English proficient shall be informed in his/her native language, if necessary, of the student's identification for and/or participation in an English learner instructional program as well as other school related information.

The Superintendent shall ensure that all data required by the Commissioner's Regulations is submitted to the State Education Department in a timely manner.

Title of the Elementary and Secondary Education Act  
1965, as amended by the No Child Left Behind Act of  
2001, Sections 1112(g) and 3302(a)  
Education Law Sections 207, 215, 2117, 3204(2)(2-a),  
3602, and 3713  
8 New York Code of Rules and Regulations

Adopted: 7/08/08

2000

8310

Instruction

**SUBJECT: PURPOSES OF INSTRUCTIONAL MATERIALS**

The purpose of instructional materials shall be to implement, enrich, and support the educational program of the school.

Instructional materials should contribute to the development of positive social and intellectual values of the students.

The Board of Education shall provide the faculty and students in the District with such instructional materials as are educationally needed and financially feasible to make the instructional program meaningful to students of all levels of ability.

Education Law Section 701

Adopted: 7/10/00

## Instruction

**SUBJECT: SELECTION OF LIBRARY AND AUDIOVISUAL MATERIALS**

The Board of Education agrees that the responsibility of the school library is:

- a) To provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities and maturity levels of the students served.
- b) To provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards.
- c) To provide a background of information that will enable students to make intelligent judgments in their daily lives.
- d) To provide materials on opposing sides of controversial issues so that young citizens may develop, under guidance, the practice of critical reading and thinking.
- e) To provide materials representative of the many religious, ethnic, and cultural groups and their contribution to our American heritage.
- f) To place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

In interpreting these principles, the following will apply:

- a) Broad and varied collections will be developed systematically by the librarian and the audiovisual specialist, based on recommendations of the professional staff and suggestions of students and parents. Final approval will be made by the building principal.
- b) Qualitative standards of selection involving factual accuracy, authoritativeness, artistic quality and appeal will be applied by librarians and audiovisual specialists before purchases are made.
- c) Materials will not be excluded because of the race, nationality, political opinions or religious views of the author.
- d) Materials will be continuously re-evaluated in relation to changing curriculum and instructional needs. Worn out, out-dated materials will be discarded.



## Instruction

**SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS**

The Board of Education has delegated to the Superintendent responsibility for selecting effective instructional materials that are in keeping with the objectives of the programs of the District and fitting in the context of the Ken-Ton community. Given the broad spectrum of District programs, the need to challenge students with new ideas and new interpretations of common ideas, and the breadth of educational materials available, the Board acknowledges that some materials used in classrooms may be seen by some as contrary to traditional approaches and beliefs.

The Board recognizes that there may be individuals or groups in the community that question certain instructional materials in general, or the use of generally acceptable materials with certain groups of students. Often, communication between the concerned party and teachers, building administrators or others familiar with the instructional materials in question will address the concern. In those cases, there is no need for a formal expression of concern regarding that instructional material.

In the event that an individual wishes to enter a formal complaint about an instructional material, the person shall submit to the principal of the school where the instructional material is being used a written statement of objection identifying the instructional material in question and providing a brief explanation of the concerns.

The principal will provide the individual submitting the statement of objection a packet of information including a copy of this policy, a copy of the appropriate administrative regulation and a copy of the form for submitting a challenge to the material.

The Superintendent shall develop regulations setting forth the procedure, necessary forms, procedures and communications leading to the District's decision on the matter.

2000

8331

Instruction

**SUBJECT: CONTROVERSIAL ISSUES**

Controversial issues may be studied as part of the curriculum and teachers shall present these issues in their classrooms in an impartial and objective manner.

Teachers wishing to call upon outside speakers in the presentation of controversial issues are required to obtain the prior approval of the principal who shall keep in mind the obligation for presenting opposing views as well, and who shall inform the Superintendent prior to the presentation.

It is recognized that parents and citizens of the community have a right to protest to the school administration when convinced that unfair and biased presentations are being made by the teacher. In considering such protests, the Superintendent of Schools shall provide for a hearing so that both parties may fairly express their views. If requested, the Superintendent's decision may be appealed to the Board of Education.

Adopted: 7/10/00

2000

8332

Instruction

**SUBJECT: CURRICULUM AREAS IN CONFLICT WITH RELIGIOUS BELIEFS**

A student may be excused from the study of specific materials if these materials are in conflict with the religion of his/her parents or guardian. Alternatives may be provided that are of instructional value following a written request from the parent/guardian.

Education Law Section 3204(5)

Adopted: 7/10/00

## Instruction

**SUBJECT: TEXTBOOKS/WORKBOOKS**

The term "textbook" shall refer to a book supplied to a student for a fixed period of time for his/her personal use and basic to the study of a subject.

The School District furnishes textbooks without charge to students in K-12 for normal use. Students are required to pay for lost books or for excessive damage to books.

The School District shall have a list of all textbooks and supplementary books to be used which have been designated by the Board of Education as School District books. For five years following designation, no textbook shall be superseded by any other book unless there is at least three-fourths vote of the Board of Education favoring superseding such textbook.

No book shall be designated or thereafter used as a textbook which has been determined by the Board of Regents Textbook Commission organized pursuant to Education Law Section 704 to be seditious, disloyal to the United States or favorable to the cause of any foreign country with which the United States may be at war.

The Superintendent, as considered necessary, may appoint committees to review the designated textbooks. When adoption of a new title is under consideration by the committee, upon the recommendation of the Superintendent, the Board of Education may purchase a sufficient quantity of the proposed textbooks for proper evaluation. However, no more than fifty (50) copies of the proposed textbooks may be purchased for any one school.

**Textbooks for Resident Students Attending Private Schools**

Resident students attending private schools will be supplied non-sectarian textbooks in accordance with the requirements of Education Law.

**Workbooks and Review Books**

All other publications including workbooks and review books shall be selected and procured in the same manner as textbooks and supplementary books. Periodicals shall be selected and procured by the school building librarian with the approval of the principal.

Education Law Section 701 et seq.

Adopted: 7/10/00

2000

8350

Instruction

**SUBJECT: USE OF COPYRIGHTED MATERIALS**

It is the intent of the Board of Education to abide by the provisions of the United States Copyright Law (Title 17 United States Code Section 101 et seq.).

All employees are prohibited from copying materials not specifically allowed by the copyright law, fair use guidelines, licenses or contractual agreements, or the permission of the copyright proprietor.

Any employee who willfully disregards the copyright policy shall be in violation of Federal Copyright Laws and District policy and shall personally assume all liability.

A copyright officer may be appointed by the Superintendent to provide information for all personnel regarding current copyright law and to maintain copyright records.

Regulations and procedures shall be developed by the administration detailing what can and cannot be copied. Appropriate copyright notices will be placed on or near all equipment used for duplication.

Title 17 United States Code (U.S.C.)  
Section 101 et seq.

Adopted: 7/10/00

## Instruction

**SUBJECT: RELIGIOUS EXPRESSION IN THE PUBLIC SCHOOLS**

The Board of Education acknowledges the importance of religion to the understanding of society and the richness of the human experience. In approaching the teaching about religion in the school, the District will be guided by three concepts when making decisions about the appropriateness of activities for inclusion in the school program: the activity should have a secular purpose; the activity should neither advance nor inhibit religion; and the activity must not foster an excessive entanglement of “government” with religion.

Nurturing the development of knowledge and respect for the rights of all cultural and religious groups is a continuing goal of the School District. Students, faculty and administration are reminded of the pluralism of religious beliefs and are urged to be conscious of and respect the sensitivity of others.

Opportunities to learn about cultural and religious traditions should be provided within the framework of the curriculum. Information about religious and cultural holidays and traditions focusing on how and when they are celebrated, their origins and histories should be part of this instruction. This educational opportunity should be handled with great care, sensitivity and respect for the feelings and beliefs of individuals.

An environment should be created and encouraged where students of various ethnic backgrounds feel comfortable in sharing comments about their religious and cultural traditions. No student should be singled out to share or participate in such discussions solely on the basis of that student’s identification with the cultural/religious heritage being addressed. A student’s preference not to share or participate in such discussions should be honored and respected without penalty.

**School Activities Related to Religious Holidays or Themes**

School activities related to the teaching about religious holidays or themes must be consistent with, representative of, and congruent with the District’s curriculum.

In planning school activities related to the teaching about religious holidays or themes, special effort must be made to ensure that the activity is not devotional and that students of all faiths can join without feeling they are betraying their own beliefs.

In planning school activities related to the teaching about religious holidays or themes, age appropriate activities are encouraged within the framework of the curriculum. Teaching about religious and cultural holidays may include such special activities as parties and special foods, if they reinforce educational goals.

(Continued)

## Instruction

**SUBJECT: RELIGIOUS EXPRESSION IN THE PUBLIC SCHOOLS (Cont'd.)****Symbols in the Schools**

The purpose of using religious symbols should be to teach about religious concepts and traditions, and to convey historical or cultural content, not to promote or celebrate religious concepts, events or holidays.

**Music in the Schools**

The purpose of using religious music should be to teach musical concepts, to convey historical and cultural content, or to create aesthetic experiences in a setting which emphasizes artistic expression and educational value, not to promote or to celebrate a religious faith.

**District Calendar**

The days on which members of a religious group may be absent to observe a religious holiday (legal absence) will be noted on the school planning calendar and the District calendar distributed to parents/guardians. Out of respect for a student's observance of these holidays, teachers will be sensitive to the needs of the student by allowing them to make up all class work, homework, and tests without penalty. Parents/guardians are encouraged to notify the school prior to the absence in order to assist the staff in instructional planning and in meeting the needs of the student.

**Curriculum Areas In Conflict With Religious Beliefs**

Students shall be given the option to be excused from participating in those parts of an activity, program, or area of instruction involving a religious theme which conflicts with their own religious beliefs or that of their parents/guardians in accordance with applicable law and regulations. Alternatives may be provided that are of comparable instructional value.

**Implementation**

Administrative regulations will be developed to implement the terms of this policy. Further, the District shall vigorously publicize and disseminate this policy and accompanying regulations in order to ensure community, faculty, student, and parental/guardian awareness.

Adopted: 7/10/00

United States Constitution, First Amendment  
New York State Constitution, Article XI, Section 4  
Equal Access Act, 20 United States Code (U.S.C.)  
Sections 4071- 4074  
Education Law Sections 1709(1) and (3), 3204(5) and 3210  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 16.2 and 109.2

**SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES)**

Observation and experimentation with living organisms and animals gives students unique perspectives of life processes. Animals and animal materials should be used respectfully and for the purpose of meeting course objectives.

The Board of Education, in recognizing the educational uses of animals in the classroom, requires that permission be obtained from the Building Principal before animals are brought into the school or classrooms. It is the Principal's responsibility to ensure that there is an appropriate educational purpose if any animal is housed in a classroom. Animals are not to be transported on school buses with the exception of animals certified to assist persons with disabilities.

**Study and Care of Live Animals**

It shall be the responsibility of the Principal or his/her designee to develop a plan of care for those animals housed in school in the event of an emergency school closing or in the event the animals remain in the classroom on days when school is not in session.

**Dissection of Animals**

Any student expressing a moral or religious objection to the performance or witnessing of the dissection of an animal, either wholly or in part, shall be provided the opportunity to undertake and complete an alternative project approved by the student's teacher; provided, however, that such objection is substantiated in writing by the student's parent or legal guardian. An alternate activity clearly related to and of comparable rigor will be assigned in lieu of laboratory dissection. Some examples of alternate activities include the use of computer simulations or research. Students who perform alternative projects shall not be penalized.

Effective July 1, 2011, the District will give reasonable notice to all students enrolled in a course that includes the dissection of an animal and students' parent(s)/legal guardian(s) about their rights to seek an alternate project to dissection. Such notice shall be made available upon request at the school and distributed to parents and students enrolled in a course that includes dissection at least once at the beginning of the school year.

**Instruction in the Humane Treatment of Animals**

Students in elementary school must receive instruction in the humane treatment and protection of animals and the importance of the part they play in the economy of nature as well as the necessity of controlling the proliferation of animals that are subsequently abandoned and caused to suffer extreme cruelty. Such instruction shall be for a period of time as specified by the Board of Regents and may be joined with work in literature, reading, language, nature study, or ethnology.

Americans with Disabilities Act, 42 United States Code (USC) Section 12101 et. seq.  
Education Law Section 809  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(c)(8)

Adopted 3/13/12



\_\_\_\_\_  
**SCHOOL DISTRICT**  
**SAMPLE LETTER REGARDING NOTICE OF ANIMAL DISSECTION**

*Date*

*Principal's Name*  
*Name of School District*  
*Street Address*  
*City, NY Zip Code*

Dear Parents/Guardians and Students;

Observation and experimentation with living organisms in life science education, including hands-on dissection, gives students a unique perspective and opportunity to explore scientific concepts. Dissections are a recommended study method in some life science courses that may occur in our District Schools. Please be assured that all animal materials will be used respectfully and for the purpose of meeting course objectives.

However, we understand that students may have objections to the dissection of animals. New York State Education Law Section 809 requires that schools offer students who express a moral or religious objection to the performing or witnessing the dissection of an animal, either wholly or in part, have an opportunity to undertake and complete an alternative project that has been approved by the student's teacher. Therefore, students expressing either a sincere moral or religious objection to dissection may request an alternative activity by having their parents/guardians send a letter to my attention requesting alternative instruction to dissection.

In cases where students object to dissection, teachers will provide an alternative to actual dissection. This alternate activity will be related to and of comparable rigor to laboratory dissection. Some examples of alternate activities may include the use of computer simulations or research. Students who perform alternative projects will not be penalized.

Parents are encouraged to discuss this issue with their child. Moral or religious objections to the dissection of animals must be submitted to my office, in writing, prior to the beginning of the school year (or by specified date), so that an appropriate alternative activity may be planned for your child. If you have further questions regarding this issue, please do not hesitate to contact me.

Sincerely,

*School Principal*

2000 8410

Instruction

**SUBJECT: SCHOOL CALENDAR AND SCHOOL DAY**

**School Calendar**

Prior to July 1st, the Board of Education shall establish a school calendar of sufficient length to guarantee a minimum of 180 instructional days.

**School Day**

The length of the school day shall be established and authorized yearly within requirements established by the Commissioner of Education. It will be stated by minimum and maximum instructional minutes per day for kindergarten through twelfth grade.

The beginning and closing time for the different grades, as well as the instructional minutes per day, will be determined according to the needs of the District.

Education Law Sections 3204(4) and 3604(7)(8)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 175.5

Adopted: 7/10/00

2000

8420

Instruction

**SUBJECT: OPENING EXERCISES**

The Board directs the administration to include the Pledge of Allegiance as part of the opening exercises in all the schools. Under certain circumstances, such as religious conviction, upon approval of a written request from a parent or guardian, students may be excused from this requirement as a protection of their Constitutional rights.

Education Law Section 802  
8 New York Code of Rules and Regulations  
(NYCRR) Section 108.5

Adopted: 7/10/00

2000

8430

Instruction

**SUBJECT: INDEPENDENT STUDY**

Independent study, for credit, will be available to meet special individual needs of students in grades nine (9) through twelve (12). Credit shall be granted only for courses in the approved curriculum.

Regulations to implement this policy shall be developed by the Superintendent/designee.

8 New York Code of Rules and Regulations  
(NYCRR) Section 100.5(d)(1)

Adopted: 7/10/00

2000

8440

Instruction

**SUBJECT: HOMEWORK**

The Board of Education acknowledges the educational value of homework as an adjunct to and extension of the instructional program of the schools. For the purposes of this policy, "homework" shall refer to those assignments to be prepared by the student outside of the school or independently while in attendance at school. The Superintendent shall develop administrative regulations.

Adopted: 7/10/00

2000

8450

Instruction

**SUBJECT: HOME TUTORING (TEMPORARY INSTRUCTION)**

Resident children attending public or non-public schools who qualify for home tutoring due to a long term illness shall be provided with such instruction in accordance with New York State Education Law and Commissioner's Regulations.

Procedures for students requiring home tutoring shall be developed under the direction of the Superintendent or his/her designee.

Education Law Sections 1604(20), 1709(24),  
3202, and 4401

Adopted: 7/10/00

**SUBJECT: EDUCATIONAL FIELD TRIPS**

The Board of Education believes that education field trips must provide experiences that are important to the education programs of the school.

For purposes of this policy, a field trip shall be defined as any journey by a group of students away from the school premises, under the supervision of a teacher, administrator, or advisor which is a significant part of an approved course of study, directly related to the current curriculum, and conducted for the purpose of affording a first-hand educational experience not available in the classroom or the school setting.

Educational field trips are a part of the curriculum of the schools and attendance on educational field trips is governed by the same rules as attendance at regular classroom activities. The District behavioral and disciplinary policies and procedures will apply during all educational field trips. Schools will obtain written permission in advance from parents or guardians for all students going on school sponsored field trips. All educational field trips must include provisions for the participation of all eligible students, including disabled students. All appropriate safety precautions, health and medical needs of the individuals will always be taken..

Regardless of the source of fiscal support for any educational field trip, the policies and procedures of the District for approval and conduct of such trips shall apply.

The Board of Education will assume responsibility for any educational field trips which have been approved in advance and which do fully follow all District policies, regulations, and procedures.

A local field trip is defined as a trip that does not require an overnight stay.

Overnight field trips require the approval of the Board of Education.

**Recreational Trips**

The Board of Education will not endorse any trips primarily recreational in nature.

**Privately Sponsored Trips**

The Board of Education does not endorse any privately sponsored field trips. An individual teacher who wishes to organize a private trip must make it clear in writing to students and parents that the trip is a private endeavor and that the District has no responsibility for supporting or arranging any aspect of the trip. Although organizational announcement about planned private trips may be made at school, teachers may not use school time to hold recruiting or planning meetings. School sponsored fund raising activities will not be approved to fund private field trips. The school name may not be used in connection with private field trips. School facilities and school time shall not be used by staff members or outside commercial concerns to promote or solicit for such activities.

**SUBJECT: INTERSCHOLASTIC TRAVEL**

The Board of Education recognizes and supports the value of a quality interscholastic program and view such activities as co-curricular in nature and an integral part of the educational process.

For purpose of this policy, interscholastic travel shall be categorized into two broad areas; those that are regularly scheduled contests (Category I) and those trips that require overnight accommodations such as tournaments, sectional or state play, team camps and spring trips (Category II).

District, school and interscholastic team behavioral and disciplinary policies and procedures will apply during all travel. Regardless of the source of fiscal support for any interscholastic travel, the policies and procedures of the District for approval and conduct of such travel will apply.

The Board of Education will assume responsibility for all interscholastic travel, which have been approved in advance and which do fully follow all District policies, regulations and procedures.

The following policies are to be followed as staff plan and later submit interscholastic travel requests. All interscholastic travel must be processed and approved by the building principal and Supervisor of Physical Education, Recreation and Athletics (referred to as Athletic Director).

**Category I**

Defined as regularly scheduled contests. The District's Athletic Director will submit each season's interscholastic schedule to the Board of Education. Every effort will be made to submit said schedules one month prior to the start of the competitive season. The schedules will include regular season play, including invitational day tournaments and sectional play.

**Category II**

Defined as interscholastic travel that requires overnight accommodations, tournaments, sectional and state play, team camps and spring training. Every effort will be made to submit said schedules three months prior to traveling. In some cases late notice of sectional or state sites may necessitate an addendum. For all Category II travel the Interscholastic Travel Form must be completed according to the time frame note.



## Instruction

**SUBJECT: HOME INSTRUCTION (HOME SCHOOLING)**

From time to time, parents will choose to instruct their children at home. Although New York State law does not recognize home schools as private elementary or secondary schools, the School District will attempt to cooperate with parents who wish to provide home schooling for their children realizing that the child who is educated at home should receive an education in a manner consistent with an educational plan and at least substantially equivalent to that given to students of like age and attainments in the local public schools. The required subjects should be taught in a competent, systematic, and sequential manner, specifically in relation to the required courses as enumerated in Commissioner's Regulation Section 100.10.

Primary responsibility for determining compliance with Commissioner's Regulations addressing home instruction rests with the Superintendent of Schools of the school district in which a home-instructed student resides.

**Provision of Services to Home-Instructed Students**

They are not awarded a high school diploma. A high school diploma may only be awarded to a student enrolled in a registered secondary school who has completed all program requirements set by the Board of Regents, the school or the District.

a) Extracurricular Participation

Students instructed at home are not eligible to participate in interscholastic sports. Commissioner's Regulations mandate that only students enrolled in the public school are allowed to participate in interscholastic sports. However, the School District *does permit* home-instructed students to participate in intramural and other school-sponsored extracurricular activities.

b) Textbooks and Materials

The District *shall not* provide textbooks and other materials to home-instructed students.

c) Health Services

The School District is *not required* to furnish health services.

d) Remedial Programs

The District *is not responsible* for providing remedial programs.

e) Career and Technical/Gifted Education

The District is *not authorized* to provide Occupational and Vocational Education programs (career and technical education) nor programs for the Gifted to home-instructed students.

(Continued)

## Instruction

**SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd)**f) Special Education Services

The District is *not authorized* to provide individualized education program (IEP) services to home-instructed students as home schools are not recognized in New York State as private elementary or secondary schools pursuant to Section 3602-c of the Education Law.

While the Public School District may not provide special education services to students that are home schooled, the Committee on Special Education (CSE) of the Public School District must, if parental consent is obtained, conduct an individual evaluation of a home schooled student and who is suspected of having a disability and develop an IEP for such child, which would be the District's offer of a free appropriate public education (FAPE) to the student if the parents choose to enroll their child in a public or private school. However, the parents of a home schooled student may refuse consent to an initial evaluation and, if they do so or if they do not respond to a request for such consent, the School District may not seek to compel the parent to have their child evaluated to determine eligibility for special education services.

g) Use of School Facilities

Students instructed at home *shall not be allowed* to use school facilities, except as provided for community organizations in Policy #3280 -- Use of School Facilities, Materials and Equipment.

Education Law Sections 3204, 3205, 3210(2), 3212(2), 3240-42, 3602-c and 4402  
8 New York Code of Rules and Regulations (NYCRR) Sections 100.10, 135.4(c)(7)(ii)(b)(2) and 200.2(a)