Naples Central School

Policy Manual

FOREWORD

Contained herein are the policy statements formulated by the Board of Education of the Naples Central 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.

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or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education.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 Naples Central School District shall be the minutes of the meetings of the Board of Education.

PHILOSOPHY STATEMENT

The preservation of a democratic society requires the responsible participation of an informed citizenry, capable of exercising those processes necessary to meet the diverse needs of society. It is the task of the local public school system to provide free and appropriate education for all students in order to prepare them for the responsibilities associated with functioning as members of our society.

In carrying out the task of educating our youth, the school seeks to provide intellectual training, to help each student become literate in essential fields of human knowledge, to transmit our cultural heritage, and to assist each student in the acquisition of skills required to function effectively in a democratic society.

It is also acknowledged that the school system, along with other social institutions, has responsibilities dealing with social concerns and the physical and emotional welfare of each student. The school must be particularly sensitive to the individual differences which exist among students.

In meeting its commitment to youth and society, the school will strive to provide academic excellence, the intelligent allocation of resources and an environment which fosters respect for human dignity.

MISSION STATEMENT

The Naples Central School District challenges and supports all students to develop their diverse talents and abilities in a safe environment with rigorous opportunities. Students will graduate with the skills and confidence needed to excel in their chosen pursuits.

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2024 1000

By-Laws

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POLICY

2007 1110

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 Naples Central 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 and Common School Districts as set forth in Article 33 of the Education Law.

The Naples Central 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 33, 35, 37, 51 and 53

Adopted: 6/27/07

POLICY

2007 1120

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 Naples Central School District has full authority, within the limitations of federal and state laws and the Regulations of the Commissioner of Education and interpretations of them, to carry out the will of the people of its District in matters of education.

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

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

Education Law Sections 1604, 1701, 1709, 1804, 1805, 2502 and 2503

Adopted: 6/27/07

POLICY

2025 1130

By-Laws

SUBJECT: NUMBER OF MEMBERS AND TERMS OF OFFICE

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

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

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

Adopted: 06/27/2007
Revised: 07/09/2025

POLICY

2007 1210

By-Laws

SUBJECT: BOARD OF EDUCATION MEMBERS: QUALIFICATIONS

A Board of Education member of the Naples Central School District must meet the following qualifications:

a) A citizen of the United States;

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

c) Able to read and write;

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

e) Cannot be an employee of the Naples Central School District;

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

g) May not simultaneously hold another incompatible public office, including, but not limited to Superintendent, tax collector, treasurer or librarian, or an employee of the Board.

In union free and central school districts, however, a Board member may be appointed clerk of the Board and of the District.

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

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

Adopted: 6/27/07

POLICY

2025 1211

By-Laws

SUBJECT: STUDENTS SERVING AS EX-OFFICIO MEMBERS OF THE SCHOOL BOARD

The ex officio student member(s) of the Board of Education shall be entitled to sit with Board members at all public meetings of the Board and participate in all Board hearings and meetings.

The ex officio student member of the Board shall not be allowed to vote, shall not be allowed to attend executive sessions, and shall not be entitled to receive compensation of any form for participating at Board meetings.

The ex officio student member(s) shall be high school students (grades 10-12) and shall have attended such school for at least one year prior to selection. Selection can be determined by any of the following:

a) Duly elected as student president of the high school;

b) Duly elected by the student body;

c) Selected by the high school student government;

d) Selected by the high school Principal; or

e) Selected by the Superintendent of Schools.

Per this policy, the superintendent will develop and implement a process to select ex-officio students to serve on the Board of Education. To support transition, this process will be enacted in the spring with the goal of identifying the following years ex-officio officers(s) prior to the end of the current school year.

Education Law Sections 1702(3), 1702(3-1), 1804(12); 1804(12-a), 1901(2), 1901(3), 2502(10) and 2502(10-a)

Adopted: 6/27/07
Revised: 7/09/25

POLICY

2007 1220

By-Laws

SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION

a) Candidates for the office of member of the Board of Education shall be nominated by a petition directed to the Clerk of the Naples Central School District which is signed by at least twenty-five (25) qualified voters of the District, or by two percent (2%) of the number of voters who voted in the previous annual election, whichever is greater. Petitions must state the residence of each signer, the name and residence of each candidate.

b) The notice of the Annual District Meeting must state that petitions nominating candidates for the Board of Education must be filed with the Clerk of the Naples Central School District no later than 30 days before the Annual or Special District Meeting at which the school board election will occur, between 9 a.m. and 5 p.m.

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

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

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

f) At least ten (10) days prior to the election, the Board shall appoint at least two (2) inspectors of election for each voting machine, and set their salary.

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

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

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

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

Education Law Sections 2004, 2012, 2018, 2025, 2029, 2031-a, 2032, 2034(7)(d), 2105(14), 2121, 2502, 2602, 2608(1) and 2610

Adopted: 6/27/07

SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS

Each candidate for the position of member of the Naples Central School 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 $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 $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.

(Continued)

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

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

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

Adopted: 6/27/07

SUBJECT: RESIGNATION AND DISMISSAL

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

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

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

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

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

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

In the event of death, resignation, removal from office or from the School District, or refusal to serve of a Board member, the District has the power and duty to fill the vacancy. If the Board chooses to fill the vacancy by appointment, the appointment requires a majority vote of the full Board and 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 instead call a special election within ninety (90) days to fill the unexpired term. If not filled by Board appointment or special election, the District Superintendent of the Supervisory District may appoint a competent person to fill the vacancy until the next annual election. Alternatively, the Commissioner of Education may order a special election for filling a vacancy. When such special election is ordered, the vacancy shall not be otherwise filled.

(Continued)

SUBJECT: RESIGNATION AND DISMISSAL (Cont'd.)

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

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 (1) year from the date of such removal.

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

Adopted: 6/27/07

POLICY

2007 1310

By-Laws

SUBJECT: POWERS AND DUTIES OF THE BOARD

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

Education Law Sections 1604, 1709, 1804 and 2503

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

Adopted: 6/27/07

POLICY

2007 1320

By-Laws

SUBJECT: NOMINATION AND ELECTION OF BOARD OFFICERS

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

The elected officers of the Board of Education are:

a) President;

b) 1st Vice President;

c) 2nd Vice President.

Education Law Sections 1701, 2105(6) and 2502

Adopted: 6/27/07

POLICY

2007 1321

By-Laws

SUBJECT: DUTIES OF THE PRESIDENT OF THE BOARD OF EDUCATION

The President's duties include the following:

a) Presides at all meetings of the Board;

b) Calls special meetings as necessary or on request;

c) Appoints members to all committees of the Board;

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

e) Executes documents on behalf of the Board;

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

Education Law Section 1701

Adopted: 6/27/07

POLICY

2007 1322

By-Laws

SUBJECT: DUTIES OF THE VICE PRESIDENT(S) OF THE BOARD OF EDUCATION

The Board of Education may, in its discretion, elect two (2) of its members Vice President(s) who shall have the power to exercise the duties of the President in case of the absence or disability of the President. In case of vacancy in the office of the President, the Vice President shall act as President until a President is elected.

Education Law Section 1701

Adopted: 6/27/07

SUBJECT: APPOINTMENTS AND DESIGNATIONS BY THE BOARD OF EDUCATION

Appointments

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

The following shall be appointed annually:

a) District Clerk;

b) District Treasurer;

c) Deputy Treasurer:

d) Tax Collector and Deputies;

e) External (Independent) Auditor;

f) Central Treasurer: Extra-classroom Activities Account;

g) Faculty Auditor, Extra-classroom Activities Account:

h) Audit Committee.

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

a) Census Enumerator and assistants *if* District conducts census:

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

c) Supervisors of Attendance:

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

e) Records Access Officer:

f) Records Management Officer;

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

(Continued)

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

h) Civil Rights Compliance Officer(s) (coordinates the District's efforts to comply with civil rights laws such as Title VI, Section 504, the Americans with Disabilities Act, and the Age Discrimination Act);

i) Title IX Coordinator(s) (coordinates the District's efforts to comply with Title IX; when appointing, District must "designate and authorize" the Title IX Coordinator(s));

j) Liaison for Homeless Children and Youth (McKinney-Vento Liaison);

k) Chemical Hygiene Officer;

l) Dignity Act Coordinator (one in each building);

m) Chief Emergency Office:

The following may also be appointed:

a) School Attorney;

b) Claims Auditor/Deputy Claims Auditor;

c) Internal Auditor;

d) Insurance Advisor:

e) Copyright Officer.

Designations

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

a) Petty Cash Fund(s);

b) Official Newspaper(s);

c) Official Bank Depositories;

d) Official Bank Signatories;

e) Purchasing Agent;

f) Certifier of Payrolls;

(Continued)

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

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

h) School Pesticide Representative:

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

Authorizations

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

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

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

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

d) Establish mileage reimbursement rate;

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

McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the Every Student Succeeds Act (ESSA) of 2015
29 Code of Federal Regulations (CFR) 1910.1450
Education Law Sections 305(31), 1709 and 2503
8 New York Code of Rules and Regulations (NYCRR) Part 185
21 New York Code of Rules and Regulations (NYCRR) Parts 1401, 9760

Adopted: 06/27/07
Revised: 06/13/12
Revised: 02/03/21

POLICY

2007 1331

By-Laws

SUBJECT: DUTIES OF THE DISTRICT CLERK

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

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

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

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

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

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

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

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

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

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

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

k) Assumes other duties customary to the office.

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

Education Law Section 2121
Public Officers Law Section 104

Adopted: 6/27/07

POLICY

2014 1332

By-Laws

SUBJECT: DUTIES OF THE SCHOOL DISTRICT TREASURER

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

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

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

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

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

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

f) Safeguards either his/her electronic signature and/or the check-signing machine and signature plate, personally overseeing all preparation of checks;

g) Assumes other duties customary to the office.

Education Law Sections 2122, 2130 and 2523
Local Finance Law Sections 163 and 165
8 New York Code of Rules and Regulations (NYCRR) Sections 170.2(g), 170.2(o) and 170.2(p)
9 New York Code of Rules and Regulations (NYCRR) Section 540.4

Adopted: 06/27/07
Revised: 10/16/13
Reviewed:01/22/14

POLICY

2007 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 Treasurer all money collected by virtue of any tax list and warrant issued;

e) Submits a report, certified by him/her to the Board of Education, showing the amount of taxes and fees collected along with the unpaid listing. The combination of taxes collected and uncollected shall equal the amount of the warrant;

f) Turns over to the County Treasurer, prior to November 15, a list of unpaid taxes;

g) Carries out such other duties of the position as prescribed in Education Law, Real Property Tax Law, or as established by the Regulations of the Commissioner of Education.

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

Adopted: 6/27/07

SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR

The responsibility for engaging a qualified and competent Certified Public Accountant (CPA) or Public Accountant (PA) to perform the annual audit of the District's financial statements resides with the Board of Education. State laws and regulations require that the annual audit be "accepted" by a resolution of the Board of Education. This resolution along with the audit report must be filed with State Education Department (SED) in a timely manner. In addition, the independence and objectivity of the auditor may be enhanced when the Board of Education and Audit Committee perform an oversight role with respect to the hiring and performance of the auditor, as required by law.

The independent auditor must conduct the audit in accordance with Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States. Standards of GAGAS are organized as general, fieldwork, and reporting.

Below are some important considerations the District shall expect of the auditor in preparing the audit; however, they should not be considered all-inclusive or a substitute for the auditor's professional judgment.

a) Independence: The auditor must document that he/she is independent of the District and free of personal and external impairments. The auditor must establish an internal quality control system to identify any personal and external impairment and assure compliance with GAGAS independence requirements.

b) Internal Quality Control System: The auditor must document that his/her internal quality control processes adequately demonstrate compliance with government auditing standards. He/she must establish an organizational structure, policies and procedures to provide reasonable assurance of complying with applicable standards governing audits.

c) Internal Controls: The auditor must obtain a sufficient understanding of the District's internal controls and document such understanding covering the five interrelated components: the control environment, risk assessment, control activities, information and communication, and monitoring.

d) Planning and Supervision: The auditor's work is to be properly planned and supervised and consider materiality in order to provide reasonable assurance of detecting misstatements resulting from direct and material illegal acts and material irregularities to financial statements. The auditor should also be aware of the possibility that indirect illegal acts may have occurred.

e) Audit documentation: In order to meet the GAGAS requirements, the audit documentation should provide a clear understanding of its purpose, the source, and the conclusions the auditor reached. It should be organized to provide a clear link to the findings, conclusions, and recommendations contained in the audit report.

(Continued)

SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR (Cont'd)

f) Reporting on Internal Controls and Compliance: The auditor must report on and present the results of his/her testing of the District's compliance with laws and regulations and its internal controls over financial reports in light of irregularities, illegal acts, other material noncompliance, significant deficiencies, and material weaknesses in internal controls.

Generally Accepted Government Auditing Standards (GAGAS) Sections 3.50-3.54, 4.03, 4.19-4.24, and 5.07-5.20
Education Law Sections 2116-a
8 New York Code of Rules and Regulations (NYCRR) Sections 170.2 and 170.3 and 170.12

Adopted: 6/27/07
Revised: 2/16/11

SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR

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

School Boards may at their discretion adopt a resolution establishing the office of Deputy Claims Auditor to act as the Claims Auditor in the absence of the Claims Auditor. A Board may, by resolution, abolish the position of Deputy Claims Auditor at any time. The same eligibility requirements/qualifications that apply to a Claims Auditor apply to the Deputy Claims Auditor.

Qualifications

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

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

a) A member of the Board;

b) The Clerk or Treasurer of the Board;

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

d) The Purchasing Agent;

e) Clerical or professional personnel directly involved in accounting and purchasing functions.

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

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

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

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

(Continued)

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

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

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

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

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

If a School District delegates the claims audit function using an intermunicipal cooperative agreement, shared service or an independent contractor, the School Board remains responsible for auditing all claims for services from the entity providing the delegated Claims Auditor, either directly or through a delegation to a different independent entity.

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

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

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

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

Adopted: 06/27/07
Revised: 05/02/12

POLICY

2019 1336

By-Laws

SUBJECT: DUTIES OF THE EXTRA-CLASSROOM TREASURER

Central Treasurer

The Extra-classroom Activity Fund Treasurer is appointed by the Board of Education and is responsible for the supervision of the extra-classroom activity fund.

The Treasurer's duties include the following:

a) Countersigns all checks disbursing funds from the Extra-classroom Activity Account;

b) Provides general supervision to ensure that all receipts are deposited and that disbursements are made by check only;

c) Maintains records of all receipts and expenditures;

d) Submits records and reports to the Board as required;

e) Assumes other duties customary to the position.

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

NYSED Finance Pamphlet: The Safeguarding, Accounting and Auditing of Extra-Classroom Activity Funds, Revised 2019

Adopted: 06/27/07
Revised: 02/16/11
Revised: 06/19/19

POLICY

2007 1337

By-Laws

SUBJECT: DUTIES OF THE SCHOOL ATTORNEY

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

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

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

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

Adopted: 6/27/07

POLICY

2023 1338

By-Laws

SUBJECT: DUTIES OF THE SCHOOL PHYSICIAN/NURSE PRACTITIONER

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

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

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

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

d) Reports to the Board on school health services;

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

f) Provides final medical clearance for a return to extra class athletic activities for all students who have or are believed to have sustained a mild traumatic brain injury (concussion);

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 bus driver substitutes prior to employment and annually thereafter;

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

8 NYCRR Section 136.5
Education Law Sections 902, 913 and 6902

Adopted: 06/27/07
Revised: 06/13/12
Revised: 10/03/12
Revised: 10/18/23

POLICY

2007 1410

By-Laws

SUBJECT: POLICY

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

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

The Superintendent or his/her designee shall seek the counsel of the school attorney when, in his/her opinion or the Board's, there may be a question of legality or proper legal procedure in the development of a proposed School Board policy.

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

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

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

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

The Superintendent shall ensure that Board policies are accessible to District staff and the community at large.

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

Adopted: 6/27/07

POLICY

2007 1420

By-Laws

SUBJECT: EXECUTION OF POLICY: ADMINISTRATIVE REGULATIONS

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

Adopted: 6/27/07

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

All Board meetings will be open to the public except those portions that are executive sessions. The Board will make reasonable efforts to ensure that all meetings are held in an appropriate facility that can adequately accommodate all members of the public who wish to attend. The Superintendent and members of his or her staff will attend Board meetings at the Superintendent's discretion. The Board may also request that additional people attend.

Regular Board meetings will take place on the day and time designated by the Board at the Annual Organizational Meeting, except as modified. Any Board meeting may be adjourned to a future date and time if approved by a majority of the Board present. Further, if a meeting date falls on a legal holiday, interferes with other area meetings, or Board member attendance will be less than a quorum, the Board will select a date for a postponed meeting at the prior regular meeting, and it will direct the Clerk to notify all members. The District Clerk will provide the Board members written notice of the time of and agenda for each regular meeting before the meeting.

When the Board schedules a meeting on at least one week's notice, it will give or electronically transmit public notice of the time and place to the news media and conspicuously post the notice in one or more designated public locations at least seventy-two (72) hours before the meeting. Notice of other meetings will be given or electronically transmitted, to the extent practicable, to the media and conspicuously posted at one or more designated public locations at a reasonable time before the meeting. When the District has the ability to do so, it will conspicuously post the meeting notices on its website.

The Superintendent will prepare the meeting agenda during the week before the meeting and review it with the Board President. The agenda will then be distributed to Board members no later than the Friday before the regular meeting. The President or other Board members will submit requests to place matters on the agenda to the Superintendent. Whenever individuals or groups wish to bring a matter to the attention of the Board, they will submit a written request to the Superintendent.

District records available to the public under the Freedom of Information Law, as well as any proposed rule, regulation, policy or amendment scheduled to be discussed at a Board meeting will be made available upon request, to the extent practicable, before the meeting. Copies of these records may be made available for a reasonable fee. These records will be posted on the website to the extent practicable before the meeting.

If videoconferencing or online technology is used to conduct a meeting, the public notice for the meeting will inform the public, identify all the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations. If a meeting is streamed live over the internet, the public notice will inform the public of the website's internet address. Voting may be done through videoconferencing, provided that members can be both seen and heard voting and participating from remote locations.

(Continued)

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

Recording of Meetings

The Board allows public meetings to be photographed, broadcast, webcast, or otherwise recorded by means of audio or video, in a non-disruptive manner, and it supports the use of this technology to facilitate the open communication of public business.

Public Expression at Meetings

The Board encourages public expression at Board meetings. The Board will designate a specific portion of its meeting agenda for this participation. The Board may invite visitors to participate in its discussion of matters on the agenda.

Quorum

The quorum for any Board meeting is a simple majority. No formal action will be taken at any meeting where a quorum is not present. Unless otherwise required by law, official action will only be taken by approval of the majority of the full Board.

Use of Parliamentary Procedure

The Board will use pertinent portions of the latest edition of Robert's Rules of order to conduct its business.

Education Law Sections §§ 1708 and 2504
General Construction Law Section § 41
Public Officers Law Article 7, §§ Section 103(District), 104 and 107

NOTE: Refer also to Policy #1520 -- Special Meetings of the Board of Education
#1540 -- Executive Sessions
#6211 -- Employment of Relatives of Board of Education Members

Adopted: 06/27/07
Revised: 05/02/12
Revised: 04/12/17
Revised: 10/18/23

POLICY

2007 1511

By-Laws

SUBJECT: AGENDA FORMAT

For regular Board meetings, the following format is used:

a) Call to order, roll call, Pledge of Allegiance to the flag

b) Agenda

1. Accept the minutes of the prior Board Meeting
2. Comments or questions from visitors

c) Special Programs

CSE and CPSE Placements

d) Secondary

Updates

e) Elementary

Updates

f) District

1. Curriculum and Instruction Updates
2. Business
3. Resignations
4. Appointments
5. Executive Session (if necessary)

g) Discussion

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.

Education Law Section 1606
Public Officers Law Section 104(2)

Adopted: 6/27/07

POLICY

2007 1520

By-Laws

SUBJECT: SPECIAL MEETINGS OF THE BOARD OF EDUCATION

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

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

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

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

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

Adopted: 6/27/07

POLICY

2007 1610

By-Laws

SUBJECT: ANNUAL DISTRICT MEETING AND ELECTION/BUDGET VOTE

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

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

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

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

The Board of Education shall appoint Assistant Clerks and Election Inspectors necessary for the Annual District Meeting and Election at a Board meeting held before the Annual Meeting and Election.

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

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

Adopted: 6/27/07

POLICY

2016 1611

By-Laws

SUBJECT: BUSINESS OF THE ANNUAL DISTRICT ELECTION

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

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

a) Designate District Clerk as clerk of the election and assistant clerks;

b) Designate tellers and/or inspectors of election as previously appointed by the Board;

c) Read the notice of call of the election by the Clerk;

d) Open the voting process, whether by machine or paper ballot;

e) Close the voting process;

f) Receive the Clerk's report of the election results;

g) Adjourn.

Education Law Sections 1716, 2025 and 2601-2613

Adopted: 06/27/07
Revised: 08/18/16

POLICY

2007 1620

By-Laws

SUBJECT: ANNUAL ORGANIZATIONAL MEETING

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

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

Officers

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

Oath of Office

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

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

Adopted: 6/27/07

POLICY

2007 1630

By-Laws

SUBJECT: LEGAL QUALIFICATIONS OF VOTERS AT SCHOOL DISTRICT MEETINGS

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

a) A citizen of the United States;

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

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

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

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

Adopted: 6/27/07

SUBJECT: ABSENTEE BALLOTS

The Board of Education authorizes the District Clerk or a Board designee (the latter only if the District does not provide for the personal registration of voters) to provide absentee ballots to qualified District voters. Absentee ballots shall be used for the election of School Board members, School District public library trustees, the adoption of the annual budget and School District public library budget and referenda.

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

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

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

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

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

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

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

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

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

(Continued)

SUBJECT: ABSENTEE BALLOTS (Cont'd.)

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

Nursing Homes or Other Qualifying Adult Care Facilities

When the Board of Elections of the county or city in which the School District is located, receives 25 or more absentee ballot applications from a nursing home (or other qualifying adult care facility), the Board of Elections must send election inspectors to the nursing home between one (1) and thirteen (13) days before the election, to supervise the completion of absentee ballots by the residents of that facility. This provision of the Election Law applies to all elections conducted by the School District.

Education Law Sections 1501-c, 2014, 2018-a, 2018-b and 2613
Election Law Section 8-407

Adopted: 6/27/07

POLICY

2023 1650

By-Laws

SUBJECT: SUBMISSION OF QUESTIONS AND PROPOSITIONS AT THE ANNUAL MEETING AND ELECTION AND SPECIAL DISTRICT MEETINGS

Questions and Propositions at the Annual Meeting and Election

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

a) Questions or propositions shall be submitted by petition directed to the Clerk of the School District and shall be signed by twenty-five (25) qualified voters, or five percent (5%) of the registered voters of the District who voted in the previous annual election of Board members, whichever is greater.

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

c) Each petition shall be filed with the Clerk of the School District. Petitions relating to an Annual Election must be filed not later than 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. The School District, however, retains the right to reject petitions as permitted by law, including but not limited to instances where such petitions are advisory in nature or beyond the power of the voters.

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.

Education Law Sections 1703, 2008, 2018, 2035(2) and 2601-a

Adopted: 06/27/07
Revised: 12/17/14
Revised: 03/22/23

POLICY

2007 1720

By-Laws

SUBJECT: MINUTES

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

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

a) The type of meeting;

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

c) Board members present and absent;

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

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

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

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

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

Minutes of Executive Sessions

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

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

Education Law Section 2121
Public Officers Law Section 106

Adopted: 6/27/07

POLICY

2013 1730

By-Laws

SUBJECT: EXECUTIVE SESSIONS

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

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

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

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

d) Discussions regarding proposed, pending or current litigation;

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

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

g) Preparation, grading or administration of examinations;

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

Motions for executive sessions should state the subject to be discussed in executive session. It is insufficient to merely recite statutory language.

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

Education Law Section 3020-a
Public Officers Law Article 7

Adopted: 06/27/07
Revised: 02/13/13

CONTENT

2024 2000

Internal Operations

Naples Central School District **NUMBER**

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POLICY

2011 2120

Internal Operations

SUBJECT: BOARD MEMBER TRAINING

Training requirements for Board members in the first year of their first term as a Board member is two-fold.

Training on Financial Oversight, Accountability and Fiduciary Responsibilities

Currently**,** within the first year of election or appointment, each Board member must complete a minimum of six (6) hours of training on the financial oversight, accountability and fiduciary responsibilities of a school board member.

Re-elected Board members are not required to repeat this training. Additionally, re-training is not required if the Board member has previously fulfilled this requirement as a first-term member of a component school district.

Training on Powers, Functions and Duties of Board Members and Other Authorities

Beginning July 1, 2011 and thereafter, in addition to the above training, during the first year of a Board member's first term, he/she shall be required to complete a training course acquainting them with the powers, functions and duties of Boards of Education, as well as the powers and duties of other governing and administrative authorities affecting public education.

Re-elected Board members shall not be required to repeat this training. Additionally, should a voting Board member be seated or appointed on or before August 13, 2010, the signing date of Chapter 388 of the Laws of 2010, he/she is not required to take this training.

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

Curricula and Compliance

Training on financial oversight, accountability and fiduciary responsibilities shall be approved by the Commissioner of Education in consultation with the State Comptroller. General training shall be approved by the Commissioner of Education. Providers shall be approved by the Commissioner. Curricula may be offered together as a single course or separately.

Upon completing the required training, the Board member shall file with the District Clerk a certificate of completion issued by the provider of the training. Actual and necessary expenses incurred by a Board member in complying with these requirements are a lawful charge of the District.

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

Adopted: 6/27/07
Revised: 2/16/11

SUBJECT: COMMITTEES OF THE BOARD

The Board and/or the President of the Board may, at its 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.

Permanent Committees

No individual member and no group comprised of less than the full membership shall be designated as a permanent committee to perform any of the Board's functions except those for which State law requires signatories.

Ad Hoc Committees

At the request of the Board, the President shall appoint temporary committees, comprised of less than the full membership of the Board for special purposes. These committees shall be discharged on the completion of their assignment. Board committees cannot make legal decisions for the entire Board of Education.

Standing Committees

Standing committees of Board members shall, when specifically charged to do so, conduct studies, make recommendations to the Board, and act in an advisory capacity, but shall not take action on behalf of the Board.

1. Committees shall not consist of a majority of Board members.
2. Members shall be appointed by the President as soon as after the organization meeting as practicable.
3. Each Board committee shall be convened by a chairperson who shall report for the committee.

Standing Committees of the Board of Education shall be established by motion of the Board of Education at its annual reorganizational meeting.

The President of the Board shall appoint individual members to the several committees by August 1st **with each member serving on no fewer than two committees** in any given fiscal year. The President shall name one member of each committee to be chairperson of said committee.

The President of the Board of Education shall be an ex-officio non-voting l member of all standing committees. The Superintendent or his/her designee shall be present at all committee meetings.

No committee shall function until a scope of activities for said committee has been approved by Board action. Additional activities may be assigned by Board motion.

(Continued)

SUBJECT: COMMITTEES OF THE BOARD (Cont'd.)

Standing Committee: Audit and Finance

This policy in its entirety shall be considered the Audit Committee Charter

Objective

The Audit and Finance Committee is appointed by the Board of Education to provide independent assistance to the Board in fulfilling its financial oversight responsibilities. Members of the Committee shall perform their duties in good faith, in a manner they reasonably believe to be in the best interests of the Committee and the District with such care as a generally prudent person in a similar position would use under similar circumstances. The Committee will help establish the overall tone for quality financial management and reporting, sound business risk controls, and ethical behavioral throughout the district.

The Committee's primary functions are to:

- Monitor the integrity of the District's financial reporting process and system of internal controls regarding finance, accounting, security, regulatory, and legal compliance.
- Monitor the independence and performance of the District's external and internal auditors.
- Provide a communications link between the external auditors, management, the internal auditor, and the Board of Education.

Composition and Requisite skills

The Committee is comprised of three members of the Board of Education appointed annually with the goal of creating staggered terms. In addition, the Board may appoint a non-Board member of the community to serve on the Committee.

The Committee members collectively should possess the expertise and experience in accounting, auditing, financial reporting, and school district finances needed to understand and evaluate the District's financial statements, the external audit of those statements, the District's system of internal control and risk assessment, and the District's internal audit activities.

(Continued)

SUBJECT: COMMITTEES OF THE BOARD (Cont'd.)

Standing Committee: Audit and Finance cont'd

Committee members shall meet independence requirements. To be considered independent, the members cannot:

- Be employed by the District or accept any consulting advisory or other compensatory fee from the District, either currently or within the past three (3) years.
- Be in the immediate family (husband, wife or any children and their spouses) of an individual employed by the District in an administrative or supervisory capacity, who performs necessary financial functions in the operation of the District, or who provides contractual services to the District, either currently or within the past three (3) years.
- Be a partner, owner, or executive in any business which received payment from the District in an amount of $1,000.00 or higher, in any of the past five (5) years.

Any Committee member who is not a member of the Board of Education shall be administered the District's oath of office by the District Clerk.

Committee members may have access to confidential information during the exercise of their duties and responsibilities. Committee members shall have an obligation to the District to maintain confidentiality of all such information.

Meetings and Notification

The Committee shall meet a minimum of six times each year and monthly if possible. An agenda of each meeting should be determined in advance and the members should receive supporting documents in advance for reasonable review and consideration. Any member of the Board of Education, who is not a member of Committee, may attend audit committee meetings.

The Committee will maintain minutes of each meeting and periodically report to the Board of Education significant results of their activities. At a minimum, the minutes will include the date, attendance, a brief summary of the topics discussed, and a record of all actions or recommendations agreed to by the Committee. Copies of materials discussed or presented at the meeting shall be attached to the file copy of the minutes.

For certain subjects regarding the appointment of the External Auditor, meeting with the External Auditor prior to commencement of the audit, and review and discussion of risk assessment, the committee may meet in Executive Session.

(Continued)

SUBJECT: COMMITTEES OF THE BOARD (Cont'd.)

Standing Committee: Audit and Finance cont'd

Duties and Responsibilities

External Audit Focus

- Oversee the competitive Request for Proposal Process (RFP) used to solicit quotations for the District's annual external audit.
- Recommend selection of the External Auditor to the Board of Education.
- Meet with the External Auditor prior to commencement of the audit to review the engagement letter, including the scope, plan, and coordination of the external audit.
- Review and discuss with the External Auditor any risk assessment of the District's fiscal operations developed as part of the auditor's responsibilities under government auditing standards for a financial statement audit and federal single audit standards, if applicable.
- Review the External Auditor's assessment of the District's system of internal controls.
- Receive and review the draft annual audit report and accompanying draft management letter and working directly with the External Auditor, assist the Board of Education in interpreting such documents.
- Make a recommendation to the Board of Education on accepting the annual audit report.
- Review any corrective action plan based on audit findings and recommendations and assist the Board of Education in monitoring the implementation of such a plan.

Internal Audit Focus

- Make recommendations to the Board of Education regarding the appointment of the Internal Auditor.
- Provide oversight of the internal audit function.

(Continued)

SUBJECT: COMMITTEES OF THE BOARD (Cont'd.)

Standing Committee: Budget

Objective

To assist the full Board with the decision-making process related to the planning, organization, and implementation of the school district's annual budget.

Procedures

1. Committee meetings shall be called by the Chairperson of the Budget Committee.

2. The committee shall keep minutes which shall be provided to all Board members.

3. The committee is empowered by the full Board to submit recommendations to the full Board.

4. The committee may request individuals or groups to present written or verbal position statements, factual material, and surveys.

5. Committee meetings may be open for public comment upon a duly approved motion of the majority of the committee membership.

6. Board members not being a committee member, but present at the committee meetings, are in attendance as observers only.

7. Upon a duly approved motion, the committee shall enter into an executive session for discussion related to personnel, legal, contractual, and/or any other topics so covered by the Open Meetings Law.

(Continued)

SUBJECT: COMMITTEES OF THE BOARD (Cont'd.)

Standing Committee: Facilities

Objective

To assist the full Board with the decision-making process related to the operation and maintenance of all facilities, grounds, transportation system, and the equipment therein.

Procedures

1. Committee meetings shall be called by the chairperson of the Buildings & Grounds and Transportation Committee

2. The committee shall keep minutes which shall be provided to all Board members.

3. The committee is empowered by the full Board to submit recommendations to the full Board.

4. The committee may request individuals or groups to present written or verbal position statements, factual material, and surveys.

5. Committee meetings may be open for public comment upon a duly approved motion of the majority of the committee membership.

6. Board members not being a committee member, but present at the committee meetings, are in attendance as observers only.

7. Upon a duly approved motion, the committee shall enter into an executive session for discussion related to sale, purchase or lease of real property owned or **being** considered for purchase or lease by the District; or other topics so covered by the Open Meeting Law.

(Continued)

SUBJECT: COMMITTEES OF THE BOARD (Cont'd.)

Standing Committee: Policy

Objective

To assist the full Board with the review of existing Board policies and, where deemed necessary, to recommend for Board action proposed amendments or new policies.

Procedures

a) Committee meetings shall be called by the chairperson of the Policy Committee.

b) The committee shall keep minutes which shall be provided to all Board members.

c) The committee is empowered by the full Board to submit recommendations to the full Board.

d) The committee may request individual(s) or groups to present written or verbal position statements, factual material, and surveys.

e) Board members not being committee members, but present at the committee meeting, are in attendance as observers only.

f) Committee meetings may be open for public comment upon a duly approved motion of the committee membership.

Education Law sections 1708, 2116-c and 4601

Adopted: 06/27/07
Revised: 06/03/09
Revised: 06/30/10
Revised: 10/18/23

POLICY

2007 2310

Internal Operations

SUBJECT: SCHOOL BOARD ASSOCIATIONS

The Naples Central School Board of Education believes that an effective School Board invests in its own education and development.

Membership in School Boards' Associations provide Boards of Education with a significant amount of assistance and practical information in regard to various matters affecting School Boards, including school management, educational trends, and pending legislation. Theses memberships also offer School Board members opportunities to exchange information, solve common problems, and pool resources for mutual advantage.

The Naples Central School Board of Education shall take advantage of the opportunities available through membership in local, state, and national School Boards' Associations and participate as fully as possible in their activities.

Education Law Section 1618
Comptroller's Opinion 81-255

Adopted: 6/27/07

POLICY

2007 2320

Internal Operations

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

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

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

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

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

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

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

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

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

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

Adopted: 6/27/07

POLICY

2007 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: 6/27/07

POLICY

2007 2340

Internal Operations

SUBJECT: BOARD SELF-EVALUATION

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

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

Adopted: 6/27/07

2024 3000

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POLICY

2024 3110

Community Relations

SUBJECT: SCHOOL SPONSORED MEDIA

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

As the official spokesperson, the Superintendent or his/her designee shall issue all news releases concerning the District. All formal statements of the Board will be released through the Office of the Superintendent and/or the District Clerk as appropriate.

NOTE: Refer also to Policy #3111 -- School Sponsored Newsletter

Adopted: 06/27/07
Revised: 01/03/24

POLICY

2024 3111

Community Relations

SUBJECT: SCHOOL SPONSORED NEWSLETTER

Providing information of interest to the public concerning the school's programs and services is an obligation recognized and accepted by the Naples Central School Board of Education. To this end, the District will prepare and distribute a District Newsletter in the Fall, Winter and Spring to all residents of the District.

The purpose of a School Sponsored Newsletter is to:

a) Present to the residents of the Naples School District factual information regarding programs, staff, procedures or other materials relevant to the efficient operation of the schools.

b) Present information relative to the official actions taken by the Board of Education which, in the opinion of the Board, should be transmitted to the residents of the District.

c) Present information on propositions or proposals that will require informal input by the public or formal vote of the residents of the District.

d) Present information which, in the opinion of the Board of Education, will be of benefit to the District.

This publication shall not be utilized for the purpose of presenting any proposal, proposition or opinion of any employee, member of the administration or individual member or members of the Board of Education without the formal consent of the Board of Education.

NOTE: Refer also to Policy #3110 -- School Sponsored Media

Adopted: 06/27/07
Revised: 01/03/24

SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING

General Criteria

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

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

The District will ensure that any and all notifications and documents required by law, regulation, or District policy to be posted on its website will be so published.

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, and in compliance with any and all relevant laws, rules, and regulations.

(Continued)

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

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

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

f) 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).

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

h) 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.

i) 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

The District will not permit students' personally identifiable information to be posted on any District Web Pages unless such action is consistent with the Family Educational Rights and Privacy Act (FERPA) and District policy.

Bus Schedules

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.

(Continued)

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

Use of Copyrighted Materials and "Fair Use" Exceptions

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.

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 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 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.

(Continued)

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

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

NOTE: Refer also to Policies #7411 -- Censorship of School-Sponsored Student Publications and Activities
#8350 -- Use of Copyrighted Materials

ERIE 1 BOCES' Policy # for this policy is Policy # 3120

Adopted: 04/09/14

SUBJECT: WEBSITE ACCESSIBILITY

The District is committed to making information on its website accessible to all online visitors, including those individuals with hearing, vision, or cognitive disabilities, so that they have equal opportunity to obtain the same results, gain the same benefits, and reach the same levels of achievement.

The District has undertaken good-faith efforts to ensure that its website complies with the current New York State standards on website accessibility, which include conducting a regular and thorough audit of online content and functionality. The District will make all reasonable efforts to ensure that all new, newly added, or modified online content and functionality will be accessible to people with disabilities.

The District will consider the educational opportunities and benefits it provides through technology, how its technology provides these opportunities and benefits, whether the technology exists in a format that is accessible to individuals with disabilities, whether the technology can be modified, and the availability of a different technological device in making decisions that may affect access to its website. The District may address specific pages, information formats, or features; it may expressly identify the pages or information that may be deciphered by screen readers; and it may specify any readers that may need downloading on its website. Moreover, the District may provide links to information or features on its website to further assist users.

Access Notice

The District will post a notice on its website about how users may request access to information that they believe is not currently accessible. The District may request that users provide their name, email address, phone number, a description of the problem they experienced, and the location of the information they tried to access. The District will make all reasonable efforts to provide inaccessible information in an alternative format.

Accessibility Contact Person

The District will designate a person whom website users may contact if they experience accessibility issues. The District will post contact information and specify how to contact this person on its website home page.

Exemptions

The District may conclude that features, programs, applications, or activities on its website are not accessible if making them accessible would cause them to be fundamentally altered, or when ensuring accessibility would result in an undue financial and administrative burden. The District will maintain all documents supporting its exemption determinations as required by law.

(Continued)

SUBJECT: WEBSITE ACCESSIBILITY (Cont'd.)

Training

The District will provide website accessibility training as necessary to appropriate personnel, including any website content developers, webmasters, and procurement officials, and all others who develop, load, maintain, or audit its web content or functionality.

Third-Party Sites

Any links to third-party sites on the District's website are not under its control, and thus, the District is not responsible for the content or accessibility of third-party sites. Third-party sites may not comply with accessibility standards.

Section 508 of the Rehabilitation Act of 1973, as amended, 29 USC § 794(d)
Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC § 794
Title II of the Americans with Disabilities Act of 1990, 42 USC § 12101, et seq.
Individuals with Disabilities Education Act (IDEA), 20 USC § 1400, et seq.
28 CFR Part 35
34 CFR Parts 104 and 300
New York State Information Technology Policy No. NYS-P08-005

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#8130 -- Equal Educational Opportunities

Adopted: 06/21/17

POLICY

2024 3120

Community Relations

SUBJECT: RELATIONS WITH THE MUNICIPAL GOVERNMENTS

It is the policy of the Board to foster 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 town and village governments, County Social Service Department, the Board of Health, the Recreation Department, the Public Library, and all community emergency service agencies.

Adopted: 06/27/07
Revised: 01/03/24

POLICY

2023 3140

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.

The flag shall be flown at full- or half-staff pursuant to law. The Superintendent's approval shall be required for the flag to be flown at half-staff upon any other occasion.

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

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

Adopted: 06/27/07
Revised: 03/22/23

POLICY

2010 3150

Community Relations

SUBJECT: SCHOOL VOLUNTEERS

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

a) Assist employees in providing more individualization and enrichment of instruction;

b) Build an understanding of school programs among interested citizens, thus stimulating widespread involvement in a total educational process;

c) Strengthen school/community relations through positive participation.

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

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

Administrative regulations will be developed to implement the terms of this policy.

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

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

Adopted: 6/27/07
Revised: 6/30/10

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 Naples Junior/Senior high school 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 s*chool district of residence* have approved nonpublic transportation for more than fifteen (15) miles] will receive transportation from their s*chool district of residence* on the same basis from nonpublic school students; that is, subject to the applicable

(Continued)

SUBJECT: CHARTER SCHOOLS (Cont'd.)

minimum mileage limits for transportation in the s*chool district of residence*, and the requirement of the timely filing of the request for transportation pursuant to Education Law Section 3635(2).

A student *cannot* be dually enrolled in the charter school and District schools. However, the s*chool district of residence* of students attending a charter school may, but is not required to, allow such students to participate in athletic and co-curricular 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 s*chool district of residence*. The charter school may arrange to have such services provided by the s*chool district of residence* or by the charter school directly or by contract 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

(Continued)

SUBJECT: CHARTER SCHOOLS (Cont'd.)

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.

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: 6/27/07

POLICY

2024 3200

Community Relations

SUBJECT: USE OF SERVICE ANIMALS

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

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

The Superintendent or designee may create procedures, regulations and/or building-specific rules regarding the use of service animals on school grounds by individuals with disabilities.

28 CFR §§ Sections 35.104, 35.136, 35.139

Adopted: 01/22/14
Revised: 04/09/14
Revised: 08/18/16
Revised: 01/03/24

POLICY

2024 3210

Community Relations

SUBJECT: VISITORS TO THE SCHOOLS

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

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

Electronic Visitor Management System

The District utilizes an electronic visitor management system in order to ensure the safety and welfare of its students, staff, and guests. When any visitor, including parents and volunteers, wishes to enter any school building during school hours, he or she must present a valid state or government issued photo ID, such as a valid driver's license. Prior to entry being permitted, the electronic visitor management system will check visitors against known sexual offender databases. Once the visitor's ID is scanned, the electronic visitor management system will print a visitor's badge which must be worn throughout the durations of the visit. Visitors should return this badge at the end of their visit so that they may be checked out of the building in a timely fashion. Visitors, who refuse to produce IDs or fail the check of sexual offender databases, may be asked to either wait in the school building lobby or to leave school premises.

It is a Class B misdemeanor 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.

Education Law Section 2801
Penal Law Sections 140.10 and 240.35

Adopted: 06/27/07
Revised: 01/25/12
Revised: 08/18/16
Revised: 01/03/24

POLICY

2024 3220

Community Relations

SUBJECT: PUBLIC EXPRESSION AT MEETINGS

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

Public participation will be reasonably regulated in order to maintain an orderly and efficient meeting.

Persons wishing to speak must be recognized by the President, identify themselves, and present their comments as briefly as possible. The President is responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion, the appropriateness of the subject being presented, and the suitability of the time for such a presentation. (the Board as a whole shall have the final decision in determining the appropriateness of all such rulings). As we would expect from everyone in the Naples Central School community, including our students, persons wishing to speak shall model civility and respect so as to foster an orderly and productive meeting environment.

Persons wishing to address the Board are encouraged to contact the Superintendent prior to the Board meeting for inclusion on the prepared agenda.

The Board of Education reserves the right to enter into executive session as specified in Policy #1730 -- Executive Sessions.

NOTE: Refer also to Policy #1730 -- Executive Sessions

Adopted: 06/27/07
Revised: 01/03/24

POLICY

2007 3230

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. In most instances, therefore, complaints will be made to the Building Principal and/or his/her assistant if the matter cannot be resolved by the teacher, coach, or other school employee. Therefore, although no member of the community shall be denied the right to petition the Board for redress of a grievance, complaints to the Board or to individual Board members will be referred back through the proper administrative channels for solution before investigation or action by the Board. Exceptions are complaints that concern Board actions or Board operations only.

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 reserves the right to require prior written reports from appropriate parties.

The Naples Central School District has developed a public complaint process and appropriate documentation used to collect information and achieve a resolution of the complaint. Information on this process and the Public Complaint forms are available in each school building's main office as well as the District Office.

Adopted: 6/27/07

POLICY

2007 3240

Community Relations

SUBJECT: STUDENT PARTICIPATION

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

Adopted: 6/27/07

POLICY

2007 3241

Community Relations

SUBJECT: COMMUNITY ACTIVITIES AND PERFORMANCES (STUDENTS)

Community Activities and Performances for Students

Organizations sponsoring activities or performances for students and wishing to promote those within the schools must have the approval of the Building Principal.

Community Activities and Performances Involving Students

The Naples Central School Board of Education encourages community activities and performances involving students and of value to the community in general.

Requests made on behalf of community organizations should be directed to the appropriate Building Principal. Organizations wishing to obtain student participation in their activities must be nonprofit and serve community need.

The school does not authorize school sponsored student participation in political or religious activities carried on in the community. In all instances the welfare of the students is a primary importance and will be the governing factor in determining whether or not authorization for student participation is obtained.

Adopted: 6/27/07

POLICY

2024 3260

Community Relations

SUBJECT: BOOSTER CLUBS

Booster clubs or other related organizations may be created to promote community support and to raise funds for specific school activities or programs. These groups must receive official Board approval and may not discriminate on the basis of sex, sexual orientation, color, national origin, ethnic background, disability, religion or any other arbitrary criteria.

Rules will be established to govern the activities of booster clubs and other related organizations. The Board further requires that:

a) Financial records be maintained and made available, upon request, for Board and/or public inspection;

b) Fund raising activities be approved in advance by the Superintendent; and

c) Groups wishing to make a contribution adhere to the District's policy and regulations regarding the acceptance of gifts.

Violations to District policy may result in the dissolution of the club or organization.

There are certain actions that need to be disassociated from the school proper in order to avoid confusion in the general public's perception of what is happening; they are as follows. Students are not to be used as a vehicle for fund raisers for the support organizations. Correspondence and associated costs of operating the organization should be borne by the organization, not the school. Fund raisers, to the extent possible, should be coordinated and not conflict with student fund raisers.

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

Adopted: 06/27/07
Revised: 01/03/24

POLICY

2007 3271

Community Relations

SUBJECT: SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN

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

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

a) Fund raising activities which take place off school premises, or outside of regular school hours during before-school or after-school extracurricular periods;

b) Arms-length transactions, where the purchaser receives a consideration for his/her donation. For example, the sale of goods or tickets for concerts or social events, where the proceeds go to charity, shall not be prohibited as the purchaser will receive consideration - the concert or social event - for the funds expended;

c) Indirect forms of charitable solicitation on school premises that do not involve coercion, such as placing a bin or collection box in a hallway or other common area for the donation of food, clothing, other goods or money. However, collection of charitable contributions of food, clothing, other goods or funds from students in the classroom or homeroom is prohibited.

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

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

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

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

Adopted: 6/27/07

POLICY

2007 3272

Community Relations

SUBJECT: ADVERTISING IN THE SCHOOLS

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

a) Schools may cooperate in furthering the work of any non-profit, community-wide, social service agency, provided that such cooperation does not restrict or impair the educational program of the schools or conflict with Section 19.6 of the Rules of the Board of Regents;

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

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

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

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

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

Adopted: 6/27/07

POLICY

2024 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. Any fundraising done in schools shall be approved by the building administration as well as by the club advisor supervising the fundraising event.

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: 06/27/07
Revised: 03/06/24

POLICY

2016 3274

Community Relations

SUBJECT: DISTRIBUTION OF MATERIALS TO STUDENTS

The District recognizes that collaboration with the broader community is critical in the achievement of the Naples Central School District's mission and goals. Therefore, as a service to the community, the Board allows distribution of information through school- or system-designated communication channels, or through students. However, the Board also recognizes the responsibility of the school system to provide a learning environment that is free from disruption. It is also the Board's intention that the use of school time, personnel and resources to accommodate the distribution of materials be kept to a minimum and not interfere with educational functions. In this regard, it is the intent of the Board to designate the appropriate manner for materials to be distributed. Approval to disseminate or display materials in the Naples Central School District does not imply Board or school system endorsement of the organization or the information it disseminates.

All distribution of materials and announcements by community organizations in or through school or students will comply with the following guidelines:

1) Materials include the following statement:

> This program is not a Naples Central School District program. Procedures, supervision, and insurance for children participating in this program are the responsibility of our organization and of the parent. The distribution of this flyer by NCS is for informational purposes and in no way should it be considered that the School District endorses our program and program philosophy. Finally, the Naples Central School District reserves the right to withhold distribution of these materials.

2) Materials must receive approval by an NCS administrator before being distributed

3) Materials will be distributed for programs that promote participation in student activities. Information regarding fundraisers will not be distributed

4) Materials being distributed to students need to be copied and bundled by the sponsoring organization. Contact the Main Offices for information regarding the number of copies needed

5) Materials will be distributed once per month, on a day designated by the building principal

Adopted: 05/02/12
Revised: 08/18/16

POLICY

Community Relations

SUBJECT: USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT

School Facilities

It is the policy of the Board to encourage the greatest possible use of school facilities for community-wide activities. This is meant to include those uses permitted by New York State law. Groups wishing to use the school facilities must secure written permission from the Board of Education or its designee and abide by the rules and regulations established for such use including restrictions on alcohol, tobacco and drug use.

The District reserves the right to charge a fee for the use of its facilities in a manner consistent with law, and on terms specified in regulation or by agreement with such organizations.

Materials and Equipment

Except when used in connection with or rented under provisions of Education Law Section 414, school-owned materials or equipment may be used for school related purposes only. Private and/or personal use of school-owned materials and equipment is strictly prohibited. The loan of equipment and materials for public purposes that serve the welfare of the community is allowed, as long as the equipment is not needed at that time for school purposes and that the proposed use will not disrupt normal school operations.

The Board will permit school materials and equipment to be loaned to staff members when such use is directly or peripherally related to their employment and to students when the material and equipment is to be used in connection with their studies or co-curricular activities. Community members will be allowed to use school-owned materials and equipment only for educational purposes that relate to school operations. The Board will also allow the loan of equipment to local governments and other entities that benefit the welfare of the surrounding community. The Board supports such inter-municipal cooperation as it saves taxpayer monies and is a more efficient use of scarce or costly equipment and resources.

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

(Continued)

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

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

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

Administrative regulations will be developed to assure the lender's responsibility for, and return of, all such materials and equipment.

Education Law Section 414
NY Constitution Article 8

NOTE: Refer also to Policies: #3282 – Use of Facilities by the Boy Scouts of America and Patriotic Youth Groups
#5640 -- Smoking/Tobacco Use
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)
#7410 -- Extracurricular Activities
District Code of Conduct on School Property

Adopted: 06/27/07
Revised: 01/20/10
Revised: 07/11/12
Revised: 01/22/14
Revised: 03/06/24

POLICY

2014 3282

Community Relations

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

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

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

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

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

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

Adopted: 01/22/14

POLICY

2007 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.

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

Vehicle and Traffic Law Section 1670

Adopted: 6/27/07

POLICY

2023 3310

Community Relations

SUBJECT: PUBLIC ACCESS TO RECORDS

The District will provide access to records held by the District in accordance with Federal and State law (including but not limited to the Family Educational Rights and Privacy Act; Article I of the New York State Education Law; the New York State Freedom of Information Law, etc.) and will maintain records in accordance with the Records Retention and Disposition Schedules promulgated by the New York State Commissioner of Education, as they may be amended from time. The District reserves the right to assert all exceptions and exemptions to disclosure of records authorized by Federal or State statutes, regulations or common law.

The Superintendent, subject to the approval of the Board of Education, will designate a Records Access Officer who will have the duty of coordinating the School District's response to public request for access to records.

Regulations and/or procedures governing access to District records in relation to FOIL requests will be developed.

Education Law Section 2116
Public Officers Law Section 87
21 New York Code of Rules and Regulations (NYCRR) Part 9760

Adopted: 06/27/07
Revised: 05/02/12
Revised: 09/08/21
Revised: 03/22/23

POLICY

2007 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 confidential computerized data shall be limited only to authorized personnel of the School District.

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

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

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

Adopted: 6/27/07

POLICY

2014 3411

Community Relations

SUBJECT: PROHIBITION OF WEAPONS ON SCHOOL GROUNDS

With the exception of law enforcement officers, as permitted by law, and individuals who have the express written permission of the Board of Education or its designee, no person may have in his/her possession any weapon on school grounds, in any District building, on a school bus or District vehicle, or at any school sponsored activity or setting under the control and supervision of the District. This prohibition shall include, but not be limited to: any of the objects or instruments referred to in Section 265.01 of the New York State Penal Law; any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge; and any object that could be considered a reasonable facsimile of a weapon.

Penal Law Sections 265.01-265.06, 265.20

NOTE: Refer also to Policy #7313 – Suspension of Students
Policy #7360 – Weapons in School and the Gun-Free Schools Act

Adopted: 06/27/07
Revised: 04/09/14

POLICY

2007 3412

Community Relations

SUBJECT: THREATS OF VIOLENCE IN SCHOOL

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

Any acts and/or threats of violence, including bomb threats, whether made orally, in writing, or by e-mail, shall be subject to appropriate discipline in accordance with applicable law, District policies and regulations, as well as the *Code of Conduct for the Maintenance of Order on School Property* and collective bargaining agreements, as may be necessary.

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

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

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

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

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

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

Adopted: 6/27/07

POLICY

Community Relations

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/guardians of District students, and other community residents who, in the opinion of the Superintendent, have an immediate need to be notified of such data in order to protect the safety of our students.

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 shall be notified of the availability of this information, with written requests directed to the District Office. Community residents may access information through a link on the District's website to New York State's online Sex Offender Registry at www12.familywatchdog.us.

Staff members shall inform their immediate supervisor if they observe within the school building, on school grounds, at school activities, or at or near bus routes any individual whose description matches the information which was provided to the District by local law enforcement authorities. Such law enforcement officials will be notified of this information by the District as appropriate.

Information that is disseminated to the School District pursuant to Megan's Law may be disclosed or not disclosed by the District in its discretion. Any information which the School District receives regarding a sex offender from a source other than the Sex Offender Registry, and which is maintained independent of the requirements of Megan's Law, will be available from the District, upon written request, in accordance with the requirements of the Freedom of Information Law (FOIL).

(Continued)

SUBJECT: NOTIFICATION OF SEX OFFENDERS (cont'd.)

Special Circumstances Whereby Sex Offenders May Enter Upon School Grounds

As a mandatory condition of the sentence for sex offenders placed on probation or conditional discharge whose victim was under the age of eighteen (18) or who has been designated a Level 3 sex offender, the court requires that such sentenced offender refrain from knowingly entering into or upon school grounds or any other facility or institution primarily used for the care or treatment of persons under the age of eighteen (18) while one or more of such persons are present.

However, by exception, a sex offender may enter school grounds or facility with the written authorization of his/her parole officer and the Superintendent for limited authorized purposes. Entrance upon the premises is subject to the following conditions:

a) The offender is a registered student, participant or employee of the facility;

b) The offender is an employee of an entity contracted by the facility;

c) The offender has a family member enrolled in the facility; or

d) If the school is the offender's designated polling place and he/she enters solely to vote.

Implementation

Administrative regulations shall be developed to implement this policy.

Correction Law Article 6-C
Executive Law 259-c(14)
Penal Law 65.10(4-a)
Public Officers Law Section 84 et seq.

Adopted: 06/27/07
Revised: 06/30/10
Revised: 03/21/12
Revised: 10/03/12

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

The Naples Central School District affirms that no person shall be excluded from participation in, be denied benefits of, or be subjected to discrimination in employment in any educational program or activity on the basis of age, gender, sexual orientation, race, ethnic background, religion, creed, country of origin, marital status, disability, or on other basis in accordance with the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, Title IX, and other federal or state laws.

The Superintendent shall designate a Civil Rights Compliance Officer who shall be authorized to coordinate and carry out the responsibilities of the District under this Policy and to coordinate compliance with the regulations and to process any complaint and/or grievance which may be filed in accordance with the grievance procedure heretofore adopted by the school district.

The Board of Education hereby also prohibits all harassing conduct based on gender, race, sexual orientation or any other status protected by state or federal law. The Naples School District considers harassing conduct to be an abuse contrary to the high moral ethical standards of an educational institution.

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

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

The Naples Central School District will not tolerate the use of a position of authority to obtain sexual favors in supervisor/employee, or faculty/student relationships. Neither will it condone expressions or actions by any person affiliated with the School District which in any manner constitutes sexually harassing conduct, including student-to-student harassing. Attempts to suppress the report of such actions or to retaliate for the presentation of a report will be considered in the same light as the offending behavior.

(Continued)

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

The Superintendent is hereby authorized to promulgate regulations that are necessary and proper to implement this policy, including but not limited to procedures for filing complaints, investigating same, maintaining privacy (to the extent legally required), and an appeals process.

All staff involved in employee recruitment and selection shall be furnished a copy of this policy and the regulations and directed to comply with both in all respects.

Disciplinary action will be taken against any student or employee found in violation of this policy.

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621
Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
Education Law Section 2801(1)
Executive Law Section 290 et seq.

Adopted: 06/27/07
Revised: 12/07/11
Revised: 12/17/14
Revised: 03/22/23

POLICY

2014 3510

Community Relations

SUBJECT: EMERGENCY CLOSINGS

In the event it is necessary to close school for the day, activate a delayed starting time or early dismissal (as well as information relating to cancellation of after-school activities/late bus runs), due to inclement weather, impassable roads, or other emergency reasons, the District will use adopted technology platforms to communicate these closings with the school community.

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

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

Adopted: 06/27/07
Revised: 04/27/11
Revised: 05/21/14
Revised: 03/06/24

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2024 4000

Administration

Naples Central School District **NUMBER**

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POLICY

2007 4110

Administration

SUBJECT: ADMINISTRATIVE PERSONNEL

Administrative and supervisory personnel shall be considered to be those District employees officially designated by the Naples 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.

Education Law Sections 1709 and 2503(5)

Adopted: 6/27/07

POLICY

2007 4211

Administration

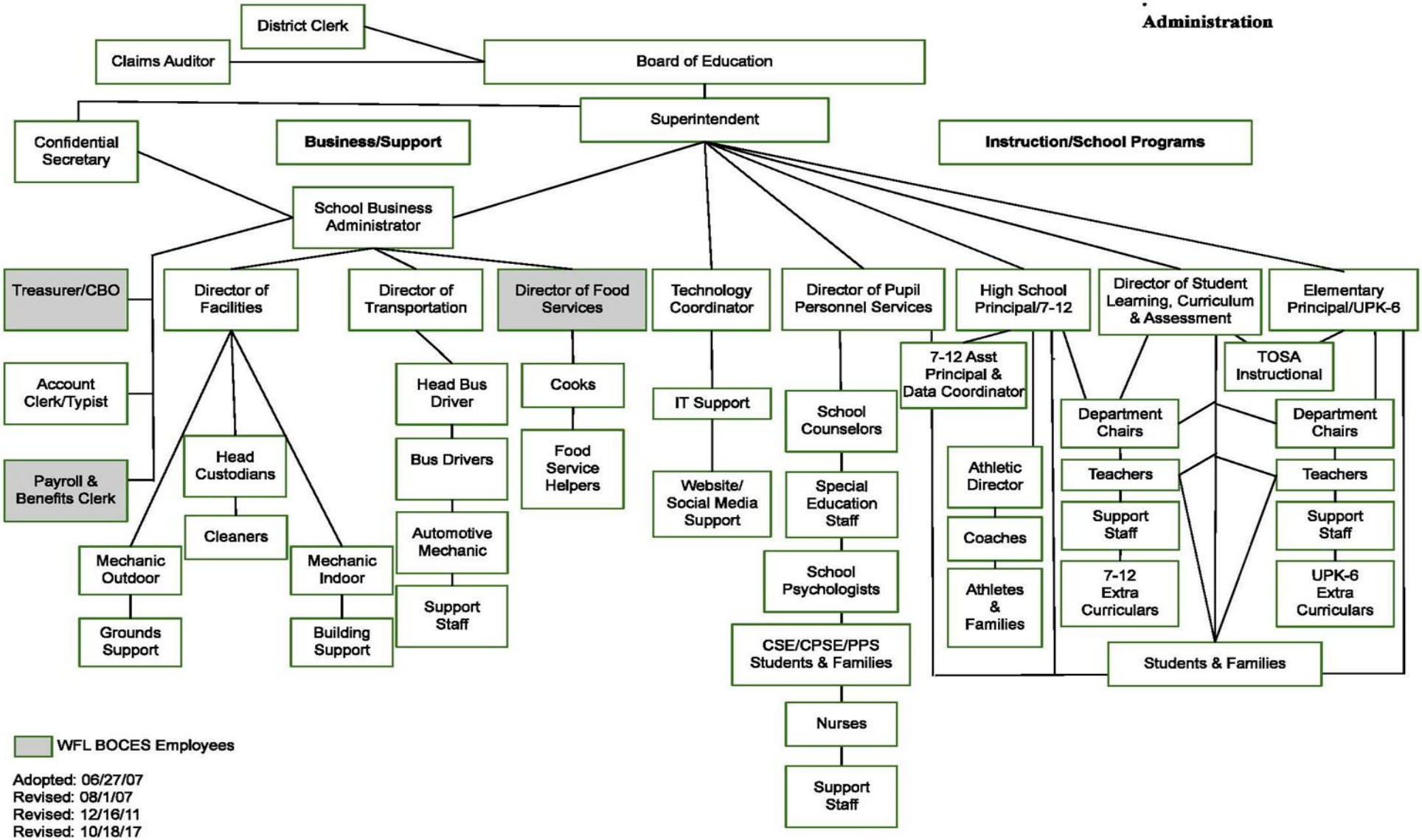
SUBJECT: LINE RESPONSIBILITY

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.

The lines of responsibility/reporting shall be as depicted on the organizational chart.

Adopted: 6/27/07

Naples CSD Organizational Chart



WFL BOCES Employees

Adopted: 06/27/07
Revised: 08/1/07
Revised: 12/16/11
Revised: 10/18/17
Revised: 12/12/18
Revised: 07/13/22

POLICY

2007 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. In all cases the individual currently holding the position should receive as much advance notice as possible.

Education Law Section 3013

Adopted: 6/27/07

POLICY

2024 4230

Administration

SUBJECT: ADMINISTRATIVE AUTHORITY DURING ABSENCE OF THE SUPERINTENDENT OF SCHOOLS

Annually, the Superintendent of Schools, in consultation with the Board of Education, will designate which administrator will take on administrative authority and responsibility for making decisions and taking such actions as may be required during the absence of the Superintendent.

Adopted: 06/27/07
Revised: 06/30/10
Revised: 03/06/24

POLICY

2007 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 Naples Board of Education, the Superintendent of Schools 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: 6/27/07

POLICY

2007 4260

Administration

SUBJECT: EVALUATION OF THE SUPERINTENDENT AND OTHER ADMINISTRATIVE STAFF

Superintendent

The Naples Board of Education shall conduct annually a formal performance evaluation of the Superintendent of Schools. 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 1 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 evaluation of all administrative personnel annually.

The purposes of this evaluation are:

a) To determine the adequacy of administrative staffing;

b) To improve administrative effectiveness;

c) To encourage and promote self-evaluation by administrative personnel;

d) To provide a basis for evaluative judgments by the Superintendent and the Board;

e) To make decisions about continued employment with the District.

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(o)(2)

Adopted: 6/27/07

POLICY

Administration

SUBJECT: SUPERINTENDENT OF SCHOOLS

a) As chief executive officer of the Board of Education, he/she shall attend all regular, special, and work meetings of the Board except that the Superintendent may be excluded when his/her employment contract or performance is discussed in executive session.

b) He/she shall administer all policies and enforce all rules and regulations of the Board.

c) He/she shall constantly review the local school situation and recommend to the Board areas in which new policies seem to be needed.

d) He/she shall be responsible for organizing, administering, evaluating, and supervising the programs and personnel of all school departments, instructional and non-instructional.

e) He/she shall recommend to the Board the appointment of all instructional and support personnel.

f) He/she shall be responsible for the preparation and recommendation to the Board of the annual School District budget in accordance with the format and development plan specified by the Board.

g) He/she shall acquaint the public with the activities and needs of the schools through his/her written and spoken statements, and shall be responsible for all news releases emanating from the local schools.

h) He/she shall be responsible for the construction of all salary scales and for the administration of the salary plan approved by the Board. Some of these salary scales will be developed within staff contracts negotiated under the provisions of the Taylor Law.

i) He/she shall determine the need and make plans for plant expansion and renovation.

j) He/she shall be responsible for recommending for hire, evaluating, promoting, and dismissing all professional and non-professional staff personnel.

k) He/she shall prepare or supervise the preparation of the teacher's handbook, staff bulletins, and all other District-wide staff materials.

l) He/she shall plan and coordinate the recruitment of teachers and other staff to assure the District of the best available personnel.

m) He/she shall plan and conduct a program of supervision of teaching staff that will have as its goal the improvement of instruction, and, at the same time, will assure that only the teachers found to have a high degree of competence will be recommended for tenure.

(Continued)

SUBJECT: SUPERINTENDENT OF SCHOOLS (Cont'd.)

n) He/she shall continually strive to distinguish for all concerned between the areas of policy decisions appropriate to the Board and management decisions appropriate to the District's administrative personnel.

o) He/she shall, when necessary and/or desirable, transfer such personnel as he/she anticipates will function more effectively in other positions. These transfers shall be made within the guidelines of state laws, District policies and negotiated contracts.

p) He/she shall submit the data from the School Report Card and/or other such reports of student/District performance as prescribed by and in accordance with requirements of the Commissioner of Education.

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

Adopted: 6/27/07

POLICY

2007 4320

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 established policy and provide fiscal oversight for the organization. The Board delegates the necessary authority to the Superintendent who, acting as chief executive officer, is held accountable to the Board for compliance with its policies.

a) With respect to School District goals and objectives, the Board will establish broad guidelines to be observed in the development of further policy and action. The Board reserves the right to issue either restrictive or general policy statements.

b) Generally, the Superintendent will be empowered to assign and use resources; employ, promote, discipline and deploy staff; to translate policies of the Board into action; to speak as agent of the Board; to organize and delegate administrative responsibilities; and to exercise such other powers as are customary for chief executives.

c) The Superintendent may not perform, cause, or allow to be performed any act that is unlawful, in violation of commonly accepted business and professional ethics; in violation of any contract into which the Board has entered; or, in violation of policies adopted by the Board that limit the Superintendent's authority.

d) Should the Superintendent or his/her designee consider it unwise or impractical to comply with an explicit Board policy, the Superintendent will inform the Board of that determination. The Board will decide whether such judgment was warranted.

Education Law Sections 1711, 2503 and 2508

Adopted: 6/27/07

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Non-Instructional/Business Operations

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POLICY

Non-Instructional/Business Operations

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 District. Budget planning is a year-round process involving participation of District-level administrators, principals, directors, coordinators, teachers, and other personnel. The process of budget planning and development will allow for community input and opportunities for public information and feedback.

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

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

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

All budget documents for distribution to the public shall be in plain language and organized in a manner which best promotes public comprehension 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, fund balance information, and changes in this information from the prior year's submitted budget.

In accordance with the Commissioner’s Regulations, the budget will be presented in three (3) components which are to be voted upon as one proposition. The law prescribes the types of items to be included in each component and further prescribes that all relevant costs be included in the component.

a) A program component which shall include, but need not be limited to, all program expenditures of the District, including the salaries and benefits of teachers and any school administrators or supervisors who spend a majority of their time performing teaching duties, and all transportation operating expenses;

b) A capital component which will include, but need not be limited to, all transportation capital, debt service, and lease expenditures; costs resulting from judgments and tax certiorari proceedings or the payment of awards from court judgments, administrative orders or settled or

(Continued)

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

compromised claims; and all facilities costs of the School District, including facilities leases expenditures, the annual debt service and total debt for all facilities financed by bonds and notes of the District, and the costs of construction, acquisition, reconstruction, rehabilitation or improvement of school buildings, provided that such budget shall include a rental, operations and maintenance section that includes base rent costs, total rent costs, operation and maintenance charges, cost per square foot for each facility leased by the District, and any and all expenditures associated with custodial salaries and benefits, service contracts, supplies, utilities, and maintenance and repairs of school facilities; and

c) An administrative component which shall include, but need not be limited to, office and central administrative expenses, traveling expenses and all compensation, including salaries and benefits of all school administration and supervisors, business administrators, superintendent of schools and deputy, assistant, associate or other superintendents under all existing employment contracts or collective bargaining, any and all expenditures associated with the operation of the Office of the Board, the Office of the Superintendent, General Administration, the School Business Office, consulting costs not directly related to direct student services and programs, planning and all other administrative activities.

Additionally, the Board will append to the proposed budget the following documents:

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

b) A list of all other school administrators and supervisors, if any, whose annual salary for the coming school year will be at or above that designated in law for such reporting purposes, with the title of their positions and annual salary identified;

c) A School District Report Card, prepared pursuant to Commissioner's Regulations, which includes measures of the academic performance of the District, on a school by school basis, and measures of the fiscal performance of the District (see subheading School District Report Card);

d) A Property Tax Report Card prepared in accordance with law and Commissioner's Regulations (see subheading Property Tax Report Card).

e) A Tax Exemption Report prepared in accordance with law (see subheading Tax Exemption Report).

The Board will ensure that unexpended surplus funds (i.e. operating funds in excess of the current school year budget, not including funds properly retained under other sections of law) have been applied in determining the amount of the school tax levy. Surplus funds shall mean any operating funds in excess of four percent (4%).

(Continued)

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

The proposed budget for the ensuing school year shall be reviewed by the Board 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.

School District Report Card

Each year the District will supply data as required by the State Education Department (SED) and will receive a School District Report Card, sometimes referred to as a New York State Report Card. These provide enrollment, demographic, attendance, suspension, dropout, teacher, assessment, accountability, graduation rate, post-graduation plan, career and technical education, and fiscal data for public and charter schools, districts and the State. The School District Report Cards consist of three (3) parts:

a) Accountability and Overview Report – shows District/school profile data, accountability statuses, data on accountability measures such as ELA, Math, and Science scores, and graduation rates.

b) Comprehensive Information Report – shows non-accountability data such as annual Regents examination results and post-graduate plans of students completing High School.

c) Fiscal Accountability Supplement – show expenditures per pupil and some information about placement and classification of students with disabilities.

School District Report Cards are also available online at the SED website.

Property Tax Report Card

Each year, the Board will prepare a Property Tax Report Card, pursuant to Commissioner's Regulations, and shall make it publicly available by transmitting it to local newspapers of general circulation, appending it to copies of the proposed budget made publicly available as required by law, making it available for distribution at the Annual Meeting, and otherwise disseminating it as required by the Commissioner.

The Property Tax Report Card shall include:

a) The amount of total spending and total estimated school tax levy that would result from adoption of the proposed budget, and the percentage increase or decrease in total spending and total school tax levy from the School District budget for the preceding school year; and

(Continued)

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

b) The projected enrollment growth for the school year for which the budget is prepared, and the percentage change in enrollment from the previous year; and

c) The percentage increase in the average of the Consumer Price Indexes from January first of the prior school year to January first of the current school year as defined in Education Law.

d) The projected amount of the adjusted unrestricted fund balance that will be retained if the proposed budget is adopted; the projected amount of the adjusted restricted fund balance; the projected amount of the assigned appropriated fund balance; the percentage of the proposed budget that the adjusted unrestricted fund balance represents; the actual adjusted unrestricted fund balance retained in the District budget for the preceding school year; and the percentage of the District budget for the preceding school year that the actual adjusted unrestricted fund balance represents; a schedule of reserve funds setting forth the name of each reserve fund, a description of its purpose, the balance as of the close of the third quarter of the current fiscal year, and a brief statement explaining any plans for the use of each reserve fund for the ensuing fiscal year; and

e) The District's school levy tax limit calculation. The District will submit its school tax levy limit calculation to the Office of the State Comptroller, NYSED and the Office of Taxation and Finance by March 1 annually. If a voter override of the tax levy limit is necessary, the budget vote must be approved by sixty percent (60%) of the District's qualified voters present and voting.

A copy of the Property Tax Report Card prepared for the Annual District Meeting shall be submitted to SED in the manner prescribed by the Department by the end of the business day next following approval of the Property Tax Report Card by the Board, but no later than twenty-four (24) days prior to the statewide uniform voting day (i.e., the third Tuesday in May).

The SED will compile such data for all school districts whose budgets are subject to a vote of the qualified voters, and will make this compilation available electronically at least ten (10) days prior to the statewide uniform voting day. Links to each school year's Property Tax Report Card can be found on the SED's official website.

Tax Exemption Report

A Tax Exemption Report shall be annexed to any tentative or preliminary budget and shall become a part of the final budget. This report shall be on the form as prescribed by the State Board of Real Property Services and shall show the following:

a) How much of the total assessed value of the final assessment roll(s) used in the budgetary process is exempt from taxation;

(Continued)

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

b) Every type of exemption granted as identified by statutory authority;

c) The cumulative impact of each type of exemption expressed either as a dollar amount of assessed value or as a percentage of the total assessed value on the roll:

d) The cumulative amount expected to be received from recipients of each type of exemption as payments in lieu of taxes or other payments for municipal services; however, individual recipients are not to be named; and

e) The cumulative impact of all exemptions granted.

Notice of this report shall be included in any notice of the preparation of the budget required by law and shall be posted on any bulletin board maintained by the District for public notices as well as on any website maintained by the District.

Education Law Sections 1608(3)-(7), 1716(3)-(7), 2022(2-a), 2023-a, 2601-a(3) and 2601-a(7)
General Municipal Law Section 36
Real Property Tax Law Sections 495 and 1318(1)
8 New York Code of Rules and Regulations (NYCRR) Sections 170.8, 170.9 and 170.11
State Education Department Handbook No. 3 on Budget

Adopted: 06/27/07
Revised: 07/11/12
Revised: 05/22/13
Reviewed: 01/22/14
Revised: 04/12/17

SUBJECT: SCHOOL DISTRICT BUDGET HEARING

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

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

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

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

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

All budget documents for distribution to the public will be written in plain language and organized in a manner which best promotes public comprehension of the contents. New York School District Report Cards and Property Tax Report Cards are also available online from the State Education Department.

Dissemination of Budget Information

Copies of the proposed annual operating budget for the succeeding year and all required attachments may be obtained by any District resident. Requests for copies of the proposed budget should be made at least seven (7) days before the budget hearing. Copies shall be prepared and made available at the school district office, public or associate libraries within the District and on the district website, if one exists. Copies will be available to district residents during the fourteen (14) day period immediately preceding the Annual Meeting and Election or Special District Meeting at which the budget vote will occur. Additionally, the Board will include notice of the availability of copies of the budget at least once during the school year in any District-wide mailing.

(Continued)

SUBJECT: SCHOOL DISTRICT BUDGET HEARING (Cont'd.)

Budget Notice

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

Beginning with the budget notice for the 2012-13 proposed budget, the District will also include in the notice:

a) The school tax levy limit;

b) The proposed school year tax levy (without permissible exclusions to the school tax levy limit);

c) The total permissible exclusions; and

d) The proposed school year tax levy (including permissible exclusions to the school tax levy limit).

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

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

Notice of Budget Hearing/Availability of Budget Statement:
Education Law Sections 1608(2), 1716(2), 2003(1), 2004(1), 2023-a and 2601-a(2)
Election and Budget Vote:
Education Law Sections 1804(4), 1906(1), 2002(1), 2017(5), 2017(6), 2022(1), 2023-a and 2601-a(2)
Budget Development and Attachments:
Education Law Sections 1608(3), 1608(4), 1608(5), 1608(6), 1608(7), 1716(3), 1716(4), 1716(5), 1716(6), 1716(7), 2022(2-a), 2023-a and 2601-a(3)
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(bb), 170.8 and 170.9

Adopted: 06/27/07
Revised: 07/11/12
Revised: 05/22/13
Reviewed: 01/22/14

POLICY

2017 5130

Non-Instructional/Business Operations

SUBJECT: BUDGET ADOPTION

The Board will review the recommended budget of the Superintendent and seek public input and feedback regarding the recommended budget including, but not limited to, holding a public budget hearing not less than seven (7) nor more than fourteen (14) days prior to the Annual District Meeting and Election at which the budget vote is to occur. The Board may modify the recommended budget of the Superintendent prior to its submission to District voters. Final authorization of the proposed budget is dependent upon voter approval unless a contingency budget is adopted by the Board.

In the event the original proposed budget is not approved at the Annual District Meeting and Election, the Board may resubmit the original proposed budget or a revised budget for voter approval, or individual propositions may be placed before District voters, at a special meeting held on the third Tuesday of June. If the voters fail to approve the second budget submittal, or budget proposition(s), or if the Board elects not to put the proposed budget to a public vote a second time, the Board must adopt a contingency budget with a tax levy that is no greater than the prior year's levy.

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

The District budget, once adopted, becomes the basis for establishing the tax levy on real property within the District. The District will post its final annual budget and any multi-year financial plan adopted by the Board on its website.

Education Law §§ 1608, 1716, 1804(4), 1906(1), 2002(1), 2003(1), 2004(1), 2007(3), 2022, 2023, 2023-a and 2601-a
8 New York Code of Rules and Regulations (NYCRR) §§ 100.2(bb), 170.8 and 170.9

Adopted: 06/27/07
Revised: 07/11/12
Revised: 03/20/13
Revised: 04/12/17

POLICY

2019 5140

Non-Instructional/Business Operations

SUBJECT: ADMINISTRATION OF THE BUDGET

The Superintendent, working in conjunction with the administrative staff, is responsible to the Board of Education for the administration of the budget. This includes, but is not limited to:

a) Acquainting District employees with the final provisions of the program budget and guiding them in planning to operate efficiently and economically within these provisions.

b) Providing direction to the District in maintaining those records of accounting control as are required by the New York State Uniform System of Accounts for School Districts, the Board, and other procedures, as are deemed necessary.

c) Keeping the various operational units informed through periodic reports as to the status of their individual budgets.

Unless otherwise provided by law, no claim against the District will be paid unless such claims have been audited and approved by the *Board/Claims Auditor.

Budget Transfers

Within monetary limits as established by the Board, the Superintendent is authorized to transfer funds between and within functional unit appropriations for teachers' salaries and ordinary contingent expenses. Whenever changes are made, they are to be incorporated in the next Board agenda for informational purposes only.

Statement of the Total Funding Allocation

When required by law, the District will annually submit to the Commissioner of Education and the Director of the Budget a detailed statement of the total funding allocation for each school in the District for the upcoming school budget year. This statement will be in a form developed by the Director of the Budget, in consultation with the Commissioner of Education. This statement will be made publicly available and posted on the District website.

Education Law §§ 1604(35), 1709(20-a), 1711, 1718, 1724, 1950(4)(k), 2508, 2523-2526, 2554(2-a), and 3614
8 NYCRR §§ 170.12(c) and 170.2(l)

Adopted: 06/27/07
Revised: 12/12/18
Revised: 10/06/19

POLICY

Non-Instructional/Business Operations

SUBJECT: CONTINGENCY BUDGET

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

If the original proposed budget is not approved by District voters at the Annual District Meeting and Election, the Board has the option of either resubmitting the original or revised budget for voter approval at a special meeting held at a later date; or the Board may, at that point, adopt a contingency budget. If the Board decides to submit either the original or a revised budget to the voters for a second time, and the voters do not approve the second budget submittal, the Board must adopt a contingency budget and the tax levy cannot exceed the total tax levy of the prior year (0% levy growth).

The administrative component of the contingency budget shall not comprise a greater percentage of the contingency budget exclusive of the capital component than the lesser of:

a) The percentage the administrative component had comprised in the prior year budget exclusive of the capital component; or

b) The percentage the administrative component had comprised in the last proposed defeated budget exclusive of the capital component.

Education Law Sections 2002, 2023, 2023-a, 2024 and 2601-a

Adopted: 06/27/07
Revised: 07/11/12

POLICY

2007 5210

Non-Instructional/Business Operations

SUBJECT: REVENUES

The Naples Central 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: 6/27/07

POLICY

Non-Instructional/Business Operations

SUBJECT: DISTRICT INVESTMENTS

Whenever the District has funds (including operating funds, reserve funds, and proceeds of obligations) that exceed those necessary to meet current expenses, the Board will authorize the Treasurer to invest these funds by using authorized investments which safeguard the District's capital for the support of the District's educational programs. All investments on behalf of the District shall comply with applicable laws and regulations in conformity with the guidelines established by this policy.

Objectives

The objectives of this investment policy are four-fold:

a) Investments will be made in a manner so as to safeguard the funds of the District.

b) Bank deposits will be made in a manner so as to safeguard the funds of the District.

c) Investments will be sufficiently liquid so as to allow funds to be available as needed to meet the obligations of the District.

d) Funds will be invested in such a way as to earn the maximum yield possible given the first three investment objectives.

Authorization

The authority to deposit and invest funds is delegated to the Treasurer. These functions will be performed in accordance with the applicable sections of the General Municipal Law and the Local Finance Law of the State of New York.

The Treasurer may invest funds in the following eligible investments:

a) Obligations of the State of New York.

b) Obligations of the United States Government, or any obligations for which principal and interest are fully guaranteed by the United States Government.

c) Time Deposit Accounts placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law. (Banking Law Section 237(2) prohibits a savings bank from accepting a deposit from a local government. This also applies to savings and loan associations.)

(Continued)

SUBJECT: DISTRICT INVESTMENTS (Cont'd.)

d) Transaction accounts (demand deposits) both interest bearing and non-interest bearing that do not require notice of withdrawal placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law.

e) Certificates of Deposits placed in a commercial bank authorized to do business in the State of New York providing the Certificates are collateralized as required by law.

1. Deposits in excess of the amount insured by the Federal Deposit Insurance Corporation will be secured in accordance with subdivision 3 of General Municipal Law Section 10.

2. The District may, in its discretion, authorize the bank designated for the deposit of District funds to arrange for the redeposit of such funds in one or more banking institutions, for the account of the District, through a deposit placement that meets the conditions set forth in General Municipal Law Section 10(2)(a)(ii).

f) Securities purchased pursuant to a Repurchase Agreement whereby one-party purchases securities from a second party and the second party agrees to repurchase those same securities on a specific future date at an agreed rate of return (the interest rate).

g) Other investments conforming to New York State law with reference to General Municipal Law Section 10 and Section 11.

Implementation

Using the policy as a framework, written regulations and procedures shall be developed for the operation of the investment program which reflect:

a) A list of authorized investments;

b) Procedures including a signed agreement to ensure the District's financial interest in investments;

c) Standards for written agreements consistent with legal requirements;

d) Procedures for the monitoring, control, deposit and retention of investments and collateral which will be done at least once a month;

(Continued)

SUBJECT: DISTRICT INVESTMENTS (Cont'd.)

e) Standards for security agreements and custodial agreements consistent with legal requirements.

f) Internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other deposits and amounts realized.

g) A description of the responsibilities and levels of authority for key individuals involved in in the investment program.

h) Standards for diversification of investments including diversification as to type of investments, and firms and banks with whom the District transacts business; and

i) Standards for qualification of investment agents which transact business with the District including, at minimum, the Annual Report of the Trading Partner.

This policy will be reviewed annually and may be amended from time to time in accordance with the provisions of Section 39 of the General Municipal Law.

Education Law Sections 1064-a, 1723-a, 2503(1), and 3652
General Municipal Law Sections-10,11, and 39
Local Finance Law Section 24.00, 25.00, and 165.00
Public Authorities Law Section 2925

Adopted: 06/27/07
Revised: 07/11/12
Revised: 03/22/23
Revised: 07/09/25

SUBJECT: ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO THE SCHOOL DISTRICT

The Board may accept gifts, donations, grants and/or bequests of money, real or personal property, as well as other merchandise which, in view of the Board, add to the overall welfare of the School District, provided that such acceptance is in accordance with existing laws and regulations. Donations to the school are fully tax deductible so long as the gift is used exclusively for public purposes in accordance with USC Section 170(c). However, the Board is not required to accept any gift, grant or bequest and does so at its discretion, basing its judgment on the best interests of the District. Furthermore, the Board will not accept any gift, grant or bequest which constitutes a conflict of interest and/or gives an appearance of impropriety. At the same time, the Board will safeguard the District, the staff and students from commercial exploitation, from special interest groups, and the like.

The Board will not accept any gifts or grants which will place encumbrances on future Boards, or result in unreasonable additional or hidden costs to the District. The Board may, if it deems it necessary, request that gifts of equipment, facilities or any item that requires upkeep and maintenance include funds to carry out such maintenance for the foreseeable life of the donation.

The Board of Education will not formally consider the acceptance of gifts or grants until and unless it receives the offer in writing from the donor/grantor or their attorney/financial advisor. Any such gifts or grants donated to the Board and accepted on behalf of the School District must be by official action and resolution passed by Board majority. The Board would prefer the gift or grant to be a general offer rather than a specific one. Consequently, the Board would suggest that the donor/grantor work first with the school administrators in determining the nature of the gift or grant prior to formal consideration for acceptance by the Board. However, the Board, in its discretion, may direct the Superintendent of Schools to apply such gift or grant for the benefit of a specific school or school program.

The Board of Education is prohibited, in accordance with the New York State Constitution, from making gifts/charitable contributions with School District funds.

Gifts and/or grants of money to the District shall be annually accounted for under the trust and agency account in the bank designated by the Board of Education.

All gifts, grants and/or bequests shall become School District property. A letter of appreciation, signed by the President of the Board and/or the Superintendent, will be sent to a donor/grantor in recognition of his/her contribution to the School District. Letters will be sent in a timely manner and will acknowledge the possible tax deduction available to donors whose gifts qualify under IRS regulations.

(Continued)

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

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

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

New York State Constitution Article 8, Section 1
Education Law Sections 1709(12), 1709(12-a) and 1718(2)
General Municipal Law Section 805-a(1)

Adopted: 06/27/07
Revised: 02/15/12

POLICY

2010 5231

Non-Instructional/Business Operations

SUBJECT: NAMING FACILITIES

The Naples Central School Board of Education believes that the school building, building contents, and building fields and grounds reflect the ownership of past, present, and future residents of Naples and the Naples Central School District. That belief guides our direction and the prevailing philosophy of not naming our facilities after contributing individuals or families.

It is understood that naming a community owned parcel or district assembly area for recognition of an individual is indeed a measure of respect and tribute. The Board believes that Naples Central School is honored by many employees, volunteers, and students who have significantly contributed to the school community. It is the tenet of the Board not to dedicate a component of a facility to an individual as it devalues the contributions of others which counteracts the Board's intent to acknowledge the accomplishments of many people.

As a result, it is the policy of the Board of Education to dedicate our building, contents, and grounds to the residents of the school district, acknowledging their support, their pride, and their tax dollars by referring to all educational property as property of Naples Central School. To acknowledge the contributions made by individuals to our district, we encourage monetary donations for scholarship in the name of individuals for our students.

Adopted: 6/30/10

SUBJECT: CORPORATE SPONSORSHIPS

The Board of Education recognizes the benefits that may be obtained by entering into agreements with a "corporate sponsor." A "corporate sponsor," for the purposes of this policy, is defined in accordance with Commissioner Regulations as "the sponsorship or the underwriting of an activity on school premises which does not involve the commercial promotion of a particular product or service."

Corporate sponsorships may be recommended by the Superintendent of Schools and, depending on the dollar value of the corporate contribution, may be subject to approval by the Board of Education in accordance with the District procurement policy. Corporate sponsorships are evaluated on a case by case basis in accordance with the principles established by the Board of Education.

The Board of Education will carefully consider whether the commercial aspects of a corporate sponsorship are an acceptable influence on students. The School Board recognizes and understands its fiduciary responsibility to weigh all considerations and decide whether such arrangements are in the best interests of the children they are obligated to educate, nurture and protect.

Any agreement entered into by the District and a corporate sponsor should be in accordance with the following principles:

a) Consistency with district academic standards and goals.

b) Consistency with district non-discrimination policies and age-appropriateness.

c) No corporate support or activity will be permitted in the District that:

1. Promotes gambling, illicit drugs, alcohol, tobacco, or firearms;

2. Promotes hostility, disorder, or violence;

3. Attacks or demeans any ethnic, racial, religious group or sexual orientation;

4. Is libelous;

5. Contains adult content, including nudity, sexual terms and/or images of people in positions or activities that are excessively suggestive or sexual, or provocative images in violation of community standards;

6. Promotes any specific religion;

7. Promotes or opposes any political candidate or ballot proposition;

(Continued)

SUBJECT: CORPORATE SPONSORSHIPS (Cont'd.)

8. Inhibits the functioning of any school; or

9. Any other item deemed to be inappropriate for students.

d) Students shall not be required to view commercial promotional activity as required by Commissioner Regulations.

e) The collection of personal information from students by corporate sponsors in accordance with the Family Educational Rights and Privacy Act (FERPA) is prohibited.

f) Sponsorship permitted pursuant to this policy shall not be considered as an endorsement or approval by the Board of any particular group, organization or company, nor of any purposes, programs, activities, products or services of any such group.

g) To ensure equal opportunity to participate among commercial competitors, solicitations for corporate sponsors should be done in accordance with the District procurement policy.

8 New York Code of Rules and Regulations (NYCRR) Section 23

NOTE: Refer also to Policies #5000 -- Purchasing
#7250 -- Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors

Adopted: 04/27/11

POLICY

2007 5240

Non-Instructional/Business Operations

SUBJECT: SCHOOL TAX ASSESSMENT AND COLLECTION

A tax collection plan giving dates of warrant and other pertinent data shall be prepared annually and submitted for review and consideration by the Assistant Superintendent for Business and Operations to the Board of Education. Tax collection shall occur by mail or by direct payment to the place designated by the Board of Education.

A list of all unpaid taxes shall be returned to the County Treasurer by November 15.

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

Adopted: 6/27/07

SUBJECT: PROPERTY TAX EXEMPTIONS

Senior Citizens

Unless specifically exempted by law, real property used exclusively for residential purposes and owned by one (1) or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife or by siblings, one of whom is sixty-five (65) years of age or over, shall be exempt from taxation to the extent of percentum of the assessed valuation determined by the Board of Education if the owners meet the criteria established annually by the Board.

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

The District may permit a property tax exemption to an otherwise eligible senior citizen even if a child who attends a public school resides at that address, provided that any such resolution shall condition such exemption upon satisfactory proof that the child was not brought into the residence in whole or in substantial part for the purpose of attending a particular school within the District. The Board must adopt a resolution allowing such an exemption following a public hearing on this specific issue.

Real Property Tax Law Section 467

Disabled Citizens

Unless specifically exempted by law, real property used exclusively for residential purposes and owned by one or more persons with disabilities; or owned by a husband, wife or both, or siblings, at least one of whom has a disability; and whose income, as defined pursuant to law, is limited by reason of such disability shall be exempt from taxation to the extent of percentum of the assessed valuation determined by the Board of Education if the owners meet the criteria established annually by the Board. The Board must adopt a resolution allowing such an exemption following a public hearing on this specific issue.

No exemption shall be granted unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an in-patient of a residential health care facility as defined in Public Health Law.

The District may permit a property tax exemption to an otherwise eligible disabled citizen even if a child who attends a public school resides at that address, provided that any such resolution shall condition such exemption upon satisfactory proof that the child was not brought into the residence in whole or in substantial part for the purpose of attending a particular school within the District. The Board must adopt a resolution allowing such an exemption following a public hearing on this specific issue.

(Continued)

SUBJECT: PROPERTY TAX EXEMPTIONS (Cont'd.)

For purposes of this policy, and in accordance with law, a person with a disability is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working; and who is certified to receive Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits under the federal Social Security Act or is certified to receive Railroad Retirement Disability benefits under the federal Railroad Retirement Act, or has received a certificate from the State Commission for the Blind and Visually Handicapped stating that such person is legally blind.

In accordance with Real Property Tax Law, any exemption provided by this policy shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided however, that no parcel or real property may receive an exemption for the same tax purpose pursuant to both this policy and real property tax exemptions granted pursuant to the Real Property Tax Law for persons 65 years of age or over.

Real Property Tax Law Sections 459-c
Public Health Law Section 2801

Adopted: 6/27/07

POLICY

2007 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 of Schools 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 or recycle as appropriate.

Education Law Sections 1604(4), 1604(30), 1604(36), 1709(9), 1709(11), 2503, 2511 and 2512
General Municipal Law Sections 51 and 800 et seq.

Adopted: 6/27/07

POLICY

2007 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 Naples Central School 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 of Schools 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: 6/27/07

POLICY

2007 5320

Non-Instructional/Business Operations

SUBJECT: EXPENDITURES OF SCHOOL DISTRICT FUNDS

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

All claims shall be properly audited before payment by the Internal Claims Auditor who shall attest to the existence of evidence of indebtedness to support the claim.

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

Education Law Sections 1720 and 2523

NOTE: Refer also to Policies #5321 -- Use of the District Credit Card
#5322 -- Use of District Cell Phones
#5323 -- Reimbursement for Meals/Refreshments
#6161 -- Conference/Travel Expense Reimbursement

Adopted: 6/27/07

SUBJECT: USE OF THE DISTRICT CREDIT CARD

General

The Board of Education permits the use of the following district credit cards, including store and gasoline credit cards, by authorized district officers, board members and school employees to pay for actual and necessary expenses incurred in the performance of work-related duties for the district. All credit cards will be in the name of the school district only or in the name of the school district and an authorized user.

CARD	AUTHORIZED USER(S)	MAXIMUM CREDIT LIMIT
District VISA card #1	• School Business Administrator/Purchasing Agent • Accounts Payable • Officer, Board Member, or employee with an approved purchase order and an approved Request for Use and Temporary Custody of a District Credit Card Form	$5,000
District VISA card #2	• Superintendent • Confidential Secretary to the Superintendent	$5,000
Mobile gas/diesel #1	• Accounts Payable • Approved Personnel with an approved purchase order and an approved Request for Use and Temporary Custody of a District Credit Card Form	$4,000
Mobile gas/diesel #2	• Transportation Supervisor • Designee of the Transportation Supervisor	$4,000
Mobile gas/diesel #3	• Director of Facilities • Designee of the Director of Facilities	$4,000
Wegman's store card	• Accounts Payable • Officer, Board Member, or employee with an approved purchase order and an approved Request for Use and Temporary Custody of a District Credit Card Form	$5,000
Lowes store card	• Accounts Payable • Director of Facilities • Designee of Director of Facilities Officer, Board Member, or employee with an approved purchase order and an approved Request for Use and Temporary Custody of a District Credit Card Form	$7,500

(Continued)

SUBJECT: USE OF THE DISTRICT CREDIT CARD (Cont'd.)

Credit cards may be used only for authorized and legitimate school district business expenditures. The use of credit cards is not intended to circumvent the district's policy on purchasing. Using the district credit card for purchases such as books, computer equipment, and materials and supplies, will require a purchase order signed by the Purchasing Agent. This gives proper authorization for credit card use.

Credit card use is the last resort for purchases. Purchases made to vendors that accept purchase orders should be made through the purchase order process if at all possible.

Safeguarding of District Credit Card

It shall be the duty of the Accounts Payable Clerk to oversee the use and custody of the credit cards. The cards shall be maintained in a secure location with limited access only when a purchase order is not practical. The credit cards may only be used by authorized users, except that in limited circumstances (such as travel to conferences or in the event that an authorized user is unavailable), the School Business Administrator may authorize the temporary transfer of custody of the Credit Card per Regulation 5321-R.

The district credit cards will not leave the custody of the Accounts Payable Clerk or authorized users, except in limited circumstances as authorized by the School Business Administrator. Expenses incurred on each credit card shall be paid in such a manner as to avoid interest charges and sales tax. The theft or loss of the district credit card must be reported to the credit card company and district office immediately.

NOTE: Refer also to Policies #5410 - Purchasing: Competitive Bidding and Offering
#5411 - Procurement of Goods and Services

Adopted: 06/27/07
Revised: 05/22/13
Revised: 05/06/15

Request for Use and Temporary Custody of a District Card

Directions: *Complete all sections above the dashed line and submit your request to the School Business Administrator.*

***NOTE:** You must pick up a tax exempt form from Accounts Payable. The school district will not be responsible for any sales tax paid.

Printed Name of Person Requesting Authorization

Credit Card Requested:

- ☐ VISA
- ☐ Gas Card
- ☐ Wegmans
- ☐ Lowes

Purpose(s) of Request & Explanation & Description of Items/Services to be purchased:

Is the requested purchase backordered?: YES or NO (circle one)

Date(s) You Request to Have Temporary Custody of District Credit Card:

Requested Maximum Dollar Value of Authorization:

$

Account Code:

Signature of Person Requesting Authorization

My signature above indicates that I have read and understand the attached Naples CSD Credit Card Policy #5321 and Regulation #5321-R. Any authorization below is limited to specific purposes, dates, and dollar amount as listed above. I understand that I am responsible for submitting itemized receipts for all authorized purchases at the time I return the credit card. I also understand that I will responsible for any unauthorized purchases.

The Above Request is (circle one): ***Approved*** ***Denied***

Signature of the School Business Administrator: Date:

Credit Card Signed Out:

Employee Signature Date

Accounts Payable Signature Date

Credit Card Returned with Receipt(s):

Employee Signature Date

Accounts Payable Signature Date

POLICY

2007 5322

Non-Instructional/Business Operations

SUBJECT: USE OF DISTRICT CELL PHONES

School District-owned cell phones will be issued to District employees when required by the employee's job duties and as determined by the Superintendent or designee.

Additionally, the following rule shall apply regarding the use of District-owned cell phones:

District cell phones may only be used for appropriate school business and may not be used by anyone other than the School District employee.

Adopted: 6/27/07

SUBJECT: CONFERENCE/TRAVEL EXPENSE REIMBURSEMENT

Travel Outside of District/Emergency Meetings

School District officials and employees are entitled to reimbursement for necessary expenses incurred in the performance of their official duties. However, it is the position of the New York State Comptroller's Office that meals of public officers and employees generally should not be reimbursed or paid by the municipal entity unless the officer or employee is traveling outside his/her regular work area on official business for an extended period of time, or where events prevent them from taking off during mealtime for food consumption because of a pressing need to complete business. All requests for reimbursement must document who attended the meetings and how the meetings fit these conditions.

All conference travel must have a completed Travel Conference Request Form on file which has been approved by the appropriate supervisor. The Superintendent/designee approves Travel Conference Requests which have reimbursable employee expenses.

All conference reimbursement requests must be submitted using a Travel Conference Reimbursement Form.

Expenses for overnight-approved travel will be reimbursed when accompanied by original receipts for lodging and other reimbursable expenses. Meal expenses for overnight travel will only be reimbursed based on the Board approved per diem rates which are modeled after the United States General Services Administration per diem rates which can be found at http://www.gsa.gov/Portal/gsa/ep/home.do?tabId=0

New York State sales taxes for lodging and meals cannot be reimbursed. A Sales Tax-Exempt Form can be obtained prior to travel for hotel accommodations. New York State tax reimbursement for meals can only occur in the event it is not practical or possible to utilize a sales tax exempt form.

Original receipts are required when submitting for parking and tolls; however "EZ Pass" statements may be substituted with the appropriate charges highlighted.

Gratuity is limited to 15% - The amount of gratuity must be reflected on the receipt. (Anything over and above will be at the employee’s expense)

No alcohol purchase of any kind will be reimbursed by the district.

(Continued)

SUBJECT: CONFERENCE/TRAVEL EXPENSE REIMBURSEMENT (Cont'd)

Staff/Board Meetings and District Events

However, the Board of Education recognizes that at certain times it may be appropriate to provide meals and/or refreshments at District meetings and/or events which are being held for an educational purpose. Prior approval of the Superintendent/designee must be obtained for food and beverages provided at meetings or activities which will be charged to the District.

Any such expenditure must be appropriately documented with an itemized receipt and information showing the date and purpose of the meeting, food served, who attended the meetings and why the attendees needed food and/or refreshments to conduct School District business. These requirements must be met for meals/refreshments provided by the school lunch fund or local vendors, charged to District credit cards and/or reimbursed to a School District official.

NOTE: Refer also to Policy #6161 – Conference/Travel Expense Reimbursement

Adopted: 06/27/2007

Revised: 12/02/2009

POLICY

2007 5330

Non-Instructional/Business Operations

SUBJECT: BUDGET TRANSFERS

Within monetary limits as established by the Board, 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 Board approval.

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

Adopted: 6/27/07

POLICY

2007 5340

Non-Instructional/Business Operations

SUBJECT: BORROWING OF FUNDS

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

Local Finance Law Article 2

Adopted: 6/27/07

POLICY

Non-Instructional/Business Operations

SUBJECT: PURCHASING: COMPETITIVE BIDDING AND OFFERING

Except as otherwise provided by law, all contracts for public work involving an expenditure of more than thirty-five thousand dollars ($35,000) and all purchase contracts involving an expenditure of more than twenty thousand dollars ($20,000) shall be awarded by the District to the lowest responsible bidder furnishing the required security after advertisement for sealed bids. Please note that similar procurements to be made in a fiscal year shall be grouped together for the purpose of determining whether a particular item must be bid. However, the District may, in its discretion, award purchase contracts on the basis of "best value" to a responsive and responsible bidder or offerer, provided the Board of Education has authorized such action by rule, regulation or resolution adopted at a public meeting.

No bid or offer shall be accepted that does not conform to specifications furnished unless such specifications are waived by Board action. The District may, in its discretion, reject all bids or offers and re-advertise for new bids or offers in a manner consistent with New York State law.

All contracts requiring public advertising and competitive bidding or offering will be awarded by resolution of the Board.

Except as authorized by law, no Board member or employee of the School District shall have an interest in any contract entered into by the School District.

Standardization

Upon the adoption of a standardization resolution by a vote of at least three-fifths (3/5) of all Board members, purchase contracts for a particular type or kind of equipment, materials or supplies of more than twenty thousand dollars ($20,000) may be awarded by the Board to the lowest responsible bidder or offerer furnishing the required security after advertisement for sealed bids in the manner provided in law. Such resolution must state that, for reasons of efficiency or economy, there is a need for standardization and must contain a full explanation of those reasons. Upon the adoption of a valid standardization resolution, the District may provide in its specifications for a particular make or brand to the exclusion of others.

"Piggybacking" Exception to Competitive Bidding

The District may, in its discretion, purchase certain goods and services (apparatus, materials, equipment and supplies) at costs beyond the above-referenced thresholds through the use of contracts let by the United States or any agency thereof, any state, and any county, political subdivision or district of any state.

(Continued)

SUBJECT: PURCHASING: COMPETITIVE BIDDING AND OFFERING (Cont'd.)

This method of procurement is permitted on contracts issued by other governmental entities, provided that the original contract:

a) Has been let by the United States or any agency thereof, any state (including New York State or any other political subdivision or district therein;

b) Was made available for use by other governmental entities and agreeable with the contract holder; and

c) Was let in a manner that constitutes competitive bidding consistent with New York State law, or was awarded on the basis of best value, and is not in conflict with other New York State laws.

Purchasing Process

The District's purchasing activities are part of the responsibilities of the Business Office, under the general supervision of the Purchasing Agent designated by the Board of Education. The Purchasing Agent is authorized to enter into cooperative bidding and cooperative purchasing arrangements to meet the various needs of the District. No contracts for goods and services shall be made by individuals or organizations in the school that involve expenditures without first securing approval for such contract from the Purchasing Agent.

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

a) Promote 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.

(Continued)

SUBJECT: PURCHASING: COMPETITIVE BIDDING AND OFFERING (Cont'd.)

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, 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.

Preference for Alternative Formats for Instructional Materials

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

(Continued)

SUBJECT: PURCHASING: COMPETITIVE BIDDING AND OFFERING (Cont'd.)

The District will establish a plan to provide instructional materials in a usable alternative format for each student with a disability (including students requiring Section 504 Accommodation Plans) based upon the student's educational needs and course selections, and will be available at the same time as those instructional materials are available to non-disabled students.

The Plan will:

a) Specify that the District gives a preference in the purchase of instructional materials it has selected for its students to those vendors who agree to provide such instructional materials in alternative formats;

b) Specify when an electronic file is provided, how the format will be accessed by students and/or how the District will convert to an accessible format;

c) Specify the process to be used when ordering materials to identify the needs of students with disabilities residing in the District for alternative format materials;

d) Specify ordering timelines for providing alternative format materials at the same time as regular format materials are available; and

e) Include procedures so that when students with disabilities move into the District during the school year, the process to obtain needed materials in alternative formats for those students is initiated without delay.

Annual Review

Comments concerning the District's bidding and purchasing policies and procedures will be solicited from those District employees involved in the procurement process from time to time.

The Board of Education will annually review its bidding and purchasing policies and procedures. The School Business Official will be responsible for conducting an annual review of such policies and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

General Municipal Law Articles 5-A and 18
State Finance Law Sections 162, 163 and 163-b

Adopted: 06/27/07
Revised: 05/19/10
Revised: 02/16/11
Revised: 02/15/12
Revised: 02/13/13
Revised: 04/09/14
Revised: 03/22/23

SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS

The District will follow all applicable requirements in the Uniform Grant Guidance (2 CFR Part 200) whenever it procures goods or services using federal grant funds awarded through formula and/or discretionary grants, including funds awarded by the United States Department of Education as grants or funds awarded to a pass-through entity, such as the New York State Education Department, for subgrants.

Uniform Grant Guidance Requirements

Under the Uniform Grant Guidance, the District will, among other things:

a) Use its own documented procurement procedures which reflect applicable state, local and tribal laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in the Uniform Grant Guidance.

b) Establish and maintain effective internal controls that provide reasonable assurance that the District is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. Internal controls means a process, implemented by the District, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

   1. Effectiveness and efficiency of operations;

   2. Reliability of reporting for internal and external use; and

   3. Compliance with applicable laws and regulations.

c) Comply with federal statutes, regulations, and the terms and conditions of the federal awards.

d) Evaluate and monitor the District's compliance with statutes, regulations, and the terms and conditions of federal awards.

e) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.

f) Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the District considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

g) Maintain oversight to ensure contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(Continued)

SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS (Cont'd.)

h) Maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.

i) Have procurement procedures in place to avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase.

j) Award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to matters such as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

k) Maintain records that sufficiently detail the history of the procurement including, but not limited to:

1. Rationale for the method of procurement;
2. Selection of contract type;
3. Contractor selection or rejection; and
4. The basis for the contract price.

l) Use time and material contracts, only after a determination that no other contract is suitable and the contract includes a ceiling price that the contractor exceeds at its own risk.

m) Conduct all procurement transactions in a manner providing full and open competition consistent with the standards of the Uniform Grant Guidance.

n) Conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference.

o) Have written procedures for procurement to ensure that all solicitations:

1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured; and
2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids.

(Continued)

SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS (Cont'd.)

p) Ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition.

q) Use one of the following methods of procurement, which include:

1. Micro-purchases;

2. Small purchase procedures;

3. Sealed bids;

4. Competitive proposals; and

5. Noncompetitive proposals.

r) Have a written method for conducting technical evaluations of the proposals received and for selecting recipients.

s) Take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

t) Include in all contracts made by the District the applicable provisions contained in Appendix II of the Uniform Grant Guidance -- Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.

u) Perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications.

v) Negotiate profit as a separate element of the price for each contract in which there is not price competition and in all cases where an analysis is performed.

w) Comply with the non-procurement debarment and suspension standards which prohibit awarding contracts to parties listed on the government-wide exclusions in the System for Award Management (SAM).

2 CFR §§ 200.61, 200.303, 200.318, 200.319, 200.320, 200.321, 200.323, and 200.326
2 CFR Part 200, App. II

(Continued)

SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS (Cont'd.)

NOTE: Refer also to Policies #5410 -- Purchasing: Competitive Bidding and Offering
#5411 -- Procurement of Goods and Services
#5570 -- Financial Accountability
#5670 -- Records Management
#6110 -- Code of Ethics for Board Members and All District Personnel
#6161 -- Conference/Travel Expense Reimbursement

Adopted: 12/12/18

POLICY

2013 5510

Non-Instructional/Business Operations

SUBJECT: ACCOUNTING OF FUNDS

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

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

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

Online Banking

The Board has entered into a written agreement with designated banks and trust companies for online banking and electronic or wire transfers, which includes the implementation of a security procedure for all transactions. Online transactions must be authorized by the District's Business Official. The District Treasurer, with a separate established user name and password, will have the authority to process online banking transactions. The Business Office Clerk or Deputy Treasurer, with a separate established user name and password, will be responsible for online banking transactions in the event the District Treasurer is not available, or as a job responsibility delegated to him/her by the District Treasurer. A monthly report of all online banking activity will be reviewed by staff independent of the online banking process and reconciled with the bank statement. Online banking will only take place on secure District computers located inside the Treasurer's or Business Office.

Electronic Transactions and Wire Transfers

Procedures will be implemented specifying who is authorized to initiate, approve, transmit, record, review and reconcile electronic transactions. At least two (2) individuals will be involved in each transaction. Authorization and transmitting functions will be segregated and, whenever possible, the recording function will be delegated to a third individual.

The District will enter into written wire transfer security agreements for District bank accounts which will include established procedures for authenticating wire transfer orders.

All wire transfers must be authorized by the District Treasurer or his/her designee. Dual approval controls will be established for non-routine wire transfer orders.

The Internal Auditor will confirm that wire transfers have appropriate signatures, verification and authorization of proper personnel.

Education Law Section 2116-a
General Municipal Law Article 2 Section 5, 5-a, 5-b, 99-b
N.Y. UCC Section 4-A-201

Adopted: 06/27/07
Revised: 02/16/11
Revised: 01/09/13

POLICY

Non-Instructional/Business Operations

SUBJECT: RESERVE FUNDS

Reserve funds (essentially a legally authorized savings account designated for a specific purpose) are an important component in the District's financial planning for future projects, acquisitions and other lawful purposes. The District may establish and maintain reserve funds in accordance with New York State Laws, Commissioner's Regulations and the rules or opinions issued by the Office of the New York State Comptroller. The District will comply with the reporting requirements of Article 3 of the General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) issued GASB Statement Number 54, *Fund Balance Reporting and Governmental Fund Type Definitions.*

Any and all District reserve funds will be properly established and maintained to promote the goals of creating an open, transparent and accountable use of public funds. The District will authorize all payments or transfers into a reserve fund by express resolution. The District may engage independent experts and professionals, including but not limited to, auditors, accountants and other financial and legal counsel to monitor all reserve fund activity and prepare any and all reports that the Board may require.

Periodic Review and Annual Report

The Board will periodically review all reserve funds. The District will also prepare and submit an annual report of all reserve funds to the Board. The annual report shall include the following information for each reserve fund:

a) The type and description of the reserve fund;

b) The date the reserve fund was established and the amount of each sum paid into the fund;

c) The interest earned by the reserve fund;

d) Capital gains or losses resulting from the sale of investments of the reserve fund;

e) The total amount and date of each withdrawal from the reserve fund;

f) The total assets of the reserve fund showing cash balance and a schedule of investments; and

g) An analysis of the projected needs for the reserve fund in the upcoming fiscal year and a recommendation regarding funding those projected needs.

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

Education Law §3653

Adopted: 10/03/10
Revised: 04/27/11
Revised: 07/13/11
Revised: 02/25/15
Revised: 04/12/17

SUBJECT: MAINTENANCE OF FUND BALANCE

General Provisions

The Board of Education recognizes that the maintenance of a fund balance is essential to the financial integrity of the District insofar as it helps mitigate current and future risks and assists in ensuring stable tax rates. Consistent with this understanding, the Board adopts the following standards and practices.

Classification of Funds

The District will ensure that funds are classified consistent with Governmental Accounting Standards Board (GASB) Statement Number 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. Consequently, fund balance amounts will be categorized as non-spendable, restricted, committed, assigned, or unassigned.

Unassigned Fund Balance

Minimum Unassigned Fund Balance

In order to maintain financial stability and protect against cash flow shortfalls, the Board of Education will strive to maintain an unassigned fund balance of at least *2% of the current year's budgeted expenses. In the event such balance falls below the *2% floor, the District will seek to replenish deficiencies through reducing expenses and/or increasing revenue.

Maximum Unassigned Fund Balance

In order to support normal operating costs and provide fiscal stability for the District, the Board of Education will also strive to ensure that the unassigned fund balance does not exceed 4% of the current year's budgeted expenditures. If it is anticipated that such balance will exceed the 4% ceiling, the Board of Education will evaluate current commitments and assignments in order to determine the final distribution of fund balance in any fiscal year. The District will ensure unexpended surplus funds are used to reduce taxpayer liability in conformance with Real Property Tax Law Section 1318.

Fund Balance and Budget Development

The District's ability to maintain its unassigned fund balance within the limits articulated above is contingent upon the development of a reasonable budget. Consequently, the District will develop and adopt budgets that, to the extent possible, reflect the anticipated revenues and expenditures.

(Continued)

SUBJECT: MAINTENANCE OF FUND BALANCE (Cont'd.)

Likewise, the District will ensure that appropriate reserve funds are established and utilized, consistent with applicable law and District policy, to ensure the fund balance is sufficient to meet District needs.

Compliance

The District will adhere to the reporting requirements of Article 3 of the General Municipal Law of the State of New York, and the practices set forth in GASB Statement Number 54.

NOTE: Refer also to Policies #5110 -- Budget Planning and Development
#5511A -- Reserve Funds

Adopted: 02/25/15

POLICY

Non-Instructional/Business Operations

SUBJECT: RETURNED CHECK ITEM POLICY

A check returned from the bank for "**NOT SUFFICIENT FUNDS**"

a) A check returned:

1. Upon receipt of the returned check, the District Treasurer will notify the activity advisor/organization/individual:

   The activity advisor/organization/individual will make a phone call to the appropriate individual, letting him/her know that their check has been returned from their bank and that the check will be deposited for a second time. This is a courtesy call so that an additional charge from the bank to the individual may be avoided if possible.) If the activity advisor/organization/individual does not receive a response from the individual within five (5) business days, the check will be re-deposited without another phone call.

2. The District Treasurer will deposit the check a second time. (For record keeping purposes, a separate deposit slip will be made for the depositing of returned checks.)

b) A check returned for the second time:

1. The amount of the check will be deducted from the activity treasury and the advisor notified/and or other appropriate accounts/personnel.

2. The District Treasurer will telephone the maker of the check informing him/her that their check was returned to Naples Central School because of "Not Sufficient Funds", and that the check cannot be re-deposited. The Treasurer will tell the maker that the District is assessing an additional $20.00 service fee to the amount of the check. The maker will also be informed that they have ten (10) business days to make payment, in cash or money order only, to the District Treasurer.

   Additionally, the District Treasurer will send a certified letter informing the maker of the above with a copy of this District Policy.

c) If no response is received from the maker after an additional five (5) business days, the District Treasurer will inform the appropriate administrator. At that time, the administrator will contact the maker of the check by certified letter and inform him/her that if the District does not receive the appropriate funds either in cash or money order, legal action will be taken.

d) After an additional ten (10) business days, the check will be turned over to the Ontario County Sheriff's Department for legal processing.

(Continued)

SUBJECT: RETURNED CHECK ITEM POLICY (Cont'd.)

A check returned from the bank for "**ACCOUNT CLOSED**":

a) Upon notice from the bank, the District Treasurer will immediately notify the appropriate administrator who will telephone the maker of the check informing him/her that their check was returned to Naples Central School because of "Account Closed." The Administrator will tell the maker that the District is assessing an additional $20.00 service fee to the amount of the check. The maker will also be informed that they have ten (10) business days to make a payment, in cash or money order only, to the District Treasurer or legal action will be taken.

   Additionally, the District Treasurer will send a certified letter informing the maker of this District policy.

b) After an additional five (5) business days with no response, the check will be turned over to the Ontario County Sheriff's Department for legal Processing.

Adopted: 01/20/10

POLICY

2021 5520

Non-Instructional/Business Operations

SUBJECT: EXTRA-CLASSROOM ACTIVITIES FUNDS

Any organization within the District whose activities are conducted by students, and whose financial support is raised other than by taxation or through charges of the Board, is an extra-classroom activity (ECA). The moneys raised by these organizations are referred to as ECA funds. ECA fund management provides students with the opportunity to learn proper business practices and how to operate a successful business. Proper books will be kept and all moneys deposited in appropriate accounts as set up by the Board of Education. These accounts shall be subject to audit. The Board and designated District staff will protect and provide oversight of ECA funds. All ECAs will be approved by the Board.

The Board will appoint ECA Central Treasurers, and a chief faculty counselor. Each ECA will have a faculty advisor appointed by the Board of Education annually. Additionally, each ECA will have a student activity treasurer elected by the members of the ECA.

All ECA funds will be handled in accordance with the financial procedures set forth in The Safeguarding, Accounting, and Auditing of Extra-classroom Activity Funds, Revised 2019, published by the New York State Education Department. All moneys received from the conduct, operation, or maintenance of any ECA will be deposited with the ECA Central Treasurer. Money may be accepted online through a Merchant Processing Agreement in order to accept credit or debit card payments into the Extra-Curricular Bank Account. Two separate and independent sets of records of receipts and expenditures will be maintained, one by the ECA Central Treasurer and one by the ECA's student activity treasurer. The authority to expend moneys will be distinct and separate from the custody of these moneys.

ECAs are prohibited from using the District's New York State sales tax exemption. The ECA Central Treasurer is responsible for filing the periodic sales tax returns for ECA funds.

In conjunction with the annual audit of District records, the Independent Auditor will audit all ECA funds. This audit will include a statement of receipts, disbursements, and balances for each ECA, together with a reconciliation of cash.

If any funds are held in the extra-classroom activities fund for an organization for one (1) fiscal year without any activity, the advisor will be notified. If there is no activity for an additional six (6) months, the organization will be declared inactive. No funds will be held in any inactive account for more than eighteen (18) months. When an ECA becomes inactive or is discontinued, the ECA Central Treasurer is directed to expend the leftover ECA funds as voted by the organization controlling these funds. If this designation does not exist, then leftover funds of the inactive or discontinued ECAs and graduating class funds will be recommended to the Board of Education to be transferred to the Student Council.

8 New York Code of Rules and Regulations (NYCRR) Part 172
NYSED Finance Pamphlet: The Safeguarding, Accounting, and Auditing of Extra-Classroom Activity Funds, Revised 2019

Adopted: 06/27/07
Revised: 06/19/19
Revised: 10/06/21

POLICY

2007 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 in a secure location. Payments from petty cash funds may be made for materials, supplies or services only when payment is required upon delivery. At the time of reimbursement, an itemized statement of expenditures, together with substantiating receipts, shall be submitted. Such accounts shall be authorized by Board resolution at their annual meeting.

Appropriate regulations shall be developed for implementation of this policy.

Cash in School Buildings

Not more than one thousand dollars ($1,000), whether District or extraclassroom funds, shall be held in the vault in the Main Office of each District school building. Under no circumstances shall cash be left in classroom areas or desks. The District will not be responsible for funds left unprotected.

All funds, whether District or extraclassroom funds, shall be deposited prior to close of school each week. Only authorized personnel designated by the building administrator shall be allowed in the Main Office vault.

Education Law Sections 1604(26), 1709(29) and 2503(1)
8 New York Code of Rules and Regulations (NYCRR) Section 170.4

Adopted: 6/27/07

POLICY

2007 5540

Non-Instructional/Business Operations

SUBJECT: PUBLICATION OF THE DISTRICT'S ANNUAL FINANCIAL STATEMENT

In compliance with Education Law, as a Central School District, the Board of Education is required to publish a financial statement, including the items of expenditure in full, at least once a year, during either July or August.

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

Education Law Sections 1610, 1721, 2117, 2528 and 2577
8 New York Code of Rules and Regulations (NYCRR) Section 170.2

Adopted: 6/27/07

POLICY

2007 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:

e) Any expenditures for community services, capital outlay, and debt service;

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

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

Adopted: 6/27/07

POLICY

2018 5551

Non-Instructional/Business Operations

SUBJECT: ALLOCATION OF TITLE I, PART A FUNDS IN THE DISTRICT

Allocation of Funds

The District allocates the Title I, Part A funds it receives to District school buildings on the basis of the total number of students from low-income families in each eligible school attendance area or eligible school, as defined in law. Unless the District school building is participating in a school wide program, the District school building will only use Title I, Part A funds for programs that provide services to eligible children, as defined in law, identified as having the greatest need for special assistance.

The District will reserve from its allocation of Title I, Part A funds, such funds as are necessary to provide services comparable to those provided to students in District school buildings that receive Title I, Part A funds in order to serve:

a) Homeless children and youths, including educationally related support services to children in shelters and other locations where children may live;

b) Children in local institutions for neglected children; and

c) If appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs.

Funds Will Supplement Not Supplant

The District will ensure that Title I, Part A funds only supplement, not supplant, the funds that would, in the absence of such federal funds, be made available from state and local sources for the education of students participating in programs assisted by Title I, Part A funds.

Allocation Methodology

The District has developed an allocation methodology that is consistent with Title I guidelines.

20 USC §§ 6312-6315 and 6321

NOTE: Refer also to Policies # 5110 -- Budget Planning and Development
5550 -- Maintenance of Fiscal Effort (Title I Programs)
8260 -- Title I Parent and Family Engagement

Adopted: 10/17/18

POLICY

2007 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.

OMB Circular A-87 Cost Principles for State, Local and Indian Tribal Governments (revised May 10, 2004)
Compliance Supplement for Single Audit of State and Local Governments (revised June 27, 2003)
supplementing OMB Circular A133

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

Adopted: 6/27/07

SUBJECT: FINANCIAL ACCOUNTABILITY

The District has internal controls in place to ensure that:

a) The goals and objectives of the District are accomplished;

b) Laws, regulations, policies, and good business practices are complied with;

c) Audit recommendations are considered and implemented;

d) Operations are efficient and effective;

e) Assets are safeguarded; and

f) Accurate, timely and reliable data are maintained.

The District's governance and control environment will include the following:

a) The District's code of ethics addresses conflict of interest transactions with Board members and employees. Transactions that are less-than-arm's length are prohibited. Less-than-arm's length is a relationship between the District and employees or vendors who are related to District officials or Board members.

b) The Board requires corrective action for issues reported in the Certified Public Accountant's (CPA's) management letter, audit reports, the Single Audit, and consultant reports.

c) The Board has established the required policies and procedures concerning District operations.

d) The Board routinely receives and discusses the necessary fiscal reports including the:

1. Treasurer's cash reports,

2. Budget status reports,

3. Revenue status reports,

4. Monthly extra-classroom activity fund reports, and

5. Fund balance projections (usually starting in January).

e) The District has a long-term (three to five years) financial plan for both capital projects and operating expenses.

(Continued)

SUBJECT: FINANCIAL ACCOUNTABILITY (Cont'd.)

f) The District requires attendance at training programs for Board members, business officials, treasurers, claims auditors, and others to ensure they understand their duties and responsibilities and the data provided to them.

g) The Board of Education has an audit committee to assist in carrying out its fiscal oversight responsibilities.

h) The District's information systems are economical, efficient, current, and up-to-date.

i) All computer files are secured with passwords or other controls, backed up on a regular basis, and stored at an off-site location or in a secure fireproof location.

j) The District periodically verifies that its controls are working efficiently.

k) The District requires all staff to take leave time during which time another staff member performs the duties of the staff on leave. Staff may also schedule transactions and other responsibilities to occur electronically before taking leave.

Audit Response

Periodically, the District receives audit reports from the External (Independent) Auditor, and/or the Office of the New York State Comptroller. The Board will review all audit recommendations in consultation with the Audit Committee, and respond appropriately. Independent and Comptroller audit reports and the accompanying management letters will be made available for public inspection. The District will also timely post a copy of the annual external audit report or the comptroller's final audit report on its website for a period of five years. Notice of the availability of independent and Comptroller audit reports will be published in the District's official newspaper or one having general circulation in the District. If there is no newspaper, notice must be placed in ten (10) public places within the District.

New York Education Law § 2116-a(3-b)
General Municipal Law § 33(2)(e) and 35(1)(2)
8 NYCRR § 170.12

Adopted: 06/27/07
Revised: 02/13/13
Revised: 01/22/14
Revised: 04/12/17

POLICY

Non-Instructional/Business Operations

SUBJECT: ALLEGATIONS OF FRAUD

Reporting and Investigations of Allegations of Fraud

All Board of Education members and officers, Naples Central School District employees and third party consultants are required to abide by the District's policies, administrative regulations and procedures in the conduct of their duties. Further, all applicable federal and/or state laws and regulations must be adhered to in the course of District operations and practices. Any individual who has reason to believe that financial improprieties or wrongful conduct is occurring within the School System is to disclose such information according to the reporting procedures established by the District. The reporting procedures will follow the chain of command as established within the department or school building or as enumerated in the District's Organizational Chart. In the event that the allegations of financial improprieties/fraud and/or wrongful conduct concern the investigating official, the report shall be made to the next level of supervisory authority. If the chain of supervisory command is not sufficient to ensure impartial, independent investigation, allegations of financial improprieties/fraud and/or wrongful conduct will be reported as applicable, to the Internal Auditor (if available), or the Independent (External) Auditor, or the School Attorney, or the Board of Education. The District's prohibition of wrongful conduct, including fraud, will be publicized within the District as deemed appropriate; and written notification will be provided to all employees with fiscal accounting/oversight and/or financial duties including the handling of money.

Upon receipt of an allegation of financial improprieties/fraud and/or wrongful conduct, the Board of Education or designated employee(s) will conduct a thorough investigation of the charges. However, even in the absence of a report of suspected wrongful conduct, if the District has knowledge of, or reason to know of, any occurrence of financial improprieties/fraud and/or wrongful conduct, the District will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all reports will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. Written records of the allegation, and resulting investigation and outcome will be maintained in accordance with law.

Based upon the results of this investigation, if the District determines that a school official has engaged in financial improprieties/fraudulent and/or wrongful actions, appropriate disciplinary measures will be applied, up to and including termination of employment, in accordance with legal guidelines, District policy and regulation, and any applicable collective bargaining agreement. Third parties who are found to have engaged in financial improprieties/fraud and/or wrongful conduct will be subject to appropriate sanctions as warranted and in compliance with law. *The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted. Rather, when school officials receive a complaint or report of alleged financial improprieties/fraud and/or wrongful conduct that may be criminal in nature, law authorities should be immediately notified.*

(Continued)

SUBJECT: ALLEGATIONS OF FRAUD (Cont'd.)

An appeal procedure will also be provided, as applicable, to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable investigating officer(s).

Prohibition of Retaliation

The Board of Education prohibits any retaliatory behavior directed against those individuals who, in good faith, report allegations of suspected financial improprieties/fraud and/or wrongful conduct as well as witnesses and/or any other individuals who participate in the investigation of an allegation of financial impropriety/fraud and/or wrongful conduct. Follow-up inquiries shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the District.

Knowingly Makes False Accusations

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

Adopted: 6/27/07

POLICY

2007 5573

Non-Instructional/Business Operations

SUBJECT: INTERNAL AUDIT FUNCTION

No later than July 1, 2006 the District shall establish an internal audit function as enumerated in law to be in operation no later than December 21, 2006. Such function shall include:

a) Development of a risk assessment of District operations;

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

c) Preparation of reports, at least annually or more frequently as the Board may direct, which analyze significant risk assessment findings;

d) Recommendation of changes for strengthening controls and reducing identified risks and the specification of timeframes for implementation of such recommendations.

The District shall be permitted to utilize existing District personnel to fulfill the internal audit function, but such persons shall not have any responsibility for other business operations of the District while performing internal audit functions. Personnel or entities performing the internal audit function shall report directly to the Board.

Education Law Section 2116-c

Adopted: 6/27/07

SUBJECT: MEDICAID COMPLIANCE PROGRAM POLICY

The School District shall comply with New York State and federal laws and regulations related to the School District's participation as a provider of care, services or supplies under the Medicaid program.

The School District as a provider receiving or submitting Medicaid claims of at least $500,000 in any consecutive twelve-month period, has established and implemented a Medicaid Compliance Program designed to detect and prevent fraud, waste and abuse.

As required by the New York State Office of the Medicaid Inspector General (hereinafter referred to as the OMIG), the School District's Medicaid Compliance Program would be compromised of the following core elements:

a) Written policies and procedures that describe compliance expectations as embodied in a code of ethics applicable to all School District personnel, including Board members. Such compliance expectations or standards of conduct shall include provisions designed to: implement the operation of the Medicaid Compliance Programs; provide guidance to employees and others on dealing with potential compliance issues; identify how to communicate compliance issues to appropriate personnel; and describe how issues are investigated and resolved;

b) A designated employee who will be responsible for the day-to-day operation of the Medicaid Compliance Program. This employee's job duties may be exclusively related to Medicaid compliance issues or may be combined with other duties, provided that the Medicaid compliance portions of the employee's duties are satisfactorily fulfilled. The designated employee shall report directly to the School District Superintendent or the Superintendent's designee and shall also periodically report directly to the Board of Education on the School District's Medicaid Compliance Program activities;

c) Training and education of all affected School District employees and the other persons associated with the School District's Medicaid Compliance Program, including, but not limited to, members of the District's Board of Education. Such training shall occur periodically and shall be made a part of any required training or orientation for new employees, Board members, volunteers and/or others on dealing with the School District's Medicaid Compliance Program;

(Continued)

SUBJECT: MEDICAID COMPLIANCE PROGRAM POLICY (Cont'd.)

d) Communication lines and processes directed to the School District's designated employee who will be responsible for the day-to-day operation of the Medicaid Compliance Program. Such communication lines and processes shall be accessible to all School District employees, Board members, volunteers and others associated with the School District's Medicaid Compliance Program. The communication lines and processes are designed to allow employees to report compliance issues, including the anonymous and confidential good faith reporting of any practice or procedure related to Medicaid reimbursement of school or preschool supportive health services, that an employee believes is inappropriate;

e) Disciplinary procedures that encourage good faith and fair dealing in the School District's Medicaid Compliance Program by all affected individuals. Such disciplinary procedures shall include procedures that articulate expectations for reporting and assisting with the resolution of compliance issues and also provide sanctions for the failure to report suspected problems and participating (either actively or passively) in non-compliant behavior;

f) A system for the routine identification of Medicaid compliance risk areas in the School District's Medicaid Compliance Program. Self-evaluation of such risk areas may be accomplished by, but not necessarily limited to, internal audits and external audits, as appropriate;

g) A system for responding to, investigating, correcting and reporting compliance issues as they are raised, including the development of procedures and systems to reduce the potential for recurrence, identifying and reporting compliance issues to the OMIG and refunding overpayments;

h) A policy of non-intimidation and non-retaliation against any person for the good faith participation in any aspect of the administration of the School District's Medicaid Compliance Program including, but not limited to, the reporting of potential issues, assisting as a witness with any investigation, evaluation, audit, remedial actions or reporting to appropriate officials as provided in Sections 740 and 741 of the New York State Labor Law.

Retention of Medicaid Records

On March 10, 2010, the State Education Department, Special Aids and Medicaid Unit, notified districts of a Settlement and Compliance Agreement between New York State and the federal agencies. This agreement states that the January 2002 record retention directive is no longer in effect and districts may return to the normal retention policy.

The following records require a minimum six (6) year retention period from the date services were paid:

(Continued)

SUBJECT: MEDICAID COMPLIANCE PROGRAM POLICY (Cont'd.)

a) All documents relating in any manner to Medicaid reimbursement for services;

b) All documents relating in any manner to referrals, prescriptions or orders for these services;

c) All documents relating in any manner to the provision of these services including, but not limited to, the following:

1. The dates that services were provided;

2. The identification and qualifications of the professional who provided the services or under whose direction the services were provided;

3. Progress and other notes, memoranda, correspondence, reports and other documents relating to services rendered; and

4. All individualized Education Programs (IEPs) for Medicaid eligible students.

Questions related to the SSHSP or PSHSP retention policy should be directed to the STAC, Special Aids and Medicaid Unit within the New York State Education Department

Social Services Law Section 363-d
18 NYCRR Part 521

NOTE: Refer also to: Policy # 5570 – Financial Accountability
Policy # 5571 – Allegations of Fraud
Policy # 5573 – Internal Audit Function
Policy # 6110 – Code of Ethics for Board Members and all District Personnel
District Medicaid Compliance Program

Adopted: 02/03/2010
Revised: 02/16/2011

SUBJECT: CONTRACTS FOR INSTRUCTION

On July 29, 2009, the State Education Department (SED) issued a memorandum on contracts for instruction that stated districts cannot contract with private entities to deliver "core educational programming/instructional services" to students. Subsequently, on June 2, 2010, SED issued a new question and answer guidance document for school districts to use as a resource for planning for the school year.

Core Instructional Services

Generally, core instructional services comprise those instructional programs which are part of the regular curriculum of the School District and to which students are entitled as part of a free public education. This would include both general and special education programs and related services which school districts are required by law to provide as part of a program of public education and for which a certification area exists and to which tenure rights apply pursuant to Education Law and/or Commissioner's Regulations.

Therefore, core instructional services include those in which students are provided classroom instruction to meet State learning standards in the seven general curriculum areas: English language arts; mathematics, science and technology; social studies; languages other than English; the arts; health, physical education and family and consumer sciences; and career development and occupational studies. Instruction in courses for which credit is awarded toward a high school diploma would also constitute "core instructional services." Core instruction includes special classes for students with disabilities.

Core instruction does not include other supplemental instructional services, such as tutoring and enrichment programs that are not offered for high school credit; advanced courses such as college courses that are beyond the regular high school curriculum; and services, such as online instructional services and distance learning, that assist teachers in providing instruction in their classrooms.

Contracts with a Non-Profit or Other Entity

The District may contract with a non-profit or other entity to provide distance or online learning provided that the distance or online learning program is used as a supplementary or additional resource to assist the District's certified teachers in delivering instruction. In these situations, the distance or online program itself would not constitute "core instruction" as described above.

The School District may contract with certain entities where specifically authorized by statute or regulation, or where contracting is necessary to carry out duties imposed on the School District by State or federal law.

(Continued)

SUBJECT: CONTRACTS FOR INSTRUCTION (Cont'd.)

Contracts for the Provision of Special Education "Related Services" for which a Certification Area Exists and to which Tenure Rights Apply Pursuant to Education Law and/or Commissioner's Regulations

The District may contract for the provision of special education "related services" for which a certification area exists and to which a tenure are applies but only in limited circumstances and with qualified individuals over whom the District has supervisory control.

Pursuant to the federal Individuals with Disabilities Education Act (IDEA), the School District is required to provide students with disabilities with a free appropriate public education (FAPE). The Board of Education must provide related services as part of the continuum of special services and programs available to students with disabilities to enable such students to benefit from instruction. Related services include: audiology, counseling including rehabilitation counseling services, occupational therapy, physical therapy, speech pathology, certain medical services, psychological services, school health services, school nurse services, school social work, assistive technology services, interpreting services, orientation and mobility services, parent counseling and training and other appropriate developmental, corrective or other support services and appropriate access to recreation.

However, the District also has obligations under the IDEA and Article 89 of the Education Law to deliver the services necessary to ensure that students with disabilities receive FAPE. SED recognizes that there will be situations in which school districts will not be able to deliver FAPE to students with disabilities without contracting with independent contractors. Where a School District is unable to provide the related services on a student's individualized education program (IEP) in a timely manner through its employees because of shortages of qualified staff or the need to deliver a related service that requires specialized expertise not available from School District employees, the Board of Education has authority under Education Law to enter into contracts with qualified individuals as employees or independent contractors to provide those related services. Commissioner's Regulations requires that related services be provided by individuals with appropriate certification or license in each area of related service.

In order to ensure that such arrangements are not used to circumvent New York State's teacher tenure laws, the District must document that it would retain supervisory control over the individual and that, despite reasonable efforts, it has been unable to provide such services by hiring new employees or utilizing existing employees, or through any of the contractual arrangements authorized by Education Law, including contracts with other school districts, BOCES, approved state or state-supported schools, and approved private residential and nonresidential schools both inside and outside New York State.

(Continued)

SUBJECT: CONTRACTS FOR INSTRUCTION (Cont'd.)

Finally, if the District, after exhausting the steps outlined above, finds it necessary to contract with individuals, it should do so only for a period of one school year at a time. Before any such contract can be extended, or a new contract entered, the District must again take reasonable efforts to provide such services as described above.

Other Contracts for Instruction

This policy is not intended to be an exhaustive analysis, nor is it intended to cover every possible situation and/or educational program in which contracts may be contemplated.

The District will review all contractual or informal arrangements with its school attorney(s) to ensure that it is in compliance with applicable law and/or regulations.

20 United States Code (USC) Section 1401(26)
Education Law Sections 1604(30), 1709(33), 1804(1), 1805, 1903(1), 2503(1), 2503(3), 2554(1), 2554(15)(a), 4401(2), 4401(2)(k), and 4402(2)(b)
8 New York Code of Rules and Regulations (NYCRR) Sections 100.1, 100.2, 100.3, 100.4, 100.5, 200.1(qq), and 200.6(b)(3)

Adopted: 07/13/11

POLICY

2007 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 vehicles.

The Board may also purchase liability insurance to pay damages assessed against Board members and District employees acting in the discharge of their respective duties, within the scope of their employment and/or under the direction of the Board.

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

Education Law Sections 1709(8), 1709(26), 1709(34-b), 2503(10), 2503(10-a), 2503(10-b), 3023, 3028 and 3811
General Municipal Law Sections 6-n and 52
Public Officers Law Section 18

Adopted: 6/27/07

SUBJECT: INVENTORIES

The Superintendent or his/her designee will maintain a continuous and accurate inventory of fixed assets owned by the District in accordance with applicable rules, standards, procedures, and best practices. Fixed assets are, generally, long-term, tangible resources intended to be continuously held or used, and may include land, buildings, improvements, machinery, and equipment.

All fixed assets purchased and received by the District will be checked, logged, and stored through an established procedure.

The School Business Official will account for assets on an annual basis according to applicable rules, standards, procedures, and best practices. These accounts will serve to:

a) Maintain an inventory of assets;

b) Establish accountability;

c) Determine replacement costs; and

d) Determine and provide appropriate insurance coverage.

The Board will establish a dollar threshold as a basis for considering which fixed assets are to be depreciated. This threshold will ensure that at least 80% of the value of these assets is reported. The threshold will not be greater than $5,000. Standard methods and averaging conventions will be used in assessing, capitalizing, and depreciating fixed assets.

Fixed assets will be recorded at initial cost or, if not available, at estimated initial cost; gifts of fixed assets will be recorded at estimated fair value at the time of the gift. A property record will be maintained for each fixed asset and will contain, where possible, the following information:

a) Date of acquisition;

b) Description;

c) Serial or other identification number;

d) Any funding source and percentage contributed by the source;

e) Vendor;

f) Cost or value;

g) Location and use;

(Continued)

SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING,-AND TRACKING (Cont'd.)

h) Asset type;

i) Condition and estimated useful life;

j) Replacement cost;

k) Current value;

l) Salvage value;

m) Sale price and date and method of disposition; and

n) Responsible official.

All fixed assets will be labeled. Any discrepancies between an inventory and the District's property records should be traced, explained, and documented.

Management of Assets Acquired Under a Federal Government Grant or Subgrant

Inventories will be maintained for assets acquired with funds obtained through federal grant programs. A separate inventory will be maintained for each program. Each inventory will record assets in the same manner as the District's fixed asset inventory. Assets will be labeled to specify the source of funds used to purchase the item. All Title I assets will include "Title I" on the label. These inventories will track assets for at least five years from the date of receipt.

When original or replacement assets acquired under a federal grant or subgrant are no longer needed for the original project or for other activities currently or previously supported by a federal agency, the District will dispose of the assets as follows:

a) Assets with a current per-unit fair market value of less than $5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.

b) Assets with a current per-unit fair market value of greater than $5,000 may be retained or sold and the awarding agency will have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the assets.

c) No federal approval is necessary to dispose of an asset costing over $5,000 but approval from the New York State Education Department (SED) is necessary. Once SED has determined that it has no other need for the use of the asset, the District may proceed with selling it.

(Continued)

SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING, AND TRACKING (Cont'd.)

School District will comply with the U.S. Department of Education regulations governing the use, management, and disposition of all equipment acquired through a federal government grant.

Equipment Purchased with Extra classroom Funds

Title to all equipment acquired with extra classroom activity funds will reside with the District and be carried as an insurable asset on its list of insurable values. This equipment will be tagged as District property but is available for exclusive use by the extra classroom activity club acquiring it.

34 CFR Parts 74-99, 200
SED Finance Pamphlet, The Safeguarding, Accounting, and Auditing of Extra classroom Activity Funds, 2015
Uniform System of Accounts for School Districts (Fiscal Section)

Adopted: 06/27/07
Revised: 12/02/15

SUBJECT: ACCOUNTING OF FIXED ASSETS

The Business Administrator shall be responsible for accounting for general fixed assets according to the procedures outlined by the Uniform System of Accounts for School Districts and GASB Statement 34 Regulations.

These accounts will serve to:

a) Maintain a physical inventory of assets;

b) Establish accountability;

c) Determine replacement costs; and

d) Provide appropriate insurance coverage.

Fixed assets with a minimum value established by the Board that have a useful life of one (1) year or more and physical characteristics not appreciably affected by use or consumption shall be inventoried and recorded on an annual basis. Fixed assets shall include land, buildings, equipment and materials.

A threshold of five thousand dollars ($5,000) will be established for considering which fixed assets are to be depreciated. Such threshold shall ensure that at least 80 percent of the value of all assets is reported. Assets will be depreciated using the straight-line method.

Fixed assets acquired having a value equal to or greater than the established threshold are considered depreciable assets and shall be inventoried for the purposes of GASB 34 accounting practices and placed on a depreciation schedule according to its asset class and estimated useful life as stipulated by the NY State Comptroller's Office or the IRS.

Assets shall be recorded at initial cost or, if not available, at estimated initial cost; gifts of fixed assets shall be recorded at estimated fair value at the time of the gift. A property record will be maintained for each asset and will contain, where possible, the following information:

a) Date of acquisition;

b) Description;

c) Cost or value;

d) Location;

(Continued)

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

e) Asset type;

f) Estimated useful life;

g) Replacement cost;

h) Current value;

i) Salvage value;

j) Date and method of disposition; and

k) Responsible official.

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

Adopted: 6/27/07
Revised: 6/30/10

SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE

Operation and Maintenance

The Board, through the Superintendent and his/her staff, has the responsibility of protecting the District's facilities through a systematic maintenance program. The program will include periodic preventive maintenance activities, long-range maintenance schedules and emergency repair procedures. The District will make reasonable attempts to ensure that all maintenance work will be carried out in the least intrusive manner.

Construction and Remodeling of School Facilities

The District will ensure all capital projects and maintenance comply with the requirements of the New York State Uniform Fire Prevention and Building Code, the Manual of Planning standards and the Commissioner's regulations. Relevant documentation regarding all new buildings must be formally submitted to the State Education Department no matter the size or cost. The SED Office of Facilities Planning has provided an Instructional Guide on its official website.

Plans and specifications for the erection, enlargement, repair or remodeling of facilities of the District will be submitted to the Commissioner consistent with applicable law.

Plans and specifications submitted to the Commissioner will 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 must also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

For remodeling or construction projects the District shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code and Commissioner's Regulations. The District will also retain the services of an architect or engineer licensed to practice in New York State as required by law or regulation, or as necessary given the scope and cost of the project.

Carbon Monoxide Detection Requirements

All new and existing District buildings that have appliances, devices, or systems that may emit carbon monoxide, and all attached garages, must have a means to detect carbon monoxide. Buildings include school buildings, administrative buildings, bus maintenance facilities, concession stands, and field houses. Carbon monoxide may be produced by fuel-fired heating systems (boilers, HVAC units, and makeup air units), emergency or standby electric generation within a building, fuel-fired kitchen equipment (ranges, ovens, steamers, dishwashers, and makeup air units serving hoods), fuel-fired domestic hot water heaters, laboratory/shop equipment (gas outlets, torches, gas-fired kilns, and stationary or portable engines), maintenance and storage areas with fuel-fired equipment, and in garages.

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)

The District may use a self-contained carbon monoxide alarm, a carbon monoxide detection system, or both. The District will comply with all laws and regulations regarding alarms or detectors, including where they must be located, their power sources, and labeling requirements. The District should develop written standard operating procedures to follow when a carbon monoxide detector is activated.

Inspections

The District is mindful of the health and safety of its students, staff, and visitors and, as such, the District administration will cooperate with appropriate officials conducting health, fire, asbestos, bus, and boiler inspections. In addition, the administration will keep the Board informed of the results of these inspections in a timely fashion.

In accordance with the Asbestos Hazard Emergency Response Act (AHERA), the District will inform all employees and building occupants (or their legal guardians) at least once each school year about all asbestos inspections, response actions, post-response action activities, as well as triennial re-inspection activities and surveillance activities that are either planned or in progress. The District will provide yearly notification to parent, teacher, and employee organizations on the availability of the District's asbestos management plan and any asbestos-related actions taken or planned in the school.

The District will test potable water for lead contamination from all outlets as required by law. If an outlet exceeds the action level for lead content, the District will prohibit use of the outlet for drinking and cooking purposes, and it will remediate the outlet before allowing these uses. The District will make all required notifications and issue all mandated reports to the public, local health department, or the SED. For ten years following creation, the District will retain all records of test results, lead remediation plans, lead-free building determinations, and waiver requests. The District may seek a waiver from testing requirements from the local health department by demonstrating prior substantial compliance with testing requirements.

To help protect staff, students, and visitors from contracting Legionnaires' disease from Legionella bacteria, the District will register any cooling towers it owns with NYSED, providing the information in any form that the Department requires. The District will also adhere to the inspection, annual certification, and maintenance program and planning requirements mandated by NYSED. Further, the District will maintain records regarding all inspection results, corrective action, cleaning and disinfection, tests, and certifications for at least three years. The District will keep a copy of its required maintenance program and plan on the premises where the cooling tower is located.

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)

Comprehensive Public School Building Safety Program (Rescue)

To ensure that all school facilities are properly maintained and preserved and provide suitable educational settings, the Board requires that all occupied school facilities which are owned, operated or leased by the District comply with the provisions of the Comprehensive Public School Building Safety Program, the Uniform Code of Public School Building Inspections, and the Safety Rating and Monitoring as prescribed in Commissioner's Regulations. For this reason, the District will develop a Comprehensive Public School Building Safety Program in accordance with Commissioner's Regulations.

The program will be reevaluated and made current at least annually, and shall include, at a minimum, the following:

a) A five (5) year capital facilities plan which will include an appraisal of the following: the educational philosophy of the District, with resulting administrative organization and program requirements; present and projected student enrollments; space use and State-rated student capacity of existing facilities; the allocation of instructional space to meet the current and future education program and service needs, and to serve students with disabilities in settings with nondisabled peers; priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and the provision of additional facilities.

b) A District-wide building inventory, which will include information pertaining to each building including, but not limited to:

1. Type of building, age of building, size of building;
2. Rated capacity, current enrollment;
3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and
4. Summary of triennial Asbestos Inspection reports.

c) A building condition survey will be conducted for all occupied school buildings once every five (5) years by a team that includes at least one (1) licensed architect or engineer.

d) A District-wide monitoring system which includes:

1. Establishing a Health and Safety Committee;
2. Development of detailed plans and a review process of all inspections;
3. Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the District's Health and Safety Committee for oversight, and a copy kept on permanent file.

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)

e) Procedures to ensure the safety of the building occupants while a construction/renovation project is taking place. These procedures will include:

1. Notification to parents, staff and the community at least two (2) months in advance of a construction project of ten thousand dollars ($10,000) or more to be conducted in a school building while the building is occupied; provided, however, that in the case of emergency construction projects, notice will be provided as far in advance of the start of construction as is practicable;

2. A plan to ensure that all contractors comply with all health and safety issues and regulations, and wear photo identification badges;

3. An opportunity for the District's Health and Safety Committee to conduct a walk-through inspection of newly renovated or constructed areas to confirm that the area is ready to be reopened for use; and

4. An emergency plan which will address potential concerns with the capital project including, but not limited to, evacuation procedures, fire drills, and structural failures.

Asbestos Inspection: 40 Code of Federal Regulations (CFR) Part 763, Subpart E
15 USC Sections § 2641-2656
Carbon Monoxide Detection: 19 NYCRR § 1228.4
Fire Inspection: Education Law Section § 807-a
8 New York Code of Rules and Regulations (NYCRR) Section § 155.4
Health and Safety Committee: 8 New York Code of Rules and Regulations (NYCRR) Section § 155.4(d)(1)
Legionella Protection: 10 NYCRR § 4.1, *et seq.*
Plans and Specifications: Education Law Sections § 408, 408-a and 409
8 New York Code of Rules and Regulations (NYCRR) Sections § 155.1 and 155.2
19 New York Code of Rules and Regulations (NYCRR) Sections § 1221-1240
Structural Safety Inspections: Education Law Sections § 409-d, 409-e, 3602 and 3641(4)
8 New York Code of Rules and Regulations (NYCRR) Sections § 155.1, 155.3, 155.4(b)(1)

Adopted: 06/27/07
Revised: 05/02/12
Revised: 11/04/15
Revised: 08/18/16
Revised: 12/07/16

POLICY

2007 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 adopt rules to ensure District implementation of applicable Federal and State laws pertaining to the identification, transportation, treatment, storage, and disposal of hazardous wastes.

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

Adopted: 6/27/07

SUBJECT: PEST MANAGEMENT AND PESTICIDE USE

The Board of Education is committed to maintaining the integrity of school buildings and grounds while protecting the health and safety of students and staff and maintaining a productive learning environment.

Structural and landscape pests can pose significant problems for people and property. Weeds and infestations can destroy playing fields and playgrounds and more importantly, cause severe allergic reactions. Pesticides can pose risks to people, property, and the environment. It is therefore the policy of the School District to incorporate Integrated Pest Management (IPM) procedures for control of weeds, structural and landscape pests. The objective of this program is to provide necessary pest control while using the least toxic approach to all pests, weeds and infestations.

Pest/Pesticide Management Plan

The District will manage weeds and pests to:

a) Reduce any potential human health hazard or threat to public safety.

b) Prevent loss or damage to school structures or property.

c) Prevent pests from spreading into the community, or to plant and animal populations beyond the site.

d) Enhance the quality of life for students, staff, and others.

Integrated Pest Management (IPM) Coordinator

An IPM Coordinator will be appointed by the Superintendent of schools. The Coordinator will be responsible for implementing the IPM policy and plan. The coordinator's responsibilities will include the following:

a) Recording all pest sightings by school staff and students.

b) Recording all pesticide use and utilizing the least toxic approach.

c) Meeting with a local pest control expert, such as a pesticide contractor to share information on what pest problems are present in the school.

d) Assuring that all of the expert's recommendations on maintenance and sanitation are carried out where feasible.

(Continued)

SUBJECT: PEST MANAGEMENT AND PESTICIDE USE (Cont'd.)

e) Assuring that pesticide use is done when school is not in session or when the area can be completely secured against access by school staff and students for a standard seventy-two (72) hours, or as required by the pesticide being used.

f) Evaluating the school's progress in the IPM plan.

g) Notifying parents, staff and neighbors of any applications of pesticides forty-eight (48) hours before they occur. The IPM Coordinator will serve as the District's Pesticide Representative.

Pesticide Use on Common Areas

Pesticides will not be used on playgrounds, turf, athletic or playing fields, in effect, all lawn areas of the school. In these common areas where children gather and play, pesticide alternatives will be used whenever possible and effective. The prohibition doe not apply to indoor use or the application to building structures.

An exception may be made for emergency applications of pesticide only when approved in advance by the School Board. The Board may consult with the local Health Department on public health related emergency determinations. They may also consult with the Department of Environmental Conservation (DEC) for environmental emergency determinations. Emergency determinations should only be sought for one-time pesticide application in a specific situation, which presents a true emergency. The guidance document from DEC provides clarification on emergency determinations. It can be found at:

http://www.dec.ny.gov/docs/materials_minerals_pdf/guidancech85.pdf

Some types of pesticides and alternatives, those deemed safe in federal regulation, may be allowable on playing fields and playgrounds in certain circumstances. The District will develop regulations governing the use of pesticides and their alternatives on school grounds.

Fertilizer Use

New requirements and restrictions regarding the use of phosphorus fertilizers on school grounds have been developed. Chapter 205 of the Laws of 2010 dictates the requirements which must be adhered to regarding grounds maintenance starting on January 1, 2012.

a) Fertilizer use is prohibited between December 1 and April 1 annually.

b) The use of fertilizers is prohibited within twenty (20) feet of any surface water except:

(Continued)

SUBJECT: PEST MANAGEMENT AND PESTICIDE USE (Cont'd.)

1. Where a continuous natural vegetation buffer, at least ten (10) feet wide, separates lawn and water.

2. Where a spreader guard, deflector shield or drop spreader is used, then the application may not occur within three feet of any surface water.

c) The use of phosphorus fertilizers are prohibited on lawns or other non-agricultural turf with the following exceptions:

1. The use of phosphorus fertilizers are needed to establish a new lawn; or

2. A soil test shows that phosphorus fertilizers are needed for growth.

d) Fertilizer cannot be used on any impervious surfaces and if such an application occurs, it must be cleaned immediately and legally applied or placed in an appropriate container.

Notification

The District's IPM Coordinator or designated Pesticide Representative will give prior written notice of all pesticide applications to anyone who has asked to receive such notice. The District will also notify parents, students and staff of periodic pesticide applications. The District will maintain a list of those people who wish to receive forty-eight (48) hour notice before pesticide applications and will ensure that a system is developed to deliver such notice in a timely fashion to all affected. The notification system may be by mail or email, and will ensure that a back-up method is available to notify those for whom the regular system is unworkable. The name and contact information for the District Pesticide Representative will be made available to all requesting it.

Sample forms for forty-eight (48) hour prior notification can be obtained at:

http://www.emsc.nysed.gov/facplan/documents/PesticideNeighborNotificationGuidelinefor Schools_091001.pdf

The District must also provide additional written notification to all parents and staff three (3) times per year to inform them of any pesticide applications that have occurred: within ten (10) days of the end of the school year, within two (2) school days of the end of winter recess and within two (2) days of the end of spring recess.

Recordkeeping

Records of pesticide use will be maintained on site for three (3) years. Records will be completed on the day of pesticide use. In addition, pest surveillance records will be maintained to help verify the need for pesticide treatments. Annual reports of any applications must be sent to DEC.

(Continued)

SUBJECT: PEST MANAGEMENT AND PESTICIDE USE (Cont'd.)

Education Law Sections 409-k, 409-h
Environmental Conservation Law Sections 17-2103, 33-0303
40 Code of Federal Regulations (CFR) Part 152.25
7 United States Code Section 136(mm), 136q(h)(2) (FIFRA)
NYCRR Part 155.4(d)(2)

Adopted: 11/03/10
Amended: 07/13/11

POLICY

2021 5633

Non-Instructional/Business Operations

SUBJECT: GENDER NEUTRAL SINGLE-OCCUPANCY BATHROOMS

The District is committed to creating and maintaining an inclusive educational and work-environment. The District will ensure that all single-occupancy bathroom facilities are designated as gender neutral for use by no more than one occupant at a time or for family or assisted use.

"Single-occupancy bathroom" means a bathroom intended for use by no more than one occupant at a time or for family or assisted use and which has a door for entry into and egress from the bathroom that may be locked by the occupant to ensure privacy and security.

All gender neutral bathroom facilities will be clearly designated by the posting of signage either on or near the entry door of each facility.

Education Law § 409-m
Public Buildings Law § 145

NOTE: Refer also to Policy #7552 -- Student Gender Identity

Adopted: 09/08/2021

SUBJECT: SMOKING, TOBACCO, AND CANNABIS (MARIJUANA) USE

The following actions are prohibited on school grounds and at school functions: smoking; vaping; using tobacco products; and/or using or ingesting any form of cannabis.

Smoking and vaping are prohibited within 100 feet of the entrances, exits, or outdoor areas of any of the District's schools. However, this prohibition does not apply to smoking or vaping in a residence, or within the real property boundary lines of residential real property.

Exceptions may exist for authorized medical cannabis use.

Definitions

For purposes of this policy, the following definitions apply:

a) "Electronic cigarette" (or "e-cigarette") means an electronic device delivering vapor inhaled by an individual user, and includes any refill, cartridge, and any other component of such a device.

b) "School function" means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

c) "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 vehicles used to transport children or school personnel.

d) "Smoking" means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance containing tobacco, cannabis, or cannabinoid hemp.

e) "Tobacco products" means cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water, or any other tobacco products.

f) "Vaping" means the use of an electronic cigarette.

Notification

The District will prominently post signs prohibiting smoking and vaping on school grounds in accordance with applicable law. Appropriate District officials will inform individuals smoking or vaping in a non-smoking area that they are in violation of law and/or District policy.

(Continued)

SUBJECT: SMOKING, TOBACCO, AND CANNABIS (MARIJUANA) USE (Cont'd.)

The District will communicate this policy to staff, students, parents/guardians, volunteers, visitors, contractors, and outside groups through means such as the District's *Code of Conduct*, student handbooks, newsletters, announcements, facilities use forms/agreements, and/or the prominent display of this policy in appropriate locations.

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 any vehicles used to transport students or school personnel;

c) At school functions;

d) In school publications;

e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District's *Code of Conduct* and applicable collective bargaining agreements.

This prohibition of tobacco promotional items will be enforced in accordance with the District's *Code of Conduct* and applicable collective bargaining agreements.

The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

20 USC §§ 6081-6084 and 7971-7974
41 USC §8101 et seq.
Education Law §§ 409
Penal Law §222.10
Public Health Law §§ 1399-n, 1399-o, 1399-p, and 1399-aa
8 NYCRR §§ 155.5 and 156.3

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials and Equipment
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
#8240 -- Instruction in Certain Subjects
District Code of Conduct

Adopted: 06/27/07
Revised: 12/12/12
Revised: 03/20/13
Reviewed: 10/16/13
Revised: 01/31/18
Revised: 09/08/21

POLICY

Non-Instructional/Business Operations

SUBJECT: ENERGY/WATER CONSERVATION

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

The District is committed to an energy conservation program that addresses not only capital-related projects but ongoing, day-to-day energy related issues as well. All staff are urged to participate actively in a program of energy conservation by assisting in the efforts to eliminate the wasteful use of energy in the operation of the District's buildings. Cooperation will be required of each employee and each student to achieve a meaningful conservation program that results in a more efficient use of energy resources. Involvement of staff and students is essential to a successful program of energy conservation.

Energy Manager

The Director of Facilities and Operations is designated as the Energy Manager of the District and he/she shall report directly to the Board of Education and the Superintendent, or their designee, on matters pertaining to energy conservation. Progress reports on the implementation of energy conservation measures will be made to the Board at least annually.

Minimum Indoor Air Temperature

The District will comply with the Property Maintenance Code of New York State, part of the New York State Uniform Fire Prevention and Building Code, which requires that indoor occupiable work spaces be maintained at a minimum temperature of sixty-five (65) degrees from September 14 to May 31 during the period the spaces are occupied. There are exceptions for areas of vigorous physical activities such as gymnasiums as well as processing spaces such as coolers or freezers. However, by law, code or regulation there is no maximum temperature specified. Ventilation requirements only require fresh air, not cool air-conditioning.

Long-Range Consideration

The energy conservation program is an important factor to be considered in planning effective use of school facilities, new construction, remodeling or rehabilitation programs, and modernization projects.

Environmental Conservation Law Sections 27-2101-27-2115
General Municipal Law Section 120-aa
19 New York State Code of Rules & Regulations (NYCRR) Sections 1221-1228 & Section 1240
Energy Conservation Code of New York State 2007

Adopted: 06/27/2007
Amended: 06/30/2010

(Continued)

SUBJECT: ENERGY/WATER CONSERVATION (Cont'd.)

Energy Conservation and Procurement Operations
Naples Central School District

The Director of Facilities is responsible to monitor energy usage on a regular basis and to explore and implement energy efficient measures in a cost-effective manner. This includes strategies for the procurement of energy.

The Naples Central School staff is expected to conserve in the day-to-day operations of the District. This includes but is not limited to:

- Turning off lights in unoccupied spaces or reducing the amount of light to use only what is needed depending upon occupancy or natural light available.
- Shutting down all electronics, appliances, and computer monitors when not in use.
- Removing all personal appliances (not needed for instruction or official break rooms) including but not limited to coffee pots, microwaves, refrigerators, etc.

The Director of Facilities is responsible to assist with energy conservation by:

- Monitoring the monthly usage of energy via the utility bills.
- Ensuring furnaces or boilers, and hot water heaters have been inspected and are maintained.
- Ensuring thermostats are set between 68-72 degrees depending on use and local situations.
- Ensuring exterior doors or windows are shut when heating or air conditioning units are in operation except where needed for fresh air requirements per building code.
- Make recommendations for energy savings or conservation.

Adopted: 06/27/2007
Amended: 06/30/2010

SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)

School Food Service Program (Lunch and Breakfast)

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 Reviewing Official and Verification Official or the Office of Temporary and Disability Assistance of the Department of Social Services. Appeals regarding eligibility should be submitted to the Hearing Official of the District.

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

School officials must also determine eligibility for free/reduced meals and milk by using the Direct Certification Matching Process, a dataset supplied by the Office of Temporary and Disability Assistance, and made available by the State Education Department. Any student receiving federal assistance through Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance to Needy Families (TANF) is automatically eligible for free meals and milk. There is no need for families to complete further applications. School Districts shall notify parents or guardians of such eligibility, giving them the opportunity to decline free meals and milk if they so choose.

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.

Meal Charge and Prohibition Against Meal Shaming

I. Purpose

The intent of this policy is to establish procedures to address unpaid meal charges throughout the **Naples Central School District** in a way that does not stigmatize, distress or embarrass students. The provisions of this policy pertain to regular priced reimbursable school breakfast, lunch and snack meals only. The Naples Central School District provides this policy as a courtesy to those students in the event that they forget or lose their money. Charging of items outside of the reimbursable meals (a la carte items, adult meals, etc.) is expressly prohibited. The District may attempt to collect unpaid school meal fees from a student's parent or guardian, but shall not use a debt collector, as defined in Section 803 of the Federal Consumer Credit Protection Act, 5 U.S.C. Sec. 1692a or file a lawsuit against such student's parent or guardian.

(Continued)

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

II. Policy

Free Meal Benefit - Free eligible students will be allowed to receive a free breakfast and lunch meal of their choice each day. A la carte items or other similar items must be paid/prepaid.

Reduced Meal Benefit - Reduced eligible students will be allowed to receive a breakfast of their choice for $.25 cents and lunch of their choice for $.25 cents each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the school to withhold a meal. A la carte items or other similar items must be paid/prepaid.

Full Pay Students - Students will pay for meals at the school's published paid meal rate each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the school to withhold a meal. A la carte items or other similar items must be paid/prepaid.

ONGOING STAFF TRAINING:

- Staff will be trained annually and throughout the year as needed on the procedures for managing meal charges using the NYSED Webinar or the school's training program.

- Staff training includes ongoing eligibility certification for free or reduced price meals.

PARENT NOTIFICATION:

- Parents/guardians will be notified that a student's meal card or account balance is exhausted and has accrued meal charges within 5 days of the charge and then every 5 days/weeks thereafter. Email notifications will go out weekly and a paper letter will be mailed out monthly.

PARENT OUTREACH:

- Staff will communicate with parents/guardians with five or more meal charges to determine eligibility for free or reduced price meals.

- School staff will make two documented attempts to reach out to parents/guardians to complete a meal application in addition to the application and instructions provided in the school enrollment packet.

(Continued)

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

 School staff will contact the parent/guardian to offer assistance with completion of meal application to determine if there are other issues within the household causing the child to have insufficient funds, offering any other assistance that is appropriate.

MINIMIZING STUDENT DISTRESS:

 School will not publicly identify or stigmatize any student on the line or discuss any outstanding meal debt in the presence of any other students.

 Students who incur meal charges will not be required to wear a wristband or handstamp, or to do chores or work to pay for meals.

 Schools will not throw away a meal after it has been served because of the student's inability to pay for the meal or because of previous meal charges.

 Schools will not take any action directed at a pupil to collect unpaid school meal fees.

 Schools will deal directly with parents/guardians regarding unpaid school meal fees.

ONGOING ELIGIBILITY CERTIFICATION:

 School staff will conduct direct certification with New York State Student Identification System (NYSSIS) or using New York State Education Department (NYSED) Roster Upload at least monthly to maximize free eligibility.

 School staff will provide parents/guardians with free and reduced price application and instructions at the beginning of each school year in school enrollment packet.

 Schools using electronic meal application will provide an explanation of the process in the school enrollment packet and instructions on how to request a paper application at no cost.

 Schools will provide at least two additional free and reduced price applications throughout the school year to families identified as owing meal charges.

 Schools will use administrative prerogative judiciously, only after using exhaustive efforts to obtain a completed application from the parent/guardian only with available information on family size and income that falls within approvable guidelines.

(Continued)

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

- Schools will coordinate with the foster, homeless, migrant, runaway coordinators at least monthly to certify eligible students.

Students/Parents/Guardians may pay for meals in advance via **www.myschoolbucks.com** or with a check payable to **NCS Cafeteria**. Further details are available on our webpage at **www.naplescsd.org**. Funds should be maintained in accounts to minimize the possibility that a child may be without meal money on any given day. Any remaining funds for a particular student may/will be carried over to the next school year.

Refunds for withdrawn, and graduating students; a written or e-mailed request for a refund of any money remaining in their account must be submitted. Students who are graduating at the end of the year will be given the option to transfer to a sibling's account with a written request.

Unclaimed Funds must be requested within one school year. Unclaimed funds will then become the property of the **Naples Central School District** Food Service Program.

Restriction of Sweetened Foods in School

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

Sweetened foods consist of sweetened soda water, chewing gum, 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.

Restriction on Sale of Milk Prohibited

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

Food Substitutions for Children with Disabilities

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

(Continued)

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

However, the school food service is not required to provide meal services (for example, School Breakfast Program) to students with disabilities when the meal service is not normally available to the general student body, unless a meal service is required under the student's individualized education program (IEP) or Section 504 Accommodation Plan as mandated by a physician's written instructions.

Food Substitutions for Nondisabled Children

Though not required, the District will also allow substitutions for non-disabled children who are unable to consume the regular meal because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority.

The District may also allow substitutions for fluid milk with a non-dairy beverage that is nutritionally equivalent (as established by the Secretary of Agriculture) to fluid milk and meets nutritional standards for students who are unable to consume fluid milk because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority or by the student's parent/legal guardian.

Prohibition Against Adults Charging Meals

Adults should pay for their meals at the time of service or set up pre-paid accounts.

HACCP-Based Food Safety Program

Schools participating in the National School Lunch and/or School Breakfast programs are required to implement a food safety program based on Hazard Analysis and Critical Control Point (HACCP) principles. The District must develop a written food safety program for each of its food preparation and service facilities that is based on *either* traditional HACCP principles *or* the "Process Approach" to HACCP. (The "Process Approach" simplifies traditional HACCP by grouping foods according to preparation process and applying the same control measures to all menu items within the group, rather than developing an HACCP plan for each item). Regardless of the implementation option that is selected, the District's written food safety program must also include:

a) Critical control points and critical limits;

b) Monitoring procedures;

c) Corrective actions;

d) Verification procedures;

e) Recordkeeping requirements; and

f) Periodical review and food safety program revision.

(Continued)

POLICY

Non-Instructional/Business Operations

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

Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265
Child Nutrition Act 1966, 42 United States Code (USC) Section 1771 et seq.
Richard B. Russell National School Lunch Act 1946, 42 United States Code (USC) Section 1751 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400-1485
7 Code of Federal Regulations (CFR) Parts 15B, 210 and 220
Education Law Sections 902(b), 915, 918, 1604(28), 1709(22), 1709(23) and 2503(9)(a)
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(1) and 200.2(b)(2)
Social Services Law Section 95

Adopted: 06/27/07
Revised: 04/27/11
Revised: 07/13/11
Revised: 02/13/13
Revised: 01/22/14
Revised: 11/04/15
Revised: 06/20/18
Revised: 03/22/23

POLICY

SUBJECT: DISTRICT WELLNESS POLICY

The 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 before, during and after the school day.

The District has established a wellness committee that meets at least four times per year to establish goals for, and oversee the development of, the District's local wellness policy. The Committee will make policy recommendations for review and adoption by the Board. The District Wellness Committee includes, but is not limited to, representatives from each of the following groups:

- Parents and caregivers;
- Students;
- Physical Education teachers;
- School Health professionals;
- District food service program;
- School Board;
- School Administrators;
- General Education teachers; and
- Members of the public.

The District Wellness Committee will also be responsible for assessing current activities, programs and policies available in the District, and providing mechanisms for implementation, evaluation, and revision of this policy. In doing so, the Wellness Committee will evaluate and make recommendations which reflect the specific needs of the District and its students.

The Superintendent will designate a District Wellness Coordinator to convene the District Wellness Committee in order to facilitate the development of, and any proposed updates to, the District's wellness policy, and will also monitor and verify the District's compliance with this policy.

Goals to Promote Student Wellness

The District seeks to provide all its students the knowledge and skills necessary to make nutritious food selections and enjoy life-long physical activity. To this end, the District sets forth the following goals relating to nutrition promotion and education, physical activity, and other school-based activities.

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

Nutrition Promotion and Education

The District will model and encourage healthy eating by all students by engaging in nutrition education and promotion by:

a) Nutrition education will be integrated within the comprehensive health education curriculum and other instructional areas, as appropriate, and taught at every grade level, K through 12. Nutrition instruction will follow applicable New York State Standards and be designed to help students acquire:

1. Nutrition knowledge, including but not limited to: the benefits of healthy eating; essential nutrients; nutritional deficiencies; principles of healthy weight management; the use and misuse of dietary supplements; and safe food storage, handling, and preparation.

2. Nutrition related skills, including but not limited to: planning healthy meals; understanding and using food labels; critically evaluating nutrition information, misinformation, and commercial food advertising; assessing personal eating habits; and setting and achieving goals related to these concepts.

b) Marketing and promotion

1. The District will promote nutrition education activities that involve parents, students, and the community.

2. The District will promote healthy food and beverage choices for all students and encourage participation in school meal programs. This will occur by using Smarter Lunchroom techniques which guide students toward healthful choices, including 100% of the foods and beverages promoted to students will meet the Smart Snacks in School nutrition standards, as found on the United States Department of Agriculture's (USDA) official website.

3. The District will promote school and community awareness of this policy through various means, such as a publication on the District website.

4. The District will encourage and promote wellness through social media, newsletters, and an annual family wellness event.

5. Marketing and advertising of foods and beverages on school campuses during the school day will be consistent with nutrition education and health promotion. As such, schools will restrict food and beverage marketing to the promotion of those foods and beverages that meet the nutrition standards set forth by the Healthy Hunger-Free Kids Act's Smart Snacks in School Rule and that are consistent with this policy.

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

6. The District is cognizant of the fact that certain scoreboards, signs, and other durable equipment it employs may market foods and beverages in a way that is inconsistent with the aims of this policy. While the immediate replacement of such equipment is not required, the District will replace or update this equipment over time to be consistent with the message it delivers to students regarding nutrition, health, and well-being. As the District reviews existing contracts, or considers new contracts, resulting decisions should reflect the marketing guidelines established by this policy.

c) Additional provisions

1. Parents and teachers will be provided with a list of healthy party ideas, including non-food celebration ideas.

2. Parents will be provided with a list of classroom snacks and beverages that meet Smart Snacks nutrition standards.

3. School personnel are strongly discouraged from using food as a reward or withholding food as punishment under any circumstance; teachers and other appropriate school staff will be provided with a list of alternative ways to reward students.

4. District staff will be encouraged to model healthy eating, drinking, and physical activity behaviors for students.

<u>Physical Activity</u>

a) The District will provide opportunities for every student to participate in physical education and, in an effort to comply with the recommendation that children and adolescents participate in at least 60 minutes of physical activity each day, is also committed to providing opportunities for physical activity before, during, and after school. In doing so, the District aims to promote among students, staff, and community members the development of knowledge and skills for specific physical activities, the maintenance of physical fitness, regular participation in physical activity, and an understanding of the short-term and long-term benefits from a physically active and healthy lifestyle. Physical activity opportunities will be in addition to, not in lieu of, physical education and will not be used as a punishment for students, but rather another means by which students may develop or maintain a healthy and active lifestyle.

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

b) The District will meet the following standards to achieve its goal relative to physical education and physical activity:

1. The District will have a Board-approved Physical Education plan on file with the New York State Education Department that meets or exceeds the requirements set forth in Section 135.4 of the Commissioner of Education's regulations.

2. The District recognizes the importance of physical education classes in providing students with meaningful opportunities for physical exercise and development. Consequently, the District will provide that:

(a) All physical education classes are taught or supervised by a certified physical education teacher;

(b) All physical education staff receive professional development relevant to physical education on a yearly basis;

(c) Interscholastic sports, intramural sports, and recess do not serve as substitutes for a quality physical education program;

(d) Students are afforded the opportunity to participate in moderate to vigorous activity for at least 50% of physical education class;

(e) Adequate space and equipment for physical education will be given and conform to all applicable safety standards;

(f) An age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education is implemented, with a focus on students' development of motor skills, movement forms, and health related fitness;

(g) A physical and social environment is provided that encourages safe and enjoyable activity for all students;

(h) Activities or equipment are adapted to meet the needs of students who are temporarily or permanently unable to participate in the regular program of physical education. In doing so, the District will abide by specific provisions in 504 Plans and/or individualized education programs (IEP). To that end, the Committee on Special Education (CSE) will have a certified physical education teacher participate in the development of a student's IEP, if the student may be eligible for adapted physical education;

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

(i) All students, including students in need of adaptive physical education, will be encouraged to participate in physical fitness programs and competitions.

3. All students will be required to fulfill the physical education requirements set forth in the Commissioner's regulations as a condition of graduating from the District's schools.

c) Recognizing the need for movement and physical activity, students will be encouraged reduce sedentary time through physical education classes, short activity breaks, the "Plus 5" fitness program, and recess. Each day, all elementary school students will be offered one daily period of recess for a minimum of twenty (20) minutes. This requirement will not apply on days where students arrive late, leave early, or are otherwise on campus for less than a full day.

Because recess is an important way for students to play and release energy, physical activity will not be withheld as a consequence for minor academic or disciplinary reasons. However, it is important to note that schools are responsible for the safety and educational success of all students. There may be times when a teacher or administrator withholds recess if a student is involved in a significant behavioral issue or if there are chronic academic concerns. In these instances, the school will notify parents, and they will be asked to help develop a specific plan supporting the specific needs of their son or daughter.

In addition, recess will be held indoors during the fall hunting season and when there are concerns related to inclement weather (E.g. RealFeel temperatures below 20 degrees, rain, high winds, etc.). Parents are also asked to ensure that their son or daughter comes to school with appropriate clothing for outdoor play.

<u>Other School-based Activities</u>

The District is committed to establishing a school environment that is conducive to healthy eating and physical activity for all. The District will, therefore, adopt the following standards:

a) Federal School Meal Programs

1. The District will participate, to the maximum extent practicable, in available federal school meal programs (including the School Breakfast Program (SBP), National School Lunch Program (NSLP), and Summer Food Service Program). Food served through these programs will meet all applicable federal and state standards.

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

2. The District will provide food service directors, managers, and staff with annual professional development in the areas of food and nutrition consistent with USDA Professional Standards for State and Local Nutrition Programs. District food service staff will meet with students in grades 4 through 12 twice annually to solicit feedback on the school breakfast and/or school lunch program(s).

b) Access to School Nutrition Programs:

The District will utilize a system of student payment that enables all eligible students to have access to free/reduced meals in a non-stigmatizing manner.

c) Meal Environment

The District will provide the following meal environment:

1. School dining areas will have sufficient space for students to sit and consume meals;
2. School dining areas will be clean, safe, and pleasant environments that reflect the social value of eating;
3. Enough serving areas will be provided so that student access to school meals with a minimum of wait time;
4. All students will have a scheduled lunch period;
5. Lunch times will be scheduled near the middle of the school day;
6. Students will be given adequate time to eat healthy meals;
7. Students and staff will have access to free, safe, and fresh drinking water throughout the school day and where school meals are served.

d) Community Access to District Facilities for Physical Activities:

School grounds and facilities will be available to students, staff, community members and organizations, and agencies offering physical activity and nutrition programs consistent with District policy, including provisions regarding conduct on school grounds and administrative approval of use by outside organizations.

e) Community Partnerships

The District will continue relationships with community partners in support of the implementation of this policy. Existing and new community partnerships will be evaluated to verify that they are consistent with this policy and its goals.

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

f) Community Involvement, Outreach, and Communications

The District will use its official website, along with other electronic and non-electronic means, to notify parents and the public, in culturally and linguistically appropriate ways, about the content, implementation of, and updates to this policy as well as how to become involved and support this policy. The District will use these same means to inform the community about the availability of the annual and triennial reports relative to this policy.

g) Before and After School Activities *

The District will offer opportunities for students to participate in physical activity before and/or after the school day through various methods, such as physical activity clubs, intramurals, and interscholastic sports.

h) Active Transport *

The District supports active transport to and from school, i.e. walking or biking. The District will encourage this behavior by providing a bicycle rack for bicycles and equipment and instructing students on walking and bicycling safety.

Nutrition Guidelines

In an effort to encourage healthy life-long eating habits by providing foods that are high in nutrients, low in saturated fat and added sugars, have zero grams trans-fat preserving, and are of moderate portion size, the District Wellness Committee recommends nutrition standards to be set for all foods and beverages available on school campus. For purposes of this policy, the school day is defined as the period from the midnight before, to thirty (30) minutes after the end of the official school day.

School Meals

All schools within the District participate in the USDA child nutrition programs, including the NSLP and the SBP. School meals will, at a minimum, meet the program requirements and nutrition standards of these programs. The District is committed to making meals through the SBP and NSLP accessible to all students, are served in sanitary settings, are appealing to children, and meet or exceed those nutrition requirements established by local, state, and federal law and regulation. The USDA nutrition standards are available at:
http://www.fns.usda.gov/school-meals/nutrition-standards-school-meals.

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

Fundraising

a) All food and beverages sold as or during a fundraiser during the school day will meet, or exceed, the nutritional requirements listed in the USDA Healthy, Hunger-Free Kids Act "Smart Snacks in Schools" Rule; these foods and beverages sold as fundraisers will not be sold until the end of the last lunch period, so as not to compete with the NSLP.

b) School-sponsored fundraisers conducted outside of the school day will be encouraged to support the goals of this policy by promoting the sale of healthy food items (fresh fruit and produce) and/or non-food items, such as water bottles, plants, etc., and by promoting events involving physical activity.

c) All school-sponsored fundraisers must be approved by the appropriate building principal prior to their being conducted.

Competitive Foods and Beverages Sold and Served to Students During the School Day

Competitive foods-which include all foods and beverages sold to students outside of the school meal programs, on the school campus in student accessible areas, and at any time during the school day-will follow, at a minimum, the nutrition standards specified by the Healthy, Hunger-Free Kids Act. These standards will apply to all foods and beverages sold individually and outside of the reimbursable school meal, including vending machines, school stores and cafeteria a la carte lines.

Competitive Foods and Beverages Served to Students During the School Day

The District will encourage staff and parents to provide students with healthy options at any event where foods and beverages are served to students (i.e., classroom and school-wide celebrations and rewards).

Foods and Beverages Sold or Served at Events Outside of the School Day

a) All foods and beverages sold or served at school-sponsored events will be in serving sizes which are in accordance with recommended dietary guidelines and/or nutrition standards.

b) At events where food and beverages are sold, 50% of items sold must meet the USDA Healthy, Hunger-free Kids Act "Smart Snacks in Schools" Standards.

Professional Development

All school nutrition program directors, managers, and staff will meet or exceed hiring and annual continuing education and training requirements as specified in the USDA Professional Standards for School Nutrition Professionals. In order to locate the training that best fits their learning needs, school nutrition personnel will refer to the USDA's Professional Standards for School Nutrition Standards website.

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

Implementation and Evaluation of the Wellness Policy

a) The District will establish an implementation and evaluation plan for this policy in order to monitor its effectiveness and the possible need for modification over time. To this end, the District has designated the following individual(s) as District Wellness Coordinator to monitor and verify that the District meets the goals and mandates of this policy:

Administrators;
School health personnel including the school nurse, health and/or physical education teachers;
School Food Service Director;
District Health and Wellness Director/Chairperson

b) These designated Wellness Coordinators will also serve as liaisons with community agencies in providing outside resources to help in the development of nutritional education programs and promotion of physical activities.

c) The District will annually report on the progress each of its schools has made toward meeting the goals of this policy. Such report will include:

1. The website address for the wellness policy and/or information on how the public can access a copy;

2. A description of each school's progress in meeting the wellness policy goals;

3. A summary of each school's local school wellness events or activities;

4. Contact information for the leader(s) of the Wellness Committee; and

5. Information on how individuals can get involved in the Wellness Committee's work.

d) Evaluation and feedback from interested parties, including an assessment of student, parent, teacher, and administration satisfaction with the wellness policy, are welcomed as an essential part of the District’s evaluation program.

e) The District will 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.

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

f) Assessments of compliance with the District's wellness policy and implementation efforts will be repeated on a triennial basis. The assessment will include:

1) Compliance with the wellness policy;

2) How the wellness policy compares to model wellness policies; and

3) Progress made in attaining the goals of the wellness policy.

g) The District will, as necessary, revise and update this wellness policy, but at least every three years following the triennial assessment, and develop work plans to facilitate its implementation.

h) The annual progress report, triennial assessments, and policy updates will be provided to the Board, posted on the District's official website, and distributed to the District Wellness Committee, parent-teacher organizations, building principals, and school health services personnel within the District. Printed copies will also be made available to community residents upon request.

Annual Notification

The District will inform families and the general public each year, via the District website and/or District-wide communications, of information about this policy, including, but not limited to, its content as well as any updates. The District will endeavor to share as much information as possible about its schools' nutrition environment, including, a summary of school events or activities relative to this policy implementation. Each year, the District will also publicize the name and contact information of the District official leading and coordinating the wellness committee as well as how the community may get involved with the wellness committee.

Recordkeeping

The District will retain records relative to compliance with the requirements of this policy in the District Office and/or on the District's central computer network. Documentation maintained at this location includes, but is not limited to:

a) The written wellness policy;

b) Documentation demonstrating that this policy has been made available to the public;

c) Documentation of efforts to review and update this policy;

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

d) Documentation to demonstrate compliance with the annual public notification requirements;

e) The most recent assessment on the implementation of this policy;

f) Documentation demonstrating the most recent assessment on the implementation of this policy has been made available to the public.

National School Lunch Act, 42 United States Code (USC) Section 1758(b)

National School Lunch Program and School Breakfast Program regulations, 7 Code of Federal Regulations (CFR) Section 210.11

Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010; 79 FR 10693

Education Law Section 915

8 NYCRR Section 135.4

Adopted: 06/27/07
Revised: 04/28/10
Revised: 01/05/11
Revised: 05/20/15
Revised: 08/16/16
Revised: 04/12/17
Revised: 03/22/23

POLICY

SUBJECT: SCHOOL EMPLOYEE WELLNESS POLICY

Many actions and conditions that affect the health of school employees may also influence the health and learning of students. The physical and mental health of school employees is integral to promoting and protecting the health of students and helps foster their academic success. The establishment of the School Employee Wellness Program may accomplish the following:

a) Promote health and reduce health risk behaviors of employees, and

b) Identify and correct conditions in the workplace that can compromise the health of school employees, reduce their levels of productivity, impede student success, and contribute to escalating health-care costs.

***Elements of a Comprehensive School Employee Wellness Program include the following:**

a) Health education and health-promoting activities that focus on skill development and lifestyle behavior that change along with awareness building, information dissemination, and access to facilities, and preferably are tailored to employees' needs and interests;

b) Safe, supportive social and physical environments, including organizational expectations about healthy behaviors and implementation of policies that promote health and safety and reduce the risk of disease;

c) Integration of the worksite program into the school or District structure;

d) Linkage to related programs such as employee assistance programs, emergency care, and programs that help employees balance work and family life;

e) Worksite screening programs, which ideally are linked to medical care to ensure follow-up and appropriate treatment as necessary;

f) Individual follow-up interventions to support behavior change;

g) Education and resources to help employees make decisions about health care; and

h) An evaluation and improvement process to help enhance the program's effectiveness and efficiency.

***(Adapted from Partnership for Prevention. Healthy Workforce 2010: An essential health promotion sourcebook for employers, large and small. Washington, DC: Partnership for Prevention, 2001.)**

(Continued)

POLICY

SUBJECT: SCHOOL EMPLOYEE WELLNESS POLICY (Cont'd.)

Community/School Groups Essential for Establishing, Implementing, and Sustaining Effective School Employee Wellness Programs

Although the District welcomes and encourages participation from all District residents and staff, the following four (4) community/school groups are considered essential for establishing, implementing, and sustaining an effective school employee wellness program:

a) School personnel who implement the existing wellness programs, as applicable, in the District. They are most likely to be the same professionals who implement health programs for students: school health coordinators, school physicians, school nurses, psychologists, health educators, nutrition professional, and counselors.

b) Decision makers who have the authority to approve policies and provide the administrative support essential for a successful employee wellness program include School Board members, Superintendents, human resources administrators, fiscal services administrators, and Building Principals.

c) Employees who will benefit from the wellness programs - "Employees" are not limited to the instructional staff (teachers and instructional aides) but include administrators and all support staff. In addition to the employees, bargaining units that represent them may be interested in understanding these benefits.

d) Community Stakeholders - Stakeholders in the community who share the mission of improving the health of all residents include officials in public health and voluntary agencies, health care providers, and parents.

The decision to offer wellness activities will generally be based on a survey of potential participants' interests and motivation, the availability of facilities and resources, and the interests and skills of the health coordinator(s), support staff or volunteers.

NOTE: Refer also to Policy #5661 -- District Wellness Policy

Adopted: 07/13/11

POLICY

2021 5670

Non-Instructional/Business Operations

SUBJECT: RECORDS MANAGEMENT

The Superintendent will designate a Records Management Officer, subject to Board approval to develop and coordinate the District's orderly and efficient management program. Among other aspects, this program includes the legal disposition or destruction of obsolete records, and the storage and management of inactive records. The Records Management Officer will work with other District officials to develop and maintain this program.

The District may create a Records Advisory Board to assist in establishing and supporting the records management program. Members of this board may include the District's legal counsel, the fiscal officer, and the Superintendent or designee.

Retention and Disposition of Records

The District will retain records and dispose of them in accordance with the Retention and Disposition Schedule for New York Local Government Records (LGS-1) or as otherwise approved by the Commissioner of Education. Further, if any law specifically provides a retention period longer than that established by this schedule, the retention period established by the law will govern.

Replacing Original Records with Microforms or Electronic Images

The District will follow procedures prescribed by Commissioner of Education to ensure accessibility for the life of any microform or electronic records that replace paper originals or micrographic copies.

Retention and Preservation of Electronic Records

The District will ensure that record-retention requirements are incorporated into any program, plan, or process for design, redesign, or substantial enhancement of an information system that stores electronic records. The District will also ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements expire.

Arts and Cultural Affairs Law § 57-a
8 New York Code of Rules and Regulations (NYCRR) Part 185

Adopted: 06/27/07
Revised: 05/02/12
Revised: 01/31/18
Revised: 02/03/21

SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS

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

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

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

Information Covered by the Disposal Rule

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

"Proper" Disposal

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

a) "The discarding or abandonment of consumer information," or

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

(Continued)

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

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

a) Burning, pulverizing, or shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed.

b) Destroying or erasing electronic media containing consumer information so that the information cannot practicably be read or reconstructed.

c) After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material, specifically identified as consumer information, in a manner consistent with the Disposal Rule. In this context, due diligence could include:

   1. Reviewing an independent audit of the disposal company's operations and/or its compliance with the Disposal Rule;

   2. Obtaining information about the disposal company from several references or other reliable sources;

   3. Requiring that the disposal company be certified by a recognized trade association or similar third party;

   4. Reviewing and evaluating the disposal company's information security policies or procedures;

   5. Taking other appropriate measures to determine the competency and integrity of the potential disposal company; or

   6. Requiring that the disposal company have a certificate of registration from the New York Department of State issues on or after October 1, 2008.

d) For persons (as defined in accordance with the Fair Credit Reporting Act) or entities who maintain or otherwise possess consumer information through their provision of services directly to a person subject to the Disposal Rule, monitoring compliance with policies and procedures that protect against unauthorized or unintentional disposal of consumer information, and disposing of such information in accordance with examples a) and b) above.

(Continued)

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

Implementation of Practices and Procedures

The Board delegates to the Superintendent/designee(s) the authority and responsibility to review current practices regarding the disposal of consumer information; and to implement such further reasonable and appropriate procedures, including staff training as necessary, to ensure compliance with the FTC's Disposal Rule.

The Fair Credit Reporting Act, 15 United States Code (USC) Section 1681 et seq.
The Fair and Accurate Credit Transactions Act of 2003, Public Law 108-159
Federal Trade Commission Disposal of Consumer Report Information and Records,
16 Code of Federal Regulations (CFR) Part 682
General Business Law Article 39-G
19 New York Code of Rules and Regulations (NYCRR) Section 199

Adopted: 06/27/07
Revised: 05/02/12

POLICY

2023 5672

Non-Instructional/Business Operations

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

The District is required under the New York State Technology Law to notify affected individuals when there has been or is reasonably believed to have been an unauthorized acquisition of computerized data which compromises the security, confidentiality or integrity of individuals' private information in compliance, defined by State law to include:

1. Social security number;
2. Driver's license number or non-driver identification card number; or
3. Account number, credit or debit card number, in combination with any required security code, access code, or password, which would permit access to an individual's financial account.

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records

The Superintendent of Schools, or his/her designee(s) will comply with the provisions of the State Technology Law as applicable to school districts.

State Technology Law Sections 202 and 208

Adopted: 05/02/12
Revised: 03/20/13
Revised: 12/17/14
Revised: 01/22/20
Revised: 03/22/23

POLICY

Non-Instructional/Business Operations

SUBJECT: DATA NETWORKS AND SECURITY ACCESS

The District values the protection of private information of individuals in accordance with applicable law, regulations, and best practice. Accordingly, District officials and Information Technology (IT) staff will plan, implement, and monitor IT security mechanisms, procedures, and technologies necessary to prevent improper or illegal disclosure, modification, or denial of sensitive information in the District Computer System (DCS). Similarly, such IT mechanisms and procedures will also be implemented in order to safeguard District technology resources, including computer hardware and software. District network administrators may review District computers to maintain system integrity and to ensure that individuals are using the system responsibly. Users should not expect that anything stored on school computers or networks will be private.

In order to achieve the objectives of this policy, the Board of Education entrusts the Superintendent, or his/her designee, to:

a) Inventory and classify personal, private, and sensitive Information on the DCS to protect the confidentiality, integrity, and availability of information;

b) Develop password standards for all users including, but not limited to, how to create passwords and how often such passwords should be changed by users to ensure security of the DCS;

c) Ensure that the "audit trail" function is enabled within the District's network operating system, which will allow the District to determine on a constant basis who is accessing the DCS, and establish procedures for periodically reviewing such audit trails;

d) Develop procedures to control physical access to computer facilities, data rooms, systems, networks, and data to only authorized individuals; such procedures may include ensuring that server rooms remain locked at all times and the recording of arrival and departure dates and times of employees and visitors to and from the server room;

e) Establish procedures for tagging new purchases as they occur, relocating assets, updating the inventory list, performing periodic physical inventories, and investigating any differences in an effort to prevent unauthorized and/or malicious access to these assets;

f) Periodically grant, change, and terminate user access rights to the overall networked computer system and to specific software applications and ensure that users are given access based on, and necessary for, their job duties;

g) Limit user access to the vendor master file, which contains a list of vendors from which District employees are permitted to purchase goods and services, to only the individual who is responsible for making changes to such list, and ensure that all former employees' access rights to the vendor master list are promptly removed;

(Continued)

SUBJECT: DATA NETWORKS AND SECURITY ACCESS (Cont'd.)

h) Determine how, and to whom, remote access should be granted, obtain written agreements with remote access users to establish the District's needs and expectations, as appropriate, and monitor and control such remote access;

i) Verify that laptop computer systems assigned to teachers and administrators use full-disk encryption software to protect against loss of sensitive data;

j) Deploy software to servers and workstations to identify and eradicate malicious software attacks such as viruses and malware;

k) Develop a disaster recovery plan appropriate for the size and complexity of District IT operations to ensure continuous critical IT services in the event of any sudden, catastrophic event, including, but not limited to fire, computer virus or deliberate or inadvertent employee action.

Adopted: 11/04/15

SUBJECT: STUDENT GRADING INFORMATION SYSTEMS

Student performance is assessed in many ways, but primarily through assigned grades. The District will help ensure the integrity of student grades by controlling access to its grading information system and by approving modifications to grades where warranted.

The System

The District utilizes an electronic software system that contains a record of student performance, credit accumulation, report cards, and a transcript. More specifically, the system includes class rosters where teachers enter student grades and track their students' academic progress. The system is used to generate student report cards and transcripts, and to maintain all student grading records.

To protect student data in the system, the District will first establish who has the authority to grant, change, or terminate user access. The personnel with this authority will be very limited. Further, if the grading system has a feature that allows one user or account to assume the identity of another user or account, the District will restrict or disable that feature. These types of features could allow a user greater access than intended, including inheriting permissions of another user that are greater than the user's.

System Access

The District will create categories of system users and assign appropriate system permissions to each. Users' permissions will be compatible with and restricted by their roles and job duties; their access will be as restrictive as possible. Typically, teachers will have the ability to enter, update, and modify grades each marking period before a pre-determined lockout date. The lockout function will be consistently used throughout the school year to help prevent grade modifications without authorization after a marking period closes. Through increased system permissions, other individuals—such as non-classroom teachers, guidance counselors, information technology (IT) staff, clerical staff, and support staff—will be able to view or modify grades.

The District will work with its IT, human resources, and other appropriate departments to determine how best to timely establish access rights, add users, deactivate or modify user accounts, and monitor user accounts. The District will develop further IT controls to protect against improper access, if needed.

Grade Changes

Once the lockout period begins, only authorized users identified by the District may change grades, and only under certain circumstances. The system will recognize when grades change, and a log of modified grades may then be viewed and printed. Any grade mismatches will be reconciled before the next marking period closes or before the end of the school year, whichever is earlier.

(Continued)

SUBJECT: STUDENT GRADING INFORMATION SYSTEMS (Cont'd.)

The staff member seeking to change a grade will submit a grade-change form signed by the requesting party, the teacher who assigned the original grade, and the appropriate administrator. This form and all other documents supporting a grade modification will be electronically filed in the grading system or filed in a non-electronic system—if electronic filing is impossible or impractical—and maintained for six years. The personnel seeking the modification should specify one or more reasonable grounds for the grade change on the form. There must be reasonable grounds to alter a grade. The reasons may include:

a) Data entry error;

b) Computational error;

c) A modification based on work submitted or considered after the lockout date;

d) Changing an incomplete grade to a regular grade because a student completed course requirements;

e) Credit recovery coursework;

f) Administrative change; or

g) Other acceptable justifications.

Audit Log and Monitoring

The District's grading system will have an audit log or grade-change report function that records certain system activities, including modifications to grades. The District will periodically monitor audit logs or grade-change reports to confirm the integrity of the system, to ensure proper access by personnel, and to confirm that modifications within the system are appropriate and completed in a timely manner. The District will also periodically monitor user accounts and rights so that the permissions granted are proper and the minimum necessary for each user or user group. To the extent feasible, the District will make sure that user accounts are current and updated regularly. The District will be able to print user information, logs, reports, and other documents from the student grading information system, as needed.

Student Transcripts

Student transcripts may show all credit-bearing classes; final grades; test scores; grade-point average; class rank; diploma type; SAT, ACT, and other standardized test scores; and graduation date. The same controls, protections, and monitoring applicable to student grading information apply equally to student transcripts.

Adopted: 03/16/16

POLICY

2023 5676

Non-Instructional/Business Operations

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA

In accordance with New York State Education Law §2-d, the District hereby implements the requirements of Commissioner's regulations (8 NYCRR §121) and aligns its data security and privacy protocols with the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity Version 1.1 (NIST Cybersecurity Framework or "NIST CSF").

In this regard, every use and disclosure of personally identifiable information (PII) by the District will benefit students and the District (for example, improving academic achievement, empowering parents and students with information, and/or advancing efficient and effective school operations). PII will not be included in public reports or other documents.

The District also complies with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Consistent with FERPA's requirements, unless otherwise permitted by law or regulation, the District will not release PII contained in student education records unless it has received a written consent (signed and dated) from a parent or eligible student.

In addition to the requirements of FERPA, the Individuals with Disabilities Education Act (IDEA) provides additional privacy protections for students who are receiving special education and related services. For example, pursuant to these rules, the District will inform parents of children with disabilities when information is no longer needed and, except for certain permanent record information, that such information will be destroyed at the request of the parents. The District will comply with all such privacy provisions to protect the confidentiality of PII at collection, storage, disclosure, and destruction stages as set forth in federal regulations 34 CFR 300.610 through 300.627.

The Superintendent or his/her designee will establish and communicate procedures for parents, eligible students, and employees to file complaints about breaches or unauthorized releases of student, teacher or principal data (as set forth in 8 NYCRR §121.4). The Superintendent is also authorized to promulgate any and all other regulations necessary and proper to implement this policy.

References:

Education Law §2-d

8 NYCRR §121

Family Educational Rights and Privacy Act of 1974, 20 USC §1232(g), 34 CFR 99

Individuals with Disabilities Education Act (IDEA), 20 USC §1400 et seq., 34 CFR 300.610–300.627

Adopted: 09/16/2020
Revised: 03/22/2023

POLICY

Non-Instructional/Business Operations

SUBJECT: SAFETY AND SECURITY

The Board of Education of the Naples Central School District hereby declares that it is the policy of this School District to provide a safe and secure environment to all those persons, students, staff and visitors, who lawfully enter upon District property or who travel in District vehicles for the purposes of the District.

It shall be the responsibility of the Superintendent to establish and carry out written regulations that will:

a) Identify those staff members who will be responsible for the effective administration of the regulations;

b) Provide staff time and other necessary resources for the effective administration of the regulations;

c) Establish periodic written review of the activities of the staff to ensure compliance with applicable laws and regulations;

d) Provide an on-going mechanism for the effective review of safety and security concerns of the staff, students and affected public;

e) Provide for reports to the Board of Education regarding the significant aspects of safety and security of the District.

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.

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 name, address and social security number of every employee who handles or uses toxic substances and which substance(s) were handled or used by the employee.

(Continued)

SUBJECT: SAFETY AND SECURITY (Cont'd.)

Rules and regulations will be developed to ensure District implementation of this policy which shall include awareness information, employee training and record keeping.

Occupational Safety and Health Administration (OSHA), 29 Code of Federal Regulations (CFR) Section 1910.1200
Labor Law Sections 27-a and 879
12 New York Code of Rules and Regulations (NYCRR) Part 820, Article 28

NOTE: Refer also to Policy #5681 -- School Safety Plans

Adopted: 6/27/07

POLICY

Non-Instructional/Business Operations

SUBJECT: SCHOOL SAFETY PLANS

The District considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-wide school safety plan and the building-level emergency response plan(s) will be designed to prevent or minimize the effects of violent incidents and emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies. These plans will be reviewed and updated by the appropriate team on at least an annual basis and adopted by the Board by September 1 of each year.

The Board will make the District-wide school safety plan available for public comment at least thirty (30) days prior to its adoption. The District-wide school safety plan may only be adopted by the Board after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. The District-wide school safety plan and any amendments must be submitted to the Commissioner, in a manner prescribed by the Commissioner, within 30 days of adoption, but no later than October 1 of each school year.

Building-level emergency response plan(s) and any amendments must be submitted to the appropriate local law enforcement agency and the state police within 30 days of adoption, but no later than October 1 of each school year. Building-level emergency response plan(s) will be kept confidential and are not subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.

District-Wide School Safety Plan

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the District, addresses crisis intervention, emergency response and management at the District level, and has the contents as prescribed in Education Law and Commissioner's Regulations.

The District-wide school safety plan shall be developed by the District-wide school safety team appointed by the Board. The District-wide school safety team will include, but not be limited to, representatives of the Board, teacher, administrator, and parent organizations, school safety personnel, and other school personnel including bus drivers and monitors. *At the discretion of the Board, a student may be allowed to participate on the District-wide school safety team.

The District-wide school safety plan will include, but not be limited to:

a) Policies and procedures for responding to implied or direct threats of violence by students, teachers, other school personnel including bus drivers and monitors, and visitors to the school, including threats by students against themselves, which includes suicide;

b) Policies and procedures for responding to acts of violence by students, teachers, other school personnel including bus drivers and monitors, and visitors to the school, including consideration of zero-tolerance policies for school violence;

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

c) Appropriate prevention and intervention strategies, such as:

1. Collaborative arrangements with state and local law enforcement officials, designed to ensure that school safety officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;

2. Nonviolent conflict resolution training programs;

3. Peer mediation programs and youth courts; and

4. Extended day and other school safety programs;

d) Policies and procedures for contacting appropriate law enforcement officials in the event of a violent incident;

e) A description of the arrangements for obtaining assistance during emergencies from emergency services organizations and local governmental agencies;

f) Procedures for obtaining advice and assistance from local government officials, including the county or city officials responsible for implementation of Executive Law Article 2-B State and Local Natural and Man-Made Disaster Preparedness;

g) The identification of District resources which may be available for use during an emergency;

h) A description of procedures to coordinate the use of District resources and manpower during emergencies, including identification of the officials authorized to make decisions and of the staff members assigned to provide assistance during emergencies;

i) Policies and procedures for contacting parents, guardians, or persons in parental relation to District students in the event of a violent incident or an early dismissal;

j) Policies and procedures for contacting parents, guardians, or persons in parental relation to an individual District student in the event of an implied or direct threat of violence by the student against themselves, which includes suicide;

k) Policies and procedures relating to school building security, including, where appropriate: the use of school safety officers, school security officers, and/or school resource officers; and security devices or procedures;

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

l) Policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including, but not limited to, the identification of family, community, and environmental factors to teachers, administrators, school personnel including bus drivers and monitors, parents and other persons in parental relation to students of the District or Board, students, and other persons deemed appropriate to receive the information;

m) Policies and procedures for annual multi-hazard school safety training for staff and students, provided that the District must certify to the Commissioner that all staff have undergone annual training by September 15 on the building-level emergency response plan which must include components on violence prevention and mental health, provided further that new employees hired after the start of the school year will receive training within thirty (30) days of hire or as part of the District's existing new hire training program, whichever is sooner;

n) Procedures for the review and conduct of drills and other exercises to test components of the emergency response plan, including the use of tabletop exercises, in coordination with local and county emergency responders and preparedness officials;

o) The identification of appropriate responses to emergencies, including protocols for responding to bomb threats, hostage-takings, intrusions, and kidnappings;

p) Strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence, and establishing anonymous reporting mechanisms for school violence;

q) A description of the duties of hall monitors and any other school safety personnel, the training required of all personnel acting in a school security capacity, and the hiring and screening process for all personnel acting in a school security capacity;

r) A system for informing all educational agencies within the District of a disaster;

s) The designation of the Superintendent or designee, as the District Chief Emergency Officer whose duties will include, but not be limited to:

1. Coordinating the communication between school staff, law enforcement, and other first responders;

2. Leading the efforts of the District-wide school safety team in the completion and yearly update of the District-wide school safety plan and the coordination of the District-wide school safety plan with the building-level emergency response plan(s);

(Continued)

POLICY

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

3. Ensuring staff understanding of the District-wide school safety plan;
4. Ensuring the completion and yearly update of building-level emergency response plans for each school building;
5. Assisting in the selection of security related technology and development of procedures for the use of the technology;
6. Coordinating appropriate safety, security, and emergency training for District and school staff, including required training in the emergency response plan;
7. Ensuring the conduct of required evacuation and lock-down drills in all District buildings as required by law; and
8. Ensuring the completion and yearly update of building-level emergency response plan(s) by the dates designated by the Commissioner.

t) Protocols for responding to a declared public health emergency involving a communicable disease that are substantially consistent with the provisions in Labor Law Section 27-c.

Building-Level Emergency Response Plan

Building-level emergency response plan means a building-specific school emergency response plan that addresses crisis intervention, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's Regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

Building-level emergency response plan(s) will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board. The building-level emergency response team will include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel including bus drivers and monitors, community members, local law enforcement officials, local ambulance, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

Classroom door vision panels will not be covered except as outlined in the building-level emergency response plan.

Education Law Section §2801-a
Labor Law § 27-c
8 New York Code of Rules and Regulations (NYCRR) Section § 155.17

Adopted: 06/27/07
Revised: 10/17/16
Revised: 06/19/19
Revised: 01/22/20
Revised: 02/03/21

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

The School District shall provide and maintain on-site in each *instructional school facility* functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each such facility shall have sufficient automated external defibrillator equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors enumerated in Commissioner's Regulations. *An instructional school facility means a building or other facility maintained by the School District where instruction is provided to students pursuant to its curriculum.*

Whenever an *instructional School District facility* is used for a school-sponsored or school-approved curricular or extracurricular event or activity and whenever a *school-sponsored athletic contest* is held at any location, the public school officials and administrators responsible for such school facility or athletic contest shall ensure that AED equipment is provided on-site and that there is present during such event, activity or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED. *School-sponsored or school-approved curricular or extracurricular events or activities mean events or activities of the School District that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an extraclass intramural athletic activity of instruction, practice and competition for students in grades 4 through 12 consistent with Commissioner's Regulations Section 135.4.*

Where a *school-sponsored competitive athletic event* is held at a site other than a School District facility, School District officials shall assure that AED equipment is provided on-site by the sponsoring or host district and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during such athletic event. *A school-sponsored competitive athletic event means an extraclass interscholastic athletic activity of instruction, practice and competition for students in grades 7 through 12 consistent with Commissioner's Regulations Section 135.4.*

School District facilities and District staff responsible for carrying out the duties enumerated in Education Law Section 917 are deemed a "public access defibrillation provider" as defined pursuant to Public Health Law Section 3000-b and subject to the Public Health Law requirements and limitations.

Therefore, it is the policy of our School District to provide proper training requirements for District AED users, to ensure the immediate calling of 911 and/or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units as enumerated in the District's Public Access Defibrillation Collaborative Agreement.

(Continued)

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) Sections 135.4 and 136.4

Adopted: 6/27/07

SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS

Fire Drills

The administration of each school building will instruct and train students on appropriate emergency responses, through fire and emergency drills, in the event of a sudden emergency.

Fire and emergency drills will be held at least twelve (12) times in each school year; eight (8) of these will be evacuation drills and will be completed by December 31. Four of these eight required drills will be through use of the fire escapes on buildings where fire escapes are provided or identified secondary exits, and the other four drills will be lock-down drills. Drills will be conducted at different times of the school day. Students will also be instructed in the procedures to be followed in the event that a fire occurs during the regular school lunch period or assembly, however, this additional instruction may be waived if a drill is held during the regular lunch period or assembly.

Summer School

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one (1) of these drills shall be held during the first week of summer school.

After-School Programs

The Building Principal or his/her designee shall require those in charge of after-school programs, events, or performances attended by any individuals unfamiliar with that 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. Upon receiving any bomb threat, the school has an obligation and responsibility to ensure the safety and protection of the students and other occupants of the school. This obligation takes 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. Specific procedures as to appropriate responses as a result of a bomb threat can be located in the building-level emergency response plan, as required by relevant law and regulation.

Police Notification and Investigation

Appropriate law enforcement agencies must be notified by the building administrator or designee of any bomb threat as soon as possible after receiving the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

(Continued)

SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS (Cont'd.)

Implementation

The Superintendent or his/her designee will develop written procedures to implement the terms of this policy. Additionally, these procedures will be incorporated in the District-wide School Safety Plan and the building level emergency response plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building level emergency response plans; and the annual review of the District-wide and building level emergency response plans, along with updates as necessary, by September 1, as mandated by law or regulation.

Bus Emergency Drills

The administration will conduct a minimum of three (3) emergency drills to be held on each school bus during the school year. The first drill will be conducted during the first seven days of school, the second drill between November 1 and December 31, and the third drill between March 1 and April 30. No drills will be conducted when buses are on routes.

Students who ordinarily walk to school shall also be included in the drills. Students attending public and nonpublic schools who do not participate in regularly scheduled drills will also be provided drills on school buses, or as an alternative, will be provided classroom instruction covering the content of these drills.

Each drill will include practice and instruction in the location, use, and operation of the emergency door, fire extinguishers, first-aid equipment, and windows as a means of escape in the event of fire or accident. Similarly, students will be instructed on all topics mandated by relevant sections of the Education Law and Commissioner's regulations, including, but not limited to, the following:

a) Safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking;

b) Advancing at least ten feet in front of the bus before crossing the highway after disembarking; and

c) Orderly conduct as bus passengers.

(Continued)

SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS (Cont'd.)

Instruction on Use of Seat Belts

When students are transported on school buses equipped with seat safety belts, the District will ensure that all students who are transported on any school bus owned, leased or contracted for by the District will receive instruction on the use of seat safety belts. This instruction will be provided at least three (3) times each year to both public and nonpublic school students who are so transported and shall include, but not be limited to:

a) Proper fastening and release of seat safety belts;

b) Acceptable placement of seat safety belts on students;

c) Times at which the seat safety belts should be fastened and released; and

d) Acceptable placement of the seat safety belts when not in use.

Education Law Sections 807, 2801-a and 3623
Penal Law Sections 240.55, 240.60 and 240.62
8 New York Code of Rules and Regulations (NYCRR) Sections 155.17, 156.3(f), 156.3(g) and 156.3(h)(2)

Adopted: 06/27/07
Revised: 10/03/12
Revised: 10/17/16

POLICY

2007 5684

Non-Instructional/Business Operations

SUBJECT: ANTHRAX AND OTHER BIOLOGICAL TERRORISM: PREVENTION PROTOCOLS/PROTOCOLS FOR MAIL HANDLING

The Naples Central School District shall assess and review their protocols for handling mail or packages. Common sense and care should be used in inspecting and opening mail or packages. Whenever feasible, the opening of mail should be limited to one (1) individual staff member in an area that is separate from other accessible areas within the school building, including the main office.

Additionally, precautions will be taken for those staff members responsible for handling letters or packages such as making available protective gloves to be worn when handling mail and providing appropriate training and protocols for the handling of mail and identifying suspicious envelopes or packages.

The building administrator should limit the area and persons exposed to the threat. Immediately after identifying the threat, the building administrator/designee shall notify the Superintendent/designee, dial 911 and/or the local law enforcement authorities according to the procedures identified in the applicable School Safety Plan (whether District-wide or building-level plans). The local FBI field office and the county health department will also be notified, if not otherwise provided for in the applicable School Safety Plan.

As far as possible, the school will attempt to limit the area and the persons exposed to the threat and will not allow anyone other than qualified emergency personnel to enter. Custodial and maintenance personnel will follow established procedures for quickly shutting down the building(s) heating/air conditioning/and ventilation systems if possible and as may be deemed necessary.

Furthermore, the building administrator/designee shall, as soon as possible, make a list of all persons who have been identified as having actual contact with the powder or other suspicious element, such as anthrax, for investigating authorities.

Administration shall review and revise, as appropriate, their school safety plans; and provide information regarding applicable safety prevention and response procedures to all staff.

All threats to school buildings and/or its occupants shall be treated seriously. All threats shall be treated as criminal actions and measures shall be taken to preserve the evidence.

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 the time that District mail is being opened by school staff.

Adopted: 6/27/07

SUBJECT: SCHOOL BUILDING ACCESS CONTROL

Schools cannot always control the crises/safety issues that may impact them. However, through the development and implementation of school safety plans, the District Code of Conduct, and various policies that address school security issues, the District is continually taking steps to improve the safety and culture of the school community.

All school safety plans shall be implemented, reviewed and/or revised as necessary in accordance with applicable law and Commissioner's Regulations. Appropriate school safety training for staff and students, the conduct of drills and other exercises to test components of the emergency response plan, as well as procedures for review, will be provided as mandated by law and regulation.

Additionally, school officials will encourage all staff and students to be more aware of their school surroundings by conducting awareness training relating to the school environment that includes awareness of signs of terrorism. Any suspicious activity is to be reported to the Building Principal/designee who will contact law enforcement authorities. Such suspicious activity may include, but is not limited to, unexplained presence of unauthorized persons in places where they should not be; discreet use of still cameras or video recorders; note-taking or the use of binoculars or maps near school locations; observation of security reaction drills or procedures; mobile surveillance from unauthorized vehicles on or around school grounds; the parking of a suspicious vehicle in the school's parking lot or in proximity to the school building, particularly for an extended period of time; and the discovery of an unattended package or object inside or around the premises of the school.

Visitors shall be directed to the Main Office for specific instructions regarding that building's procedures for visitors to the school.

Possession and Use of Cell Phones/Camera Phones

The Board recognizes that while carrying cell phones can be a safety measure for staff and students alike, problems arise when the inappropriate use of cell phones and/or camera phones interfere with the school's ability to maintain control in the school environment, giving rise to security as well as educational concerns. For example, the use of camera phones poses a danger to school security; risks educational integrity, particularly during testing/examinations; and creates the potential for violations of privacy. The use of camera phones by visitors to the schools can also present a potential security concern.

Inappropriate or unauthorized use of cell phones can undermine (if not render inoperable due to system overload) the communication system in place per the school safety plans, impede evacuation plans if parents or other individuals are summoned to the school by non-designated persons, and potentially restrict the access of community emergency service providers to the site.

(Continued)

SUBJECT: SCHOOL BUILDING ACCESS CONTROL (Cont'd.)

Therefore, the use and/or restriction of cell phones/camera phones shall be reviewed by designated personnel, including those individuals who are members of the school safety team(s) and team members involved in the annual review of the District Code of Conduct. As deemed necessary, school safety plans and the District Code of Conduct shall be modified to address the use of and/or restriction of cell phones/camera phones during designated times or events, particularly by students and visitors to the schools.

Policy Implementation

The Board directs that administration implement and review on a periodic basis building access control procedure, and provide IDs for staff, students and visitors as appropriate. Parents and students shall be informed of the school's access procedures; and visitors shall be required to follow the specific visitor procedures prescribed by that particular building.

This policy is intended to highlight our commitment to and planning for heightened security access to our schools. The policy shall be considered an adjunct to, not a replacement of, our school safety plans and the District Code of Conduct.

Adopted: 6/27/07

POLICY

2016 5686

Non-Instructional/Business Operations

SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE SCHOOL DISTRICT AND ON SCHOOL BUSES

The following rules and regulations implement the District's policy on the use of video surveillance cameras on District property, including school buses. Through these rules and regulations, the District seeks to protect students, staff, visitors, and District property.

1) The building principal or his/her designee in conjunction with the Superintendent of Schools will determine when and where video surveillance cameras are to be used;

2) The building principal or his/her designee is the only individual permitted to conduct an initial review of the surveillance camera recording(s), when necessary;

3) Surveillance recordings will generally be promptly erased or reused unless the building principal or his/her designee determines that those recordings should be preserved for use in disciplinary proceedings or other investigations;

   a. If surveillance recordings are to be used in student disciplinary proceedings or other investigations, those recordings will be maintained as an educational record in accordance with relevant law and regulation, including the Family Educational Rights and Privacy Act ("FERPA");

   b. Students may be permitted to view certain portions of surveillance camera recordings that are maintained by the District to the extent that they are used as evidence in their own disciplinary hearing. Those students and/or the parent or guardian may be entitled to obtain a copy of those portions of the recording at their own personal expense.

4) Surveillance recordings are generally not available for viewing by the public, District employees, or the media. Access to surveillance recordings will be limited in order to maintain the integrity and confidentiality of the recordings. To that end, certain District administrators or teachers may be permitted to view segments of the recording for the purpose of documenting disciplinary issues, criminal activity, or other educational reason as determined by the building principal or his/her designee or the Superintendent;

5) There may be occasions pursuant to court order, subpoena, or law, where the building principal or his/her designee or the Superintendent is authorized to make video surveillance camera recordings available to law enforcement officials or the Office of Children and Family Services.

Adopted: 06/27/07
Revised: 06/13/12
Revised: 08/18/16

POLICY

2010 5687

Non-Instructional/Business Operations

SUBJECT: AMIMALS ON SCHOOL GROUNDS

Based upon (1) the District's obligation to limit the use of school facilities to educational purpose, and (2) concerns related to maintenance costs and hygiene, as well as the help maintain safe and healthy conditions for students, staff and visitors to the Naples Central School District, it shall be a violation of District policy for any individual to bring a dog or other animal onto school grounds, except in accordance with the following regulations:

1. Animals are prohibited from school grounds when school is in session.

2. When school is not in session, the area designated for walking animals is restricted to sidewalks.
   a. All animals will be on a leash at all times.
   b. A clean up/carry out policy will be adhered to at all times.

3. Animals may be permitted in the schools for instructional purposes. It is the building administrator's responsibility to ensure that there is an appropriate educational purpose if any animal is housed in a classroom.

4. Approval of the building principal is required prior to bringing any animal to the campus for instructional purposes. The pet owner will be responsible for the proper control of such animals.

5. Animals are not to be transported on school buses.

6. Under certain circumstances, police and other emergency services may require the presence of animals in performing their duties (such as bomb or drug searches). This decision will be made on a case-by-case basis as determined by the responding emergency agency.

7. Authorized service dogs and properly identified service dogs in training will be exempt from the terms of this policy.

• Staff will report all violations of this policy to the building principal and then to the School Business Administrator. If warranted, the District may call the appropriate animal control agency to assist in enforcing this policy.

• The public assumes all risks for the safety of persons or property when using District facilities and grounds.

• The District Safety Committee will review this policy annually, and will make any recommendations for change to the Board of Education.

• This policy will be disseminated to the community and school personnel though normal channels of communication.

Adopted: 11/03/10

POLICY

2011 5688

Non-Instructional/Business Operations

SUBJECT: FIRE AND LIFE SAFETY HAZARDS

Appliances

The Board of Education recognizes the need to provide a healthy and safe learning environment for students and staff. State Fire Codes and our insurance company requirements restrict areas where cooking appliances may be used. Approved areas for using various appliances will be identified in each building. Generally, the designated areas are faculty lounges, faculty work rooms, staff lunch/break rooms and building offices. Approved locations will be inspected daily for compliance with fire regulations. The equipment used in these designated areas must be of commercial/industrial, variety and not equipment commonly purchased for home use.

Equipment that may not be used on District property except in designated areas includes but is not limited to:

Toaster Ovens
Hot Plates
Heat Lamps
Electric/Gas Stoves
Table Lamps
Electric Space Heaters
Coffee Pots
Microwave Ovens
Holiday Lights

Furniture, Refrigerators and Combustible Window Treatments

The above-named items present fire and life safety hazards, along with the potential for indoor air quality concerns. The District recognizes that there may be special circumstances that would merit adding certain pieces of furniture, a refrigerator or window treatments to a classroom. In order for this to occur, a form (attached) requesting that a piece of household type furniture, a refrigerator for classroom use, or window treatment needs to be completed by the staff member and submitted to the Building Administrator. The Building Administrator shall forward this request with their recommendation to the Director of Facilities and Operations who will then survey the room to determine if the room is designed both architecturally and mechanically to accommodate the request. In addition, such items will be inspected with regard to insect infestation, cleanliness, and/or other hazards. Refrigerators approved for classroom use may be no larger than dorm size. Furniture and window treatments must meet and maintain flame proofing in accordance with requirements that will reduce the associated fire and life safety hazards. Proper maintenance and disposal of the personal articles is the responsibility of the staff member who is granted permission to place in classroom and shall follow the recommendation of the Director of Facilities and Operations for the repairs, replacement and/or removal of these items.

Door Wedges

The Board of Education recognizes the negative impact that door wedges can have on life safety in the event of a fire situation. The use of door wedges is prohibited.

Adopted: 02/16/2011

POLICY

2007 5690

Non-Instructional/Business Operations

SUBJECT: EXPOSURE CONTROL PROGRAM

The District shall establish an exposure control program designed to prevent and control exposure to bloodborne pathogens. According to the New York State Department of Labor's Division of Safety and Health and Occupational Safety and Health Administration (OSHA) standards, the program shall consist of:

a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike.

b) Written standard operating procedures for blood/body fluid clean-up.

c) Appropriate staff education/training.

d) Evaluation of training objectives.

e) Documentation of training and any incident of exposure to blood/body fluids.

f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV.

g) Written procedures for the disposal of medical waste.

h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids or tissues.

29 Code of Federal Regulations (CFR) 1910.10:30

Adopted: 6/27/07

POLICY

2007 5691

Non-Instructional/Business Operations

SUBJECT: COMMUNICABLE DISEASES

Regulations and procedures will be developed for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

Adopted: 6/27/07

POLICY

2007 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.

Confidentiality:
Public Health Law Article 27-F

Adopted: 6/27/07

POLICY

2007 5710

Non-Instructional/Business Operations

SUBJECT: TRANSPORTATION PROGRAM

It is the intent of the Board of Education to comply with the letter and spirit of the New York State Education Law; with the regulations of the Department of Motor Vehicles and of the Department of Transportation and with the Commissioner of Education's regulations and decisions pertinent to student transportation, and these shall govern any questions not covered by specific declaration of policy herein.

The purposes of the transportation program are to transport students to and from school, to transport them for co-curricular activities, to transport them on field trips, and to transport those requiring special services.

The Board of Education recognizes and assumes the responsibility for all aspects of the transportation of children wherein the health and safety of students are involved, for the Board of Education has a legal obligation to safeguard the welfare of bus-riding children.

Education Law Sections 3602(7) and 3635 et seq.

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 6/27/07

POLICY

2007 5720

Non-Instructional/Business Operations

SUBJECT: WALKERS-RIDERS: BUS ROUTING

Bus routes, stops, pickup points, and turnarounds are established under the direction of the Superintendent of Schools in cooperation with the Head Bus Driver/Mechanic and the Head Mechanic/Bus Driver.

Authorized bus stops and pickup points will be located at convenient intervals in places where pupils may be loaded and unloaded, may cross highways, and may await the arrival of buses with the utmost safety that can be maintained given the road conditions. When possible, loading and unloading will be accomplished at the pupil's residence side of the road.

Turnarounds will be established where adequate space is available and maintenance is provided by town, county or state highway departments or the property owner.

Transportation will not be provided on dead end roads without a safe turnaround, private roads not maintained by a highway department, nor on any road designated for seasonal use, or closed to heavy vehicular traffic. Roads which have not been adequately plowed or sanded during winter weather and are thereby impassable or unsafe will not be traveled as determined by the Transportation Department on a daily basis.

Because of gradient and general or specific road conditions, regular bus routes will not be established on certain roads or sections of roads, or any other roads so designated by the Board of Education. A list will be maintained in the District Office of all such roads, and the list will be reviewed and revised on a yearly basis by the Board of Education. If any changes result from the review, people affected will be notified.

Students who live within the village will be provided transportation subject to routes and stops designated by the Board of Education.

We strongly urge that any resident or prospective resident of the District check with the school prior to purchasing or building a new home to see if the residence will be serviced.

Education Law Sections 3620-3628, 3635 and 3636

Adopted: 6/27/07

SUBJECT: TRANSPORTATION OF STUDENTS

Requests for Transportation to and from Non-Public Schools

The parent or person in parental relation of a parochial or private school child residing in the District who desires his or her child be transported to a parochial, private, or charter school outside of the District during the next school year, must submit a written request to the Board no later than April 1 of the preceding year, or within thirty (30) days of moving into the District. The District will publish the April 1 date in its school calendar and/or local newspaper as a reminder to parents of this deadline. Late requests will not be denied where a reasonable explanation is provided for the delay.

Transportation to Nonpublic Schools on Holidays

The District will share its calendar and start and dismissal times with nonpublic schools before the start of the school year. The District is not required to provide transportation to nonpublic schools on days on which the District's schools are not in session.

Transportation for Nonpublic School Students with Disabilities who are Parentally Placed

For students with disabilities, ages 5 through 21, who are parentally placed in nonpublic schools outside their district of residency, if special education services are to be provided to a student at a site other than the nonpublic school, the school district of location is responsible for providing the special education services, including, as applicable, arranging and providing transportation necessary for the student to receive special education services.

The district of residence remains responsible to provide transportation to parentally placed nonpublic school students from the student's home to the nonpublic school.

Transportation of Students with Disabilities

Transportation of students with disabilities in the District may not exceed fifty (50) miles one way from the student's home to the appropriate special service or program, unless the Commissioner certifies that no appropriate nonresidential special service or program is available within fifty (50) miles. In that event, the Commissioner may then establish transportation arrangements.

Student Information

Upon written consent of the parent or person in parental relation, every school bus which is used to regularly transport students with disabilities will maintain the following information about each student with a disability being transported:

(Continued)

SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)

a) Student's name;

b) Nature of the student's disability;

c) Name of the student's parent, guardian or person in parental relation and one or more telephone numbers where that person can be reached in an emergency; and/or

d) Name and telephone number of any other person designated by such parent, guardian or person in parental relationship who can be contacted in an emergency.

This information will be used solely for the purpose of contacting the student's parent, guardian, person in parental relationship, or designee in the event of an emergency involving the student, will be kept in a manner which retains the privacy of the student, and will not be accessible to any person other than the driver or a teacher acting in a supervisory capacity. In the event that the driver or teacher is incapacitated, this information may be accessed by any emergency service provider.

This information will be updated as needed, but at least once each school year and will be destroyed if parental consent is revoked, the student no longer attends the school, or the disability no longer exists.

Fire Extinguishers

School buses manufactured on or after January 1, 1990 fueled with other than diesel fuel and used to transport three (3) or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight (8) passengers and used to transport these students will be equipped with an engine fire suppression system.

School buses manufactured on or after September 1, 2007 fueled with diesel fuel and used to transport three (3) or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight (8) passengers used to transport these students will be equipped with an engine fire suppression system.

School buses will also be equipped with at least one hand fire extinguisher in the event of an emergency.

Transportation of Non-Resident Students

Non-resident families must provide their own transportation.

Continued)

SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)

Transportation to School Sponsored Events

Where the District has provided transportation to students enrolled in the District to a school sponsored field trip, extracurricular activity, or any other similar event, it will also provide transportation back to either the point of departure or to the appropriate school in the District unless a student's parent or legal guardian has provided the District with written notice, consistent with District policy, authorizing an alternative form of return transportation for the student. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical, and the parent has not authorized return transportation, a representative of the District will remain with the student until the student's parent or legal guardian has been contacted and informed of the intervening circumstances; and the student has been delivered to his or her parent or legal guardian.

Transportation in Personal Vehicles

Personal cars of teachers and staff will not be used to transport students except in the event of extenuating circumstances and authorized by the administration.

Education Law Sections 1604, 1709, 1804, 1903, 1950, 2503, 2554, 2590-e, 3242, 3602-c, 3621, 3623-a(2c), 3635, 4401-a, 4401(4), 4404, 4405, and 4410-6

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 06/27/07
Revised: 02/15/12
Revised: 08/18/16

SUBJECT: SCHOOL BUS SAFETY PROGRAM

The safe transportation of students to and from school is of primary concern in the administration of the school bus program. All state laws and regulations pertaining to the safe use of school buses shall be observed by drivers, students and school personnel.

To assure the safety and security of students boarding or exiting school buses on school property, it shall be unlawful for a driver of a vehicle to pass a stopped school bus when the red bus signal is in operation.

Use of Cell Phones and Portable Electronic Devices Prohibited

Use of portable electronic devices by a school bus driver at times the vehicle is in operation on the roadway poses a potential safety risk. All school bus drivers are prohibited from using portable electronic devices while the bus is in operation and students are on the bus.

Personal cell phones are to be placed in the "off" position when in the possession of the school bus driver while the bus is in operation. Cell phones may be used in case of emergency.

The following terms are defined as:

a) "Portable electronic device" shall mean any mobile telephone (hand held or "hands free"), personal digital assistant (PDA), portable device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device.

b) "Using" shall mean holding a portable electronic device while viewing, taking or transmitting images, playing games, or composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages, or other electronic data.

c) "In operation" shall mean that the bus engine is running, whether in motion or not.

The Transportation Supervisor, in cooperation with the Principals, has the responsibility of developing and publishing safety rules to be followed by drivers and passengers, including rules of student conduct. In order to ensure maximum safety to those riding school buses, it is necessary that students and drivers cooperate in this effort. There is no substitute for training to develop safe habits in pedestrian and vehicular traffic.

All buses and other vehicles owned and operated by the School District will have frequent safety inspections, and will be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

(Continued)

SUBJECT: SCHOOL BUS SAFETY PROGRAM (Cont'd)

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.

All buses and other vehicles owned by vendors/contract bus companies with whom the District contracts will have frequent safety inspections and be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

Every bus driver is required to report promptly any school bus accident involving death, injury, or property damage. All accidents, regardless of damage involved, must be reported at once to the Transportation Supervisor by the vendors/contract bus companies.

Education Law Section 3623
Vehicle and Traffic Law Sections 509-a(7), 509-1(1-b), 1174(a) and 1174(b)
8 New York Code of Rules and Regulations (NYCRR) Section 156.3

NOTE: Refer also to Policies #5683 -- Fire Drills, Bomb Threats and Bus Emergency Drills
#5761 -- Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees
#5730 -- Transportation of Students

Adopted: 01/25/12
Revised: 02/15/12

POLICY

2007 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 consideration acceptable to the Board of Education.

Education Law Section 1501-b

Adopted: 6/27/07

SUBJECT: SCHOOL BUS IDLING

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 exhaust, in particular diesel exhaust, by eliminating the unnecessary idling of all school buses on school property including all schools within the District or at any school or school related activities to which District students are transported. For purposes of this policy, an "idling school bus" shall mean a school bus that is parked or stopped at a school or other location and has its engine running. *This policy applies to the operation of every District-owned and/or contracted school bus*. The District shall strive to eliminate all unnecessary idling of school buses such that idling time is minimized in all aspects of school bus operation.

In accordance with the Rules and Regulations of the New York State Department of Environmental Conservation (DEC), excessive idling of certain vehicles is illegal in New York State. State regulations provide in part that buses exceeding 8,500 pounds and designed primarily for transporting persons or properties (i.e., a "heavy duty vehicle") shall not idle for more than five (5) consecutive minutes when not in motion unless otherwise authorized by the regulations. Significantly, the state regulations apply to a heavy duty vehicle whether or not powered by a diesel or non-diesel fueled engine.

Further, the five (5) consecutive minute limitation on idling applies to buses whether owned, operated or leased; or to one who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of the bus present on such land.

Exceptions

Exceptions to the five (5) consecutive minute limitation on idling of school buses will be as enumerated in state regulations and include, but are not limited to, the following:

a) The bus is forced to remain motionless because of the traffic conditions over which the driver has no control; and

b) Idling to maintain an interior temperature of fifty (50) degrees Fahrenheit when the outside temperature is less than fifty (50) degrees or an interior temperature of seventy (70) degrees Fahrenheit when the temperature outside is more than eighty (80) degrees.

c) Auxiliary function such as wheelchair lifts IF the operation requires the engine to continue running.

d) When operation of the vehicle is required for maintenance, including necessary pre-trip safety inspections.

(Continued)

SUBJECT: SCHOOL BUS IDLING (Cont'd.)

Publication of District Policy/Bus Driver Training

This policy shall be posted at the Transportation Department and bus garage; and the Head Bus Driver shall provide training to District bus drivers/transportation personnel on the District's idling reduction program and other practices for environmentally friendly bus operations to reduce school bus emissions and minimize exposure to bus exhaust. Appropriate signage shall be posted at each school to remind drivers and school staff of the policy.

Also, as may be applicable, the District shall ensure that each vendor/contract bus company receives a copy of the District policy regarding idling of school buses and shall provide any educational materials, regulations and/or procedures developed by the District with regard to meeting training requirements of the District's idling reduction program. The vendor/contract bus company shall sign for receipt of all of the above documents at the beginning of each school year and shall provide training for all currently employed bus drivers/transportation personnel. The vendor/contract bus company must also ensure that newly hired bus drivers, upon employment, are informed of the District policy and provided appropriate training regarding the idling of school buses.

The provisions of this policy shall be incorporated by reference in all transportation contracts and agreements.

The District shall otherwise publish its School Bus Idling Policy at its discretion which may include publication in the local newspaper and/or annual District calendar.

Sanctions for Violation of District Policy

District employed bus drivers as well as other District employees who are known to have engaged in prohibited behavior with regard to excessive idling of school buses are subject to disciplinary action pursuant to the applicable collective bargaining agreement, as well as the sanctions provided for in law and/or regulations.

Any significant violations by vendors/contract bus companies of District policy and/or regulations regarding excessive idling of school buses shall result in revocation of their contract for the transportation of District students; and they may be subject to sanctions provided for in law and/or regulations.

The District will monitor and enforce compliance with this policy; and any person may report incidents of noncompliance by contacting the Head Bus Driver.

State Regulations: 6 New York Code of Rules and Regulations (NYCRR) Subpart 217-3
NYC Regulations: New York City Administrative Code Section 24-163

Adopted: 6/27/07

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 annual bus driver physical examination administered pursuant to Regulations of the Commissioner of Education and the Commissioner of Motor Vehicles. In no case shall the interval between physical examinations exceed a thirteen-month period;

d) Is not disqualified to drive a motor vehicle under Sections 509-c and 509-cc and any other provisions of Article 19-A of the Vehicle and Traffic Law;

e) Has on file at least three (3) statements from three (3) different persons who are not related to the driver/applicant pertaining to the moral character and to the reliability of such driver/applicant;

f) Has completed, or is scheduled to complete, State Education Department safety programs as required by law;

g) Is in compliance with federal law and regulations, as well as District policy and/or regulations, as it pertains to meeting the standards governing alcohol and controlled substance testing of bus drivers if and when applicable.

h) Has taken and passed a physical performance test at least once every two (2) years and/or following an absence from service of sixty (60) or more consecutive days from his/her scheduled work duties;

i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

Special Requirements for New Bus Drivers

Before employing a new bus driver, the Superintendent or his/her designee shall:

a) Require such person to pass a physical examination within four (4) weeks prior to the beginning of service;

b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three (3) years;

(Continued)

SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)

c) Investigate the person's employment record during the preceding three (3) years;

d) Require such person to submit to the mandated fingerprinting procedures;

e) Request the Department of Motor Vehicles to initiate a criminal history check;

f) Require that newly hired bus drivers take and pass the physical performance test, as mandated by Commissioner's Regulations, before they transport students.

Omnibus Transportation Employee Testing Act of 1991, (Public Law 102-143), 49 United States Code (USC) Section 521(b)
49 Code of Federal Regulations (CFR) Parts 40, 382, 391, 392 and 395
Education Law Section 3624, Vehicle and Traffic Law Sections 509-c, 509-cc and Article 19-A
8 New York Code of Rules and Regulations (NYCRR) Section 156.3
15 New York Code of Rules and Regulations (NYCRR) Part 6

NOTE: Refer also to Policy #5761 -- Drug and Alcohol Testing For School Bus Drivers and Other Safety-Sensitive Employees

Adopted: 6/27/07

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES

The Board of Education recognizes the dangers inherent in alcohol and controlled substance use by employees especially those in safety-sensitive positions. To provide for the safety of its students and to comply with federal regulations, the Board requires alcohol and controlled substance testing of school bus drivers and other covered employees (i.e., those in "safety-sensitive" positions).

In accordance with federal regulations, employees in safety-sensitive positions are those who are required to have and use a commercial drivers' license (CDL) and operate commercial motor vehicles. These employees are 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 all such employees.

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.

Federal regulations require that school bus drivers and other safety-sensitive employees be tested for alcohol and/or drugs as prescribed in the federal law and regulations at the following times: pre-employment, randomly, when reasonable suspicion of prohibited use exists, post-accident, return-to-duty and follow-up testing.

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.

In accordance with federal and state law, a bus driver will not be permitted to drive or perform safety-sensitive functions if he or she:

a) Possesses, consumes or is reasonably believed to possess or have consumed alcohol or a controlled substance, while on duty;

b) Uses or is under the influence of alcohol or a controlled substance within six hours or less before duty;

c) Has an alcohol concentration of anything other than 0.00, or tests positive for a controlled substance; or

d) Refuses to take a required alcohol or controlled substance clearing house test.

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd)

Also, no driver shall use alcohol after being involved in an accident in which there was a fatality or in which the bus driver was cited for a moving violation and a vehicle was towed from the scene or an injury was treated away from the scene until he/she has been tested or 8 hours have passed, whichever occurs first.

Any employee who is tested and found to have an alcohol concentration of anything other than 0.00, shall be removed from the position until his/her next regularly scheduled duty period, but not less than 24 hours following administration of the test. Any employee found to have violated this requirement may be disciplined in accordance with the provisions of the applicable collective bargaining agreement, District policy, and/or law.

If a driver has an alcohol concentration of anything other than 0.00, or has engaged in prohibited alcohol or controlled substance use, he/she will be removed from driving duties, and referred to a substance abuse professional. The employee may be required to complete a treatment program and/or be disciplined pursuant to District policy and/or collective bargaining agreement. No driver who has abused controlled substances and/or alcohol may return to duty unless he/she has successfully passed a required return to duty test. However, the District reserves the right to suspend the driver pending abuse clearance. Thereafter, the driver will be subject to follow-up testing.

Should the District receive a dilute test result in which the creatinine concentration is greater than 5mg/dL in the case of any pre-employment, return-to-duty, follow-up, reasonable suspicion, or random test, it is the policy of the District that the individual shall be re-tested and that re-test will become the test of record.

The Superintendent of Schools shall provide a copy of this policy, the District's policy on misuse of alcohol and use of controlled substances, information on alcohol and drug abuse and treatment resources and any other information prescribed by federal regulations to all school bus drivers and other appropriate personnel prior to the initiation of the testing program and to each driver subsequently hired or transferred to a position subject to testing.

Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143) 49 United States Code (USC)

Sections 31136 and 31306

49 Code of Federal Regulations (CFR) Parts 40, 172, 382, 383, 391, 392 and 395

Adopted: 06/27/07
Revised: 05/20/15
Revised: 04/10/19
Revised: 03/22/23

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2025 6000

Personnel

Naples Central School District **NUMBER**

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SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL

The Board recognizes its obligation to adopt a code of ethics setting forth the standards of conduct required of all Board members, district officers and employees under the provisions of the General Municipal Law. Therefore, every Board member, officer and employee of the district, whether paid or unpaid, shall adhere to the following code of ethics.

Statutory Conflicts of Interest

It is a conflict of interest for a Board member, officer or employee to benefit personally from contracts made in their official capacity.

- "Contract" is defined broadly to include any claim or demand against the district or account or agreement with the district, whether expressed or implied which exceeds the sum of $750.00 in any fiscal year.
- An "interest" is defined as a direct or indirect benefit that runs to the employee as a result of a contract with the district.

No Board member, officer or employee shall have an "interest" (i.e., receive a direct or indirect benefit as the result of a contract with the district) in:

1. A firm, partnership or association in which he/she is a member or employee;
2. A corporation in which he/she is an officer, director or employee;
3. A corporation in which he/she, directly or indirectly, owns or controls 5% or more of the stock;
4. A contract between the district and his/her spouse, minor child or dependents, except for an employment contract between the school district, a spouse, minor child or dependent of a Board member authorized by §800(3) of the General Municipal Law or §3016 of the Education Law.

Standards of Conduct

The following rules and standards of conduct apply to all officers, including Board members and employees of the District.

Gifts

No person may directly or indirectly solicit, accept, or receive any gift having a value of seventy-five dollars ($75) or more under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence the individual in the performance of his or her official duties or was intended as a reward for any official action on the part of the individual. This prohibition applies to any gift, including money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form.

(Continued)

SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)

Confidential Information

No person may disclose confidential information acquired by him or her in the course of his or her official duties or use this information to further his or her personal interests.

Representing Others in Matters Before the District

No person may receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the District. Likewise, no one may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the District, where the individual's compensation is contingent upon any action by the District with respect to the matter.

Disclosure of Interest in Contracts and Resolutions

Any District officer or employee who has, will have, or later acquires an interest in or whose spouse has, will have or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with the District must publicly disclose the nature and extent of that interest in writing. The disclosure must be made when the officer or employee first acquires knowledge of the actual or prospective interest, and must be filed with the person's immediate supervisor and the Board. Any written disclosure will be made part of and included in the official minutes of the relevant Board meeting.

Investments in conflict with official duties

No person may invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his or her official duties, or that would otherwise impair his or her independence of judgment in the exercise or performance of his or her official powers or duties.

Private employment

No person may engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

Future employment

No person may, after the termination of service or employment with the District, appear before the District on behalf of his or her employer in relation to any case, proceeding, or application in which he or she personally participated during the period of his or her service or

(Continued)

SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)

employment with the District or which was under his or her active consideration while he or she was with the District.

Involvement with Charitable Organizations

A Board member, officer or employee may be involved as a volunteer, officer or employee in a charitable organization which has a relationship with the District. If a Board member is a board member, officer or employee of the charitable organization the Board member must disclose such relationship in writing to the District, and the Board member must recuse himself or herself from any discussions or votes relating to the charitable organization which may come before the Board. When participating in the activities of the charitable organization, the Board member, officer or employee shall not disclose any confidential information learned in the course of his or her official duties or use such information to further personal interests. Additionally, the Board member, officer or employee shall not make representations on behalf of the district unless specifically authorized to do so by the Board.

Notice of Code of Ethics and General Municipal Law Article 18

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

Education Law Section 410
General Municipal Law Article 18 and §§800-809
2CFR 200.318(c)(1)

Adopted: 06/27/07
Revised: 03/16/16
Revised: 10/17/16
Revised: 03/22/23

POLICY

2023 6120

Personnel

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

The Naples Central School District is an equal opportunity employer and does not discriminate against any employee or applicant for employment in its programs and activities on the basis of race, color, national origin, sex, disability, or age. Further, the District does not discriminate on the basis of religion or creed, sexual orientation, military status, genetic status, marital status, domestic violence victim status, criminal arrest or conviction record, or any other basis prohibited by state or federal non-discrimination laws.

Investigation of Complaints and Grievances

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination, and will promptly take appropriate action to protect individuals from further discrimination. All such complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

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

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621
Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Genetic Information Non-Discrimination Act of 2008 (GINA) Public Law 110-233
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
Civil Rights Law Section 40-c
Civil Service Law Section 75-B
Executive Law Section 290 et seq.
Military Law Sections 242 and 243

Adopted: 06/27/07
Revised: 05/19/10
Revised: 12/17/14
Revised: 03/22/23

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE

The District is committed to maintaining discrimination-free work environment. Sexual harassment is one form of workplace discrimination. This policy addresses sexual harassment in the workplace and is one component of the District's commitment to a discrimination-free work environment. The District will provide this policy to all employees in writing. The District will post the policy prominently throughout the District to the extent practicable.

Sexual harassment is a form of employee misconduct, a violation of District policy, and unlawful. Employees of every level who engage in sexual harassment, including supervisory personnel who engage in sexual harassment, who knowingly allow such behavior to continue, or fail to report suspected sexual harassment will be subject to remedial and/or disciplinary action by the District. Sexual harassment may also subject the District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability.

This policy applies to all instances of sexual harassment perpetrated against a "covered person," regardless of immigration status, by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student. For purposes of this policy, a "covered person" includes:

a) Employees;

b) Applicants for employment;

c) Paid or unpaid interns; and

d) Non-employees, which include anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace.

Sexual harassment in the workplace can occur between any individuals, regardless of their sex or gender. Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school grounds, school buses or District vehicles, and at school-sponsored events, programs, or activities, including those that take place at locations off school premises. It can also occur while employees are traveling for District business. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment, even if they occur away from school grounds, on personal devices, or during non-work hours.

While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity or expression, familial status, predisposing genetic characteristics, and criminal history. With the exception of involving the Title IX officer and applicable Title IX regulations, the procedures for addressing alleged harassment on the basis of any of these protected classes will be the same the procedures noted herein for sexual harassment.

(Continued)

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)

What Constitutes Sexual Harassment

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

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

a) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;

b) Such conduct is made either explicitly or implicitly a term or condition of employment; or

c) Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

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

Any covered person who feels harassed should report the conduct so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment

The following describes some actions that may constitute unlawful sexual harassment and that are strictly prohibited:

a) Physical acts of a sexual nature, such as:

(Continued)

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)

1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and

2. Rape, sexual battery, molestation or attempts to commit these assaults.

b) Unwanted sexual advances or propositions, such as:

1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; and

2. Subtle or obvious pressure for unwelcome sexual activities.

c) Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.

d) Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

e) Sexual or discriminatory displays or publications anywhere in the workplace, such as pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.

f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as:

1. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;

2. Sabotaging an individual's work; and

3. Bullying, yelling, or name-calling.

Prohibition of Retaliatory Behavior (Whistle-Blower Protection)

Unlawful retaliation can be any action that could discourage a covered person from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of a complaint of sexual harassment. Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

a) Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;

b) Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;

c) Opposed sexual harassment by making a verbal or informal complaint of harassment to a supervisor, building principal, other administrator, or the Civil Rights Compliance Officer (CRCO);

d) Reported that another employee has been sexually harassed; or

e) Encouraged a fellow employee to report harassment.

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

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless it knows about it. Any covered person who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, building principal, other administrator, or the CRCO. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is posted on the District website, and all covered persons are encouraged to use this complaint form. Persons who are reporting sexual harassment on behalf of another person should use the complaint form and note that it is being submitted on another person's behalf.

Any person who believes they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

Supervisory Responsibilities

All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the CRCO. In the event the CRCO is the alleged harasser, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors, building principals, and other administrators will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors, building principals, and other administrators will also be subject to discipline for engaging in any retaliation.

Investigating Complaints

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible, in consultation with the Title IX officer and in accordance with any applicable Title IX rules/regulations. The investigation will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All persons involved, including complainants, witnesses, and alleged harassers will be accorded due process, as outlined below, and in accordance with any applicable collective bargaining agreements to protect their rights to a fair and impartial investigation.

The District will not tolerate retaliation against anyone who files complaints, supports another's complaint, or participates in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

a) Upon receipt of a complaint, the CRCO will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. In the event that the CRCO is the alleged harasser, the complaint will be directed to another CRCO or District designee for investigation.

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

b) If a complaint is verbal, encourage the individual to complete the complaint form, which is available on the District website, in writing. If he or she refuses, prepare a complaint form based on the verbal reporting.

c) If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.

d) Request and review all relevant documents, including all electronic communications.

e) Interview all parties involved, including any relevant witnesses. If a student is involved, the District will follow all applicable District policies and procedures regarding questioning students.

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

1. A list of all documents reviewed, along with a detailed summary of relevant documents;
2. A list of names of those interviewed, along with a detailed summary of their statements;
3. A timeline of events;
4. A summary of prior relevant incidents, reported or unreported; and
5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).

g) Keep the written documentation and associated documents in a secure and confidential location.

h) Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.

i) Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

If an investigation reveals that discrimination or harassment has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable laws and regulations, as well as any and all relevant codes of conduct, District policies and administrative regulations, collective bargaining agreements, and/or third-party contracts.

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

Annual Training

The District will provide a sexual harassment prevention training program to all employees on an annual basis. The training will be interactive and will include:

a) An explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;

b) Examples of conduct that would constitute unlawful sexual harassment;

c) Information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;

d) Information concerning employees' rights of redress and all available forums for adjudicating complaints; and

e) Information addressing conduct by supervisors and any additional responsibilities for such supervisors.

Legal Protections and External Remedies

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

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

In addition to those outlined below, individuals may have additional legal protections.

State Human Rights Law (HRL)

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

Complaints with DHR may be filed any time within three years of the harassment. Likewise, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

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

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

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

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

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

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 USC § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

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

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

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

Title IX

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments of 1972.

For more information about how to file a complaint, contact OCR at 800-421-3481 (TDD 800-877-8339) or visit: https://www2.ed.gov/about/offices/list/ocr/docs/howto.html. The website contains information about filing the complaint online, by mail, or by email.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Local Police Department

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

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
29 Code of Federal Regulations (CFR) Section 1604.11(a)
34 Code of Federal Regulations (CFR) Subtitle B, Chapter 1
Civil Service Law Section 75-B
Executive Law Article 15
Labor Law § 201-g

Adopted: 06/27/07
Revised: 07/13/11
Revised: 12/17/14
Revised: 10/17/18
Revised: 03/22/23

POLICY

NAPLES CENTRAL SCHOOL DISTRICT

COMPLAINT FORM FOR SEXUAL HARASSMENT IN THE WORKPLACE

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Civil Rights Compliance Officer (CRCO). You will not be retaliated against for filing a complaint. Questions regarding the completion or submission of this form can be directed to the District's CRCO or a trusted staff member with whom you feel comfortable.

If you are more comfortable reporting verbally or in another manner, the person to whom you report the sexual harassment should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name: _____

Work Address: _____ Work Phone: _____

_____

Job Title: _____ Email: _____

Selected Preferred Communication Method: [ ] Email [ ] Phone [ ] In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____

Title: _____

Work Phone:_____ Work Address: _____

_____

COMPLAINT INFORMATION

1) Your complaint of Sexual Harassment is made about:

Name: _____ Title: _____

Work Address: _____ Work Phone: _____

_____

Relationship to you: [ ] Supervisor [ ] Subordinate [ ] Co-Worker [ ] Other

(Continued)

NAPLES CENTRAL SCHOOL DISTRICT

COMPLAINT FORM FOR SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

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

_____

_____

_____

3) Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? [ ] Yes [ ] No

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

_____

_____

_____

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

5) Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

_____

_____

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

_____

_____

Signature: _____ *Date*: _____

Instructions for the District

After receiving a complaint about alleged sexual harassment, follow the District's sexual harassment prevention policies and procedures.

(Continued)

NAPLES CENTRAL SCHOOL DISTRICT

COMPLAINT FORM FOR SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

Generally, an investigation involves:

1) Speaking with the employee;

2) Speaking with the alleged harasser;

3) Interviewing witnesses; and

4) Collecting and reviewing any related documents.

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

Document the findings of the investigation and basis for the District's decision along with any corrective actions taken and notify the complainant and the individual(s) against whom the complaint was made. This may be done via email.

Adopted: 10/17/18

POLICY

2014 6122

Personnel

SUBJECT: EMPLOYEE GRIEVANCES

In accordance with Article 15-C of the General Municipal Law, all District employees shall have the opportunity to present grievances free from interference, coercion, restraint, discrimination or reprisal. The District shall provide at least two (2) procedural stages and an appellate stage for the settlement of any grievance.

General Municipal Law Sections 681-685

Adopted: 06/27/07
Revised: 12/17/14

POLICY

2025 6123

Personnel

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY

The District is committed to the safety and security of our employees. Workplace violence presents a serious safety hazard to our staff, students and the entire school community.

Workplace violence is defined as any physical assault or act of aggressive behavior occurring where employees perform any work-related duty in the course of their employment including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without their consent that entails some injury; or stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

All employees are responsible for notifying their supervisor or the designated contact person (noted below) of any violent incidents or threatening behavior in the workplace, including threats they have witnessed or received, or have been told that another person has witnessed or received.

Designated Contact Person: _____
Title: _____
Department: _____
Phone: _____
E-mail: _____

All acts of workplace violence will be promptly and thoroughly investigated, and appropriate action will be taken, including contacting law enforcement where necessary.

The District employees, with the participation of authorized employee representatives, will develop and implement a Workplace Violence Prevention Program to comply with the applicable law and its implementing regulations. The Program will include:

a. A statement regarding the risk factors present in the workplace;
b. The methods the District will use to prevent incidents of violence in the workplace, including the specifically identified hazards;
c. A system to report workplace violence incidents in writing;
d. A written outline for employee training; and
e. A plan for annual program review.

This policy will be posted where notices to employees are normally posted.

Ref: Labor Law §27-b
12 NYCRR §800.6

Adoption date: 03/12/2025

SUBJECT: EVALUATION OF PERSONNEL

All Staff Members

The administration shall undertake a continuous program of supervision and evaluation of all personnel, including support staff, in the School District. The primary purposes of the evaluations shall be to encourage and promote improved performance and to make decisions about the occupancy of positions.

Teachers and Administrators

The Naples 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 this evaluation 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 a rating of "highly effective," "effective," "developing," or "ineffective." The composite score will be determined as follows:

a) 20% - student growth on state assessments or a comparable measure of student achievement growth (increases to 25% upon implementation of a value-added growth model);

b) 20% - locally selected measures of student 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.

(Continued)

SUBJECT: EVALUATION OF PERSONNEL (Cont'd.)

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.

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.

(Continued)

SUBJECT: EVALUATION OF PERSONNEL (Cont'd.)

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 New York Code of Rules and Regulations (NYCRR) Sections 80-1.1 and 100.2(o)

Adopted: 06/27/07
Revised: 12/12/12
Revised: 03/20/13
Revised: 10/16/13

POLICY

2010 6140

Personnel

SUBJECT: HEALTH EXAMINATIONS

All bus drivers and substitute bus drivers shall have yearly physical examinations. Each bus driver initially employed by the School District shall have a physical examination within the four (4) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a thirteen-month period.

The Board reserves the right to request a health examination at any time during employment, at School District expense, in order to determine whether any District employee can perform the essential functions of the position with or without reasonable accommodation.

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician/nurse practitioner and the Superintendent, such procedure is deemed necessary.

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician shall take precedence over all other medical advice.

All medical and health related information will be kept in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
45 Code of Federal Regulations (CFR) Parts 160 and 164
Education Law Sections 913 and 3624
8 New York Code of Rules and Regulations (NYCRR) Section 156.3(2)
10 New York Code of Rules and Regulations (NYCRR) Part 14
15 New York Code of Rules and Regulations (NYCRR) Part 6

Adopted: 6/27/07
Revised: 5/19/10
Revised: 6/30/10

POLICY

2019 6150

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 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 staff from consuming, sharing, selling, using, and/or possessing illegal drugs, counterfeit and designer drugs, drug paraphernalia or alcohol in the workplace; or when the effects of these actions may impair job performance. Additionally, the Board prohibits the misuse and/or unprescribed use of prescription and over-the-counter drugs in the workplace or when the effects of these actions may impair job performance.

In accordance with law, regulation, and District policy, smoking and vaping are prohibited on school grounds; within 100 feet of the entrances, exits, or outdoor areas of any of the District's schools; and/or at any school-sponsored event or activity that occurs off school grounds.

Disciplinary Measures

Staff will be informed of the range of penalties or consequences, up to and including, termination of employment that may be imposed for engaging in prohibited conduct in accordance with any applicable law, District policy, collective bargaining agreement, and/or other similar document.

Information on Substance Use Related Services

The Superintendent has designated one or more individuals to provide information regarding where and how to find available substance use related services to students, parents, and staff.

*Staff member(s) for the District designated to provide information on substance use related services to students, parents and staff are approved by the Board of Education annually. with ratification of his/her acts performed in the ordinary course of his/her duties.

Any information provided by a student, parent, or staff member to the designated individual(s) will not be used in any school disciplinary proceeding and will, in addition to any other applicable privilege, be considered confidential in accordance with law.

20 United States Code (USC) Section 6083(a), 7118, and 7973(a)
41 United States Code (USC) Section 8101 et seq.
Civil Service Law Section 75
Education Law Sections 409, 2801, 3020-a, and 3038
Public Health Law Section 1399-o

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

Adopted: 06/27/07
Revised: 10/06/19

POLICY

2007 6151

Personnel

SUBJECT: DRUG-FREE WORKPLACE

It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) 1308.11-1308.15. An acknowledgment form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

"Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the School District.

The Board of Education directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

Drug-Free Workplace Act, 20 United States Code (USC) Section 7101 et seq.
21 United States Code (USC) Section 812
21 Code of Federal Regulations (CFR) 1308.11-1308.15
34 Code of Federal Regulations (CFR) Part 85

NOTE: Refer also to Policies #6150 -- Alcohol, Drugs and Other Substances (School Personnel)
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)
District Code of Conduct on School Property

Adopted: 6/27/07

SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING

Registration

All employees who are certificate holders must register with the State Education Department (SED) every five years through the TEACH system. An employee is a certificate holder if they hold a permanent or professional certificate in the classroom teaching service, a permanent or professional certificate in the educational leadership service (i.e., school building leader, school district leader, or school district business leader), or a Level III Teaching Assistant certificate. Only registered employees may teach or supervise in the District.

Employees who were certificate holders prior to July 1, 2016 had to apply for initial registration during the 2016-2017 school year and each subsequent five-year period thereafter.

Any individual who is issued a new certificate is automatically registered with SED. These certificate holders must renew their registration every five years during their birth month.

Any certificate holder who fails to register by the beginning of the appropriate registration period may be subject to late filing penalties.

Certificate holders must notify SED of any change of name or mailing address within 30 days of such change through the TEACH system. Any certificate holder who willfully fails to inform SED of changes to their name and/or address within 180 days of such change may be subject to moral character review.

Continuing Teacher and Leader Education (CTLE) Credit Hours

All continuing teacher and leader education certificate holders (CTLE certificate holders) must successfully complete a minimum of 100 hours of acceptable CTLE hours during each five-year registration period to maintain a valid certificate. An employee is a CLTE certificate holder if they hold a professional certificate in the classroom teaching service, a professional certificate in educational leadership service, or a Level III Teaching Assistant certificate. This requirement may be completed at any time over the course of a five-year period. Credit hours cannot carry over to subsequent registration periods.

SED sets high standards for courses, programs, and activities that qualify for CTLE credit, and it must approve all CTLE sponsors. Generally, acceptable CTLE will be in the content area of any certificate title held by an individual or in pedagogy.

The District will describe opportunities for teachers and administrators to engage in CTLE in its Professional Learning Plan. The District will annually certify, in a format and on a timetable prescribed by the Commissioner of Education, that the requirements to have a Professional Learning Plan for the succeeding school year have been met and that it has complied with the Professional Learning Plan for the current school year.

(Continued)

SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING (Cont'd.)

The District will provide CTLE opportunities that are designed to improve the teacher or leader's pedagogical and/or leadership skills, and are targeted at improving student performance, among other things A peer-review teacher or principal acting as an independent trained evaluator who conducts a classroom observation as part of a teacher evaluation under relevant sections of the Education Law may apply the observation time to fulfilling CTLE requirements. Time spent mentoring may also be counted toward required CTLE credit hours.

Language Acquisition CTLE and Exemption

Employees holding an English to speakers of other languages (all grades) certificate or a bilingual extension are required to complete a minimum of 50 percent of the required CTLE hours in language acquisition aligned with the core content area of instruction taught, including a focus on best practices for co-teaching strategies, and integrating language and content instruction for English Language Learner (ELL) students. All other certificate holders must complete a minimum of 15 percent of the required hours dedicated to language acquisition addressing the needs of ELLs, including a focus on best practices for co-teaching strategies and integrating language and content instruction for ELLs. A minimum of 15 percent of the required CTLE hours holding a Level III Teaching Assistant certificate will be dedicated to language acquisition addressing the needs of ELLs and integrating language and content instruction for ELLs.

Employees holding school district business leader certificates are exempt from the language acquisition CTLE requirements for each year that they are employed in the District. Instead, they must complete a minimum of 15 percent of the required CTLE hours dedicated to the needs of ELLs and federal, state, and local mandates for ELLs.

Employees may be eligible for a waiver of language acquisition CTLE requirements. Each school year when there are fewer than 30 ELLs enrolled in the District or ELLs make up less than 5% of the total student population, the District may obtain an exemption. If the District obtains this exemption, employees would be exempt from the language acquisition CTLE requirement for each year that they are employed in the District.

CTLE Adjustments

The Commissioner may adjust an employee's number of CTLE hours and/or time to complete them due to poor health, as certified by a health-care provider; extended active duty in the Armed Forces; or other acceptable good cause.

Any employee holding a certificate in the classroom teaching service who obtains certification from the National Board for Professional Teaching Standards will be considered CTLE-compliant for the registration period in which they obtain this certification. However, the employee must still meet any language acquisition requirements.

(Continued)

SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING (Cont'd.)

Recordkeeping and Reporting Requirements

Employees must maintain a record of completed CTLE for at least three years from the end of the applicable registration period. The record must include the title of the program, the total number of hours completed, the number of hours completed in language acquisition addressing the need of ELLs, the sponsor's name, any identifying number, attendance verification, and the date and location of the program

The District will maintain a record of any professional learning it conducts or provides for educators for at least seven years from the date of completion. These records will be available for review by SED.

Education Law §§ 3006, 3006-a, 3012-d
8 NYCRR Subpart §§ 80-6
8 NYCRR §§ 100.2(dd) and 154-2.3(k)

NOTE: Refer also to Policy #6160 -- Professional Growth/Staff Development

Adopted: 10/17/16
Revised: 12/12/18
Revised: 09/08/21

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT

It is the policy of the District that attention be given to in-service, pre-service, and other staff development programs which are believed to be of benefit to the School District and its students. The Superintendent, in consultation with the appropriate administrative staff and/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 objective of improving professional competencies.

It is recommended that administration develop meaningful in-service and/or staff development programs which will achieve the following:

a) Contribute to the instructional program of the schools;

b) Contribute to improved education for students;

c) Achieve state mandates;

d) Enhance the professional competencies and/or instructional abilities of staff members.

The Board of Education, therefore, encourages all employees to improve their competencies beyond that which they may obtain through the regular performance of their assigned duties. Opportunities should be provided for:

a) Planned in-service programs, courses, seminars, and workshops offered both within the School System and outside the District.

b) Visits to other classrooms and schools, as well as attendance at professional meetings, for the purpose of improving instruction and/or educational services.

c) Orientation/re-orientation of staff members to program and/or organizational changes as well as District expectations.

Attendance at such professional development programs must be directly linked to the duties and responsibilities comprising the job description of the employee. Consequently, employees are encouraged to participate in the planning of staff development programs designed to meet their specific needs.

Members of the staff are also encouraged to continue their formal education as well as to attend their respective work-related workshops, conferences and meetings.

(Continued)

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT (Cont'd.)

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.

Education Law Sections 1604(27), 3004 and 3006
General Municipal Law Sections 77-b and 77-c
8 New York Code of Rules and Regulations (NYCRR) Sections 52.21(b)(3)(xvi), 52.21(b)(3)(xvii), 80-3.4(b)(2), 80-5.13, 80-5.14 and 100.2(dd)

NOTE: Refer also to Policy #6230 -- Mentoring Programs for First-Year Teachers

Adopted: 6/27/07

SUBJECT: CONFERENCE/TRAVEL EXPENSE REIMBURSEMENT

Travel Outside of District/Emergency Meetings

Conference travel will be for official business and will be made utilizing a cost-effective and reasonable method of travel.

All conference travel must have a completed Conference Approval Form on file which has been approved by the appropriate supervisor. The Superintendent/designee approves those Conference Approval Form requests which have reimbursable employee expenses. Conference Approval Forms are only to be used by District employees.

All conference reimbursement requests must be submitted using a Conference Approval Form.

Expenses for overnight-approved travel will be reimbursed when accompanied by original receipts for lodging and other reimbursable expenses. Meal expenses for overnight travel will only be reimbursed based on the Board approved per diem rates which are modeled after the United States General Services Administration per diem rates.

New York State sales tax cannot generally be reimbursed. Sales tax may, however, be reimbursed when such costs constitute an actual necessary expense. A Sales Tax-Exempt Form can be obtained prior to travel for hotel accommodations.

Original receipts are required when submitting for parking and tolls, however "EZ Pass" statements may be substituted with the appropriate charges highlighted.

Gratuity is limited to 15% - The amount of gratuity must be reflected on the receipt. (Anything over and above will be at the employee’s expense)

No alcohol purchase of any kind will be reimbursed by the district.

(Continued)

SUBJECT: CONFERENCE/TRAVEL EXPENSE REIMBURSEMENT (Cont'd)

Staff/Board Meetings and District Events

However, the Board of Education recognizes that at certain times it may be appropriate to provide meals and/or refreshments at District meetings and/or events which are being held for an educational purpose. Prior approval of the Superintendent/designee must be obtained for food and beverages provided at meetings or activities which will be charged to the District.

Any such expenditure must be appropriately documented with an itemized receipt and information showing the date and purpose of the meeting, food served, who attended the meetings and why the attendees needed food and/or refreshments to conduct School District business. These requirements must be met for meals/refreshments provided by the school lunch fund or local vendors, charged to District credit cards and/or reimbursed to a School District official.

NOTE: Refer also to Policy #5323 -- Reimbursement For Meals/Refreshments

Adopted: 06/27/07
Revised: 12/02/09
Revised: 06/01/11
Revised: 12/02/15

POLICY

2023 6170

Personnel

SUBJECT: SAFETY OF STUDENTS (FINGERPRINTING CLEARANCE OF NEW HIRES)

Unless otherwise authorized, the District will not employ or utilize a prospective school employee unless the prospective school employee has been granted "full" clearance for employment by the State Education Department (SED). The District will require a prospective school employee who is not in the SED criminal history file database to undergo a fingerprint supported criminal history background check. "Criminal history record" means a record of all criminal convictions and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation. The District will obtain the applicant's consent to the criminal history records search. The District will request clearance for employment, view information regarding an applicant's status, and enter hire or termination dates through SED's Web-based application known as TEACH.

Safety of Students

The District will provide for the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. This will include the safety of students in the classroom, attending off-campus activities under the supervision of the District, and participating in extracurricular and/or co-curricular activities (including athletic activities).

Other safety considerations will include supervision of the employee holding conditional appointment or emergency conditional appointment as determined appropriate by the applicable building or program administrator.

Correction Law Article 23-A
Education Law Sections 305(30), 305(33), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c and 3035
Executive Law Section 296(16)
Social Services Law Article 5, Title 9-B
8 New York Code of Rules and Regulations (NYCRR) Sections 80-1.11 and Part 87

Adopted: 06/27/07
Revised: 05/19/10
Revised: 02/16/11
Revised: 07/11/12
Revised: 03/16/16
Revised: 03/22/23

POLICY

2012 6172

Personnel

SUBJECT: IDENTIFICATION BADGES

The Naples School District is committed to providing a safe and secure environment for our students and employees. The District will issue Identification (ID) Badges to all full-time and part-time employees. The identification badge serves the dual purpose of allowing access to secured areas as well as readily identifying school District employees and other authorized personnel. In addition, the identification badges will provide measured protection against unauthorized personnel and intruders from entering District buildings.

Employees and Temporary Staff

Identification Badges will be issued by the District to all existing and new employees. The badges will include the employee's name and photo, together with building and/or District information. Badges shall be worn during the school day and when advising or chaperoning school-sponsored activities.

Long-term substitute teachers and student teachers, who are assigned to District buildings for an extended period of time, may be issued a regular ID badge by the District. Short-term substitute teachers, other temporary employees and contract staff will be required to sign in each time they enter a District building. A non-picture ID badge (visitor or other temporary badge) will be issued to staff members in this category and it will be their responsibility to return the badge upon leaving the building each day.

The ID badge is the property of the School District and may only be used by the individual to whom it was issued. Employees may not loan their ID badge to anyone for any reason. Upon separation from employment, employees are required to return the ID badge.

Visitors

Visitors, including approved volunteers and vendors, will wear a "Visitor" identification badge after signing in and gaining permission to be on the premises during school hours. The badge must be worn in a highly visible manner while in District buildings and shall be surrendered when exiting the building.

Administrative regulations shall be developed to implement the terms of this policy.

Refer also to Policy #3210 -- Visitors to the Schools

Adopted: 10/03/12

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)

The Board of Education requires that all School District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District up to and including termination of employment.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent unprofessional and/or personal communication with a student (via phone, e-mail, letters, notes, text messaging, social networking sites and/or other electronic communications, etc.) unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations.

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against District policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

Any student who believes that he/she has been subjected to inappropriate staff behavior as enumerated in this policy, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to any staff member or either the employee's supervisor, the student's Principal or the District's designated complaint officer. In all events such reports shall be forwarded to the designated complaint officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students shall also be investigated by the District. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, child abuse in an educational setting) must ***also*** follow the District's reporting procedures for such

(Continued)

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

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.

Refer Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
Education Law Article 23-B
Social Services Law Sections 411-428
8 New York Code of Rules and Regulations (NYCRR) Part 83

NOTE: Refer also to Policy #6181 – Social Networking Sites (SNU) Guidelines

Adopted: 06/27/07
Revised: 04/28/10
Revised: 01/09/13
Revised: 10/16/13

SUBJECT: SOCIAL NETWORKING SITES (SNS) GUIDELINES

Philosophy Statement

To accommodate new communication paradigms and tools and remain at the forefront of preparing students for the future, educators and school districts must explore new and emerging technologies to supplement the range of services they currently offer to their respective "customers." "Customers" may include Board members, parents, students, teachers, staff, media, and the community at large. Among the newest tools available to educators and school districts are social networking sites (hereinafter referred to as SNS).

SNS have great potential to connect peoples across the globe and enhance communication; however, they are also more informal, less structured and still emerging. These guidelines are designed to establish some basic parameters on the creation and use of SNS for the School District and its personnel.

Definition of Social Networking Sites

Social networking sites (such as Facebook, MySpace, etc.) are Web sites or online communities that connect people through social and other networks. Social networking sites often include a range of communication platforms including, but not limited to, creation of profiles, blogs, discussion boards, instant messaging and file sharing (sharing of text, photos, video, etc).

Establishing the District's Social Networking Site

1) The District's Technology staff will establish and maintain the initial District SNS (e.g., on Facebook) to further the public relations/outreach/connection to the District's various "customers" and will monitor all of the content on this SNS.

2) The Superintendent shall have the exclusive and final authority to determine whether individual District buildings/facilities may initiate and maintain separate page(s) on the District's SNS.

Quality Control/Content Integrity

1) The District's official Web site will remain the primary source for all content. Any and all material on the District's SNS will supplement information that exists on the District's official Web site.

2) All the material/content that is entered/posted to the District's SNS (e.g., Facebook) account/page must include a link back to District's official Web site.

3) The District shall provide general training, including training on ethical, legal considerations and compliance with all applicable policies and regulations, for all personnel on use of the District's SNS.

(Continued)

SUBJECT: SOCIAL NETWORKING SITES (SNS) GUIDELINES (Cont'd.)

Quality Control/Content Integrity

1) The District's official Web site will remain the primary source for all content. Any and all material on the District's SNS will supplement information that exists on the District's official Web site.

2) All the material/content that is entered/posted to the District's SNS (e.g., Facebook) account/page must include a link back to District's official Web site.

3) The District shall provide general training, including training on ethical, legal considerations and compliance with all applicable policies and regulations, for all personnel on use of the District's SNS.

Ethical Standards/Legal Obligations for District Personnel

1) District personnel shall conduct themselves in the "virtual" or online world of SNS just as they would in all face-to-face human interactions, namely treating others with dignity and respect and observing all other established standards of professional conduct.

2) District personnel acknowledge and agree that when they create or post material on the District SNS they are in effect "content publishers" and as such are subject to a host of ethical and legal obligations including, but not limited to, compliance with the federal Digital Millennium Copyright Act.

3) The Superintendent/designee, in conjunction with the Technology Coordinator, shall monitor the District SNS to encourage users to contribute accurate, valuable and high-quality information on the District SNS. Protocols will be developed to govern the daily operation of District SNS, including the respective rights and responsibilities of the District and site users.

4) While mindful of employees' First Amendment free speech rights, District personnel who participate in social networking Web sites, including the District's SNS, shall not post any material which may result in the disruption of classroom or District activities. A District is entitled to make such a determination based on the facts surrounding the material as the District reasonably believes them to be.

5) Due to the evolving nature of these primarily social Web sites, District personnel should not use SNS to create or maintain personal relationships with students. For purposes of these guidelines, "personal relationships with students" shall mean any behavior or conduct that is unrelated to course work or official school matters. Such behavior may erode the professional authority and traditional roles of teacher and student within the School District and may violate District policies and/or regulations.

(Continued)

SUBJECT: SOCIAL NETWORKING SITES (SNS) GUIDELINES (Cont'd.)

6) Access to social networking sites for personal use during the School District's workday is prohibited. However, access to the District's SNS for matters related to school business and/or educational activities may be permitted as authorized by the employee's supervisor.

Reporting Requirements

District personnel shall be required to report known or suspected violations of the District's SNS Guidelines to their Building Principal or Supervisor.

Disciplinary Sanctions

District personnel who violate any provision of the District's SNS guidelines shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulations, and the applicable collective bargaining agreement.

Compliance with Other Applicable Policies and Regulations

District personnel who participate in social networking Web sites, including the District's SNS, shall be subject to all applicable District policies and regulations including, but not limited to, the following:

1) Confidentiality of Computerized Information;

2) School District Standards and Guidelines for Web Page Publishing;

3) Teacher Web Pages Including Web 2.0 Tools for Collaboration;

4) Code of Ethics for Board Members and All District Personnel;

5) Sexual Harassment of District Personnel;

6) Staff-Student Relations: Fraternization;

7) Sexual Harassment of Students; and

8) Staff Use of Computerized Information Resources.

NOTE: Refer also to Policy #6180 – Staff-Student Relations (Fraternization)

Adopted: 04/28/10
Revised: 10/16/13

SUBJECT: USE OF EMAIL IN THE DISTRICT

Overview

Email is a valuable tool that allows for quick and efficient communication. However, careless, unacceptable, or illegal use of email may place the District and members of its community at risk. Use of email in the District must be consistent with the District's educational goals and comply with federal and state laws and regulations, as well as all applicable District policies, regulations, procedures, collective bargaining agreements, and other related documents such as the District's *Code of Conduct*. This includes, but is not limited to, this policy and the District's policies on nondiscrimination and anti-harassment, protecting the personal information of District employees and students, acceptable use, and record management.

District-related emails are most secure and best managed when District email services are used. Accordingly, the District's email services should be used for all district-related emails, including emails in which students or student issues are involved. Personal email accounts should not be used to conduct District-related business. Further, District email accounts should not be used as any individual's primary personal email address.

Scope and Application of Policy

This policy applies to all District employees and any individual assigned a District email address to conduct District-related business (authorized user).

Sending Emails with Personal, Private, and Sensitive Information

Personal, private, and sensitive information (PPSI) is any information to which unauthorized access, disclosure, modification, destruction, use, or disruption of access or use could have or cause a severe impact on critical District functions, employees, students, third parties, or other individuals or entities. For purposes of this policy, PPSI includes, but is not limited to:

a) District assessment data;

b) Protected student records;

c) Information subject to laws protecting personal information such as Family Educational Rights and Privacy Act (FERPA), Individuals with Disabilities Act (IDEA), Health Insurance Portability and Accountability Act (HIPAA);

d) Social security numbers;

e) Driver's license or non-driver identification card numbers;

f) Credit or debit card numbers;

g) Account numbers;

(Continued)

SUBJECT: USE OF EMAIL IN THE DISTRICT (Cont'd.)

h) Passwords; and

i) Access codes.

The failure to follow proper security protocols when emailing PPSI increases the risk that unauthorized individuals could access and misuse PPSI.

*District employees and authorized users may not send or forward emails that include:

a) PPSI without building principal or supervisor authorization. Additional precautions, such as encrypting the email in a District-approved method, should be taken when sending any emails containing PPSI.

b) Lists or information about District employees without building principal or supervisor authorization.

c) Attachments with file names that may disclose PPSI. Files containing PPSI should be password protected and encrypted. File protection passwords should not be transmitted via email. District employees and authorized users will not use cloud-based storage services (such as Dropbox or OneDrive) to transmit files with PPSI without previous District approval or consulting with a building principal or supervisor.

d) Comments or statements about the District that may negatively impact it.

Any questions regarding the District's protocols for sending emails with PPSI or what information may or may not be emailed should be directed to a supervisor.

Receiving Suspicious Emails

Social engineering attacks are prevalent in email. In a social engineering attack, an attacker uses human interaction (social skills) to obtain confidential or sensitive information.

Phishing attacks are a form of social engineering. Phishing attacks use fake email messages pretending to represent a legitimate person or entity to request information such as names, passwords, and account numbers. They may also deceive an individual into opening a malicious webpage or downloading a file attachment that leads to malware being installed.

Malware is malicious software that is designed to harm computer systems. Malware may be inadvertently installed after an individual opens an email attachment, downloads content from the Internet, or visits an infected website.

(Continued)

SUBJECT: USE OF EMAIL IN THE DISTRICT (Cont'd.)

Before responding to any emails, clicking on any hyperlinks, or opening any attachments, District employees and authorized users should review emails for indicators of suspicious activity. These indicators include, but are not limited to:

a) Attachments that were not expected or make no sense in relation to the email message;

b) When the recipient hovers the mouse over a hyperlink that is displayed in the email, the link to the address is for a different website;

c) Hyperlinks with misspellings of known websites;

d) The sender is not someone with whom the recipient ordinarily communicates;

e) The sender's email address is from a suspicious domain;

f) Emails that are unexpected, unusual, or have bad grammar or spelling errors; and

g) Emails asking the recipient to click on a link or open an attachment to avoid a negative consequence or to gain something of value.

*District employees and authorized users should forward suspicious emails to the District's information technology (IT) staff.

No Expectation of Privacy

District employees and authorized users should have no expectation of privacy for any email messages they create, receive, or maintain on their District email account. The District has the right to monitor, review, and audit each District employee's and authorized user's District email account.

Accessing District Email Services on Personal Devices

In the event a District employee or authorized user loses a personal device that has been used to access the District's email service, that District employee or authorized user should notify the Districts' IT staff so that measures can be taken to secure the email account.

Personal Use

The District's email services are intended for District-related business only. Incidental or limited personal use of the District's email services is allowed so long as the use does not interfere with job performance. However, District employees and authorized users should have no expectation of privacy in this email use.

(Continued)

SUBJECT: USE OF EMAIL IN THE DISTRICT (Cont'd.)

The District's email services should not be used to conduct job searches, post personal information to bulletin boards, blogs, chat groups, and list services, etc. without authorization from a building principal or supervisor.

It is prohibited to use the District's email services for:

a) Illegal purposes;

b) Transmitting threatening, obscene, discriminatory, or harassing materials or messages;

c) Personal gain or profit;

d) Promoting religious or political causes; and/or

e) Sending spam, chain letters, or any other type of unauthorized widespread distribution of unsolicited mail.

Personal email accounts or services (Yahoo, Gmail, etc.) should not be accessed via the District Computer System (DCS) without authorization from a building principal or supervisor.

Confidentiality Notice

A standard confidentiality notice will automatically be added to each email as determined by the District.

Training

District employees and authorized users will receive ongoing training related to the use of email in the District. This training may cover topics such as:

a) What is expected of users, including the appropriate use of email with students, parents, and other individuals to avoid issues regarding harassment and/or charges of fraternization;

b) How to identify suspicious emails, as well as what to do after receipt of a suspicious email;

c) Emailing PPSI;

d) How to reduce risk to the District;

e) Cost of policy non-compliance;

f) Permanence of email, including how email is never truly deleted, as the data can reside in many different places and in many different forms; and

(Continued)

SUBJECT: USE OF EMAIL IN THE DISTRICT (Cont'd.)

g) How users should have no expectation of privacy when using the DCS or any District email service.

Notification

The District will provide annual notification of this policy and any corresponding regulations to all District employees and authorized users. The District will then require that all employees and authorized users acknowledge that they have read, understood, and will comply with the policy and regulations.

Records Management and Retention

The same laws and business records requirements apply to email as to other forms of written communication.

Email will be maintained and archived in accordance with Retention and Disposition Schedule for New York Local Government Records (LGS-1) and as outlined in any records management policies, regulations, and/or procedures.

Additionally, emails may be subject to disclosure under the Freedom of Information Law (FOIL), a court action, an audit, or as otherwise required or permitted by law or regulation.

Disciplinary Measures

Failure to comply with this policy and any corresponding regulations or procedures may subject a District employee and authorized user to discipline such as loss of email use, loss of access to the DCS, and/or other disciplinary action up to and including termination. When applicable, law enforcement agencies may be contacted.

The District's IT staff may report inappropriate use of email by a District employee or authorized user to the District employee or authorized user's building principal or supervisor who may take appropriate action which may include disciplinary measures.

NOTE: Refer also to Policies #3320 -- Confidentiality of Computerized Information
#3420 -- Non-Discrimination and Anti-Harassment in the District
#5670 -- Records Management
#6470 -- Staff Acceptable Use Policy
#8271 -- Internet Safety/Internet Content Filtering

Adopted: 01/05/2011
Revised: 05/22/2013
Revised: 02/03/2021

POLICY

2007 6210

Personnel

SUBJECT: CERTIFIED PERSONNEL

The Board of Education shall, upon the recommendation of the Superintendent, create, abolish, maintain and/or consolidate positions involving certified persons as necessary for the proper and efficient achievement of its goals.

All assignments and transfers shall be made in accordance with the provisions of law, Board of Education policies, and the employee's negotiated agreement.

Education Law Sections 2510 and 3013
8 New York Code of Rules and Regulations (NYCRR) Part 30

Adopted: 6/27/07

POLICY

2007 6211

Personnel

SUBJECT: RECRUITMENT

The District will attempt to employ the best qualified personnel for any position.

Professional personnel shall be recruited and selected by, or at the direction of, the Superintendent of Schools, who shall recommend appointment to the Board of Education.

The District shall provide equal opportunity in employment for all qualified persons in accordance with Federal and State legislation.

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621
Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000-d et seq.
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000-e et seq.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
Civil Rights Law Section 40-c
Education Law Section 3012
Executive Law Section 290 et seq.
Military Law Sections 242 and 243

Adopted: 6/27/07

POLICY

2019 6212

Personnel

SUBJECT: CERTIFICATION AND QUALIFICATIONS

The following provisions will govern certification and qualifications of District personnel:

a) Each employee whose employment requires certification or other licensure must inform the Superintendent immediately of any change in his/her certification or licensure status. The changes may include the granting, revocation, upgrading, expiration, conversion and/or extension of documents as to their periods of validity or their titles.

b) Online verification of an employment applicant's certification status will be used in lieu of printed certificates for current and potential employees. The District will also check the TEACH database to ensure that any permanent or professional certificates for new hires remain valid.

c) It is the responsibility of the employee to ensure that he or she maintains the appropriate certification and/or licensure required for his or her assignment.

Parent Notification

At the beginning of each school year, the District will notify parents that they may request information about the professional qualifications of their student's classroom teachers. The District will provide in a timely manner upon request the following information to parents:

a) Whether the student's teacher has met New York State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;

b) Whether the student's teacher is teaching under emergency or other provisional status through which the New York State qualification or licensing criteria have been waived;

c) Whether the student's teacher is teaching in the field of discipline of certification of the teacher; and

d) Whether the student is provided services by any instructional aides or similar paraprofessionals and, if so, their qualifications.

In addition, the District will provide to parents timely notice that their student has been assigned or has been taught for four or more consecutive weeks by a teacher who does not meet applicable New York State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

20 United States Code (USC) Section 6312
30 Code of Federal Regulations (CFR) Sections 200.61
8 New York Code of Rules and Regulations (NYCRR) Subparts 80-6.7

Adopted: 06/27/07
Revised: 06/19/19

SUBJECT: INCIDENTAL TEACHING

The Superintendent may assign a teacher to teach a subject not covered by such teacher's certificate or license for a period not to exceed five (5) classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment efforts, and provided that approval of the Commissioner of Education is obtained in accordance with the requirements as enumerated in Commissioner's Regulations.

Not later than twenty (20) business days after such an assignment, the Superintendent shall submit for approval an application, in a form satisfactory to the Commissioner, containing the following information:

a) Evidence of extensive recruitment of a teacher certified in the appropriate area;

b) The name and certification status of the teacher given such assignment;

c) The subject which the teacher is being assigned to teach on an incidental basis and the total number of classes in the subject being taught on an incidental basis;

d) The qualifications of the teacher to teach such subject on an incidental basis;

e) The specific reasons why an incidental assignment is necessary;

f) The anticipated duration of the incidental teaching assignment; and

g) The number of applications, approved or pending, for authorization to make incidental teaching assignments in the same certification area for which the current authorization is being sought.

To be approved, the application shall demonstrate to the satisfaction of the Commissioner that an incidental teaching assignment is necessary, that the teacher assigned is the best qualified to teach the subject on an incidental basis, and that the requirements of Commissioner's Regulations have been met.

The Commissioner will issue a determination within twenty (20) business days of receipt of the District's application.

In the event that the application is disapproved, the Superintendent, within seven (7) business days of receipt of the notice of disapproval, shall terminate the incidental assignment. In the event that the application is approved, such approval shall be deemed to have commenced on the date of the incidental teaching assignment and shall terminate on the last day of the school year for which it is granted.

(Continued)

SUBJECT: INCIDENTAL TEACHING (Cont'd.)

The Superintendent may renew an incidental teaching assignment, in accordance with the requirements of Commissioner's Regulations, for any subsequent school year. In addition to submitting to the Commissioner the information noted above for initial approval of an incidental teaching assignment, a renewal application must provide a number of assurances, including that the teacher assigned a course on an incidental basis has completed, or has agreed to complete, within the prescribed time period, at least three (3) semester hours of credit or the equivalent leading to certification in the subject area of the incidental assignment.

8 New York Code of Rules and Regulations (NYCRR) Section 80-5.3

Adopted: 6/27/07

SUBJECT: PROBATION AND TENURE

Probation

Certified staff members shall be appointed to a probationary period by a majority vote of the Board upon recommendation of the Superintendent.

Teachers, all other members of the teaching staff, administrators, directors, supervisors, principals, and all other members of the supervisory staff, except associate, assistant, and other superintendents, will be appointed to a probationary period of four (4) years. The probationary period will not exceed three (3) years for teachers previously appointed to tenure in this or another school district or BOCES within the state, provided that the teacher was not dismissed from the prior district or BOCES and met the required annual professional performance review (APPR) rating in his/her final year of service there. Additionally, up to two (2) years of service as a regular substitute teacher may be applied toward probationary service. (This is sometimes referred to as Jarema Credit.)

During the probationary period, a staff member will be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance will be assumed because the staff member attained the required certification or license.

A staff member's appointment may be discontinued at any time during his/her probationary period upon the recommendation of the Superintendent and by majority vote of the Board. Any person not recommended for tenure appointment will be notified in writing by the Superintendent no later than sixty (60) days before his/her probationary period expires.

Tenure

The Board will follow all applicable laws and regulations regarding tenure.

At the expiration of the probationary period or within six months prior, the Superintendent will make a written report to the Board recommending for appointment to tenure 1) those non-teaching certified staff members who successfully completed their probationary period in the District, and 2) teachers and principals who have been found competent, efficient, and satisfactory, and who have received the APPR rating of effective or highly effective in at least three of the preceding four years. If a teacher or principal receive an APPR rating of ineffective in their final probationary year, the Board may not award tenure, but may extend that teacher's or principal's probationary time by an additional year. The teacher or principal may be eligible for immediate tenure if he/she successfully appeals the ineffective rating. The Board may then—by a majority vote—appoint to tenure any or all of the persons recommended by the Superintendent.

When the initial probationary period expires, a teacher or principal will remain on probationary status until the end of the school year in which he/she received APPR ratings of effective or highly effective. The Board may also grant tenure contingent upon a teacher's or principal's receipt of a minimum APPR rating in the final year of the probationary period.

(Continued)

SUBJECT: PROBATION AND TENURE (Cont'd.)

Resolutions Making Appointments

Each Board resolution making a probationary appointment or an appointment on tenure will specify:

a) The name of the appointee;

b) The tenure area or areas in which the professional will devote a substantial portion of his/her time;

c) The date probationary service or service on tenure commences in each area; and

d) The expiration date of the appointment, if made on a probationary basis. For appointments of classroom teachers and principals, the resolution must state that:

1. To receive tenure, the individual must receive composite or overall APPR ratings of effective or highly effective in at least three of four preceding years; and

2. If the teacher or principal receive an ineffective composite or overall APPR rating in their final year of probation, they will not be eligible for tenure at that time; and

e) The certification status of the appointee in reference to the position to which the individual is appointed.

Education Law §§ 2509, 2573, 3012, 3012-c, 3012-d, 3014, and 3031
8 NYCRR §§ 30-1.3, 80-3.6, 80-3.9, and 80-3.10

Adopted: 06/27/07
Revised: 11/04/15
Revised: 03/16/16

POLICY

2007 6215

Personnel

SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL

Tenured teachers and certain certified personnel may be subject to disciplinary charges that are set forth in 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.

Education Law Sections 3012 and 3020-a
8 New York Code of Rules and Regulations (NYCRR) Subpart 82-1

Adopted: 6/27/07

POLICY

2007 6216

Personnel

SUBJECT: PROFESSIONAL STAFF: SEPARATION

A probationary professional staff member may be discontinued at any time during his/her probationary period on the recommendation of the Superintendent and by a majority vote of the Board of Education.

If the Superintendent will be submitting to the Board a negative recommendation for tenure or a recommendation to discontinue the services of a probationary professional staff member, the Superintendent must give the probationary employee written notice thirty (30) days prior to the Board meeting at which such recommendation will be considered. If a majority of the Board accepts the recommendation and votes to dismiss, the professional staff member must then be given a written notice at least thirty (30) days prior to the effective date of termination of services. The District will adhere to all other statutory timeframes.

The Board shall expect any professional staff member desiring to terminate his/her services to provide the Board with a minimum of thirty (30) days notice before the effective termination date.

When possible, a professional staff member shall make every effort to terminate employment at the end of the school year. Resignations must be in writing and include the effective date.

Education Law Sections 2509, 3012, 3019-a and 3031

Adopted: 6/27/07

POLICY

2007 6217

Personnel

SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS

The appointment of a teacher who is related by bloodline or legal process (including marriage) to any member of the Board of Education shall be subject to the consent of two-thirds (2/3) of the members of the Board of Education to be determined at a Board meeting and to be entered upon the proceedings of the Board.

The Board shall take the same stance in the hiring of professional staff other than teachers.

Education Law Section 3016
General Municipal Law Sections 800-809

Adopted: 6/27/07

SUBJECT: TEMPORARY PERSONNEL

The District's needs sometimes require temporary appointments. The terms of these appointments shall be defined by the Board on a case-by-case basis.

Student Teachers

The District shall cooperate with teacher training institutions in the placement of student teachers to provide beginning teachers with the best possible student teaching experience.

Schools are required to allow student teachers to videotape themselves providing instruction in a classroom to meet part of their instruction assessment requirements for teaching certification. The video must remain confidential, is a confidential record of the New York State Education Department (SED), and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and relevant SED personnel.

Student teachers shall be protected from liability for negligence or other acts resulting in accidental injury to any person by the District, as provided by law.

Student Teachers shall not be allowed to substitute teach until they have completed all requirements for student teaching.

Substitute Teachers

A fully qualified substitute teacher will be employed, whenever possible, by the Superintendent in the absence of a regular teacher. It is recognized that fully certified persons will not always be available for employment as substitute teachers.

A teacher substitute is required to have at least two (2) years of higher education. Exceptions must be approved by the school superintendent.

Eligibility for Service

Per Commissioner's Regulations Section 80-5.4, there are three (3) categories of substitutes:

a) Substitutes with valid teaching certificates or certificates of qualification may serve in any capacity, for any number of days. If employed on more than an "itinerant" basis, these substitutes will be employed in their certification area.

(Continued)

SUBJECT: TEMPORARY PERSONNEL (Cont'd)

b) Substitutes without a valid certificate, but who are completing collegiate study towards certification at the rate of not less than six (6) semester hours per year may serve in any capacity, for any number of days, in any number of school districts. If employed on more than an "itinerant" basis, these substitutes will be employed in their anticipated certification area.

c) Substitutes without a valid certificate and who are not working towards certification may serve for no more than forty (40) days per school year. In extreme circumstances – where there is a urgent need for a substitute teacher – however, the District may employ this substitute teacher beyond the 40-day limit, for up to an additional fifty (50) days (90 days total in a school year), if the Superintendent certifies that the District conducted a good-faith recruitment search and there are no certified teachers available who can perform the duties of the position.

The District may hire this substitute teacher beyond the 90 days only if the Superintendent attests that the District conducted a good-faith recruitment search, but there are still no certified teachers available who can perform the duties of the position and that the District needs a particular substitute teacher to work with a specific class or group of students until the end of the school year.

The Board will annually establish the ordinary rate for per diem substitute teachers.

Reporting

The Superintendent will submit an annual report to the Commissioner concerning the employment of all uncertified teachers. The report will include:

a) The number of substitute teachers authorized to be employed beyond the 40-day limit.
b) The number of substitute teachers authorized to be employed beyond the 90-day limit.
c) The required good-faith recruitment certifications for all teachers employed beyond the 40-day and 90-day limits.

The placement of a person on the approved substitute list requires Board of Education approval.

(Continued)

SUBJECT: TEMPORARY PERSONNEL (Cont'd)

Per Diem Substitute Teacher Pay

The Naples Central School District shall pay substitute teachers at the rates listed below. All salaries are for continuous service in one assignment. There is no retroactivity. When substituting for a particular teacher, salary will be adjusted when the appropriate number of days of service has been met. At that point, the new rate will go into effect. Any modifications of the policy will be at the discretion of the Board of Education.

Days of Service	**Salary**
1 to 20 days	$110/day: Certified $110/day: Uncertified
21 days up to one semester	1/200th of step 1 BS/day (Commencing day 21)

Per Diem Substitute Teacher Pay for Retired Teachers, from Naples Central School District or from other school districts, will be paid at the rate of $140/day.

Per Diem Substitute Teacher Pay for Retired College Professors, will be paid at the rate of $140/day.

The District may hire two (2) teacher substitutes on a contractual basis at the rate of $120/day, who would be required to report for work as a teacher substitute each day that the students are in physical attendance of the school buildings. These teacher substitutes would be granted five (5) leave days each school year to be used for sick or personal leave. No additional benefits.

Long-Term Substitute Teachers will be those people who take over a regular teacher's assignment for one (1) semester or longer. They will be placed on contract for the duration of their assignment at the following rate of pay as per their degree: Step 1 Teachers Salary Distribution Schedule –Bachelors; or Step 1 of the Teachers Salary Distribution Schedule -Masters. Benefits will include Health Insurance; Dental Insurance; and Sick/Personal leave as specified in the Naples Teachers' Association contract.

Substitute Nurse: Certified RN or LPN: $125.00/day
Substitute Tutor: $30.00/hour

(Continued)

SUBJECT: TEMPORARY PERSONNEL (Cont'd)

Substitute Non-Instructional

The following Substitute Non-Instructional Employees shall be paid at the Current NYS Minimum Wage: Bus Monitor, Cleaner*, Clerk, Food Service Helper, Library Clerk, School Monitor, Teacher Aide, Teacher Assistant, Building Maintenance Assistant and Typist.

*Cleaner substitutes shall receive differential pay of forty-five (45) cents per hour for any hours worked after 3:30 p.m. effective 09/16/2019.

Lifeguards: Hourly wage will be Minimum wage plus $1.00
Building Maintenance Mechanic: Hourly wage will be Minimum wage plus $1.50
Custodian: Hourly wage will be Minimum wage plus $1.00
Automotive Mechanic/Bus Driver: Minimum Wage - $18.35/hour
Bus Driver: $18.00/hour

Special provisions relative to Substitute Bus Drivers and Substitute Bus Monitors:

Substitute Bus Drivers and Substitute Monitors will be paid eighteen dollars($18) per hour for attendance at the mandatory physical performance test, written exams, behind the wheel road test, defensive driving test, drug/alcohol testing, ten (10) hour course, two (2) hour refresher(s), four (4) hour preservice, DOT/19A physical, and Mandatory Department meetings. This will apply if the above mentioned items cannot be performed during the regularly scheduled work hours. Drive time to and from required coursed is excluded.

*The Naples Central School District will reimburse substitute drivers for permit and licensing fees upon completion of ten (10) days of substitute employment with presentation of a voucher for payment and related receipts. The licensing fees will be reimbursed as the difference between a regular driver's license and a Class D, Class CDL, and Class B license.

(Continued)

SUBJECT: TEMPORARY PERSONNEL (Cont'd)

Costs for Fingerprinting: Fingerprinting costs will be the responsibility of the substitute; costs will be reimbursed to the substitute upon completion of 10 days of substitute employment.
(Financial Assistance is available to qualified individuals)

Education Law Section 3023
8 New York Code of Rules and Regulations (NYCRR) Sections 80-1.5 and 80-5.4

NOTE: Refer also to Policy #7240 – Student Records: Access and Challenge

Adopted: 06/27/07
Revised: 11/18/09 - Effective 07/01/2010
Revised: 03/17/10 - Effective 07/01/2010
Revised: 01/05/11
Revised: 04/27/11
Revised: 07/13/11
Revised: 12/07/11
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Revised: 07/11/12
Revised: 02/13/13
Revised: 10/16/13
Revised: 01/22/14
Revised: 03/19/14
Revised: 12/17/14
Revised: 02/25/15
Revised: 10/07/15
Revised: 12/02/15
Revised: 03/16/16
Revised: 10/17/16
Revised: 12/07/16
Revised: 12/21/16
Revised: 06/21/17
Revised: 11/15/17
Revised: 06/19/19
Revised: 10/06/19
Revised: 10/07/20
Revised: 09/08/21
Revised: 05/08/24

SUBJECT: MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS

All new teachers in the School District holding an initial certificate must complete a mentored teaching experience within their first year of employment as a teacher. The District must incorporate the design and planning of such mentored experiences for all first-year teachers in its employ into the District Professional Development Plan.

The purpose of the mentoring program is to provide support for new teachers in order to ease the transition from teacher preparation to practice, thereby increasing the retention of teachers, and to increase the skills of new teachers in order to improve student achievement in accordance with the New York State learning standards. The Professional Development Plan shall describe how the District will provide a mentoring program for teachers who must participate in a mentoring program to meet the teaching experience requirement for the professional certificate as prescribed by Commissioner's Regulations.

The mentoring program shall be developed and implemented consistent with any collective bargaining obligation required by Article 14 of the Civil Service Law (i.e., the Taylor Law); however, Commissioner's Regulation does not impose a collective bargaining obligation that is not required by the Taylor Law.

In accordance with Commissioner's Regulations, the Professional Development Plan shall describe the following elements of the mentoring program:

a) The procedure for selecting mentors, which shall be published and made available to staff of the District and, upon request, to members of the public;

b The role of mentors, which shall include but not be limited to providing guidance and support to the new teacher;

c) The preparation of mentors, which may include but shall not be limited to the study of the theory of adult learning, the theory of teacher development, the elements of the mentoring relationship, peer coaching techniques, and time management methodology;

d) Types of mentoring activities, which may include but shall not be limited to modeling instruction for the new teacher, observing instruction, instructional planning with the new teacher, peer coaching, team teaching, and orienting the new teacher to the school culture; and

e) Time allotted for mentoring, which may include but shall not be limited to scheduling common planning sessions; releasing the mentor and the new teacher from a portion of their instructional and/or non-instructional duties; and providing time for mentoring during Superintendent conference days, before and after the school day, and during summer orientation sessions.

(Continued)

SUBJECT: MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS (Cont'd.)

Confidentiality of Mentor-New Teacher Interaction

The information obtained by a mentor through interaction with the new teacher while engaged in the mentoring activities of the program shall not be used for evaluating or disciplining the new teacher unless:

a) Withholding such information poses a danger to the life, health, or safety of an individual including, but not limited to, students and staff of the school; or

b) Such information indicates that the new teacher has been convicted of a crime, or has committed an act which raises a reasonable question as to the new teacher's moral character; or

c) The District has entered into an agreement, negotiated pursuant to Article 14 of the Civil Service Law whose terms are in effect, that provides that the information obtained by the mentor through interaction with the new teacher while engaged in the mentoring activities of the program may be used for evaluating or disciplining the new teacher.

Exemptions to above Mentoring Requirements

Pursuant to Commissioner's Regulations, teachers holding initial certificates who have two (2) or more prior years of teaching experience do not need to be provided a mentored experience as enumerated in this policy.

Recordkeeping Requirements

The School District shall maintain documentation of the implementation of the mentoring program described in the Professional Development Plan for at least seven (7) years from the date of completion of the mentoring activity; and it shall be available for review by the State Education Department. Such documentation will include the information enumerated in Commissioner's Regulations.

Education Law Sections 3004 and 3006
8 New York Code of Rules and Regulations (NYCRR) Sections 52.21(b)(3)(xvi) and (xvii), 80-3.4(b)(2), 80-5.13, 80-5.14, and 100.2(dd)

Adopted: 6/27/07

POLICY

2007 6310

Personnel

SUBJECT: APPOINTMENT - SUPPORT STAFF

The probationary period for all new civil service employees shall be for the maximum period established by the local Civil Service Commission.

The time, place, conditions of employment, and transfer of support staff shall be vested in the Superintendent of Schools who shall conduct such actions in compliance with all applicable contract provisions. The duties for each Civil Service employee shall be clearly defined.

Civil Service Law Section 63

Adopted: 6/27/07

SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL

Teacher Aides

In accordance with the Regulations of the Commissioner, the Board of Education may employ teacher aides to assist in the daily operation of the school through **non-teaching duties**.

The duties and responsibilities to be assumed by teacher aides shall be outlined by the Superintendent in accordance with Civil Service guidelines. Teacher aides shall be responsible to the Building Principal/designee.

A teacher aide may be assigned to assist teachers in such non-teaching duties as:

a) Managing records, materials and equipment;

b) Attending to the physical needs of children; and

c) Supervising students and performing such other services as support teaching duties when such services are determined and supervised by a teacher.

Teaching Assistants

In accordance with the Regulations of the Commissioner, the Board of Education may employ teaching assistants to provide, under the general supervision of a licensed or certified teacher, **direct instructional service** to students.

Teaching assistants assist teachers by performing duties such as:

a) Working with individual students or groups of students on special instructional projects;

b) Providing the teacher with information about students that will assist the teacher in the development of appropriate learning aspects;

c) Assisting students in the use of available instructional resources and assisting in the development of instructional materials;

d) Utilizing their own special skills and abilities by assisting in instructional programs in such areas as foreign language, arts, crafts, music, and similar subjects; and

e) Assisting in related instructional work as required.

Teaching assistants who hold a pre-professional teaching assistant certificate shall have the same scope of duties as enumerated above for other teaching assistants. Within that scope of duties, teaching assistants holding a pre-professional teaching assistant certificate may, at the discretion of the District,

(Continued)

SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL (Cont'd.)

and while under the general supervision of a teacher, perform such duties as:

a) Working with small groups of students so that the teacher can work with a large group or individual students;

b) Helping a teacher to construct a lesson plan;

c) Presenting segments of lesson plans, as directed by the teacher;

d) Communicating with parents of students at a school site or as otherwise directed by a teacher; and

e) Helping a teacher to train other teaching assistants.

Licensure and certification requirements shall be as mandated pursuant to Commissioner's Regulations.

8 New York Code of Rules and Regulations (NYCRR) Section 80-5.6

Adopted: 6/27/07

SUBJECT: SCHOOL BUS MONITORS AND ATTENDANTS

School Bus Monitors and Attendants

In accordance with Education Law and Commissioner's Regulations, the employment of each school bus monitor and school bus attendant shall be approved by the Superintendent of Schools for each school bus operated within the School District. Approval for employment as a school bus monitor or attendant shall be in writing on a form prescribed by the Commissioner of Education.

As defined in Commissioner's Regulations:

a) A **school bus monitor** shall mean any person employed for the purpose of assisting children to safely embark and disembark from a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services, and for the purpose of assisting the school bus driver with maintaining proper student behavior on such bus.

b) A **school bus attendant** shall mean any person who is employed for the purpose of serving pupils with a disabling condition on a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services.

All school bus monitors and attendants shall be at least nineteen (19) years of age; and shall have the physical and mental ability to satisfactorily perform his/her duties.

On order of the Superintendent of Schools, each monitor or attendant may be examined by a duly licensed physician within two (2) weeks prior to the beginning of such monitor's or attendant's service in each school year. The written report of the physician shall be considered by the Superintendent in determining the fitness of the monitor or attendant to carry out his/her functions. The examining physician shall require the monitor or attendant to undergo any diagnostic tests that are necessary to determine the physical and mental ability of the monitor or attendant to perform his/her duties.

Each school bus monitor or attendant of a school bus owned, leased or contracted for by a school district or board of cooperative educational services shall pass a physical performance test approved by the Commissioner. Individuals hired as a monitor or attendant after July 1, 2003, must take and pass a physical performance test before they may assume their duties.

A school bus monitor or attendant who fails any portion of the physical performance test shall be deemed unqualified to perform the duties of that position. The monitor or attendant may request a re-examination. The cost of such re-examination shall be borne by the employer if the monitor/attendant passes the re-examination, or by the monitor/attendant if he/she fails the re-examination.

(Continued)

SUBJECT: SCHOOL BUS MONITORS AND ATTENDANTS (Cont'd.)

All school bus monitors and attendants shall meet the qualifications and/or certification requirements as enumerated in law and/or Commissioner's Regulations. Further, pursuant to Commissioner's Regulations, school bus monitors and attendants shall receive pre-service instruction, safety training, specialized training, and refresher training.

In addition to such instruction, any person hired after January 1, 2004 as a school bus monitor, or as a school bus attendant serving students with a disabling condition, shall receive instruction as prescribed by the Commissioner upon recommendation of the Commissioner's School Bus Driver Instructor Advisory Committee relating to special needs transportation, including, but not limited to, the proper techniques for assisting disabled students in entering and exiting the school bus. Such individuals shall complete such special needs instruction prior to assuming their duties as a school bus monitor or as a school bus attendant.

School Bus Attendants - Special Requirements

Every school bus attendant serving students with a disabling condition shall receive school bus safety training and instruction relating to the special needs of such students. Such training shall include guidance on the proper techniques for assisting disabled students in entering and exiting the school bus, and shall include instruction in cardiopulmonary resuscitation (CPR) where such skills are required as part of the individualized education plan (IEP) prepared for the student. Such training and instruction shall also include any additional first aid or health emergency skills that the Commissioner of Education deems appropriate and necessary for school bus attendants to possess. In addition, school bus attendants shall demonstrate the ability to perform procedures necessary in emergency situations as deemed appropriate by the Commissioner of Education.

Any person employed as a school bus attendant serving students with a disabling condition on January 1, 2004 shall comply with the requirements of Education Law and Commissioner's Regulations by July 1, 2004. Any person hired after January 1, 2004 shall comply with such prior to assuming their duties.

Education Law Section 3624
Vehicle and Traffic Law Section 1229-d
8 New York Code of Rules and Regulations (NYCRR) Section 156.3

Adopted: 6/27/07

POLICY

2007 6340

Personnel

SUBJECT: ATHLETIC TRAINERS

Every individual serving as an athletic trainer in the School District shall possess a valid license as a Certified Athletic Trainer from the State of New York issued pursuant to Education Law Article 162. In addition, candidates must have successfully completed training in the operation and use of an automated external defibrillator (AED) pursuant to Public Health Law Section 3000-b(3)(a).

The practice of the profession of athletic training shall be as defined in, and consistent with, Education Law. The services provided by an athletic trainer shall include, but not be limited to, the following:

a) Prevention of athletic injuries, including assessment of an athlete's physical readiness to participate;

b) Reconditioning to minimize the risk of re-injury and to return the athlete to activity as soon as possible, excluding the reconditioning of neurological injuries, conditions or disease;

c) Health care administration, including medical record keeping, documentation and reporting of injuries, writing policies and procedures, budgeting and referral of injured athletes to appropriate authorized health care professionals when indicated;

d) Education and counseling of coaches, parents, student athletic trainers and athletes;

e) Risk management and injury prevention as enumerated in Commissioner's Regulations;

f) Management of athletic injuries as enumerated in Commissioner's Regulations;

g) Immediate care of athletic injury and physical conditions as enumerated in Commissioner's Regulations;

h) Treatment and reconditioning of athletic injuries as enumerated in Commissioner's Regulations;

i) Organization and administration as enumerated in Commissioner's Regulations; and

k) Other professional development and responsibilities, including those enumerated in Commissioner's Regulations.

Education Law Article 162
Public Health Law Section 3000-b(3)(a)
8 New York Code of Rules and Regulations (NYCRR) Section 135.4(c)(7)(i)(d)

Adopted: 6/27/07

POLICY

2007 6410

Personnel

SUBJECT: MAINTAINING DISCIPLINE AND CONDUCT

All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours and at extracurricular events.

Adopted: 6/27/07

POLICY

2007 6420

Personnel

SUBJECT: EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION

Personnel Records

Administrative regulations will be developed to implement the terms of this policy to maintain a personnel file for each teacher, administrator and support staff member employed by the District.

Regulations and procedures will be developed addressing 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) When it would interfere with the freedoms of the individual.

Procedures for obtaining consent for release of records to third parties shall be developed by the administration.

Release of Information Concerning Former Employees

The District shall not release information concerning the employment records, personnel file or past performance of a former employee, unless such information is required to be disclosed by law. Only the initial and final dates of employment and the position held shall be provided through a written response to a written request. The former employee may authorize the release of any additional information.

Public Officers Law Section 87
8 New York Code of Rules and Regulations (NYCRR) Part 84

Adopted: 6/27/07

POLICY

2007 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

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: 6/27/07

POLICY

2007 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) Naples Teachers' Association;

b) Naples Central School District Unit of Civil Service Employees' Association;

c) Naples Central School Administrative Unit.

Adopted: 6/27/07

POLICY

2007 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: 6/27/07

POLICY

2014 6460

Personnel

SUBJECT: JURY DUTY

As provided by law, any employee who is summoned to serve as a juror and who notifies the District to that effect prior to his/her term of service will not, on account of absence by reason of jury service, be subject to discharge or penalty. The District will ensure that all such absences are granted in accordance with law and the terms of any applicable collective bargaining agreement. Any compensation received by the employee for his/her jury service, beyond mileage, will be returned to the District as per contract.

Judiciary Law Section 519 and 521

Adopted: 06/27/07
Revised: 10/15/14

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, wireless networks/access 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 staff to have independent access to the DCS from their home or other remote locations, and/or to access the DCS from their personal devices. All use of the DCS and the wireless network, including independent use off school premises and use on personal devices, 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. To 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 ensure 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 telecommunications are not to be utilized to share confidential information about students or other employees.

Access to confidential data is a privilege afforded to District employees in the performance of their duties. Safeguarding this data is a District responsibility that the Board of Education takes very seriously. Consequently, District employment does not automatically guarantee the initial or ongoing ability to use mobile/personal devices to access the DCS and the information it may contain.

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 protected by federal and state law.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

Social Media Use by Employees

The School District recognizes the value of teacher and professional staff inquiry, investigation and communication using new technology tools to enhance student learning experiences. The School

(Continued)

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)

District also realizes its obligations to teach and ensure responsible and safe use of these new technologies. Social media, including social networking sites, have great potential to connect people around the globe and enhance communication. Therefore, the Board of Education encourages the use of District approved social media tools and the exploration of new and emerging technologies to supplement the range of communication and educational services.

For purposes of this Policy, the definition of **public social media networks or Social Networking Sites (SNS)** are defined to include: websites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, video sites and any other social media generally available to the School District community which do not fall within the District's electronic technology network (e.g., Facebook, MySpace, Twitter, LinkedIn, Flickr, Vine, Instagram, SnapChat, blog sites, etc.). The definition of District approved password-protected social media tools are those that fall within the District's electronic technology network or which the District has approved for educational use. Within these internal forums, the District has greater authority and ability to protect minors from inappropriate content and can limit public access within these internal forums.

The use of social media (whether public or internal) can generally be defined as Official District Use, Professional/Instructional Use and Personal Use. The definitions, uses and responsibilities will be further defined and differentiated in the Administrative Regulation. The School District takes no position on an employee's decision to participate in the use of social media or SNS for personal use on personal time. However, personal use of these media during District time or on District-owned equipment is allowed on a limited basis. In addition, employees are encouraged to maintain the highest levels of professionalism when communicating, whether using District devices or their own personal devices, in their professional capacity as educators. They have a responsibility for addressing inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with all applicable District Policies and Regulations.

Non-Instructional Uses

Appropriate use of personal technology during non-instructional time is allowed if staff follows the guidelines in the AUP. Non-instructional use includes texting, calling and otherwise communicating with others during planning periods and in common areas of the school. Other non-instructional uses may include such things as internet searches, reading, listening to music, and watching videos. This use during non-instructional time must be conducted in a safe and unobtrusive manner. Devices must be in silent mode to avoid disrupting others.

Confidentiality, Private Information and Privacy Rights

Confidential and/or private data, including but not limited to, protected student records, employee personal identifying information, and District assessment data, shall only be loaded, stored or transferred to District-owned devices which have encryption and/or password protection. This restriction, designed to ensure data security, encompasses all computers and devices within the DCS, any mobile devices, including flash or key drives, and any devices that access the DCS from remote locations. Staff will not use email to transmit confidential files in order to work at home or another location. Staff will not use cloud-based storage services (such as Dropbox, GoogleDrive, SkyDrive, etc.) for confidential files.

(Continued)

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)

Staff will not leave any devices unattended with confidential information visible. All devices are required to be locked down while the staff member steps away from the device, and settings enabled to freeze and lock after a set period of inactivity.

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Technology Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should **NOT** expect that information stored on the DCS will be private.

Implementation

Administrative regulations will be developed to implement the terms of this policy, addressing general parameters of acceptable staff conduct as well as prohibited activities so as to provide appropriate guidelines for employee use of the DCS.

NOTE: Refer also to Policies #5672 -- Information Security Breach and Notification
#6411 -- Staff Use of Email
#7316 -- Student Use of Internet-Enabled Devices During School Day
#8271 -- Internet Safety/Internet Content Filtering Policy

Refer also to Policy #6470 A – Staff Computer Network and Internet Use Procedures

Adopted: 06/27/07
Revised: 02/24/10
Revised: 07/11/12
Revised: 10/16/13

SUBJECT: STAFF COMPUTER NETWORK AND INTERNET USE PROCEDURES

STAFF- ACCEPTABLE USE POLICY
NAPLES CENTRAL SCHOOLS

Contact person: Lew White, lwhite@naples.k12.ny.us, (585) 374-7971 last update: 10/16/13

The Naples Central School's information technology resources, including email and Internet access, are provided for educational purposes. Adherence to the following policy is necessary for continued access to the school's technological resources:

Staff must

1. Respect and protect the privacy of others.
   - Use only assigned accounts.
   - Not view, use, or copy passwords, data, or networks to which they are not authorized.
   - Respect the privacy of student information.
2. Respect and protect the integrity, availability, and security of all electronic resources.
   - Observe all network security practices, as posted.
   - Report security risks or violations to network administrator.
   - Not destroy or damage data, networks, or other resources that do not belong to them.
   - Conserve, protect, and share technology resources with other NCS Internet users by respecting available bandwidth.
   - Refrain from installing or downloading software.
   - Not connect non-district equipment to the NCS network without the permission of the network administrator.
3. Respect and protect the intellectual property of others.
   - Not infringe copyrights (no making illegal copies of software, music, games, or movies).
4. Respect and practice the principles of community.
   - Not intentionally access, transmit, copy, or create material that is illegal, indecent, or inappropriate (such as messages that are pornographic, threatening, rude, discriminatory, or meant to harass).
   - Not intentionally access, transmit, copy, or create material that is illegal (such as obscenity, stolen materials, or illegal copies of copyrighted works).
   - Not use the resources to further other acts that are criminal.
   - Not send spam, chain letters, or other mass unsolicited mailings.
   - Not buy, sell, advertise, or otherwise conduct business, unless approved as a school project.
   - Not use the resources for political purposes, unless approved as a school project.
5. Staff use of portable electronic devices (Laptops, Tablets, Smartphones, Cameras, iPods, etc.)
   - Portable Electronic Devices need to be inventoried several times each year. These devices may be taken off campus. Please do not "store" these devices at home, so that when inventories are performed the device is in school. Please exercise care to protect these devices, use a padded carrying case, lock your machine in a secure location when it is not being used.
   - If a device is damaged, lost or stolen call Lew at 509-0238 ASAP.

(Continued)

SUBJECT: STAFF COMPUTER NETWORK AND INTERNET USE PROCEDURES (Cont'd)

- Do not allow anyone to use your login, this puts you and the computer at risk.
- Do not allow your device to become a "family" machine at home. We have had many problems after devices have been used in this manner.
- Remember the AUP (Acceptable Use Policy) applies to the machine and user not the location it has been used.
- Do not load software onto your machines, please contact us.
- Please logoff and or lock your computer when leaving it for short periods of time.
- Please shut it down when not using it for longer periods.
- Violations of these rules may result in disciplinary action, which will be determined on a case-by-case basis according to the appropriate Board of Education Policies.
- Users have no right to, nor should they have any expectation of privacy while using any District owned or leased equipment. If it is required, the superintendent may authorize opening an individual's network folder and email account for inspection.
- Users of District owned computers may be held financially responsible for any damage caused by their intentional or neglectful acts while the district's computers are under their control.

BYODs (Bring Your Own Devices)

The District will allow the use of (iPads, Galaxys, Kindles, etc.). Users would need to request that their devices be allowed access to the network. This access would allow users to use the internet. It would not allow access to our internal net work.

Until the new wireless Network is installed (September 2012) we have limited "clouds" available in the building.

Users would need to request access to specific clouds. ***The device will need to be rejoined to the new network in September***

Examples: HS Library, High School Café and 1st Floor South Wing

TYPES OF DEVICES ALLOWED TO CONNECT TO OUR NETWORK:

Tablet computers (i.e. iPad, Kindles Galaxy Pad)

TYPES OF DEVICES NOT ALLOWED TO CONNECT TO OUR NETWORK:

Smartphones (i.e. iPhone, Android, Blackberry, etc.), Portable media devices (i.e. iPod Touch), Laptop/Netbook

WHAT YOU NEED TO KNOW:

1. The District is not responsible for loss or damage to personal devices brought to school or on District transportation.
2. Personally-owned devices are never to be plugged into the wired network.
3. Devices will only be allowed access to the internet.
4. The access will be filtered through the District's content filter.

(Continued)

SUBJECT: STAFF COMPUTER NETWORK AND INTERNET USE PROCEDURES (Cont'd)

5. At some locations, wireless coverage is only available in limited areas of the school.
6. Device and usage are for educational purposes as noted in the AUP and board policy.
7. Use for high bandwidth applications (music, streaming video) needs to be limited to before and after school.
8. When using devices in school the District's AUP must be signed and on file.
9. Failure to follow the District's AUP will result in disciplinary action and/or loss of computer privileges.

Please return this copy of the STAFF AUP signature page to the computer lab, retain a copy for yourself.
***This document can be viewed at anytime from the in school "splash screen"**

I ACKNOWLEDGE AND UNDERSTAND MY OBLIGATIONS:

_____ _____ _____
PRINT NAME SIGN NAME DATE

☐ **Elementary** ☐ **Jr/ Sr High School** ☐ **Bus Garage**

☐ **Substitute** ☐ **Student Teacher** ☐ **Other**

☐ **Board of Education**

Adopted: 02/24/10
Revised: 04/13/11
Revised: 07/11/12
Revised: 10/16/13

POLICY

2007 6480

Personnel

SUBJECT: STAFF PUBLIC APPEARANCES

Public appearances by members of the staff made on behalf of the School District and the Naples Central School Board of Education are encouraged as a means of achieving greater understanding between the School District and the community it serves.

Organizations or groups requesting the public appearance of a staff member are asked to make a written request to the Superintendent at least three (3) weeks prior to the scheduled appearance. The request should include the date, time and the place of the activity, the topic to be discussed, and the name or position of the staff member requested to make an appearance.

Requests made directly to staff members are without District sanction. Appearances made under such conditions reflect the views of the individual and do not represent the official position of the District.

Adopted: 6/27/07

POLICY

2013 6510

Personnel

SUBJECT: HEALTH INSURANCE

Health insurance for certified and support staffs shall be in accordance with their respective negotiated agreements and applicable law.

Continuation of Medical Insurance Coverage at Termination of Employment

Under the provisions of the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage when termination of their insurance is due to a reduction in their hours worked, or upon termination of their employment.

Under COBRA, employees generally may continue their group health insurance coverage for up to eighteen (18) months. In addition, with the exception of those in self-funded or self-insured plans, employees who have exhausted their federal COBRA coverage may extend their coverage for up to an additional eighteen (18) months, for a total period of thirty-six (36) months, under New York Insurance law.

Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one (1) of the following events:

a) Death of the covered employee; or

b) Divorce or legal separation from the covered employee; or

c) An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan; or

d) The dependents of a covered employee reach the maximum age for dependent coverage.

Those who are eligible to continue coverage have up to sixty (60) days to complete the Continuation of Coverage Election Form. Premiums and administrative costs will be paid in accordance with law.

American Recovery and Reinvestment Act of 2009, Public Law 111-5
Consolidated Omnibus Budget Reconciliation Act of 1985
Insurance Law Section 3221(m)(4)(5) and (6)
Patient Protection and Affordable Care Act (ACA), Public Law 111-148

Adopted: 06/27/07
Revised: 05/02/12
Revised: 10/16/13

POLICY

2007 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. 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: 6/27/07

POLICY

2007 6530

Personnel

SUBJECT: PAYROLL DEDUCTIONS

Payroll deductions may be made when authorized by employees or when required by law or negotiated agreements.

Education Law Sections 1604 and 1709

Adopted: 6/27/07

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

Liability Protection Pursuant to Education Law

The Board of Education recognizes its statutory obligation to indemnify School District employees (and in certain circumstances, Board of Education members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).

The District shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board of Education.

a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board of Education; however, submission of relevant legal documents by the employee to the Board is also encouraged.

b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

The District will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, the District will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board of Education.

Public Officers Law Section 18

The Board of Education hereby also confers the benefits of 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 enactment or provisions of law.

The term "employees" shall include members of the Board of Education; the Superintendent; District officers; District employees; volunteers expressly authorized to participate in a District sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of the District, whether or not compensated. The term "employee" shall also include a former employee, his/her estate or judicially appointed representative.

(Continued)

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES (Cont'd.)

Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, the District shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties. Furthermore, the District shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Education.

The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the School Attorney or to the Superintendent a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the District based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the District's duty to defend and/or indemnify and save harmless to exist.

Exceptions to Liability Coverage

Indemnification coverage and/or provision of legal defense by the District will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the School District.

Paul D. Coverell Teacher Protection Act of 2001, as authorized by the No Child Left Behind Act of 2001, 20 United States Code (USC) Section 6731 et seq.
Education Law Sections 1604(25), 1604(31-b), 1709(26), 1709(34-b), 2560, 3023, 3028 and 3811
General Municipal Law Sections 6-n and 52
Public Officers Law Section 18

Adopted: 6/27/07

SUBJECT: LEAVES OF ABSENCE

In general, leaves of absence will be administered by the Superintendent. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement. Where a leave of absence is falsely requested or improperly used, the Board may undertake appropriate disciplinary action. The purpose or conditions of a leave of absence may not be altered except by permission of the Superintendent, as expressed in writing,

Leaves of absence, contractual, et al:

a. Employees who are members of a negotiating unit:

   Authorization is granted to approve requests for leaves of absence submitted in accordance with provisions of contracts in effect between the District and each bargaining unit.

b. 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.

c. Employees who are under contract to the District:

   Authorization is granted to implement provisions for leaves of absence contained in each contract.

Leaves of absence, unpaid, not covered in above:

a. Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence.

   1. For a period of time not to exceed one (1) school year for approved graduate study, this leave to include any required internship experience.

   2. At the expiration of a paid sick leave of absence, this leave may be extended for a period not longer than the end of the school year after the school year in which the paid leave of absence began.

b. Unpaid leaves of absence cannot be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent will have discretion, where circumstances warrant, to approve leaves of absence for those purposes.

c. 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.

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

d. 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.

Other leaves of absence

Other leaves of absence include, but are not limited to, the following:

a. 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 will 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 will be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.

b. Screenings for Cancer

Employees will be granted up to four (4) hours of paid leave on an annual basis to undertake a screening for cancer. This leave will be excused leave and will not be charged against any other leave to which the employee is entitled.

c. Blood Donation

The District must either, at its option:

1. Grant three hours of unpaid leave of absence in any 12-month period to an employee who seeks to donate blood off-premises. The leave may not exceed three hours unless agreed to by the Superintendent or designee; or

2. Allow its employees without use of accumulated leave time to donate blood during work hours at least two times per year at a convenient time and place set by the Superintendent or designee, including allowing an employee to participate in a blood drive at the District.

Leave taken by employees at a District-designated donation alternative (such as a District-sponsored blood drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated vacation, personal, sick, or other leave time.

The District will not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of blood donation under any other provision of law will not be prevented.

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

d) Bone Marrow Donation

Employees seeking to undergo a medical procedure to donate bone marrow will be granted leaves to do so, the combined length of the leaves to be determined by the physician, but may not exceed 24 work hours unless agreed to by the Superintendent or designee. The District will require verification for the purpose and length of each leave requested by the employee for this purpose.

The District will not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of bone marrow donation under any other provision of law will not be prevented.

e) Nursing Mothers (Breastfeeding/Lactation)
The District will 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 years following childbirth. The District will make reasonable efforts to provide a room or other location in close proximity to the work area where the employee can express milk in privacy. The District will not discriminate against an employee who chooses to express breast milk in the workplace.

Reasonable unpaid break time is generally no less than 20 minutes and no more than 30 minutes dependent upon the proximity of the designated location for ex pressing breast milk. In most situations, the District is required to provide unpaid break time at least once every three hours if requested by the employee. At the employee's option, the District will allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid break time(s) so long as the additional time requested falls within the District's normal work hours.

The District will provide written notice to employees who are returning to work following the birth of a child of their right to take unpaid leave for the purpose of expressing breast milk. This notice may either be provided individually to affected employees or to all employees generally through publication of the notice in the employee handbook or posting of the notice in a central location.

Any employee wishing to avail herself of this benefit is required to give the District advance notice, preferably prior to her return to work, to allow the District an opp0l1unity to establish a location and schedule leave time to accommodate employees as needed.

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

f) Witnesses or Victims of Crimes

The District will grant an unpaid leave of absence to an employee, who is a victim of or a witness to a criminal offense, that is required or chooses to appear as a witness, consult with the di strict attorney, or exercise his or her rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law.

To use this leave, the employee must provide notice of the need for leave at any time prior to the actual day of leave. The District is permitted to ask the party who sought the attendance or testimony of the employee to provide verification of the employee's service. Employees will not be penalized or discharged for absences by reason of a required appearance as a witness in a criminal proceeding, or consultation with the district attorney, or exercising his or her rights as provided under the law.

g) Victims of Domestic Violence

Unless the absence would cause an undue hardship to the District, the District will provide reasonable accommodations to employees who are victims of domestic violence who must be absent from work for a reasonable time in accordance with law.

An employee availing themselves of this leave must provide the District with reasonable advance notice, unless providing this notice is not feasible. An employee unable to provide reasonable advance notice must, within a reasonable time after the absence, provide a certification to the District when requested.

To the extent allowed by law, the District will maintain the confidentiality of any information related to an employee's status as a victim of domestic violence.

h) Military Leave

The District will comply with state and federal laws regarding military leave and re-employment.

i) Jury Duty

As provided by law, any employee who is summoned to serve as a juror and who notifies the District to that effect prior to his or her term of service will not, on account of absence by reason of jury service, be subject to discharge or penalty. The District will ensure that all absences for this purpose are granted in accordance with law and the terms of any applicable collective bargaining agreement.

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

j) Voting

Employees who are registered voters and have four consecutive hours either between the opening of the polls and the beginning of their working shift, or between the end of their working shift and the closing of polls, will be deemed to have sufficient time to vote and will therefore not be eligible for paid leave to vote in any election.

Employees who are registered voters, and do not have sufficient time outside of their working hours to vote in any election, may without loss of pay for up to two hours, take so much time off as will, when added to their voting time outside of their working hours, enable them to vote. The employee will be allowed time off for voting only at the beginning or the end of his or her working shift, as the District may designate, unless otherwise mutually agreed.

Employees requiring working time off to vote must notify the District not more than ten or less than two working clays before the day of the election.

The District must post a notice informing employees of their right to leave in order to vote not less than ten working days before an election and until polls close on Election Day. This notice will be conspicuously posted in a place where it can be seen by employees as they come and go to their place of work.

29 USC § 207(r)
Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 United States Code (USC) Sections 4301-4333
Civil Service Law Sections 71-73 and 159-b
Education Law Sections 1709(16), 2509(6), 2573(12), 3005, 3005-a and 3005-b
General Municipal Law Section 92, 92-Copies and 92-District
Election Law § 3-110
Executive Law § 296(22)
Judiciary Law §§ 519 and 521
Labor Law §§ 202-a, 202-i, 202-j, 202-l and 206-c
Military Law Sections 242 and 243
Penal Law § 215.14

Adopted: 06/27/07
Revised: 01/22/20
Revised: 10/21/20

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) work weeks 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 worked at least 1,250 hours in the preceding 12-month period and have been employed with the District for at a least twelve (12) months period.

Eligible 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) Eligible employees with a spouse, son, daughter, or parent on covered active duty status in the Armed Forces (including National Guard or Reserves) may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a family member who is a covered service member during a single 12-month period.

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.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

The Board of Education has a right to thirty (30) days advance notice from the employee where practicable. If not practicable, the employee will provide as much notice as is possible under the circumstances. In addition, the Board will 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 will 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.

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 is directed to develop regulations to implement this policy, informing employees of their rights and responsibilities under the FMLA.

Concurrent (Substitute) Leave

Employees must use applicable and available paid leave concurrently with periods of unpaid FMLA leave.

Family and Medical Leave Act of 1993, Public Law 103-3, 29 Code of Federal Regulations (CFR) Part 825

Adopted: 06/27/07
Revised: 01/25/12
Revised: 12/07/16
Revised: 03/22/23

SUBJECT: MILITARY LEAVES OF ABSENCE

The School District, upon advance notice by the employee, shall grant military leaves of absence to full and part time employees who are ordered to duty or volunteer for qualifying military service. No advance notice is required if military necessity prevents the giving of notice; or the giving of notice is otherwise impossible or unreasonable.

However, the law does not require or authorize the granting of military leaves of absence by employers for temporary employees.

Employment Rights

Time during which an employee is absent pursuant to military leave shall not constitute an interruption of continuous employment in the School District and no such employee shall be subjected, directly or indirectly, to any loss or diminution of service time; increment; vacation or holiday privileges; or any other right or privilege, by reason of such absence; or be prejudiced by reason of such absence with reference to continuation in employment, reemployment, reinstatement, transfer, or promotion.

Salary

Every employee shall be paid his/her salary or other compensation for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty, not exceeding a total of 30 days or 22 working days, whichever is greater, in any one calendar year; and not exceeding 30 days or 22 working days, whichever is greater, in any one continuous period of such absence.

Employee Benefits

Health Insurance

The School District will continue an employee's health insurance coverage for fewer than 31 days as if the service member had remained employed (i.e., employees serving on military leave for fewer than 31 days may not be required to pay more than their regular employee contribution, if any, for health coverage). For employees performing military duty for 31 or more days, the School District must offer COBRA-type coverage for at least 24 months pursuant to law. A waiting period or exclusion cannot be imposed upon reinstatement if health coverage would have been provided to the employee had the employee not been absent for military service.

(Continued)

SUBJECT: MILITARY LEAVES OF ABSENCE (Cont'd.)

Pension/Retirement Plans

While on military duty, any School District employee who is a member of any pension or retirement system may elect to contribute to such pension or retirement system the amount which he/she would have contributed had such employment been continuous. Upon making such contribution, the employee shall have the same rights in respect to membership in the retirement system as he/she would have had if the employee had been present and continuously engaged in the performance of his/her position. To the extent that such contributions are paid, absence while engaged in the performance of military duty shall be counted in determining the length of total service under such pension or retirement system.

Alternatively, employees will have an opportunity to make up contributions to the pension or retirement system upon return to employment in the District in accordance with law and the individual employee's pension/retirement system.

Time during which an employee is absent on military duty shall not constitute an interruption of continuous employment, but such time shall not be counted or included in determining the length of total service in the pension or retirement system unless such employee contributes to the retirement system the amount he/she would have been required to contribute if the employee had been continuously employed during the period of military leave.

Reemployment/Restoration Rights

Employee absences for military duty shall be deemed a leave of absence and shall not constitute an interruption of employment. Consequently, such District employees shall be reinstated to their positions as soon as possible in accordance with applicable law.

Further, an employee shall be entitled to the rate of compensation he/she would have received had the employee remained in his/her position continuously during the period of military duty and shall not be subjected, directly or indirectly, to any loss of service time, increment or any other right or privilege. Moreover, an employee shall not be prejudiced in any way because of such absence with reference to promotion, transfer, reinstatement or continuous employment.

All other rights and responsibilities of a School District employee's call to military duty shall be in accordance with law.

(Continued)

SUBJECT: MILITARY LEAVES OF ABSENCE (Cont'd.)

Notice of Rights and Duties

The School District shall provide a notice of the rights, benefits and obligations of employees and the district under USERRA. The notice may be posted where the District customarily places notices for employees. Districts also may provide notice to applicable employees in other ways that will minimize cost while ensuring that the full text of the notice is provided (e.g., by handing or mailing out the notice, or distributing the notice via electronic mail).

The U.S. Department of Labor has created a sample poster which may be accessed at http://www.dol.gov/vets/programs/userra/.

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)
38 United States Code (USC) Sections 4301-4334
20 Code of Federal Regulations (CFR) Part 1002
Military Law Section 242, et. al.
Military Law Section 243, et. al.

Adopted: 6/27/07

SUBJECT: EMPLOYMENT OF RETIRED PERSONS

A retired person may be employed and earn compensation in a position in the School District, without any effect on his/her status as retired and without suspension or diminution of his/her retirement allowance subject to the conditions enumerated in Retirement and Social Security Law Section 211(1). However, there shall be no earning limitations on or after the calendar year in which any retired person attains age sixty-five (65).

No retired person may be employed in the District except upon approval of the Civil Service Commission or the Commissioner of Education unless otherwise authorized in accordance with law, as discussed below.

Two sections of the Retirement and Social Security Law (RSSL Section 211 and 212) affect a retiree's return to public employment in New York State. If a retiree returns to public employment, he/she may still be able to collect his/her pension depending upon:

a) How much is earned after returning to work; and

b) The retiree's age.

If a retiree is under age 65, he/she can return to public employment without approval or reduction in retirement benefits as long as his/her calendar year earnings do not exceed $30,000 (the RSSL Section 212 limit). If a retiree's earnings will be more than the Section 212 limits, the employer must request and receive prior approval from the appropriate agency to hire the retiree under Section 211. This may help avoid a reduction or suspension of the retiree's pension. (Refer to subheading below for more information regarding RSSL Section 211 and the approval process.)

Section 211 waivers are provided for "unclassified service" positions. Retired police officers employed by a school district as a School Resource Officer fall under the "classified service" but may have the earnings limitation waived at the discretion of the Commissioner of Education, as long as all of the requirements for waivers in the unclassified service are fulfilled.

There is generally no restriction on a retiree's earnings beginning in the calendar year he/she turns 65, unless returning to public office.

RSSL Section 211 Approval Process

Approval for post-retirement employment of a person under the age of 65 or a retired police officer employed as a School Resource Officer whose calendar year earnings exceed $30,000 may be granted only on the written request of the District giving detailed reasons related to the standards set forth in Section 211; and on a finding of satisfactory evidence by the Civil Service Commission or the Commissioner of Education that the retired person is duly qualified, competent and physically fit for the performance of the duties of the position in which he/she is to be employed and is properly certified where such certification is required.

(Continued)

SUBJECT: EMPLOYMENT OF RETIRED PERSONS (Cont'd.)

The District will prepare a detailed recruitment plan to fill such vacancy on a permanent basis when the need arises and will undertake extensive recruitment efforts to fill the vacancy prior to making a determination that there are no available non-retired persons qualified to perform the duties of such position.

Approvals to hire retired individuals may be granted for periods not exceeding two (2) years each, provided that a person may not return to work in the same or similar position for a period of one (1) year following retirement. However, in accordance with RSSL Section 212, a retiree may return to work in the same or similar position within the same year following retirement if his/her earnings are under $30,000 or if he/she receives a Section 212 waiver, or other conditions exist as enumerated in law.

Reporting Requirements and Disclosure

a) The School District shall report all money earned by a retired person in its employ in excess of the earnings limitation outlined in Retirement and Social Security Law Section 212 to the retirement system administered by the State or any of its political subdivisions from which the retired person is collecting his/her retirement allowance.

b) The School District, when employing a retired person who is eligible to collect or is already collecting a retirement allowance from a retirement system administered by the State or any of its political subdivisions, shall report on an annual basis to the retirement system paying such retirement allowance and to the State Comptroller. This report shall consist of the re-employed retiree's name, date of birth, place of employment, current position, and all earnings.

Public Record

Any request for approval of the employment of a retired person, including the reasons stated, and the findings and determination of such request shall be a public record open for inspection in the Office of the Civil Service Commission, the Commissioner of Education, or the Board of Education making such findings and determination as specified in Retirement and Social Security Law Section 211.

Education Law Section 525
Retirement and Social Security Law Sections 111, 211, 212, 217, and 411
8NYCRR Section 80-5.5(b)

Adopted: 12/18/13
Reviewed: 01/22/14

SUBJECT: REMOTE WORKING

Generally, the District believes that its goals and objectives are best served when employees work in-person on District premises. However, the District recognizes that, in certain circumstances, remote working or telecommuting may be advantageous to both the employee and the District. It may also be necessary in the event of an extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation.

When making decisions about remote working, the District will take into consideration any applicable laws, regulations, collective bargaining agreements, or existing policies and procedures. This policy will be superseded by any conflicting law, regulation, or collective bargaining agreement.

Remote Working Arrangements

Remote working is not an entitlement or a District-wide benefit. The ability to work remotely is completely at the discretion of the District. Except where specifically provided by an applicable collective bargaining agreement, employees will not be permitted to file a grievance as a result of a denial of their request to work remotely.

Upon request, an employee's supervisor, in conjunction with the Superintendent or designee, may grant an employee a full-time, part-time, or short-term remote work arrangement provided that the employee's work is able to be performed remotely and the employee has consistently demonstrated the ability to effectively work independently.

Extraordinary Circumstances

In the event of an extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation, it may be necessary to establish remote working arrangements for some or all employees. In these circumstances, the District will notify employees of whether they are expected to work at home full-time, part-time, or not at all. The District retains the right to change the remote working arrangement for any employee at any time.

Continuity of Work

Unless specifically agreed upon, working remotely will not alter an employee's work schedule, job duties, compensation, benefits, or any other term and condition of employment. Further, while working remotely, employees will be required to remain available during their normal workhours via email, phone, or other means. Failure to respond in a reasonable time frame may result in discipline and/or termination of the remote work arrangement.

(Continued)

SUBJECT: REMOTE WORKING* (Cont'd.)

Compliance with District Policies and Procedures

District employees who are working remotely are required to comply with any and all applicable District policies, procedures, and other related documents as they normally would if they were working on District premises. Examples include, but are not limited to, the District's policies and procedures on non-discrimination and anti-harassment, protecting the personal information of District employees and students, acceptable use, and copyright. Engaging in prohibited conduct may result in disciplinary action as warranted.

Adopted: 10/21/20

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Naples Central School District **NUMBER**

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY

Statement of Overall Objectives

School attendance is both a right and a responsibility. The Naples Central School District is an active partner with students and parents in the task of helping all students to meet or exceed the New York State Learning Standards. The District recognizes that consistent school attendance, academic success, and school completion have a positive correlation, and therefore has developed, and, if necessary, will revise this Comprehensive Student Attendance Policy to meet the following objectives:

a) To increase school completion for all students;

b) To raise student achievement and close gaps in student performance;

c) To identify attendance patterns in order to design attendance improvement efforts;

d) To know the whereabouts of every student for safety and other reasons;

e) To verify that individual students are complying with education laws relating to compulsory attendance;

f) To determine the District's average daily attendance for State aid purposes.

Description of Strategies to Meet Objectives

The School District will:

a) Create and maintain a positive school building culture by fostering a positive physical and psychological environment where the presence of strong adult role models encourages respectful and nurturing interactions between adults and students. This positive school culture is aimed at encouraging a high level of student bonding to the school, which in turn should lead to increased attendance.

b) Develop a Comprehensive Student Attendance Policy based upon the recommendations of a multifaceted District Policy Development Team that includes representation from the Board of Education, administrators, teachers, students, parents and the community. The District will hold at least one public hearing prior to the adoption of this collaboratively developed Comprehensive Student Attendance Policy.

c) Maintain accurate recordkeeping via a Register of Attendance to record attendance, absence, tardiness or early departure of each student.

d) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.

e) Develop early intervention strategies to improve school attendance for all students.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

Determination of Excused and Unexcused Absences, Tardiness and Early Departures

Based upon our District's education and community needs, values and priorities, the School District has determined that absences, tardiness and early departures will be considered excused or unexcused according to the following standards.

a) **Excused:** An absence, tardiness or early departure may be excused if due to personal illness, illness or death in the family, impassable roads due to inclement weather, religious observance, quarantine, required court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations or other such reasons as may be approved by the Board of Education.

b) **Unexcused:** An absence, tardiness or early departure is considered unexcused if the reason for the lack of attendance does not fall into the above categories (e.g., family vacation, hunting, babysitting, haircut, oversleeping).

Student Attendance Recordkeeping/Data Collection

The record of each student's presence, absence, tardiness and early departure shall be kept in a register of attendance in a manner consistent with Commissioner's Regulations. An absence, tardiness or early departure will be entered as "excused" or "unexcused" along with the District code for the reason.

Attendance shall be taken and recorded in accordance with the following:

a) For students in non-departmentalized kindergarten through grade eight (i.e., self-contained classrooms and supervised group movement to other scheduled school activities such as physical education in the gym, assembly, etc.), such student's presence or absence shall be recorded after the taking of attendance once per school day, provided that students are not dismissed from school grounds during a lunch period. Where students are dismissed for lunch, their presence or absence shall also be recorded after the taking of attendance a second time upon the student's return from lunch. For purposes of APPR and Teacher-Student Data Linkages (TSDL), classroom attendance for <u>all</u> students K-12 must be recorded on a subject by subject basis for Teacher of Record Determinations.

b) For students in grades 9 through 12 or in departmentalized schools at any grade level (i.e., students pass individually to different classes throughout the day), each student's presence or absence shall be recorded after the taking of attendance in each period of scheduled instruction.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

c) Any absence for a school day or portion thereof shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.

d) In the event that a student at any instructional level from grades K through 12 arrives late for or departs early from scheduled instruction, such tardiness or early departure shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.

A record shall be kept of each scheduled day of instruction during which the school is closed for all or part of the day because of extraordinary circumstances including adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of or damage to a school building, or such other cause as may be found satisfactory to the Commissioner of Education.

Attendance records shall also indicate the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Education Law Section 3202(1-a).

At the conclusion of each class period or school day, all attendance information shall be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness or early departure shall be coded on a student's record in accordance with the established District/building procedures.

Student Attendance/Course Credit

The District believes that classroom participation is related to and affects a student's performance and grasp of the subject matter and, as such, is properly reflected in a student's final grade. For purposes of this policy, classroom participation means that a student is in class and prepared to work.

Consequently, for each marking period a certain percentage of a student's final grade will be based on classroom participation as well as the student's performance on homework, tests, papers, projects, etc. as determined by the building administrator and/or classroom teacher.

Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused student absences, tardiness, and early departures will affect a student's grade, including credit for classroom participation, for the marking period.

At the middle school/senior high school level, any student with an excessive number of absences will be identified, counseled and possibly fail to receive credit for the course. Each student will be looked at on an individual basis with the intent on making the student academically successful. It is District policy that students with properly excused absences, tardiness and early departures for which the student has performed any assigned make-up work, assignments and/or tests shall not be counted

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

as an absence for the purpose of determining the student's eligibility for course credit. District procedures will specify how student tardiness and early departures will be calculated and factored into the District's minimum attendance standard.

However, where a student earns a passing grade, credit will not be denied for the course(s).

For summer school and courses meeting 1/2 year or 1/4 year, the same policy will apply and a calculation of the absences will be prorated accordingly.

Transfer students and students re-enrolling after having dropped out will be expected to attend a prorated minimum number of the scheduled class meetings during their time of enrollment.

Students will be considered in attendance if the student is:

a) Physically present in the classroom or working under the direction of the classroom teacher during the class scheduled meeting time; or

b) Working pursuant to an approved independent study program; or

c) Receiving approved alternative instruction.

Students who are absent from class due to their participation in a school sponsored activity are to arrange with their teachers to make up any work missed in a timely manner as determined by the student's teacher. Attendance at school sponsored events where instruction is substantially equivalent to the instruction which was missed shall be counted as the equivalent of regular attendance in class.

Upon returning to school following a properly excused absence, tardiness or early departure, it shall be the responsibility of the student to consult with his/her teacher(s) regarding arrangements to make up missed work, assignments and/or tests in accordance with the time schedule specified by the teacher.

Notice of Minimum Attendance Standard/Intervention Strategies Prior to the Denial of Course Credit

In order to inform parents/persons in parental relation and students of the District's policy regarding minimum attendance and course credit, and the implementation of specific intervention strategies to be employed **prior to the denial of course credit to the student for insufficient attendance**, the following guidelines shall be followed:

a) Copies of the District's Comprehensive Student Attendance Policy will be mailed to parents/persons in parental relation and provided to students at the beginning of each school year or at the time of enrollment in the District.

b) School newsletters and publications will include periodic reminders of the components of the District's Comprehensive Student Attendance Policy. Copies of the Attendance Policy will also be included in parent/student handbooks.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

a) At periodic intervals, a designated staff member(s) will notify, by telephone, the parent/person in parental relation of the student's absence, tardiness, or early departure and explain the relationship of the student's attendance to his/her ability to receive course credit. If the parent/person in parental relation cannot be reached by telephone, a letter shall be sent detailing this information.

b) A designated staff member will review the District's Attendance Policy with students who have excessive and/or unexcused absences, tardiness or early departures. Further, appropriate student support services/personnel within the District, as well as the possible collaboration/referral to community support services and agencies, will be implemented prior to the denial of course credit for insufficient attendance by the student.

Notice of Students who are Absent, Tardy or Depart Early Without Proper Excuse

A designated staff member shall notify by telephone the parent/person in parental relation to a student who is absent, tardy or departs early without proper excuse. The staff member shall explain the District's Comprehensive Student Attendance Policy, the District's/building level intervention procedures, and, if appropriate, the relationship between student attendance and course credit. If the parent/person in parental relation cannot be reached by telephone, the staff member will provide such notification by mail. Further, the District's Attendance Policy will be mailed to the parent/person in parental relation to promote awareness and compliance with the policy.

If deemed necessary by appropriate school officials, or if requested by the parent/person in parental relation, a school conference shall be scheduled between the parent/person in parental relation and appropriate staff members in order to address the student's attendance. The student may also be requested to attend this conference in order to address appropriate intervention strategies that best meet the needs of the student.

Attendance Incentives

In order to encourage student attendance, the District will develop and implement grade-appropriate/building-level strategies and programs including, but not limited to:

a) Attendance honor rolls to be posted in prominent places in District buildings and included in District newsletters and, with parent/person in parental relation consent, in community publications;

b) Monthly drawings for prizes at each grade level to reward perfect attendance;

c) Special events (e.g., assemblies, guest speakers, field days) scheduled on days that historically have high absenteeism (e.g., Mondays, Fridays, day before vacation);

d) Grade-level rewards at each building for best attendance;

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

e) Classroom acknowledgment of the importance of good attendance (e.g., individual certificates, recognition chart, bulletin boards);

f) Annual poster/essay contest on importance of good attendance;

g) Assemblies collaboratively developed and promoted by student council, administration, PTA/PTO and other community groups to promote good attendance.

Disciplinary Consequences

Unexcused absences, tardiness and early departures will result in disciplinary sanctions as described in the District's Code of Conduct. Consequences may include, but are not limited to, in-school suspension, detention and denial of participation in interscholastic and extracurricular activities. Parents/persons in parental relation will be notified by designated District personnel at periodic intervals to discuss their child's absences, tardiness or early departures and the importance of class attendance and appropriate interventions. Individual buildings/grade levels will address procedures to implement the notification process to the parent/person in parental relation.

Intervention Strategy Process

In order to effectively intervene when an identified pattern of unexcused absences, tardiness or early departures occur, designated District personnel will pursue the following:

a) Identify specific element(s) of the pattern (e.g., grade level, building, time frame, type of unexcused absences, tardiness or early departures);

b) Contact the District staff most closely associated with the element. In specific cases where the pattern involves an individual student, the student and parent/person in parental relation will be contacted;

c) Discuss strategies to directly intervene with specific element;

d) Recommend intervention to Superintendent or his/her designee if it relates to change in District policy or procedure;

e) Implement changes, as approved by appropriate administration;

f) Utilize appropriate District and/or community resources to address and help remediate student unexcused absences, tardiness or early departures;

g) Monitor and report short and long term effects of intervention.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

Appeal Process

A parent/person in parental relation may request a building level review of their child's attendance record.

Building Review of Attendance Records

The Building Principal will work in conjunction with the building attendance clerk and other designated staff in reviewing attendance records at the end of each term. This review is conducted to identify individual and group attendance patterns and to initiate appropriate action to address the problem of unexcused absences, tardiness and early departures.

Annual Review by the Board of Education

The Board of Education shall annually review the building level student attendance records and if such records show a decline in student attendance, the Board shall make any revisions to the Policy and plan deemed necessary to improve student attendance.

Community Awareness

The Naples Central School Board of Education shall promote necessary community awareness of the District's Comprehensive Student Attendance Policy by:

a) Providing a plain language summary of the policy to parents or persons in parental relation to students at the beginning of each school year and promoting the understanding of such a policy to students and their parents/persons in parental relation;

b) Providing each teacher, at the beginning of the school year or upon employment, with a copy of the policy; and

c) Providing copies of the policy to any other member of the community upon request.

Education Law Sections 3024, 3025, 3202, 3205, 3206, 3210, 3211 and 3213
8 New York Code of Rules and Regulations (NYCRR) Sections 104.1, 109.2 and 175.6

Adopted: 06/27/07
Revised: 07/15/13
Revised: 10/16/13
Revised: 03/22/23
Revised: 11/13/24

Naples Central School District

Information on the Comprehensive Student Attendance Policy

Policy # 7110 (http://www.naples.k12.ny.us/district.cfm?subpage=1532492)

Why does the Naples Central School District have an Attendance Policy?

Research shows that in order for students to achieve academic success, consistent attendance is essential. Because school attendance is both a right as well as a responsibility, the Naples Central School District has adopted a Comprehensive Student Attendance Policy to meet the following objectives:

a) To increase school completion for all students;

b) To raise student achievement and close gaps in student performance;

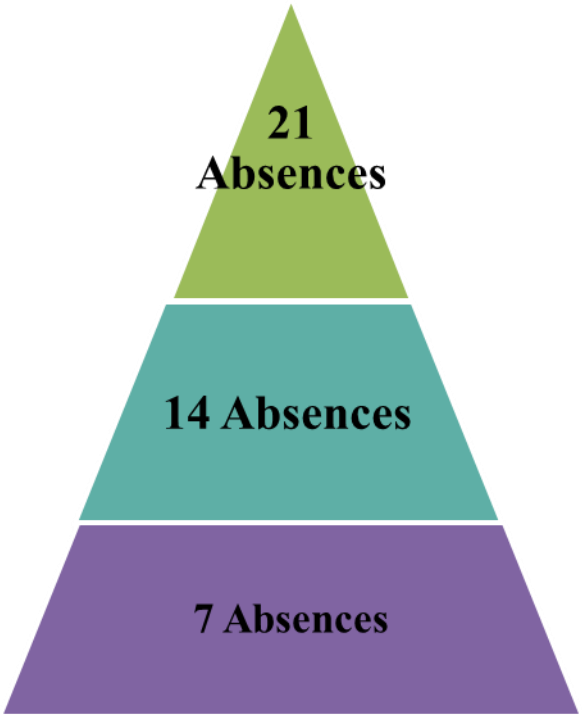
c) To identify attendance patterns in order to design attendance improvement efforts;

d) To know the whereabouts of every student for safety and other reasons;

e) To verify that individual students are complying with education laws relating to compulsory attendance;

f) To determine the District's average daily attendance for State aid purposes.

What interventions will be used to ensure consistent student attendance?



- Written notification to parents
- Possible denial of course credit
- Involvement of social service organizations for educational neglect

- Written notification to parents
- Meeting with student, parent, and building principal
- Student case manager is assigned to develop specific goals
- Detention or Mandatory 9th Periods assigned

- Written notification to parents
- Meeting with student to discuss Naples Attendance Policy

How do I know if an absence is "excused" or "unexcused"?

a) **Excused:** An absence, tardiness or early departure may be excused if due to personal illness, illness or death in the family, impassable roads due to inclement weather, religious observance, quarantine, required court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations or other such reasons as may be approved by the Board of Education.

b) **Unexcused:** An absence, tardiness or early departure is considered unexcused if the reason for the lack of attendance does not fall into the above categories (e.g., family vacation, hunting, babysitting, hair cut, oversleeping).

How will I know how many days of school my student has missed?

Letters indicating a student's total number of absences will be sent to parents at 7, 14, and 21 days. Attendance and tardiness will be reported as part of a student's quarterly report cards and can always be accessed through the Parental Access Support System (PASS), found under "Quick Links" on the Naples website. If you have lost your student's PASS ID or PIN, please contact the High School Main Office at 585-374-7905.

How do I report a student absence?

A student is expected to be in attendance each day school is in session. When a student returns from an absence, they must provide the attendance clerk a written parental or guardian note explaining why the absence occurred. In some cases, a parent or legal guardian may be notified to validate the excuse. A high number of absences due to severe medical conditions should be reported directly to the principal. Please feel free to use the form below to report a student absence.

NAPLES CENTRAL SCHOOL ATTENDANCE ABSENCE EXCUSE FORM

Date: _____

Student: _____

From: _____
(Print Parent/Guardian's Name)

-is returning to school after an absence on _____
(Date)

Due to: _____

_____

SIGNATURE _____

POLICY

2024 7120

Students

SUBJECT: AGE OF ENTRANCE

Pre-Kindergarten

Students who are legal residents of the Naples Central School District and who reside with parents or guardians within the District at the time of the opening day of school must be four (4) years of age or more on December 1 in order to register for Pre-Kindergarten.

Kindergarten

Students who are legal residents of the Naples Central School District and who reside with parents or guardians within the District at the time of the opening day of school must be five (5) years of age or more on December 1 in order to register for Kindergarten.

A child who transfers into the School District at any time during the school year may be considered for admission to Kindergarten by the Superintendent provided:

a) The parents were not legal residents of the School District on the opening day of school, and

b) The child has been registered and enrolled in kindergarten in the District in which his/her parents were legal residents.

Other Grades

Admission of children to other grades shall involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

Proof of Age

A student's birth certificate or other satisfactory evidence of age shall be presented at the time of initial registration. The child shall be entered under his/her legal name.

Education Law Sections 1712, 3202 and 3212

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 06/27/07
Revised: 11/13/24

POLICY

Students

SUBJECT: SCREENING OF NEW SCHOOL ENTRANTS

A new entrant means a pupil entering the New York State public school system for the first time, or re-entering a New York State public school with no available record of a prior screening. Such diagnostic screening shall be conducted by persons appropriately trained or qualified:

a) In the student's native language if the language of the home is other than English;

b) In the case of new entrants, prior to the school year, if possible, but no later than December 1 of the school year of entry or within fifteen (15) days of transfer of a student into a New York State public school should the entry take place after December 1 of the school year;

c) In the case of students who score below level two on either the third grade reading or mathematics test for New York State elementary school, and students who obtain a comparable percentile score on the Regents Preliminary Competency Test, within thirty (30) days of the availability of the test scores.

Such screening shall include, but not be limited to the following:

a) A physical examination by a physician/nurse practitioner 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. Vision screening services will be provided to all new admissions within six months of enrollment or by such other date prescribed by the Commissioner of Education.

b) A language development assessment.

No screening examination for vision, hearing or scoliosis condition is required where a student, parent, or person in parental relation objects on the grounds that such examination conflicts with their genuine and sincere religious beliefs.

Confidentiality of Information

The Board of Education's policy and administrative regulations in accordance with the Family Educational Rights and Privacy Act of 1974 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.

(Continued)

SUBJECT: SCREENING OF NEW SCHOOL ENTRANTS (Cont'd.)

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232(g)
Education Law Sections 901, 903, 904, 905, 914 and 3208(5)
Public Health Law Section 2164
8 New York Code of Rules and Regulations (NYCRR) Parts 117, 142.2 and 154

NOTE: Refer also to Policies #7131 -- Education of Homeless Children and Youth
#7512 -- Student Physicals
#8240 -- Instructional Programs: Driver Education, Gifted and Talented Education and Physical Education

Adopted: 6/27/07
Revised: 6/01/11

SUBJECT: CORPORAL PUNISHMENT, TIMEOUT AND PHYSICAL RESTRAINT

Overview:

The purpose of this policy is to establish Naples Central School District guidelines prohibiting the use of corporal punishment and prescribing when and how restraint and timeout[1] of students is to be used in response to or to address student behaviors. In all situations, positive, proactive, evidence- and research-based strategies through a multi-tiered system of supports are to be used to reduce the occurrence of challenging behaviors, eliminate the need for the use of timeout and physical restraint, and improve school climate and the safety of all students.

The District prohibits the use of corporal punishment, aversive interventions, and seclusion. The District authorizes the limited use of timeout and physical restraint in schools to address student behaviors subject to conditions in law, regulation, and this policy. It is the District's intention that positive, preventative behavioral supports be proactively employed as a means to significantly limit the need for the use of emergency interventions.

This policy is intended to promote student and staff safety and prevent student violence, self-injuries or injuries to others by emphasizing de-escalation of potentially dangerous behaviors that may occur in an effort to avoid the need for use of emergency interventions.

As required by state regulations, the District will utilize positive, proactive, evidence-and research-based strategies to reduce the occurrence of challenging behaviors, eliminate the use of timeout, physical restraint, and improve school climate and the safety of all students.

Pursuant to state regulation 8 NYCRR § 19.5, timeout and physical restraint will not be used as discipline, punishment, retaliation, or as a substitute for positive, proactive intervention strategies that are designed to change, replace, modify, or eliminate a targeted behavior.

Factors Which May Precipitate the Use of Timeout and/or Physical Restraint:

Generally, timeout and physical restraint may only be used when:

1. Other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger or serious physical harm to students or others;
2. There are no know medical contraindication to its use on the student; and
3. The staff using such interventions have been trained and their training is current in its safe and appropriate application, as required by state regulations and in accordance with the requirements of this policy.

[1] All terms used in this policy are as defined in the Board of Regents regulations section 19.5.

(Continued)

SUBJECT: CORPORAL PUNISHMENT, TIMEOUT AND PHYSICAL RESTRAINT (Cont'd)

Use of Timeout:

Timeout may be used only:

1. When a situation poses an immediate concern for the physical safety of the student or others; or
2. When used for students with disabilities in conjunction with a behavioral intervention plan (BIP), that is designed to teach and reinforce alternative appropriate behaviors as outlined on a student's individual education program (IEP).

In addition to other laws and/or regulations pertaining to timeout rooms used by the District, the room or physical space used for timeout will be unlocked, and any door must be able to be opened from the inside. The use of locked rooms or physical spaces is expressly prohibited. The room or space will allow for continuous visual and auditory monitoring of the student.

Timeout and physical restraint will be used in the least amount of time necessary, and staff will return the student to their educational program as soon as the student has safely de-escalated, regained control and is prepared to meet expectations.

Use of Physical Restraint:

Physical restraint will only be used in a situation in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others. The type of physical restraint used will be the least restrictive technique necessary and be discontinued as soon as the imminent danger of serious physical harm has resolved. Physical restraint will never be used in a manner that restricts the student's ability to breathe or communicate or harms the student. The use of prone restraint is expressly prohibited.

Physical restraint will not be used to prevent property damage except in situations where there is imminent danger of serious physical harm to the student or others and the student has not responded to positive, proactive intervention strategies.

Physical restraints will be administered only by staff who have received training and such training is current in accordance with the requirements set forth in this policy. Following a physical restraint, school medical personnel, including the school nurse, will determine if an injury has been sustained by the student. Medical personnel will document any marks, bruises or other injuries the student may have at the time of the evaluation.

(Continued)

SUBJECT: CORPORAL PUNISHMENT, TIMEOUT AND PHYSICAL RESTRAINT (Cont'd)

Prohibited Actions:

Students may not be placed in a locked room or where the student cannot be continuously observed and supervised by school staff. Students may not be placed in a prone restraint (a physical or mechanical restraint while the student is in a face-down position).

Additionally, District teachers, administrators, officers, employees, contractors, volunteers, or agents may not use corporal punishment, mechanical restraint and other aversive interventions, or seclusion which differs from timeout against a student, as defined in state regulations. State regulations include school resource officers in the term "agent" except when a student is under arrest and handcuffs are necessary for the safety of the students and others.

Documentation:

The school will maintain documentation of each incident involving the use of timeout, including timeout used in conjunction with a student's behavioral intervention plan or physical restraint on each student as prescribed in Board of Regents regulations, section 19.5(d)(4).

Notification Following the Use of Timeout or Physical Restraint:

Each building principal is responsible for developing specific procedures for parental notification of restraints and timeouts consistent with the following requirements. Such procedures must meet the following minimum requirements:

1. Parent(s) or person(s) in parental relation to the student will be notified on the same day when timeout and/or physical restraint is used, including timeout used in conjunction with a student's behavioral intervention plan. When the student's parent or person in parental relations cannot be contacted after reasonable attempts, administration will record the attempts. For students with disabilities, the school principal or building administrator will report such attempts to the student's committee on preschool special education or committee on special education. Such notification will offer the parent the opportunity to meet regarding the incident; and

2. Additionally, the District will provide the parent or person in parental relation with:

    a. A copy of this policy; and
    b. A copy of the documentation of the incident within three school days of the use of timeout and/or physical restraint.

(Continued)

SUBJECT: CORPORAL PUNISHMENT, TIMEOUT AND PHYSICAL RESTRAINT (Cont'd)

Debriefing:

As soon as practicable, after every incident in which timeout and/or physical restraint is used on a student, a building administrator of Director or Pupil Personnel will:

1. Meet with the staff who participated in the use of timeout and/or physical restraint to discuss:
    a. The circumstances leading to the use of timeout and/or physical restraint;
    b. The positive, proactive intervention strategies that were utilized prior to the use of timeout and/or physical restraint
    c. Planning for prevention and reduction of the future need for timeout and/or physical restraint including, if applicable, whether a referral should be made for special education programs and/or other support services or, for a student with a disability, whether a referral for review of the student's individualized education program or behavioral intervention plan is needed; and

2. Direct a school staff member to debrief the incident with the student in a manner appropriate to the student's age and developmental ability and to discuss the behavior(s), if any, that precipitated the use of timeout and/or physical restraint.

Recordkeeping and Review of Documentation:

The District will maintain documentation on the use of timeout and/or physical restraint, including timeout used in conjunction with a student's behavioral intervention plan for each student. This documentation will include:

a. The name and date of birth of the student
b. The setting and location of the incident
c. The name of the staff who participated in the implementation, monitoring, and supervision of the use of timeout and/or physical restraint
d. A description of the incident including duration, and, for physical restraint, the type of restraint used
e. Whether the child has and individual education program (IEP), Section 504 accommodation plan, behavioral intervention plan (BIP), if applicable
f. A list of positive, proactive interventions strategies utilized prior to the use of timeout and/or physical restraint and, for students with disabilities, whether those strategies were consistent with a student's behavioral intervention plan, if applicable

(Continued)

SUBJECT: CORPORAL PUNISHMENT, TIMEOUT AND PHYSICAL RESTRAINT (Cont'd)

g. The details of any injuries sustained by the student or staff during the incident and whether the student was evaluated by the school nurse
h. The date and method of notification to the parent or person in parental relation
i. The date of the debriefing was held.

Documentation of each incident will be regularly reviewed by supervisory personnel and, as necessary, the school nurse or medical personnel. When there are multiple incidents within the same classroom or involving the same staff, the school administrator or designee will take appropriate steps to address the frequency and pattern of use. These records will be maintained by the school and made available for review by the New York State Education Department upon request.

Training:

All staff will receive annual training on the District's policies and procedures related to the use of timeout and physical restraint; evidence-based positive, proactive strategies; crisis intervention and prevention procedures and de-escalation techniques. Additionally, any staff who may be called upon to implement timeout or physical restraint, will receive annual, evidence-based training in safe and effective developmentally appropriate timeout and physical restraint procedures.

NOTE: Refer also to: Policy #7350 – Corporal Punishment

Adopted: 07/13/11
Revised: 12/11/24

SUBJECT: ENTITLEMENT TO ATTEND – AGE AND RESIDENCY

Entitlement to Attend

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 are entitled to enroll in the District.

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. Each 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.

Evidence of a prospective student's age and residency must be presented in such form as is permitted by state and federal law and regulation.

Determination of Student Residency

"Residence", for purposes of this policy, is established by a child's physical presence as an inhabitant within the District and his/her intent to resident in the District.

A child's residence is presumed to be that of his/her parents or legal guardians. Where a child's parents live apart, the child can have only one legal residence. In cases where parents have joint custody, the child's time is essentially divided between two (2) households, and both parents assume responsibility for the child, the decision regarding the child's residency lies ultimately with the family. Where parents claim joint custody, but do not produce proof of the child's time being divided between both households, residency will be determined on the basis of the child's physical presence and intent to remain within the District.

The presumption that a child resides with his/her parents or legal guardians may be rebutted upon demonstration that custody of such child has been totally and permanently transferred to another individual. The District will not acknowledge living arrangements with persons other than a child's parents or legal guardians which are made for the sole purpose of taking advantage of the District's schools.

The presumption that a child resides with his/her parents or legal guardians may also be rebutted upon demonstration that such child is an emancipated minor. To establish emancipation, a minor may submit documentation of his/her means of support, proof of residency and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with his/her parents or persons in parental relation.

(Continued)

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)

Notwithstanding the foregoing, all determinations of student residency will be made consistent with applicable state and federal laws and regulations.

Undocumented Children

The District is mindful that undocumented children are entitled to attend the District's schools, provided they meet the age and residency requirements established by state law. Consequently, the District will not request or require on any enrollment or registration form, in any meeting, or in any other form of communication, any documentation and/or information regarding or tending to reveal the immigration status of a child, a child's parent(s) or the person(s) in parental relation. In the event the District is required to collect such information, the District will do so after the child has been enrolled. In no instance will such information be required as a condition of enrollment or continued attendance.

Children of Activated Reserve Military Personnel

Students temporarily residing outside the boundaries of the District, due to relocation necessitated by the call to active military duty of the student's parent or person in parental relation, will be allowed to attend the public school that they attended prior to the relocation. However, the District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

Homeless Children

Determinations regarding whether a child is entitled to attend the District's schools as a homeless child or youth will be made in accordance with Section 100.2(x) of the Commissioner's Regulations, as well as applicable District policy and regulation.

Education Law Sections 3202, 3205, and 3218
Family Court Act Section 657
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(x) and (y)

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth
#7132 – Non-Resident Students

Adopted: 06/27/07
Revised: 12/02/09
Revised: 02/16/11
Revised: 02/25/15
Revised: 07/09/25

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING

IDENTIFICATION OF STUDENTS IN TEMPORARY HOUSING

Under the federal McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act of 2015 (ESSA) and Education Law Section §3209, as amended in 2017, all districts are obligated to affirmatively identify all students in temporary housing. Therefore, it is the policy of Naples CSD to determine whether there are students in temporary housing within the District by using a housing questionnaire to determine the nighttime residence of all newly enrolled students and all students whose address changes during the school year. Not all students in temporary housing can be identified through social service agencies or shelters, as children may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. For this reason, Naples CSD uses a housing questionnaire that asks for a description of the current living arrangements of the child or youth in order to determine whether the child or youth meets the definition of a homeless child under the McKinney-Vento Homeless Education Assistance Act (42 U.S.C. § 11434A(2)) ("McKinney-Vento") and Education Law § 3209(1)(a).

In addition to using the housing questionnaire, Naples CSD will also contact our local department of social services (https://otda.ny.gov/workingfamilies/dss.asp) to identify students in temporary housing, as well as the local runaway and homeless youth shelter (http://ocfs.ny.gov/main/Youth/rhydirectory.asp), and any other shelters located within the District boundaries to ensure all students in temporary housing are properly identified and served.

DEFINITION OF HOMELESS CHILD AND UNACCOMPANIED YOUTH

Pursuant to McKinney-Vento 42 USC § 11434A(2), Education Law § 3209(1)(a), and 8 NYCRR § 100.2(x)(1)(iii) a homeless child is defined as:

(1) a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:

(i) sharing the housing of other persons due to loss of housing, economic hardship or similar reason (sometimes referred to as "doubled-up");

(ii) living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

(iii) abandoned in hospitals; or

(iv) a migratory child as defined in subsection two of section thirteen hundred nine of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, who qualifies as homeless under any of the provisions of clauses (i) through (iii) of this subparagraph or subparagraph two of this paragraph;

(v) an unaccompanied youth, as defined in section seven hundred twenty-five of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act; or

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

(2) a child or youth who has a primary nighttime location that is:
   (i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to article nineteen-H of the executive law; or
   (ii) 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 stations or similar setting.

An unaccompanied youth is defined as a homeless youth who is not in the physical custody of a parent or guardian. *42 USC § 11434A(6); 8 NYCRR §100.2(x)(1)(iii)(6)*

DUTIES OF THE MANDATED MCKINNEY-VENTO LIAISON

Every District, regardless of whether it receives a McKinney-Vento subgrant, is required to designate a local liaison for homeless children and youth (known as the "McKinney-Vento liaison"). The McKinney-Vento liaison for Naples CSD serves as one of the primary contacts between families experiencing homelessness and school staff, district personnel, shelter workers, and other service providers. The McKinney-Vento liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed.

The Naples CSD's McKinney-Vento liaison must ensure that:

1. Students in temporary housing are identified by school personnel and through coordination activities with other entities and agencies;
2. Students in temporary housing enroll in, and have full and equal opportunity to succeed in, the schools of Naples CSD;
3. Students in temporary housing and their families receive educational services for which they are eligible, including Head Start programs administered by an District, Early Head Start, early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq), and other preschool programs administered by the District.
4. Students and parents in temporary housing receive referrals to health care services, dental services, mental health and substance abuse services, housing services and other appropriate services;
5. Parents or guardians of students in temporary housing are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
6. Parents and guardians of students in temporary housing, and unaccompanied youth, are fully informed of all transportation services, including transportation to and from the school district of origin and are assisted in accessing transportation services;
7. Disputes regarding eligibility, school selection, enrollment and/or transportation are mediated in accordance with the requirements of McKinney-Vento, Section 3209 of the Education Law, and Section 100.2(x)(7)(ii) of the Regulations of the Commissioner of Education;

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

8. Assistance in commencing an appeal pursuant to Education Law §310 of a final determination regarding eligibility, enrollment, school selection and/or transportation is provided to the students in temporary housing's parent or guardian or the unaccompanied youth in accordance with the provisions of 8 NYCRR §100.2(x)(7)(iii)(c);
9. Public notice of the educational rights of students in temporary housing is posted in locations where such students receive services, such as schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of students in temporary housing, and unaccompanied youth; A record is maintained of all appeals of enrollment, school selection and transportation; and
10. School personnel providing services to students in temporary housing receive professional development and other support; and
11. Unaccompanied youths—
    a. are enrolled in school;
    b. have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations, and
    c. are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and that the youths may obtain assistance from the local educational agency liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).
12. School personnel, service providers, advocates working with students in temporary housing, parents and guardians of students in temporary housing, and students in temporary housing are informed of the duties of the McKinney-Vento liaison.

42 USC §11432(g)(6)(A)-(B); 8 NYCRR §100.2(x)(7)(iii)(a)

SCHOOL OF ORIGIN

School of origin is:

- The public school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool or a charter school;
- The designated receiving school at the next grade level for all feeder schools for a student in temporary housing who completes the final grade level served by the school of origin; and
- The public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to become homeless if the child becomes homeless after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or if the child is living with a school-age sibling who attends school in the school district of origin.

42 USC §11432(g)(3)(G); NY Education Law §3209(1)(i)

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

Feeder school means:

- a preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool; or
- a school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or
- a school that sends its students to a receiving school in a neighboring school district.

NY Education Law §3209(1)(f)

Receiving school means:

- a school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or
- a school that enrolls students from a feeder school in a neighboring local educational agency.

NY Education Law §3209(1)(h)

Preschool means a publicly funded prekindergarten program or a Head Start program administered by Naples CSD and/or services under the Individuals with Disabilities Education Act administered by Naples CSD.
NY Education Law §3209(1)(g)

SCHOOL AND SCHOOL DISTRICT DESIGNATIONS

Naples CSD understands that the "designator" makes an initial decision about which school and school district a student in temporary housing will attend. A designator is:

- the parent or person in parental relation (guardian) to a student in temporary housing; or
- the student in temporary housing, together with the McKinney-Vento liaison, in the case of an unaccompanied youth; or
- the director of a residential program for runaway and homeless youth, in consultation with the student in temporary housing, where such student is living in such program.

See, NY Education Law §3209(1)(b); 8 NYCRR §100.2(x)(1)(i)

Naples CSD will ask the designator to designate one of the following as the school district of attendance:

- **School district of current location -** the public school district within the State of New York in which the hotel, motel, shelter or other temporary housing arrangement of a student in temporary housing or the residential program for runaway and homeless youth is located, which is different than the school district of origin.
- **School district of origin -** the public school district within the State of New York in which the student in temporary housing was attending a public school on a tuition-free basis or was entitled to attend when circumstances arose that caused such child to become homeless which is different from the school district of current location. The school district of origin also includes the school district in the state of New York in which the child was residing when circumstances arose which caused such child to become homeless if such child was eligible to apply, register, or enroll in public preschool or kindergarten at the time such child became homeless, or the homeless child has a sibling who attends a school in the school district in which the child was residing when circumstances arose which caused such child to become homeless.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

- **School district participating in a regional placement plan -** a regional placement plan is a comprehensive regional approach to the provision of educational placements for homeless children, which must be approved by the Commissioner of Education.

Naples CSD will also ask the designator to designate one of the following as the school where a student in temporary housing seeks to attend:

- the school of origin; or
- any school that permanently housed children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool.

Please note: Students can maintain enrollment in the school of origin for the duration of homelessness and through the end of the school year in which the student becomes permanently housed. The student may be able to remain in the school of origin for one additional year, if the year constitutes the student's terminal year in such school building.
42 USC §11432(g)(3)(A); NY Education Law §§3209(1)-(2); 8 NYCRR §§100.2 (x)(1)-(2)

DESIGNATION/STAC 202 FORM

Naples CSD will identify all students in temporary housing, and a designation form will be completed by the designator for all such students and any other student who claims homelessness. Designations must be made on the STAC 202 form provided by the Commissioner. A copy of the form is available at http://www.nysteachs.org/media/INF_SED_STAC202_Form.pdf.

- The appropriate designator must complete the designation form. Naples CSD makes designation forms available to a student in temporary housing who seeks admission to school or to the parent or person in parental relation who seeks to enroll such child in school.
- Where a parent or person in parental relation or a child who is neither placed in a temporary housing facility by the local department of social services nor housed in a residential program for runaway homeless youth, designates Naples CSD as the school district of current location, Naples CSD will forward to the State Education Department a completed designation form and a statement of the basis for its determination that the child is a homeless child entitled to attend the schools of the district.

NY Education Law §3209(2)(e); 8 NYCRR §100.2(x)(3)

UPON RECEIPT OF THE DESIGNATION/STAC 202 FORM: IMMEDIATE ENROLLMENT AND BEST INTEREST DETERMINATIONS

Upon identification of a child who is in temporary housing and/or receipt of a completed designation form, Naples CSD will:

- immediately review the designation form to assure that it has been completed and admit the student in temporary housing even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation and even if the child or youth has missed application deadlines;

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

- determine whether the designation made by the designator is consistent with the best interests of the student in temporary housing. In making best interests decisions Naples CSD will:
    - presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the wishes of the parent or guardian (or youth in the case of an unaccompanied youth); and
    - consider student-centered factors such as the effect of mobility on student achievement, education, health, and safety of the child, giving priority to the wishes of the child's parent or guardian (or the youth, if a homeless unaccompanied youth). If the Naples CSD determines that it is in the best interest of the student in temporary housing to attend a school other than the school of origin or the designated school, Naples CSD shall provide the parent or guardian (or youth, if an unaccompanied youth) with a written explanation of its determination, including information about the right to appeal. (*See Dispute Resolution Process).*

      42 USC §11432(g)(3)(B); NY Education Law §3209(2)(f)(3); 8 NYCRR § 100.2(x)(7)(ii).
- provide the child with access to all of Naples CSD's programs, activities and services to the same extent as they are provided to resident students;
- immediately contact the school district where the child's records are located in order to obtain a copy of such records and coordinate the transmittal of records for students with disabilities pursuant to section 200.4(e)(8)(iii) of the Commissioner's regulations;
- immediately refer the parent or guardian of the student in temporary housing to the McKinney-Vento liaison who must assist in obtaining necessary immunizations or immunization or medical records if the child or youth needs to obtain immunizations or immunization or medical records;
- forward the STAC 202 form to the Commissioner and the school district of origin, where applicable. In all cases, the Naples CSD will give a copy of the completed STAC 202 to the designator and keep a copy of the STAC 202 form for the District's records.

42 USC §§11432(g)(3)(C)&(g)(4); NY Education Law §3209(2); 8 NYCRR §100.2(x)(4)

UPON RECEIPT OF A REQUEST FOR RECORDS

Within five days of receipt of a request for school records from a new school, Naples CSD will forward, in a manner consistent with state and federal law, a complete copy of the student in temporary housing's records, including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable. NY Education Law §3209(2)(g)*; 8 NYCRR §100.2(x)(5)*

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

TUITION REIMBURSEMENT

Naples CSD is eligible to request reimbursement from the State Education Department for the direct costs of educational services to students in temporary housing that are not otherwise reimbursed under special federal programs, when:

- the district is either the school district of current location or a school district participating in a regional placement plan,
- the district is designated as the school district of attendance, and
- the school district of origin for the student in temporary housing is within New York State.

All claims for reimbursement will be made on the STAC 202 form prescribed by the Commissioner of the State Education Department.
NY Education Law §3209(3)(a)

In addition, Naples CSD is eligible for reimbursement for the direct costs of educational services, including transportation costs for students who continue enrollment in Naples CSD schools after finding permanent housing midyear in a different school district within New York State. In such cases, Naples CSD will directly bill the new district where the student permanently resides for all direct costs of educational services, including transportation, that are not otherwise reimbursed under special federal programs.
NY Education Law §3209(4)(i); NYS Field Memo, September 26, 2013 (available at: http://nysteachs.org/media/STACGuidance_Final_9-26-13.pdf)

TRANSPORTATION RESPONSIBILITIES

- A social services district is responsible for providing transportation to students in temporary housing, including preschool students and students with disabilities who are eligible for benefits under Social Services Law §350-j and placed in temporary housing arrangements outside their designated districts. Where the social services district requests that Naples CSD provide or arrange for transportation for a student in temporary housing in the circumstances above, Naples CSD shall provide or arrange for the transportation and directly bill the social services district so that the district will be fully and promptly reimbursed for the cost of the transportation. *NY Education Law §3209(4)(a)*
- If Naples CSD is the designated school district of attendance, Naples CSD shall provide for the transportation of each student in temporary housing who is living in a residential program for runaway and homeless youth, including if such temporary housing is located outside the school district. The costs for transportation for each student in temporary housing who lives in a residential program for runaway youth and homeless youth located outside of the designated school district will be reimbursed by the State Education Department, to the extent funds are provided for such purpose, with the submission of a Runaway and Homeless Youth Act Transportation Program Form. Where Naples CSD provides transportation for a student living in an Runaway and Homeless Youth ("RHY") facility, the district will promptly request reimbursement using the Runaway and Homeless Youth Act Transportation Form, which is available from the Homeless Education Program Office (518-473-0295) and online at www.nysteachs.org. *NY Education Law §3209(4)(b)*

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

- Naples CSD will transport any student in temporary housing to their school of origin, including preschools and charter schools, where it is the designated district of attendance and the student in temporary housing is not entitled to receive transportation from the Department of Social Services. *NY Education Law §3209(4)(c); 8 NYCRR §100.2(x)(6)(iv)*
- When Naples CSD is designated as the school district of current location for a student in temporary housing and the student does not attend the school of origin, Naples CSD will provide transportation on the same basis as it is provided to resident students, unless the local transportation policy represents a barrier to the student's attendance in school. *NY Education Law §§3209(4)(d) & (6)(b); 8 NYCRR §100.2(x)(6)(iii)*
- If the student in temporary housing designates Naples CSD as the school district of attendance, transportation will not exceed 50 miles each way, unless the Commissioner of the State Education Department determines that it is in the best interest of the child. *NY Education Law §3209(4)(c); 8 NYCRR §100.2(x)(6)(ii)*
- Where Naples CSD is designated as the school district of attendance and it has recommended the student in temporary housing attend a summer educational program, such district of attendance will provide transportation services to students in temporary housing for summer educational programs if the lack of transportation poses a barrier to the student's participation in the program. *NY Education Law §3209(4)(e); 8 NYCRR §100.2(x)(6)(v)*
- Where Naples CSD is designated as the school district of attendance, it will provide transportation services to students in temporary housing for extracurricular or academic activities when:
  - The student participates in or would like to participate in an extracurricular or academic activity, including an after-school activity, at the school; and
  - The student meets the eligibility criteria for the activity; and
  - The lack of transportation poses a barrier to the student's participation in the activity. *NY Education Law §3209(4)(f); 8 NYCRR §100.2(x)(6)(vi)*
- Where Naples CSD is designated as the school district of attendance, it will provide transportation as described above for the duration of homelessness, unless the social services district is responsible for providing transportation. After the student becomes permanently housed, Naples CSD will provide transportation to the school of origin until the end of the school year and for one additional year if that year constitutes the child's terminal year in the school building. *NY Education Law §3209(4)(i); 8 NYCRR §100.2(x)(6)(iv)*

DISPUTE RESOLUTION PROCESS

Naples CSD has established the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

- Naples CSD will provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian of a student in temporary housing, or to an unaccompanied youth if Naples CSD determines that Naples CSD is not required to either enroll and/or

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

transport such child or youth to the school of origin or a school requested by the parent or guardian or unaccompanied youth, or if there is a disagreement about a child's or youth's status as a homeless child or unaccompanied youth. The written explanation will be in a manner and form understandable to such parent, guardian, or unaccompanied youth and will include a statement regarding the McKinney-Vento liaison's availability to help the parent, guardian, or unaccompanied youth with any appeal and the contact information for the liaison.

- Naples CSD will immediately enroll the student in the school in which enrollment is sought by the parent or guardian or unaccompanied youth, provide transportation to the school, and will delay for 30 days the implementation of a final determination to decline to either enroll in and/or transport the student in temporary housing to the school of origin or a school requested by the parent or guardian or unaccompanied youth.
- If the parent or guardian of a student in temporary housing or unaccompanied youth commences an appeal to the Commissioner within 30 days of such final determination, the student will be permitted to continue to attend the school he or she is enrolled in at the time of the appeal and/or receive transportation to that school pending the resolution of all available appeals.

42 USC §§11432(g)(3)(B) & (E); NY Education Law §3209(5); 8 NYCRR §100.2(x)(7)(ii)

MCKINNEY-VENTO LIAISON'S DISPUTE RESOLUTION RESPONSIBILITIES

Naples CSD's McKinney-Vento liaison must assist the student in temporary housing's parent or guardian or unaccompanied youth in bringing an appeal to the Commissioner under Education Law §310 of a final school district decision regarding enrollment, school selection and/or transportation. In the event of a dispute regarding eligibility, enrollment, school selection, and/or transportation, Naples CSD's McKinney-Vento liaison will:

- provide the parent or guardian or unaccompanied youth with a copy of the form petition, which is available at: http://www.counsel.nysed.gov/appeals/homelessForms;
- assist the parent or guardian or unaccompanied youth in completing the form petition;
- arrange for the copying of the form petition and supporting documents for the parent or guardian or unaccompanied youth, without cost to the parent or guardian or unaccompanied youth;
- accept service of the form petition and supporting papers on behalf of any school district employee or officer named as a party or the school district if it is named as a party or arrange for service by mail by mailing the form petition and supporting documents to any school district employee or officer named as a party and, if the school district is named as a party, to a person in the office of the superintendent who has been designated by the board of education to accept service on behalf of the school district;

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

- provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that the McKinney-Vento liaison has received the form petition and supporting documents and will either accept service of these documents on behalf of the school district employee or officer or school district or effect service by mail by mailing the form petition and supporting documents to any school district employee or officer named as a party and, if the school district is named as a party, to a person in the office of the superintendent who has been designated by the board of education to accept service on behalf of the school district;
- transmit on behalf of the parent or guardian or unaccompanied youth, within five days after the service of, the form petition or any pleading or paper to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
- provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that the McKinney-Vento liaison has received the form petition and supporting documents and will transmit these documents on behalf of the parent, guardian or unaccompanied youth to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
- accept service of any subsequent pleadings or papers, including any correspondence related to the appeal, if the parent or guardian or unaccompanied youth so elects. The liaison must also make such correspondence available to the parent or guardian or unaccompanied youth; and
- maintain a record of all appeals of enrollment, school selection, and transportation determinations.

42 USC §11432(g)(3)(E)(iii); 8 NYCRR §100.2(x)(7)(iii)(c)

COORDINATION

- Naples CSD will coordinate the provision of services described above with local social services agencies, housing providers and other agencies or programs providing services to students in temporary housing and their families, including services and programs funded under the Runaway and Homeless Youth Act.
- Naples CSD will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.
- Naples CSD will coordinate implementation of the above provision of services with the requirements of the Individuals with Disabilities Education Act (IDEA) for students with disabilities.

42 USC §11432(g)(5); 8 NYCRR §100.2(x)(7)(iv)

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

COORDINATION WITH TITLE I

Naples CSD acknowledges that students in temporary housing are eligible for services under Title I, Part A, whether or not they live in a Title I school attendance area or meet the academic requirements required of other children. Naples CSD will ensure that:

- Title I, Part A funds are set aside as are necessary to provide students in temporary housing, who may have unique needs that differ from their permanently housed peers, with educationally related support services;
- Its local plan includes a description of how the plan is coordinated with McKinney-Vento;
- Its local plan describes the services provided to students in temporary housing;
- Its local plan describes the efforts it made to identify students in temporary housing, including unaccompanied youth, if Naples CSD reports that there are no students in temporary housing enrolled in the District. Such efforts will include contacting the local department of social services or Office of Children and Family Services (OCFS) to verify that there are no students in temporary housing in the District; and
- Its housing questionnaire asks about the living arrangements of the child or unaccompanied youth, including asking if he or she is living in a shelter; with relatives or others due to loss of housing or economic hardship; in an abandoned apartment/building; in a motel/hotel, camping ground, car, train/bus station or other similar situation due to the lack of alternative, adequate housing. Documentation of the District's efforts to identify students in temporary housing will be maintained on file and a copy of the housing questionnaire that asks the above questions will also be kept on file.

20 USC §§6312(b)(6) & 6313(c)(3)

REPORTING

Naples CSD will collect and transmit to the Commissioner, at such time and in such manner as the Commissioner may require, reports containing such information as the Commissioner determines is necessary, including the numbers of homeless students, their grade, and their nighttime residence.
NY Education Law §3209(6)(c); 8 NYCRR §100.2(x)(7)(v)

ACCESS TO FREE MEALS

Naples CSD will provide free meals to all children identified as homeless. They do not have to complete a free or reduced-price meal application. When the McKinney-Vento liaison or a shelter director provides a child's name to the Naples CSD's school food service office, free school meals will commence immediately.
42 USC §§1758(b)(5) &(b)(12)(A)

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

REMOVAL OF BARRIERS

Naples CSD will review and revise local policies that may act as barriers to the identification of students in temporary housing and their enrollment and retention in school, including barriers to enrollment and retention due to outstanding fees or fines, or absences.

42 USC §§11432(g)(1)(I)&(g)(7)(A); NY Education Law §3209(6)(b)

COMPARABLE SERVICES

Naples CSD will provide services to students in temporary housing comparable to those offered to other students in the district, including transportation services; educational services for which the child or youth meets the relevant eligibility criteria, such as services provided under Title I or similar State or local programs; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

42 USC §11432(g)(4); NY Education Law §3209(9)

PRIVACY OF STUDENT INFORMATION

Information about a student in temporary housing's living situation shall be treated as a student education record and shall not be deemed to be directory information under the Family Educational Rights and Privacy Act (FERPA). A parent/guardian or homeless unaccompanied youth may consent to the release of a student's address information in the same way they would for other student education records under FERPA.

Questions about this policy or the protections available to students in temporary housing can be directed to the McKinney-Vento Liaison: (*Insert Liaison's name and contact information here*). Questions can also be directed to NYS-TEACHS at (800) 388-2014 or the State Education Department at (518) 473-0295.

McKinney-Vento Homeless Education Assistance Act, as reauthorized by the Every Student Succeeds Act (ESSA), 42 United States Code (USC) Section 11431 et seq.
Education Law Section 902(b) and 3209
Executive Law Article 19-H
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)
NOTE: Refer also to Policy #7511: Immunization of Students

Adopted: 06/27/07
Revised: 12/07/16
Revised: 03/22/23

SUBJECT: NON-RESIDENT STUDENTS

Non-resident families who wish to enroll children in the Naples Central School District shall submit a request in writing to the Superintendent who shall recommend to the Board of Education for approval whether or not admission will be granted.

The following general conditions for acceptance will be met when considering admittance:

a) There is sufficient space to accommodate the non-resident student;

b) No increase in the size of faculty or staff will be necessary;

c) Admittance will not result in the establishment of a new section;

d) Parents/guardians must work out transfer conditions with the home school district or provide their own transportation;

e) All rules and regulations in effect for District students will be applicable to non-District students;

f) Tuition may be charged to families of non-resident students in accordance with the New York State Education Department formula for estimated Non-Resident Tuition.

Determination of Student Residency

The residence of children dwelling within the District boundaries shall be established in a manner consistent with State Law and the Regulations of the Commissioner. The Board of Education or its designee shall determine whether a child is entitled to attend a District school. Any adverse residency decision by a school official, other than the Board or its designee, shall include written notice to the parent/person in parental relation of the procedures for obtaining review of the decision within the District.

Non-resident students may make application to the Superintendent of Schools to be granted permission to attend Naples Schools.

Final decisions regarding the acceptance of non-resident students rest with the Board of Education.

Tuition-Paying Students

Future Students

The children of families who have signed a contract to buy or build a residence in the School District may be enrolled for the semester in which they expect to become residents. Non-resident tuition shall be charged, payable in advance, with an adjustment to be made when the family becomes a resident in the District.

(Continued)

SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)

Foreign Students

Students from other nations who are living with District residents may be enrolled at the discretion of the District. In accordance with federal law, a foreign student who attends a public secondary school under an F-1 Visa must reimburse the school district for the full unsubsidized per capita cost of providing education at the school during the student's attendance. The administration is authorized to file with the U.S. Department of Homeland Security the forms necessary for the monitoring of non-immigrant foreign students during the course of their stay in the district in accordance with the Student and Exchange Visitor Information System (SEVIS).

Non-Tuition Students

Former Residents

a) Students of any grade who move from the Naples Central School District during the school year may be given permission to finish the school year in which the move occurs.

b) A student who moves from the District during his/her junior or senior year may be given permission to remain in the Naples Central School District until graduation.

Children of Staff Members

It is the opinion of the Board of Education that allowing the children of a non-resident staff member to attend school at Naples Central sends a positive message and allows its practice.

Immediate, custodial children of staff members will be enrolled on a tuition free basis upon application to and approval by the Board of Education.

Foreign Exchange Students

Only foreign students participating in a recognized Student Exchange Program under a J-1 Visa may attend District schools without payment of tuition. The administration is authorized to file with the U.S. Department of Homeland Security the forms necessary for the monitoring of non-immigrant foreign students during the course of their stay in the District in accordance with the Student and Exchange Visitor Information System (SEVIS).

Other Non-resident Students

Non-resident students other than those affected by the above provisions may be accepted as tuition-paying students at the discretion of the Board of Education on an annual basis provided the general conditions listed above are met. Requests should be submitted to the Superintendent.

(Continued)

SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)

Determination of Student Residency

Proof of Residency

Such documentation or sworn proof as shall be required by the administration or Board of Education must be furnished prior to the admission of any child residing in the District with a person not his/her parent or who is the child of a non-resident. The admission of homeless children and youth shall be in accordance with law and/or regulations.

Reservation of Claims

Should a material misstatement of fact be made and relied upon by any administrator or the Board of Education in admitting a non-resident student without tuition, the Board shall be entitled to recover the cost of instruction for the time the student was not authorized to attend a school in the District from the person having made the misstatement or from a person in parental relation to the student.

Tuition Fees

Where applicable, tuition fees are computed according to a formula established by the Commissioner of Education.

Tuition of individual non-resident students shall be computed in advance at the time of enrollment. Methods of payment (e.g., monthly) may be arranged in the District Office and approved by the Superintendent. Non-resident status is contingent upon timely payment of tuition fees as established by the Board of Education.

Legal Residence

Parents who maintain more than one residence, but whose legal residence for the purposes of voting or filing income tax is within the District, are eligible to send their children to District schools. However, school tax payments of non-residents who own assessable property in the District will be deducted from any tuition charges levied against such non-resident.

Children Living With Noncustodial Parents

A child's residence is usually determined by the residence of the custodial parent. However, a noncustodial parent who resides in the District may enroll his/her child in a District school if he/she shares the day-to-day responsibilities for the child and the custodial parent designates the child's residence with the noncustodial parent.

(Continued)

SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)

Homeless Children

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

Children of Activated Reserve Military Personnel

Students temporarily residing outside the boundaries of the District, due to relocation necessitated by the call to active military duty of the student's parent or person in parental relation, will be allowed to attend the public school that they attended prior to the relocation. However, the District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

Emancipated Minors

A determination of whether a student is to be designated as an emancipated minor in the Naples Central School District will be based on evidence that the student is no longer under custody, control and support of his/her parents/persons in parental relation. To establish emancipation, a minor may submit documentation of his/her means of support, proof of residency and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with his/her parents/persons in parental relation.

Education Law Sections 1709(13), 2045 and 3202
8 New York Code of Rules and Regulations (NYCRR) Section 174.2
8 United States Code (USC) Chapter 12

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 06/27/07
Revised: 12/02/09
Revised: 12/17/14

SUBJECT: FOREIGN EXCHANGE STUDENTS

The Board of Education believes that international student exchange programs significantly enrich the experiences of both the individual student and the school. The Board reserves the right to set terms and conditions concerning the admission of foreign exchange students. Formal Board of Education approval is required through resolution. A foreign exchange student shall be defined as a citizen and resident of another nation who is between the ages of 15 and 19 years who has formally applied for admission or who has been admitted to a District school for a specific period of time through an approved exchange program for the purpose of study in a prescribed curriculum. In most circumstances, a foreign exchange student is not eligible for a New York State Diploma.

In order to be admitted, foreign exchange students must meet the following criteria:

a) They must be living with or planning to live with a resident family of the Naples Central School District.

b) A written recommendation from a sponsoring organization and/or school official shall be submitted for review by the Superintendent of Schools/designee. This recommendation shall attest to the student's scholarship and character. The Superintendent/designee reserves the right to request additional material to assist in the review process.

c) A completed application should be received no less than ninety (90) days prior to the beginning of the semester for which the student is to be admitted. Only under extreme circumstances, this may be waived upon the Superintendent's recommendation.

d) The student will be in compliance with all laws governing legal aliens or other laws which pertain to his/her status.

e) It is understood that such admission is temporary; therefore; the student will not be regarded as a legal resident of the District. Therefore, all such admissions shall be subject to the Superintendent's recommendation and Board of Education approval.

f) The student will be enrolled in school in accordance with District rules and regulations and will then be subject to said rules and regulations. It is understood that serious disciplinary infractions may result in termination of the student's temporary admission status.

g) Typically, foreign exchange students shall be considered only at the High School level. The number of such students admitted in any single year shall not exceed five (5) except in special circumstances as approved by t he Board of Education.

h) Preference shall be given to students who are part of the Rotary International Exchange Program or the American Field Service. Other student exchange agencies must be approved sixty (60) days prior to the submission of applications or recruitment of host families. Only approved agencies may submit student applications. The Board reserves the right to periodically review these programs.

(Continued)

SUBJECT: FOREIGN EXCHANGE STUDENTS (Cont'd.)

i) Only foreign students participating in a recognized Student Exchange Program under a J-1 Visa may attend District schools without payment of tuition. The administration is authorized to file with the U.S. Department of Homeland Security the forms necessary for the monitoring of non-immigrant foreign students during the course of their stay in the District in accordance with the Student and Exchange Visitor Information System (SEVIS).

Education Law Sections 3202(2)
8 New York Code of Rules and Regulations (NYCRR) Section 174.2

Refer to Policy # 7132

Adopted: 5/19/10

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE

The District recognizes the importance of educational stability for students in foster care and will collaborate, as appropriate, with the State Education Department (SED) and the local Department of Social Services (LDSS) to ensure that students in foster care have the same opportunity to achieve at the high-levels as their peers. For purposes of this policy, LDSS also refers to the local Social Services District or the local child welfare agency.

Definitions

a) **Child or youth in foster care** ("student in foster care") means a child who is in the care and custody or custody and guardianship of a local Commissioner of Social Services or the Commissioner of the Office of Children and Family Services.

b) **Feeder school** means:

1. A preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;

2. A school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or

3. A school that sends its students to a receiving school in a neighboring school district pursuant to applicable laws and regulations.

c) **Foster care** means 24-hour substitute care for children placed away from their parents or guardians and for whom the state or tribal child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.

d) **Preschool** means a publicly funded prekindergarten program administered by SED or a local educational agency or a Head Start program administered by a local educational agency and/or services under the Individuals with Disabilities Education Act (IDEA) administered by a local educational agency.

e) **Receiving school** means:

1. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

2. A school that enrolls students from a feeder school in a neighboring local educational agency pursuant to applicable laws and regulations.

f) **School district of origin** means the school district within New York State in which the child or youth in foster care was attending a public school or preschool on a tuition-free basis or was entitled to attend at the time of placement into foster care when the Social Services District or the Office of Children and Family Services assumed care and custody or custody and guardianship of such child or youth, which is different from the school district of residence.

g) **School district of residence** means the public school district within New York State in which the foster care placement is located, which is different from the school district of origin.

h) **School of origin** means a public school that a child or youth attended at the time of placement into foster care, or the school in which the child or youth was last enrolled, including a preschool or a charter school. For a child or youth in foster care who completes the final grade level served by the school of origin, the term school of origin will include the designated receiving school at the next grade level for all feeder schools. Where the child is eligible to attend school in the school district of origin because the child was placed in foster care after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or the child is living with a school-age sibling who attends school in the school district of origin, the school of origin will include any public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to be placed in foster care.

District Foster Care Liaison

The District will designate an appropriate staff person to act as the District's point of contact for students in foster care (i.e., the "Foster Care Liaison"). The Foster Care Liaison will not be the same staff person as the McKinney-Vento Liaison unless the McKinney-Vento Liaison has sufficient ability to carry out the responsibilities of both roles.

The Foster Care Liaison will work collaboratively with representatives from the LDSS.

The District will ensure that the name and contact information for the Foster Care Liaison are:

a) Submitted to SED;

b) Provided, in writing, to the point of contact for any LDSS known by the District to have students in its custody; and

c) Posted on the District website.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

Designation of School District and School

The LDSS, in consultation with the appropriate local educational agency or agencies, will determine whether placement in the school district of origin or the school district of residence is in the best interest of a student in foster care. Provided that the District is an appropriate local educational agency, the District will work with the LDSS to make the best interest determination as quickly as possible in order to prevent educational discontinuity for the student. If the student has an Individualized Education Program (IEP), a Section 504 plan, or is an English language learner, relevant school staff may be consulted during the best interest determination process.

To the extent feasible and appropriate, the student should remain in his or her school of origin while the best interest determination is being made.

Subject to a best interest determination, a student in foster care is entitled to attend the school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in that building.

Where the school district of origin or school of origin that a student was attending on a tuition-free basis, or was entitled to attend when the student entered foster care is located, in New York State and the student's foster care placement is located in a contiguous state, the student is entitled to attend his or her school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, subject to a best interest determination, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in such building.

Responsibilities When Designated as the School District of Attendance

If the District is designated as the school district of attendance for a student in foster care, the District will immediately:

a) Enroll the student in foster care, even if the student is unable to produce records which are normally required for enrollment, such as previous academic records, records of immunization and/or other required health records, proof of residency or other documentation and/or even if the student has missed application or enrollment deadlines during any period of placement in foster care, if applicable;

b) Treat the student in foster care as a resident for all purposes; and

c) Make a written request to the school district where the student's records are located in order to obtain a copy of the student's records and coordinate the transmittal of these records in accordance with applicable laws and regulations.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

Request for Records

Within five days of receipt of a request for school records from a new school, the District will forward, in a manner consistent with federal and state law, a complete copy of the records of the student in foster care, including, but not limited to: proof of age; academic records; evaluations; immunization records; and guardianship papers (if applicable).

Tuition Reimbursement

Except as otherwise provided in law or regulation, the cost of instruction of a student in foster care will be borne by the school district of origin. Where a district other than the school district of origin is designated as the school district of attendance, the cost of instruction will be borne by the school district of origin and the tuition paid to the designated school district of attendance will be computed in accordance with applicable laws and regulations.

Transportation Responsibilities

Any student in foster care who requires transportation in order to attend his or her school of origin, is entitled to receive that transportation.

As appropriate, the District will coordinate and collaborate with the LDSS to make an appropriate transportation plan that supports the student's school stability plan and is fair to the District's taxpayers, consistent with the District's obligations under federal and state law.

When the District is the designated school district of attendance, and the student requires transportation to attend his or her school of origin, the District will provide transportation to and from the student's foster care placement location and the school of origin. The costs for transportation may be aidable pursuant to applicable laws and regulations.

When the District is the school district of residence and the designated school district of attendance, and the student does not attend his or her school of origin, the District will provide transportation on the same basis as provided to resident students. The costs for transportation may be aidable pursuant to applicable laws and regulations.

When transporting students in foster care, the District may incur excess transportation costs, as defined by law. The District and the LDSS may enter into a written agreement relating to how excess transportation costs should be funded, consistent with applicable laws and regulations. Absent such an agreement, excess transportation costs incurred by the District will be shared equally between the LDSS responsible for the foster care costs of the student and the designated school district of attendance. The District and the LDSS will consider and utilize all allowable funding sources, including any available federal funds, to cover excess transportation costs.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

Where a student in foster care has been placed in foster care in a contiguous state, and the District is the designated district of attendance, the District will collaborate with the LDSS to arrange for transportation.

Where the School of Origin is a Charter School

Where the school of origin is a charter school, the school district designated as the school district of attendance for a student in foster care will be deemed to be the school district of residence for the student for purposes of fiscal and programmatic responsibility and will be responsible for transportation of the student in foster care. If the designated school district of attendance is not the school district of origin, the designated school district of attendance may seek reimbursement from the school district of origin in accordance with applicable laws and regulations.

Dispute Resolution Process

To the extent feasible and appropriate, the District will ensure that a student in foster care remains in his or her school of origin while any dispute is being resolved in order to minimize disruptions and reduce the number of moves between schools.

Coordination with Other Agencies

The District will coordinate the provision of services described in this policy, as appropriate, with agencies or programs providing services to students in foster care.

The District will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.

The District will coordinate implementation of the above provision of services with the requirements of IDEA for students with disabilities.

Comparable Services

Each student in foster care will be provided services comparable to other students in the school of attendance, including: transportation services; educational services for which the student meets eligibility criteria; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

Student Privacy

As appropriate, the District will collaborate with SED and/or the LDSS to determine what documentation related to a student in foster care should be shared among involved parties. In all cases, the District will comply with all statutory requirements to protect student privacy, including the Family Educational Rights and Privacy Act (FERPA) and any other applicable privacy requirements under federal, state, or local laws.

45 USC § 6312
45 CFR § 1355.20(a)
US DOE, Non-Regulatory Guidance: Ensuring Stability for Children in Foster Care (June 23, 2016)
Education Law §§ 3202 and 3244
Memorandum from NY St. Educ. Department on Educational Stability and Transportation Provisions for Students in Foster Care Memo (December 2, 2016)

NOTE: Refer also to Policies #5660 -- Meal Charging and Prohibition Against Meal Shaming
#7240 -- Student Records: Access and Challenge

Adopted: 10/17/18

POLICY

2007 7140

Students

SUBJECT: INVOLUNTARY TRANSFER OF STUDENTS

Involuntary transfer of a student from regular classroom instruction to an appropriate educational setting in another school shall be in accordance with Education Law.

Education Law Sections 1709(3) and 3214(5)

Adopted: 6/27/07

POLICY

2007 7150

Students

SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS

Married Students

The Board of Education will comply with state law in reference to married students attending school.

Pregnant Students

New York State Education Law provides that resident students over five (5) and under twenty-one (21) who have not received a high school diploma are entitled to attend school in the district in which they reside. The law further requires that a school district provide for this instruction and also to provide for home instruction for those students of legal age who are unable to profit from instruction in school.

In view of the above, administrative regulations will be developed to implement the terms of this policy to provide instruction as required by the New York State Education Law for students who become pregnant. The Superintendent, or his/her designee, is directed to consult with the school physician and the student's personal physician in determining the form of instruction.

The form of instruction may be any of the following or a combination of the following:

a) Remain in school with provisions for special instruction, scheduling, and counseling where needed.

b) Receive home instruction.

c) Attend BOCES programs.

Education Law Sections 1604(20), 3202-1, 3205-1, 4401-1 and 4402-2

Adopted: 6/27/07

SUBJECT: REMOTE LEARNING

Use of Remote Learning in the District

The District may offer remote or distance learning to students at certain times including, but not limited to, independent study, enrichment courses, and in the event of an extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation.

When making decisions about remote learning, the District will consult with students, parents, teachers, administrators, community members, and other stakeholders as appropriate. The District will also ensure that it is complying with applicable teaching and learning requirements.

Extraordinary Circumstances

In the event of an extraordinary circumstance that requires long-term and widespread use of remote learning, a plan will be developed that outlines how the District will accomplish remote learning. This plan will outline the number of students involved, modes of remote learning, asynchronous and synchronous learning opportunities, internet and device access among students, and alternatives available for students who have neither a device nor consistent access. It will also address the needs of different populations of students including, but not limited to, vulnerable students, younger students, students with disabilities, and English language learners.

If warranted, the District may use a hybrid model of in-person instruction and remote learning.

Formats and Methods of Remote Learning

Remote learning may be delivered by teachers through a variety of formats and methods. Instruction may be provided through video, audio, and/or written materials. Communication between teachers and students may occur through video conferencing, prerecorded videos, online discussion boards, and/or other instruction that relies on technology. Remote learning can occur synchronously, which involves real-time interaction and collaboration between teachers and students, or asynchronously, which involves delayed interactions between teachers and students and self-directed learning.

Determinations about how to best deliver remote learning will take into account a variety of factors including, but not limited to, the number of students involved, the subject matter, the students' grade levels, and technological resources of both the District and students. Consideration will also be given to whether accommodations need to be made for students with disabilities or English language learners.

(Continued)

SUBJECT: REMOTE LEARNING (Cont'd.)

Remote Learning Support

As necessary, the District will provide instruction on using remote learning technology and IT support for students, teachers, and families. The District will also work to ensure that teachers and administrators are provided with professional development opportunities related to designing an effective remote learning experience.

Compliance with District Policies, Procedures, and the Code of Conduct

Teachers and students are required to comply with any and all applicable District policies, procedures, and other related documents as they normally would for in-person instruction. Examples include, but are not limited to, the District's policies and procedures on non-discrimination and anti-harassment, acceptable use, and copyright. Students will also be required to abide by the rules contained within the Code of Conduct at all times while engaged in remote learning. Violations of the Code of Conduct and/or engaging in prohibited conduct may result in disciplinary action as warranted.

Privacy and Security of Student and Teacher Data

In compliance with law, regulation, and District policy, the District will take measures to protect the personal information of students and teachers from unauthorized access when using remote learning technologies. Examples of these measures include, but are not limited to, minimizing the amount of data shared to only that which is necessary, de-identifying data, and the use of encryption or an equivalent technical control that renders personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons when transmitted electronically.

Adopted: 10/21/20

SUBJECT: VIRTUAL CLASSROOM EXPECTATIONS

General Expectations

The Board of Education of the Naples Central School District is committed to optimizing student learning and teaching. When health and safety concerns prevent the District from providing full-time, in-person instruction, the District will provide virtual instruction sessions on video platforms for the purposes of advancing and promoting learning and teaching. These video platforms provide a forum for learning when in-person learning is not possible. The District considers student access to remote lessons to be a powerful and valuable educational and research tool.

All users of the District's virtual instruction sessions must understand that, like in-person learning, all behavioral expectations still apply. In addition, virtual instruction sessions have unique rules and expectations stemming from students being at home and the ability to share or record such sessions.

Whether accessing the District's technology resources in-school or remotely, students will be subject to and responsible for understanding and complying with applicable District policies and procedures, including, but not limited to the following: Responsible Use Agreement & Device Contract (Acceptable Use Policy), the Code of Conduct, Board Policy No. 7315 (Acceptable and Responsible Technology Use), Board Policy No. 7215A (Student Terms, Conditions and Application for Internet Access), and Board Policy No. 7316 (Student Use of Internet-Enabled Devices During School Day).

Acceptable Uses

Access to the District's virtual instruction sessions is provided for educational purposes consistent with the District's mission and goals. The live and recorded videos used in conjunction with remote learning are the sole property of the District. These virtual instruction sessions are intended to be proprietary instructional tools for the use of students in the specific class or section. This means that, to the extent possible, live or recorded classroom lessons should be observed only by the students for whom they are created.

The District considers the virtual learning environment to be the equivalent to an in-school classroom, and as such, "visitors" are expected to adhere to the same responsibilities and restrictions, as laid out in the Code of Conduct. Parents who violate this policy and/or who are repeatedly disruptive to the virtual learning environment may be restricted from any observation and/or participation in virtual learning sessions.

(Continued)

SUBJECT: VIRTUAL CLASSROOM EXPECTATIONS

In addition, students and/or parents viewing the lessons at home may not share or record any portion of the video. Student use is limited to viewing and reviewing only those classes or sections in which they are enrolled. Any recording, discussion, and/or sharing of these sessions by anyone other than District employees is strictly prohibited and may constitute a violation of Board Policy as well as Federal and State data security and privacy laws. This includes photos or videos, screenshots, screen captures, downloads, and streaming.

Acceptable Behavior

Students are also expected to utilize the District's computer system and internet resources appropriately. While it is impossible for the District to completely monitor all student activity during distance learning, the District does utilize monitoring software and other filtering systems. Monitoring is conducted for the benefit of the District and students alike.

Virtual classrooms are considered an extension of the in-school learning environment, and all behavioral expectations in the student Code of Conduct therefore continue to apply. Students are expected to behave in an appropriate manner while participating in virtual instruction sessions, and to use appropriate language at all times. Students who violate the Code of Conduct during virtual learning will be prosecuted and subject to penalties in accordance with the Code of Conduct, including, but not limited to detention and loss of their Chromebook or other computer-use privileges.

Disciplinary Penalties

All students must comply with this and other policies and procedures related to student technology use. Students who violate these policies will be subject to disciplinary penalties in accordance with the Code of Conduct, up to and including suspension from school. In addition, violations of behavioral expectations may lead to restricted access to virtual learning tools in order to prevent violations of law and policy.

Please note that any recording, discussion, and or sharing of virtual instruction sessions by anyone other than District employees is strictly prohibited and may constitute a violation of Board Policy and State and Federal laws, including, but not limited to the Family Educational Rights and Privacy Act (FERPA), the Children's Online Privacy Protection (COPPA), NYS Education Law § 2-d, and Part 121 of the Regulations of the Commissioner of Education.

Adopted: 09/08/2021

SUBJECT: STUDENT EVALUATION, PROMOTION AND PLACEMENT

Grade Promotion and Placement

Grade promotion and the placement of students within the District's instructional system shall be at the discretion of the school administration and shall be subject to review at any time. In making such decisions, the administrator or Building Principal will be guided by performance in class; past records, including various measures of student growth; parent and persons in parental relation and teacher recommendations; and any other appropriate sources of information. With regard to student placement decisions, parents and persons in parental relation to student may submit written requests for teacher attributes that would best serve their child's learning needs; however, requests for specific teachers will not be honored.

Students will normally progress annually from grade to grade when, in the judgment of the District's professional staff, it is in the best educational interest of the student involved. The final decision to promote a student rests with the school administration.

The District requires remediation as a condition of promotion to the next grade level for any student identified by the District as failing to master skills and competencies established for that grade level.

Promotion and Retention

The procedures to be followed by the staff regarding promotion and retention will be developed by the Superintendent and will be continually evaluated. Building Principals may establish written standards for promotion or retention within the school units to which the students are assigned, subject to the guidelines of the Superintendent and the approval of the Board of Education.

Retention may be considered when, in the judgment of the professional staff, it is in the best educational interest of the student involved. Parents/guardians will receive prior notification and explanation concerning the retention, however, the final decision will rest with the school administration. A student may be retained at his or her current grade level when:

a. in the opinion of the professional staff the student has failed to demonstrate proficiency in math and reading;
b. in the opinion of the professional staff, the student failed to achieve the instructional objectives set forth at the current grade level that are requisite for success at the succeeding grade level;
c. the student scored below proficiency level on state-mandated tests.

The Superintendent shall develop procedures for promotion and retention of students that:

a. require the recommendation of the relevant staff members for promotion, placement, or retention;
b. require that parents are informed in advance of the possibility of retention of a student at a grade level;
c. every effort will be made to remediate the student's difficulties before s/he is retained;

(Continued)

SUBJECT: STUDENT EVALUATION, PROMOTION AND PLACEMENT (Cont'd.)

d. assign to the building principal the final responsibility for determining the promotion, placement, or retention of each student;
e. provide parents the opportunity to request the promotion, placement, or retention of their child;
f. provide parents the opportunity to appeal the decision about their child's promotion, placement, or retention.
g. provide annual notice to parents of students attending the district of its promotion and placement policy with an explanation of how the policy was developed. The annual notice may be provided on the District's website or as part of an existing informational document provided to parents.

Testing Program

The Naples Central School District utilizes various ability, achievement, diagnostic, readiness, interest and guidance tests for the purpose of complying with state and federal law and/or aiding the implementation of quality educational services. The District will not make any student promotion or placement decisions based solely or primarily on student performance on the state administered English language arts and mathematics assessments for grades 3 through 8. The District may, however, consider student performance on such state assessments in making student promotion and placement decisions provided that multiple measures be used in addition to such assessments and that such assessments do not constitute the major factor in such determinations.

Reporting to Parents and Persons in Parental Relation to Students

Parents, guardians, and/or persons in parental relation to District students shall receive an appropriate report of student progress at regular intervals.

The District will not place or include on a student's official transcript or maintain in a student's permanent record any individual student score on a state administered standardized English language arts or mathematics assessment for grades 3 through 8. However, the District will comply with state and federal requirements regarding the maintenance and transfer of student test scores. Any test results on a state administered standardized English language arts or mathematics assessment for grades 3 through 8 sent to parents or persons in parental relation to a student shall include a clear and conspicuous notice that such results will not be included on the student's official transcript or in the student's permanent record and are being provided to the student and parents for diagnostic purposes.

When necessary, attempts will be made to provide interpreters for non-English speaking parents, guardians, and/or persons in parental relation to District students.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Education Law Sections 305(45) – (47), 1709(3)
8 New York Code of Rules and Regulations (NYCRR) Sections: 100.2(g), 100.2(ll), 100.3(b)(2)(iv), 100.4(b)(2)(v), 100.4€(6)
8 New York Code of Rules and Regulations (NYCRR) Sections: 117 and 154

Adopted:	06/27/2007	Revised:	10/15/2014
Revised:	04/01/2009	Revised:	03/22/2023
Revised:	03/20/2013		

POLICY

2023 7211

Students

SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED

The District will provide interpreter services (at no charge) when sufficient notice is given by parents or persons in parental relation who are hearing impaired for school meetings or activities related to their child's educational program. Notice of the need for an interpreter will be considered sufficient if a written request for the service has been submitted to the District and received no less than five (5) school days prior to the scheduled meeting or activity. If an interpreter is unavailable, the District will make other reasonable arrangements which are satisfactory to the parents (e.g., note taker, transcription, decoder, or telecommunication device for the deaf).

Education Law Section 3230
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(aa)

Adopted: 06/27/07
Revised: 03/22/23

POLICY

2007 7212

Students

SUBJECT: TRANSFER STUDENTS/CREDIT

A student who enters a District school from another state, another country, or another New York State school is considered to be a transfer student. Students who have been receiving home instruction and enroll in the School District are also considered to be transfer students.

It is the responsibility of the high school Principal to evaluate the transcript or other records of a transfer student enrolling in a District high school, and award the appropriate units of transfer credit towards a high school diploma. However, when a student transfers from a registered New York State high school to a (registered) District high school, the Principal **must** transfer credit for all credit awarded by such registered New York State high school.

Additionally, the principal, after consulting with relevant faculty, may award transfer credit for work done at other educational and cultural institutions and for work done through independent study. The decision should be based on whether the student's record indicates that the work is consistent with New York State commencement level learning standards and is of comparable scope and quality to that which would have been done in the school awarding the credit.

Transfer students **must** meet all the units of credit requirements for a diploma. While principals have considerable discretion in reviewing a student's record, they cannot waive the units of credit requirements for a diploma. The assessment requirements a student must meet to earn a diploma are based on the year in which the student entered grade 9 for the first time in New York State or in an out-of-state or out-of-country school. Transfer students who are *exempted* from taking specific State assessments must have their transcripts and permanent records so annotated.

Interscholastic athletic eligibility requirements for transfer students shall be in accordance with the rules enumerated in the most recent New York State Public High School Athletic Association (NYSPHSAA) Handbook.

8 New York Code of Rules and Regulations (NYCRR) Part 100

Adopted: 6/27/07

POLICY

2024 7213

Students

SUBJECT: ACCELERATION OF EIGHTH GRADE STUDENTS

Pursuant to Part 100 of the Regulations of the Commissioner of Education of New York State. the Naples Central School District has designated the following curricular areas where eighth grade students may accelerate: Regents mathematics, music, art, second language, and other areas as designated by the Board of Education.

The Superintendent has designated that selection for acceleration in the above noted curricular areas will be accomplished in accordance with Commissioner's Regulations and in the following manner:

a) The student will be recommended by his/her classroom teacher's;

b) The student's parents or guardian concurs in the selection;

c) The Secondary School Principal approves of the selection.

The initial recommendation by the teachers will be based upon the ability level of the student as assessed by means of class performance in that particular subject area and, where available, standardized testing relating to the subject area.

The eighth grade students so chosen for acceleration will be granted high school diploma credit if they successfully complete the program of study including all related state testing at a high school level.

8 New York Code of Rules and Regulations (NYCRR) Section 100.4(d)

Adopted: 06/27/07
Revised: 11/13/24

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS

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 District's RTI Program

The District's RTI process shall include the following minimum requirements:

a) Scientific, research-based instruction in reading and mathematics provided to all students in the general education class by qualified personnel. 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 in the class to identify those students who are not making academic progress at expected rates; ; assessments will include curriculum-based measures, Measures of Academic Progress (Grades 3-10), New York State Assessments (Grades 3-12), Report Cards, Teacher Recommendations;

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) RTI Data Teams will be responsible for the review of information about the student's response to intervention and academic growth. This information will be used to make educational decisions about changes in goals, services, instructional strategies and/or other supports/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.

Structure of Response to Intervention Program

The District's RTI program will consist of multiple tiers of instruction/assessments to address increasingly intensive levels of targeted intervention to promote early identification of student performance needs and/or rate of learning, and to help raise achievement levels for all students.

(Continued)

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

Types of Interventions

The District will provide multiple tiers 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 Tier Level 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.

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 and math 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 specialized staff such as reading and math teachers, tutors, speech therapists, school psychologists and/or school counselors as determined by the Student Support Team.

At the conclusion of Tier Two instruction, the Student 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.

(Continued)

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

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 may include longer periods of intervention program and services than those provided in the first two Tiers based upon the significant needs of the student.

Tier Three instruction will be provided by those specialists, as determined by the Student 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.

Amount and Nature of Student Performance Data to be Collected

The Student 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 District's RTI program and make modifications to the program as deemed necessary.

Manner and Frequency for Progress Monitoring

The Student 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 program 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 Student Support Team.

Fidelity measures (e.g., an observational checklist of designated teaching behaviors in accordance with the RTI 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.

(Continued)

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

CSE Referral

If a student has not made adequate progress after being provided Tier Three instruction after an appropriate period of time, the RTI Data Team, through one of its designated members, shall initiate a referral to the Chairperson of the CSE for an individual evaluation of the student and determination of eligibility for special education programs and services. The CSE Chairperson shall promptly request parental consent to evaluate upon receipt of the referral.

Staff Development

All staff members involved in the development, provision and/or assessment of the District's RTI program, including both general education and special education instructional personnel, shall receive appropriate training necessary to implement the District's RTI program. 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, and criteria for referring the student for evaluation for special education services..

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; and

b) Strategies for increasing the child's rate of learning.

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: 04/27/11
Revised: 03/22/23

SUBJECT: GRADUATION OPTIONS/ EARLY GRADUATION/ ACCELERATED PROGRAMS

To graduate from the District, a student must meet or exceed the requirements set forth in Part 100 of the Commissioner's regulations. The Board may establish graduation requirements that exceed the minimum standards set by the Board of Regents. The District will award the appropriate diploma, credential, or both to students.

Pathways to Graduation

Students must pass the required number of Regents examinations or approved alternative exams and meet any further graduation requirements; these requirements may include passing an approved pathways assessment, other assessment, or an additional exam that measure an equivalent level of knowledge and skill. Students who fail certain Regents examinations may appeal the result in accordance with Commissioner's regulations.

Early Graduation

A student may be eligible for early graduation (fewer than eight semesters) if the student completes all requirements for graduation, excluding physical education. The District will consult with appropriate personnel, the student, and persons in parental relation, and consider factors such as the student's grades, performance in school, future plans, and benefits to graduation early in making its decision. The District, upon request from the student's parent/guardian, shall grant the student a high school diploma prior to his/her completion of the eighth (8^{th}) semester in accordance with Commissioner's Regulations.

- A formal petition with the Building Principal is required by August 15^{th} of the student's Junior Year
- If extenuating circumstances do not allow for the submission of a petition by August 15^{th}, a formal request and detailed written plan would need to be submitted to the Superintendent.

Accelerated Programs

Eighth Grade Acceleration for Diploma Credits

Eighth grade students may take appropriate high school courses. The Superintendent or designee will determine whether an eighth-grade student is eligible to take high school courses using criteria that examines each student's readiness. By the end of seventh grade, accelerated students must receive instruction designed to facilitate their attainment of the State intermediate learning standards in each subject area in which they are accelerated.

(Continued)

SUBJECT: GRADUATION OPTIONS/ EARLY GRADUATION/ ACCELERATED PROGRAMS (Cont'd.)

Advanced Placement

Advanced Placement examinations afford students the opportunity to earn credit or advanced standing in many colleges and universities. The College Board administers a variety of AP examinations in May of each year. The District will determine a student's readiness for enrollment in any AP class.

Dual Credit for College Courses

Students who have demonstrated intellectual and social maturity may choose to matriculate at any one of the colleges that have a cooperative agreement with the District. Students who wish to enroll in college-level coursework must meet all academic, grade level, and coursework requirements. These opportunities may include early admission to college, collegiate-level work offered in the High School, or other means of providing advanced work. The administration will review and approve college courses before they are taken during the school day. The Board will not pay tuition and other related costs for those High School students enrolled in college courses.

Online Coursework

The District may 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 for this online coursework, students must 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 N.Y. Code of Rules and Regulations (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

Adopted: 06/27/07
Revised: 11/03/10
Revised: 05/02/12
Revised: 12/18/13
Revised: 11/04/15
Revised: 08/18/16
Revised: 10/17/16
Revised: 11/13/24

POLICY

2018 7222

Students

SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

The District will provide students with disabilities appropriate opportunities to earn a diploma or non-diploma High School exiting credential in accordance with Commissioner's regulations. Students with disabilities may be eligible for one or more of the following:

Diploma Options

a) Regents Diploma, including with honors, an advanced designation, a career and technical education endorsement, and/or any other designation or endorsement as may be available from time to time.

b) Local Diploma, including with any endorsement as may be available from time to time.

Existing Credential Options

a) Career Development and Occupational Studies (CDOS) Commencement Credential, which may be earned as a supplement to a Regents or local diploma or as a student's only exiting credential.

c) Skills and Achievement (SA) Commencement Credential.

Specific requirements and detailed information for each diploma and non-diploma High School exiting credential are specified in the Commissioner's regulations and various guidance materials issued by the New York State Department of Education.

8 NYCRR §§ 100.1, 100.2, 100.5, and 100.6

NOTE: Refer also to Policies #7220 -- Graduation Options/Early Graduation/Accelerated Programs
#7223 – Participation in Graduation Ceremonies
#7641 – Transition Services

Adopted: 06/27/07
Revised: 02/16/11
Revised: 02/15/12
Revised: 05/02/12
Revised: 01/09/13
Revised: 10/16/13
Revised: 10/17/16
Revised: 04/12/17
Revised: 04/18/18
Revised: 10/17/18
Revised: 12/12/18

POLICY

2023 7223

Students

SUBJECT: PARTICIPATION IN GRADUATION CEREMONIES AND ACTIVITIES

The Board of Education will establish the date for graduation ceremonies, while the administration will determine the place and program details, including attire. Academic and other awards and scholarships may be presented along with diplomas.

Participation in the graduation ceremony and related activities will be predicated on satisfactory completion of all graduation requirements, or as otherwise described in this policy. Exceptions may be made under extraordinary circumstances with the permission of the Superintendent of Schools. A student who has earned either a Career Development and Occupational Studies Commencement Credential (CDOS) or Skills and Achievement Commencement Credential (SACC) by the time his/her ninth-grade cohort reaches graduation may, but is not required to, participate in that graduation ceremony and related activities.

If a student who participates in the graduation ceremony by earning a CDOS or SACC only subsequently meets the requirements for either a Regents or local high school diploma, he/she may participate in the graduation ceremony of that graduating class as well.

A student with a disability who participates in graduation ceremonies by earning only a CDOS or SACC is entitled to continue his/her educational program until the end of school year in which the student turns 21 years old, or until he/she earns a Regents or local high school diploma.

The Superintendent may develop regulations to implement this policy, to be adopted by the Board. The district shall provide annual written notice to all students and their parents/guardians of the requirements of this policy and associated regulations.

Education Law § 3204(4-b)
8 NYCRR § 100.2(oo)

Adopted: 06/27/07
Revised: 10/17/18
Revised: 11/06/19
Revised: 03/22/23

POLICY

2010 7224

Students

SUBJECT: *MAKE-UP CREDIT PROGRAMS FOR HIGH SCHOOL STUDENTS

The School District will provide a student, who had the opportunity to complete a unit of study in a given high school subject, but who failed to demonstrate mastery of the learning outcomes for such subject, with an opportunity to make up a unit of credit for the subject toward either a Regents or local diploma, pursuant to the following:

To receive credit, the student shall successfully complete a make-up credit program and demonstrate mastery of the learning outcomes for the subject, including passing the Regents examination in the subject or other assessment required for graduation, if applicable.

The make-up credit program shall:

1) Be aligned with the applicable New York State learning standards for such subject;

2) Satisfactorily address the student's course completion deficiencies and individual needs; and

3) Ensure that the student receives equivalent, intensive instruction in the subject matter area provided, as applicable, under the direction and/or supervision of:

   a. A District teacher who is certified in the subject matter area; or

   b. A teacher from a board of cooperative educational services (BOCES) that contracts with the School District to provide instruction in the subject matter area pursuant to Education Law Section 1950, and who is certified in such area; or

   c. A teacher of the subject matter area in the registered nonpublic school or charter school.

In a school district or registered nonpublic school, the student's participation in the make-up credit program shall be approved by a school-based panel consisting of at a minimum the Principal, a teacher in the subject area for which the student must make up credit, and a guidance director or other administrator. The teacher shall have some specific authority in determining whether the actual make-up program meets the regulatory criteria, and there is a shared responsibility at the local district level between the school-based panel and the teacher in determining the student needs and the availability of an appropriately aligned make-up credit program.

Voluntary Participation

Participation in make-up credit programs is voluntary on the part of the School District. However, the newly adopted Commissioner's Regulations have established standards for make-up credit programs and the educational institutions that choose to offer such programs.

8 New York Code of Rules and regulations (NYCRR) Section 100.5(d)(8)
District participation in make-up credit programs is voluntary.

Adopted: 11/03/10

POLICY

2007 7230

Students

SUBJECT: DUAL CREDIT FOR COLLEGE COURSES

Students who wish to enroll in college level coursework shall meet all academic, grade level and coursework requirements as set forth by administrative guidelines. Students who have demonstrated intellectual and social maturity may choose to matriculate at any one (1) of the colleges that have a cooperative agreement with our School District. Such opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. Review and approval by the administration are necessary before any college courses may be taken during the school day.

The Board shall not be required to pay tuition and other related costs for those high school students enrolled in college courses.

Adopted: 6/27/07

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

Student Records

The District will comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, parents or guardians and noncustodial parent(s) whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, have a right to inspect and review any and all education records maintained by the District.

FERPA affords parents and students over 18 years of age certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days of a request for access. This includes all official records, files and data that are incorporated into the student's cumulative record.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading.
3. The right to consent to disclosures of personally identifiable information contained in the student's educational records except to the extent that FERPA allows.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA.

In the case of divorced or separated parents, the parent with custody of the student will receive the official school report card. The building principal may release information on student progress to the other parent upon request and determination of legality.

Furthermore, pursuant to applicable law, the District will execute agreements with third-party contractors who collect, process, store, organize, manage or analyze student personally identifiable information (PII) to require that the contractors comply with the law in using appropriate means to safeguard the data.

Annual Notification

At the beginning of each school year, the District will publish a notification that informs parents, guardians and students currently in attendance of their rights regarding Education Records under FERPA and New York State Law and the procedures for exercising those rights. A 'Parents' Bill of Rights for Data Privacy and Security' will be posted on the district website and included in any agreements with third-party contractors. The notice and 'Bill of Rights' may be published in a newspaper, handbook or other school bulletin or publication. The notice and 'Bills of Rights will also be provided to parents, guardians, and students who enroll during the school year.

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

The notice and Parents' Bill of Rights will include a statement that the parent/guardian or eligible student has a right to:

1. inspect and review the student's education records;
2. request that records be amended to so that they are accurate and do not otherwise violate the student's privacy rights;
3. consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent; and
4. file a complaint with the United States Department of Education alleging failure of the district to comply with FERPA and its regulations; and/or file a complaint regarding a possible data breach by a third-party contractor with the district and/or the New York State Education Department's Chief Privacy Officer for failure to comply with state law.

The annual notice and Parents' Bill of Rights will inform parents/guardians and students:

1. that it is the district's policy to disclose personally identifiable information from student records, without consent, to other school officials within the district whom the district has determined to have legitimate educational interests. The notice will define 'school official' and 'legitimate educational interest.'
2. that, upon request, the district will disclose education records without consent to officials of another school district in which a student seeks to or intends to enroll or is actually enrolled.
3. that personally identifiable information will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement or compliance purposes.
4. that the district, at its discretion, releases directory information (see definition below) without prior consent, unless the parent/guardian or eligible student has exercised their right to prohibit release of the information without prior written consent. The district will not sell directory information.
5. that, upon request, the district will disclose a high school student's name, address and telephone number to military recruiters and institutions of higher learning unless the parent or secondary school student exercises their right to prohibit release of the information without prior written consent.
6. of the procedure for exercising the right to inspect, review and request amendment of student records.
7. that the district will provide information as a supplement to the 'Parents' Bill of Rights' about third parties with which the district contracts that use or have access to personally identifiable student data.

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

The District may also release student education records, or the personally identifiable information contained within, without consent, where permitted under federal law and regulation. A complete list of exceptions to FERPA's prior consent requirements will be included in the Administrative Regulations prepared to implement this policy.

The district shall effectively notify parents, guardians and students who have a primary or home language other than English.

In the absence of the parent or secondary school student exercising their right to opt out of the release of information to the military, the district is required to, under federal law, release the information indicated in number five (5) above.

Regulations Related to Student Records

Administrative regulations and procedures will be developed to comply with the provisions of federal law relating to the availability of student records. The purpose of these regulations and procedures is to make available to the parents or 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 protect the confidentiality of these records with respect to third parties.

Challenge to Student Records

Parents or guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, will have an opportunity for a hearing to challenge the content of the school records and to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data.

Disclosures to Parents of Eligible Students

Even after a student has become an "eligible student" under FERPA (which is defined as a student who is eighteen (18) years of age an educational agency or institution may disclose education records to an eligible student's parents, without the student's consent:

a) If the student is claimed as a dependent for Federal income tax purposes by either parent;

b) In connection with a health or safety emergency;

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

c) If the student is under twenty-one (21) years of age and has violated an institutional rule or policy governing the use of alcohol or a controlled substance; or

d) If the disclosure falls within any other exception to the consent requirements under FERPA or its Regulations, such as the disclosure of directory information or in compliance with a court order or lawfully issued subpoena.

Release of Information to the Noncustodial Parent

The District may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) 1232(g)(b)(4)(A)
34 Code of Federal Regulations (CFR) Part 99

Education Law § 2-d

NOTE: Refer also to Policies #7643: Transfer Students with Disabilities

Adopted: 06/27/07
Revised: 06/13/12
Revised: 10/16/13
Revised: 10/04/17
Revised: 03/22/23
Revised: 11/13/24

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS

This Policy is intended to state and affirm the parental rights afforded by the Protection of Pupil Rights Amendment (PPRA) which governs the administration to students of a survey, analysis, or evaluation that concerns one or more of the following **eight protected areas:**

a) Political affiliations or beliefs of the student or the student's parent/guardian;
b) Mental or psychological problems of the student or the student's family;
c) Sex behavior or attitudes;
d) Illegal, anti-social, self-incriminating, or demeaning behavior;
e) Critical appraisals of other individuals with whom respondents have close family relationships;
f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

General Provisions

This Policy, and the statute (PPRA) are not intended to preempt applicable provisions of State law that require parental/guardian notification.

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of FERPA.

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.

Annual Parental 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:

(Continued)

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

a) The administration of **any survey** containing one or more of the **eight protected areas.**

1. **U.S. Department of Education-Funded Surveys: Prior written consent from parents must be obtained** before students are required to submit to the survey.

2. **Surveys funded by sources other than U.S. Department of Education:** Notification may indicate the specific or approximate dates during the school year when surveys will be administered and provide an opportunity for the parent to opt his/her child out of participating upon receipt of the notification.

b) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students.

Specific Notifications other than Annual Notice

In the event that the District does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it shall "directly" notify, such as through U.S. Mail or e-mail, the parents of students who are scheduled to participate in the specific activities or surveys prior to participation and provide an opportunity for the parent to opt his/her child out of participation.

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).

(Continued)

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

The District shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the School District **shall obtain prior written parental/guardian consent** before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning any of the **eight protected areas listed above**.

Surveys Funded by Sources Other than U.S. Department of Education

The School District has developed and adopted this Board policy, in consultation with parents/guardians, regarding the following:

a) The right of the parent/person in parental relation to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents/guardians to inspect such surveys are to be submitted, in writing, to the Building Principal at least ten (10) days prior to the administration or distribution of any survey. Further, the District shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District.

b) Arrangements shall be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the **eight protected areas**, including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of the **eight protected areas**. Such requests must be submitted by the parent/guardian, in writing, to the Building Principal *****at least 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.

(Continued)

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

d) The administration of physical examinations or screenings that the School District may administer to a student.

Further, this law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the School District incorporates by reference Board policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.

e) Unless mandated/authorized in accordance with Federal or State law and/or regulation, it is policy of the Board of Education, to **not permit** the collection, disclosure, or use of personal information (the term "*personal information*" is defined as individually identifiable information including a student's or parent/guardian's first and last name; home address; telephone number; or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), *unless otherwise exempted pursuant to law as noted below*. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the Superintendent/designee.

This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.

Definitions of Some Terms Used in PPRA & this Policy

a. "Instructional material" is that provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in an electronic or digital format (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

b. "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.

(Continued)

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

c. "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.

Family Educational Rights and Privacy Act of 1974, as amended by the No Child Left Behind Act of 2001,
20 United States Code (USC) Sections 1232h(b) and 1232h(c)
34 Code of Federal Regulations (CFR) Part 98

NOTE: Refer also to Policies #7121 -- Screening of New School Entrants
#7511 -- Immunization of Students
#7512 -- Student Physicals
#7513 -- Administration of Medication

Adopted: 06/27/07
Revised: 02/22/23

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION

A parent of a minor or incapacitated person may designate another person as a person in parental relation to such minor or incapacitated person for certain health care and educational decisions for a period not exceeding twelve (12) months. However, such parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from exercising the same or similar authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation in accordance with this law shall not be valid unless both parents have given their consent.

The designation of a person in parental relation must be in writing in the form prescribed by law, and must include specified information as set forth in law for designations of thirty (30) days or less, as well as additional information required for designations of more than thirty (30) days. The designation of a person in parental relation may be presented to any school that requires the designation by either the parent or designee. The designation may specify a period of time less than twelve (12) months for which such designation shall be valid unless earlier revoked by the parent in accordance with law. However, a designation specifying a period of more than thirty (30) days shall be notarized.

If no time period is specified in the designation, it shall be valid until the earlier of:

a) Revocation; or

b) The expiration of thirty (30) days from the date of signature if the designation <u>does not meet</u> the requirements for designations of more than thirty (30) days; or

b) Twelve (12) months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than thirty (30) days.

Scope of Designation

A designation made pursuant to this law may specify:

a) The treatment, diagnosis or activities for which consent is authorized;

b) Any treatment, diagnosis or activity for which consent is not authorized; or

c) Any other limitation on the duties and responsibilities conveyed by the designation.

Form of Designation

<u>Designations in General</u>

A designation of a person in parental relation in accordance with this law must be in writing and include:

a) The name of the parent;

b) The name of the designee;

(Continued)

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)

c) The name of each minor or incapacitated person with respect to whom the designation is made;
d) The parent's signature; and
e) The date of the signature.

The designation may specify a period of time less than 12 months for which the designation will be valid unless earlier revoked by the parent in accordance with Section 5-1554 of General Obligations Law. However, any designation specifying a period of more than 30 days must also conform to the following provisions as set forth in law.

Designations for More Than 30 Days

A designation specifying a period of more than 30 days must also include:

a) An address and telephone number where the parent can be reached;

b) An address and telephone number where the designee can be reached;

c) The date of birth of each minor or incapacitated person with respect to whom the designation is made;

d) The date or contingent event on which the designation commences;

e) The written consent of the designee to the designation; and

f) A statement that there is no prior order of any court in any jurisdiction currently in effect prohibiting the parent from making the designation.

A designation specifying a period of more than 30 days must be notarized.

Revocation of Designation

A parent may revoke a designation by notifying, either orally or in writing, the designee or the school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation will also be revoked upon the execution by the parent of a subsequent designation. Revocation by one parent authorized to execute such a designation will be deemed effective and complete revocation of a designation in accordance with law.

A designee who receives notification from a parent of any revocation must immediately notify any school to which a designation has been presented. A parent may directly notify the school of the revocation. The failure of the designee to notify the school of such revocation will not make the revocation ineffective.

(Continued)

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)

Effect of Designation

a) A designee will possess all the powers and duties of a person in parental relation unless otherwise specified in the designation.

b) A designation will not impose upon a designee a duty to support the child.

c) A designation will not cause a change in the school district of residence of the child for purposes of the Education Law, and during the period of validity of the designation, the child will be presumed to be a resident of the school district in which the parent resided at the time the designation was made.

d) A designation will terminate and be revoked upon the death or incapacity of the parent who signed the designation.

e) The decision of a designee will be superseded by a contravening decision of a parent.

A person who acts based upon the consent of a designee reasonably, and in the good faith belief that the parent has authorized the designee to provide such consent, may not be deemed to have acted negligently, unreasonably or improperly in accepting the designation and acting upon the consent. However, this person may be deemed to have acted negligently, unreasonably or improperly if he or she has knowledge of facts indicating that the designation was never given, or did not extend to an act or acts in question, or was revoked.

No provision of General Obligations Law Title 15-A will be construed to require designation of a person in parental relation where the designation is not otherwise required by law, rule, or regulation.

Education Law §§ 2 and 3212
Family Court Act §§ 413
General Obligations Law Title 15-A
Public Health Law §§ 2164 and 2504

Adopted: 06/27/07
Revised: 12/12/18

POLICY

2016 7270

Students

SUBJECT: RIGHTS OF NON-CUSTODIAL PARENTS

The Board is mindful that various arrangements exist for the care and custody of children residing in the District. The District attempts to maintain current family information to help ensure student safety, proper communication with parents, and appropriate educational programming. Parents who are divorced, legally separated, or otherwise live apru1 should supply the District with relevant information and documentation, including custody orders, regarding who is responsible for the custody and care of their child, and who is permitted to make educational decisions for that child.

A non-custodial parent's participation in his or her child's education will be governed by the terms of any custody order. As a general matter, however, the District encourages non-custodial parents to participate in their child's education. Unless prohibited from doing so by a court order, non-custodial parents may request information about their child, inspect and review their child's records in accordance with the Family Educational Rights and Privacy Act (FERPA) and District policy, and otherwise remain interested in their child's education.

The District will not release students to a non-custodial parent without the custodial parent's consent. It is the parent's responsibility to inform the District if and when the child may be released to individuals other than the custodial parent in a form acceptable to the District.

NOTE: Refer also to Policies #7130: Entitlement to Attend -- Age and Residency
#7240: Student Records: Access and Challenge

Adopted: 08/18/16

POLICY

2007 7311

Students

SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of the District; or

b) Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

False Reporting of an Incident and/or Placing a False Bomb

A School District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

a) Has falsely reported an incident; or

b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the School District in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, the School District shall file with the court, the County District Attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

General Obligations Law Section 3-112
Penal Law Sections 60.27, 240.50, 240.55, 240.60 and 240.61

Adopted: 6/27/07

POLICY

2025 7312

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 does not interfere with the operation of the school or infringe upon the general health, safety and welfare of District students or employees. Student dress and appearance must be in accordance with the *District Code of Conduct*. 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, and tee shirts, they may not prescribe a specific brand which students must wear.

Student, faculty, or parent groups may recommend appropriate dress for school or special occasions. However, a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements.

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

Adopted: 6/27/07
Revised: 01/22/25

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.

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.

Suspension

Five 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.

(Continued)

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.

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.

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.

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.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

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 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, a manifestation determination must be made. The District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

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

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

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. If the team determines the conduct in question was the direct result of failure to implement the IEP, the District must take immediate steps to remedy those deficiencies.

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, if one has not yet been conducted, and implement or modify a behavioral intervention plan.

Functional Behavior Assessment (FBA) means the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. FBA must be developed consistent with the requirements of Commissioner's Regulations Section 200.22(a) and shall include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

Behavioral intervention plan (BIP) means a plan that is based on the results of a functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

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

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

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.

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, students with a disability shall be provided the services necessary for them to continue to participate in the general education curriculum and progress toward the goals Special Education out in their IEP as delineated below: 1) During suspensions or removals for periods of up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age shall be provided with alternative instruction on the same basis as nondisabled students. Students with disabilities who are not of compulsory attendance age shall be entitled to receive services during such suspensions only to the extent that services are provided to nondisabled students of the same age who have been similarly suspended.

2) During subsequent suspensions or removals for periods of 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 in placement, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one (1) of the student's teachers, shall determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.

3) During suspensions or other disciplinary removals, for periods in excess of ten (10) school days in a school year which constitute a disciplinary change in placement, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP, and to receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. The IAES and services shall be determined by the CSE.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

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 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, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the students 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.

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.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

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.

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.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

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)(l)]
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, 3214 and 4402
Penal Law Section 265.01
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)(2), 200.4(d)(3)(i), 200.22 and Part 201

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

Adopted: 06/27/07
Revised: 05/22/13

SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES

The parent of a student who has violated any rule or code of conduct of the School District and who was not identified as a student with a disability at the time of such behavior may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and State regulations *if the School District is deemed to have had knowledge (as determined in accordance with law and/or regulations and referenced below) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred*.

Basis of Knowledge

The School District shall be deemed to have knowledge that the student had a disability if prior to the time the behavior occurred:

a) The parent of the student has expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services. However, expressions of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;

b) The parent of the student has requested an evaluation of the student; or

c) A teacher of the student, or other District personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel in accordance with the District's established child find or special education referral system.

Exception

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above (i.e., subheading "Basis of Knowledge"):

a) The parent of the student has not allowed an evaluation of the student pursuant to law and/or regulations;

b) The parent of the student has refused services under law and/or regulations; or

c) The student has been evaluated and it was determined that the student is not a student with a disability.

(Continued)

SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES (Cont'd.)

Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability

If it is claimed by the parent of the student or by School District personnel that the District had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the Superintendent of Schools, Building Principal or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

Conditions That Apply if There is No Basis of Knowledge

If it is determined that there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made during the time period in which such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the District shall provide special education and related services in accordance with law and/or regulations.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446, Section 615(k)(5)]
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
8 New York Code of Rules and Regulations (NYCRR) Section 201.5

NOTE: Refer also to Policy #7313 -- Suspension of Students

Adopted: 6/27/07

SUBJECT: ACCEPTABLE AND RESPONSIBLE TECHNOGOY USE

The Board of Education will provide access to various computerized information resources through the District's Information Technology Systems (DITS) consisting of software, hardware, computer networks, wireless networks/access and electronic communication systems. This may include access to on and offsite servers, student information system, cloud storage, email, on/offsite Internet access, and more. It may also include the opportunity for staff to have independent access to the DITS from their home or other remote locations. All use of the DITS and the wireless network, including independent use off school premises and use on personal devices, shall be subject to this policy and accompanying regulations.

One purpose of this policy is to provide notice to students and parents/guardians that, unlike most traditional instructional or library media materials, the DITS 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 DITS or any other electronic media or communications.

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the DITS. This policy does not attempt to articulate all required and/or acceptable uses of the DITS; 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.

Students who engage in unacceptable use may lose access to the DITS 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 District 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.

(Continued)

SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES (ACCEPTABLE USE POLICY) (Cont'd.)

Please reference current copies of the student Responsible Use Agreement & Device Contract that must be signed and returned to the school before students will be granted access to 1-to-1 devices and network/internet access. This policy document and the Responsible Use Agreement & Device Contract shall be posted on the "Technology" page of the NCSD website, under the heading "Technology Documents.".

Student data files and other digital 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 Technology Coordinator and/or school and BOCES administration may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy and accompanying school and state/federal regulations and laws. Students should NOT expect data created and stored on school devices and systems will be private.

Notification/Authorization

The District's Acceptable and Responsible Use Policy, and student Responsible Use Agreement and Device Contract will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and students' obligations when accessing Naples CSD digital devices and resources.

"Affirmative Consent" (opt-in) student use of the District's Information Technology Systems is conditioned upon written agreement by all students and their parents/guardians that students use of the District's Information Technology Systems will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the District's Information Technology Systems. All such agreements shall be kept on file in the Main Office.

NOTE: Refer also to:

Policy #7315A – Naples CSD Student Responsible Use Agreement & Device Contract

Adopted: 06/27/2007
Revised: 02/24/2010
Revised: 08/20/2025

SUBJECT: STUDENT TERMS, CONDITIONS & APPLICATION FOR INTERNET ACCESS

Naples CSD Student Responsible/Acceptable Use Policy Agreement

I , _____ _____, agree to the following:
Student's name, printed *grade level*

I agree to use any district-owned technology responsibly and only for instructional purposes
- Students will not attempt to download or install any apps or extensions not approved by the NCSD IT department
- Students will make no attempts to bypass security features or internet filters (e.g. GoGuardian)
- Students will not share passwords, or use passwords belonging to anyone else
- Students will not access or download images or content that is obscene, lewd, violent

I agree to use technology respectfully by:
- Abiding by the Dignity for All Students Act
- Avoiding any use (in or out of school) that disrupts the educational setting by compromising other students' physical, emotional, or mental safety
- Avoiding all cyberbullying (in or out of school)

I agree to respect and protect the privacy of others by:
- Using only accounts assigned to me
- Getting explicit consent from any individual I intend to photograph or record PRIOR to taking any photo/video/audio

I agree to respect and protect copyright laws and intellectual property of others by:
- Respecting copyright and fair use laws (no illegal copies of music, games, movies)
- Citing sources appropriately (not plagiarizing)

I agree to respect and practice the principles of community by:
- Communicating only in ways that are kind and respectful
- Using school or personal electronic devices in classrooms only with teacher permission
- Reporting threatening or discomforting materials to staff immediately
- Refraining from accessing, transmitting, copying, or creating material that violates the school's code of conduct (such as messages that are obscene, pornographic, threatening, rude, discriminatory, or meant to harass)

I agree to respect all NYS laws regarding internet-enabled devices by:
- Adhering to all NCS policies related to internet-enabled devices in schools
- Abiding by expectations regarding internet-enabled devices as defined in the NCS Code of Conduct
- Adhering to specific building expectations regarding internet-enabled devices as defined in student handbooks for both the elementary school and Junior High/High School

(Continued)

SUBJECT: STUDENT TERMS, CONDITIONS & APPLICATION FOR INTERNET ACCESS, CON'T.

Naples CSD Student Responsible/Acceptable Use Policy Agreement

(Continued)

Supervision and monitoring:
School personnel monitor the use of devices and the Internet to ensure student safety. We reserve the right to examine, use, and disclose any data found on the District's information networks or devices in order to further the health, safety, discipline, or security of any student or other person, or to protect property. We may also use this information in disciplinary actions, and will furnish evidence of crime to law enforcement.

Opportunities for Instructional Use
Naples CSD makes every effort to select technology products that protect the confidentiality of students' personally identifiable information and avoid 3rd party promotional marketing material. In order for students to use some selected tools, it may be necessary for the District to provide basic information such as name or school email. Service providers communicate information about their collection, protection, use and disclosure of data through their own privacy policies. Please find a list of online educational providers and their contact information, at the following web address: http://bit.ly/NCSProviders This is a live document that will be updated periodically.

District Owned iPads and Chromebooks

Distribution/Collection
Devices will be distributed at the beginning of the school year and must be returned at the end of the school year. They may be collected during the year for maintenance and updates. If a student leaves NCS during the academic school year for any reason at all, the district-owned device must be returned to the school before departure.

District Owned Devices
iPads and Chromebooks are district owned devices and the contents on the iPad or Chromebook can be viewed at any time. The student should have NO expectation of privacy of materials found on a school supplied device or school supported email service.

Internet Connectivity
While at school, students will be accessing the Internet through the NCS network, which follows the required Children's Internet Protection Act (CIPA) regulations. When the device is out of school, it will access any available WiFi and follow the Internet controls associated with that network. We recommend that you talk to your children about the standards they should follow on the Internet just as you would on the use of all media information sources. We also recommend that student use of the Internet is monitored by an adult.

(Continued)

SUBJECT: STUDENT TERMS, CONDITIONS & APPLICATION FOR INTERNET ACCESS, CON'T.

Naples CSD Student Responsible/Acceptable Use Policy Agreement

(Continued)

I have read and will abide by the "STUDENT USE OF INTERNET-ENABLED DEVICES DURING SCHOOL DAY Policy 7316" - refer to the "Technology" page on Naples CSD website, within the "Departments" section found on the top of the Naples CSD website home page
I will NOT use any personal accounts on my school-owned device.
I will not put on a passcode that blocks access on my device.
I will follow classroom rules and expectations regarding appropriate use of the device and installed apps.
I will bring my district-owned device to school each day, fully charged.
I understand that the device can be inspected at any time without prior notice.
I will not let anyone else borrow my device.
I agree that I am (or my parents are) responsible for damage to my assigned device due to intentional harm or gross negligence
I will not modify, in any way, the device settings of my district-owned Chromebook, or the district-owned Chromebook of another student.

Consequences for violations may include:

- Parent notification
- Disciplinary action and potential loss/damage charges
- Loss of a student's privileges to use the District's technology

I, _____, understand this Responsible Use Agreement.
Student's signature

I, _____ have reviewed these guidelines with my student and I give consent for my student to use the above-mentioned online educational services.

_____ _____
Parent/Guardian's signature *Date*

Contact person: Ben Pursell, bpursell@naplescsd.org, 585-374-7962 ***This contract can be found on the District website (naplescsd.org) by selecting "Departments" and then "Technology".*** *last update: 7/15/2025*

Adopted: 02/24/2010
Revised: 04/13/2011
Revised: 03/20/2013
Revised: 07/09/2025

SUBJECT: STUDENT USE OF INTERNET-ENABLED DEVICES DURING SCHOOL DAY

This policy, adopted by the Naples Central School District Board of Education, establishes a District-wide prohibition on student use of personal internet-enabled devices during the school day, in accordance with applicable law and regulations.

"Internet-Enabled Devices" shall mean any device capable of connecting to the internet and enabling the user to access content on the internet, including but not limit ed to social media applications. Such devices shall include, but not be limited to smart phones, tablets, smartwatches, laptops, and other portable electronic communication or computing devices. Internet-enabled devices supplied by the School District that are used for an educational purpose are not included in this definition.

"School Day" shall mean the entirety of every instructional day, including during instructional and non- instructional time, including but not limited to homeroom periods, lunch, recess, study hall and passing time . This school day definition does not include any afterschool/activity periods.

"School Grounds" shall mean in or on or within any building, structure, athletic playing field, playground, or land contained within the real property boundary line of the District. Per New York State Law, students are prohibited from using internet-enabled devices on school grounds during the school day, except as expressly permitted under the exceptions outlined in this policy.

Mode of Parent Contact

Should parents need to contact their child during the school day, they may do so by calling the main office of their child' s school. Contact numbers are as follows:

Naples Elementary School: 374-7952
Naples High School: 374-7906

Students in grades 7-12 may also contact parents (and vice-versa) via email. NCS provides school devices (permitted by law) with email capability.

Classroom phones may also be utilized for essential communications though students must receive direct permission from their teacher for each instance of use.

Parents of students who attend alternative programming outside of the Naples School district should contact the office of their particular program should they need a message relayed or utilize email.

(Continued)

SUBJECT: STUDENT USE OF INTERNET-ENABLED DEVICES DURING SCHOOL DAY (Cont'd.)

Messaging will be relayed to the student either directly or through the child's teacher as soon as reasonably possible based on the circumstances. While email to school staff can also be used to communicate information, a direct telephone call ensures the most expedited response. Written notification detailing how parents or persons in parental relation to a student may contact students during the school day shall be provided to parents or persons in parental relation to a student at the beginning of each school year and upon enrollment.

Management and Enforcement Procedures

Each school building will develop procedures which align to this policy and the district code of conduct regarding the prohibition of internet-enabled devices. These procedures will be shared with students and families at the beginning of each school year.

The district will provide one or more methods for on-site storage during the school day, which will include, but not be limited to, student lockers. The NCS Code of Conduct and Student Handbooks will further define expectations regarding internet-enabled devices.

Students who violate this policy may be subject to disciplinary penalties pursuant to the District's Code of Conduct and subject to applicable law and regulations. Progressive discipline or restorative practices may be used in cases of repeated violations, consistent with the Code.

Exemptions

Student use of an internet-enabled device during the school day on school grounds may be authorized in the following limited circumstances by the appropriate school official:

a. Educational Use: If authorized by a teacher, principal, or the District for a specific educational purpose.
b. Health & Safety: Where necessary for managing a student's healthcare, or in the event of an emergency.
c. Language Needs: When needed by a student for translation services.
d. Student Caregivers: On a case-by-case basis for a student caregiver who is routinely responsible for the care and wellbeing of a family member. Such use will be permitted only upon review and determination by a school psychologist, school social worker, or school counselor.

(Continued)

SUBJECT: STUDENT USE OF INTERNET-ENABLED DEVICES DURING SCHOOL DAY (Cont'd.)

a. Legal Requirements: When the use of such devices is required by law.
b. 504/IEP Plans: Nothing in this policy is intended to prohibit or otherwise limit a student's use of an int ern et-enable device where such use is included in the student's Individualized Education Program (IEP) or Section 504 Plan.

Accessibility and Language Access

This policy shall be clearly posted and accessible on the District's website. Upon request by a student, parent, or person in parental relation to a student, a translation of this policy into any of the twelve most common non-English languages spoken by limited-English proficient individuals in New York State shall be provided.

Liability

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.

Prohibition during State Assessments

All students are prohibited from being in possession of electronic or internet-abled devices into a classroom or other location where at New York State assessment is being administered. Test proctors, monitors, and school officials shall have the right to collect prohibited electronic or internet-abled devices prior to the start of the test and hold them (including break periods). Students may face consequences for violation of the school code of conduct regarding internet-abled devices in school should issues occur during a New York State assessment. Admission to any assessment will be denied should a student refuse to relinquish the prohibited device.

Students with disabilities may use certain devices if the device is specified in the students IEP or 504 plan or if a student has provided medical documentation that they require the device during testing.

(Continued)

SUBJECT: STUDENT USE OF INTERNET-ENABLED DEVICES DURING SCHOOL DAY (Cont'd.)

Permissions

To utilize permitted internet-abled devices, students will be required to review and sign (with parents) the Naples CSD Student Responsible/ Acceptable Use Policy Agreement form. Students and families shall also review the applicable sections of the NCS Code of Conduct and student handbooks. The District reserves the right to restrict student use of district and/or personal technology on school property or at school-sponsored events, at the discretion of administration.

Regulations

The Board authorizes and directs the Superintendent of Schools to establish regulations implementing this policy.

NOTE: Refer also to Policies #7315 – Acceptable and Responsible Technology Use
#7315 A -- Student Terms, Conditions & Application for Internet Access
#7560 -- Dignity for All Students Act
#7552 -- Bullying in the Schools
#8271 -- Internet Safety/Internet Content Filtering Policy

Adopted: 10/16/13
Revised: 07/09/25

POLICY

2013 7317

Students

SUBJECT: STUDENT DISCIPLINE -- TRANSFER STUDENTS

From time to time, children enter the School District after leaving another school district under a disciplinary penalty. In some cases, a student may be in the midst of a long-term suspension and desire to negate the impact of that suspension by changing districts. It shall be the policy of the Naples Central School District to consider unfulfilled disciplinary measures imposed on students by previous school districts. The School shall reconsider the charges and discipline imposed by the previous district, taking care to safeguard the student's due process rights. If appropriate, the Superintendent shall impose discipline up to that remaining from the previous school district.

Adopted: 06/27/07
Revised: 10/16/13

SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)

Prohibited Conduct

The Board recognizes that the misuse of alcohol, tobacco, electronic cigarettes (e-cigarettes). drugs, counterfeit and designer drugs, over-the-counter drugs, prescription drugs, vitamins, supplements, herbs, and other similar 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 selling, use, and/or possession of these and similar substances as well as tobacco products, and drug paraphernalia are prohibited in accordance with law and regulation, District policy, the District Code of Conduct and/or other similar documents.

Students are not permitted to be under the influence of alcohol, drugs, or other prohibited substances on school grounds or at school-sponsored events.

Smoking

Smoking is not permitted and no person is permitted to smoke within one hundred (100) feet of the entrance, exits or outdoor areas of any public or private elementary or secondary schools. However, this prohibition does not apply to smoking in a residence, or within the real property boundary lines of residential real property. Similarly, the use of e-cigarettes is prohibited in school grounds, as defined in Public Health Law.

Disciplinary Measures

Students will be disciplined in accordance with District policy, the District *Code of Conduct*, and/or other similar documents for the consumption, sharing, selling, use, and/or possession of alcohol, tobacco, e-cigarettes, drugs, counterfeit and designer drugs, over-the-counter drugs, prescription drugs, vitamins, supplements, herbs, and other similar substances, as well as tobacco products and drug paraphernalia.

Information on Substance Use Related Services

The Superintendent has designated one or more individuals to provide information regarding where and how to find available substance use related services to students, parents, and staff.

*Staff member(s) for the District designated to provide information on substance use related services to students, parents and staff are approved by the Board of Education annually. with ratification of his/her acts performed in the ordinary course of his/her duties.

Any information provided by a student, parent, or staff member to the designated individual(s) will not be used in any school disciplinary proceeding and will, in addition to any other applicable privilege, be considered confidential in accordance with law.

(Continued)

SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS) (Cont'd.)

20 USC §§ 6083(a), 7118, and 7973(a)
Education Law §§ 409, 2801, and 3038
Public Health Law 1399-o

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials and Equipment
#5640 -- Smoking/Tobacco Use
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)
#8211 -- Prevention Instruction
District Code of Conduct

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS

A student may be searched and prohibited items seized on school grounds or in a school building by an authorized District official only when he or she has reasonable suspicion to believe the student has engaged in or is engaging in activity which is in violation of the law and/or the rules of the school (i.e. the District Code of Conduct). The reasonableness of any search involves a twofold inquiry. (1) School officials must first determine whether the action was justified at its inception, and (2) determine whether the search, as actually conducted, was reasonably related in scope to the circumstances which justified the interference in the first place.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

j) The age of the student;

k) The student's record and past history;

l) The predominance and seriousness of the problem in the school where the search is directed;

m) The probative value and reliability of the information used as a justification for the search;

n) The school official's prior knowledge of and experience with the student; and

o) The urgency to conduct the search without delay.

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. Whenever possible, searches will be conducted by a staff member of the same sex as the student and another staff member 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 almost never justified. If school officials have highly credible evidence that such a search would prevent danger or yield evidence, such a search may be conducted under exigent circumstances. In the alternative, if school authorities believe there is an emergency situation that could threaten the safety of others, the student will, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.

(Continued)

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)

Scope of Search

School officials 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*.

School officials, whenever possible, will seek the least intrusive means to conduct a search to safeguard the privacy interests of students in their person and property.

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 without prior notice and without their consent. The purpose of these searches, when they occur, is to ensure the safety of students, faculty and staff, enhance school security and prevent disruptions of the learning environment. Students have no reasonable expectation of privacy with respect to school property; and school officials retain complete control over such property. However, a student's personal belongings contained within the locker, desk, etc. are subject to the reasonable suspicion standard for searches by an authorized school official.

Parent Notification

The student's parent or guardian will be notified if any illegal, prohibited, or dangerous articles or materials are found in the student's locker, vehicle, or other property or possessions, or on the student's person, as a result of a search conducted in accordance with this policy.

Documentation of Searches

The designated school official conducting the search will be responsible for the custody, control and disposition of any illegal, prohibited or dangerous items taken from the student. The school official or his or her designee must clearly label each item taken from the student and retain control of the item(s) until the item(s) is turned over to the police or secured by alternate means.

This school official will also be responsible for promptly documenting information about the search including, but not limited to, the reasons for the search, the purpose of the search, the type and scope of the search, and the results of the search.

(Continued)

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)

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 outside the presence of other students, by the appropriate school administrator(s). The student's parent or guardian may be contacted; the degree, if any, of parent or 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 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

A cooperative effort will 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.

Periodic drug dog searches will be conducted under the jurisdiction of law enforcement officers.

(Continued)

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)

School Resource Officers

Districts may utilize School Resource Officers (SROs), law enforcement officers who work within the school building. There are different types of SROs: those employed by the District and those employed by local law enforcement. SROs, acting in their capacity as law enforcement, are held to a different search standard than District staff. Searches by law enforcement SROs must be justified by probable cause, not the District's standard of reasonable suspicion. District staff need to clearly establish who is initiating and conducting a search, the District or law enforcement, and that the appropriate standard for such a search has been met.

Dissemination of Information

Copies of this Regulation will be distributed to students when they enroll in school, and will be included in the District *Code of Conduct* available to students and parents at the beginning of each school year.

Interrogation of Students by Law Enforcement Officials

Generally, police authorities may only interview students on school premises without the permission of the parent or 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 a private area outside the presence of other students but in the presence of the Building Principal or designee.

Child Protective Services' Investigations

Occasionally, Child Protective Services (CPS) may desire to conduct interviews of students on school property. These interviews generally pertain to allegations of suspected child abuse or neglect. The Board encourages cooperation with Child Protective Services with respect to access to records and access to any child named as a victim, any of the victim's siblings, or any other child residing in the same home as the named victim, in accordance with applicable law.

Education Law Sections 1604(9) and (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: 06/27/07
Revised: 05/19/10
Revised: 02/13/13
Revised: 10/17/16

POLICY

2007 7340

Students

SUBJECT: BUS RULES AND REGULATIONS

The Naples Central School District furnishes transportation to those students whose disability or distance from the school make the service essential. Except as otherwise mandated in a student's Individualized Education Program (IEP), riding these buses is a privilege and may be withdrawn if the student does not comply with the rules and regulations set forth in this District.

Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely.

The Board of Education, the Superintendent and/or his/her designee has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. Generally, parent(s)/guardian(s) will be required to make alternative transportation arrangements for their children who have been suspended from riding the bus. However, the effect of a suspension from transportation on the student's ability to attend school will be considered. If a suspension from transportation effectively results in a suspension from attendance because of the distance between the home and the school and the absence of alternative public or private means of transportation, the District shall make appropriate arrangements to provide for the student's education.

Bus drivers 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.

Individuals With Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400-1485
8 New York Code of Rules and Regulations (NYCRR) Section 156

Adopted: 6/27/07

POLICY

2007 7350

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 Naples Central School District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)(3)

NOTE: Refer also to: Policy #7122 – Corporal Punishment, Timeout and Physical Restraint

Adopted: 6/27/07

POLICY

2023 7360

Students

SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT

With the exception of those students who receive prior written permission from the Board of Education or its designee, no student may bring in or possess any "firearm" or "weapon" on school property, on a school bus or District vehicle, in school buildings, or at school sponsored activities or settings under the control or supervision of the District regardless of location. Any student who has been found guilty of bringing in or possessing a firearm or weapon in violation of this policy will be disciplined in a manner consistent with State and Federal law and the District's Code of Conduct. Such discipline may include a mandatory suspension for a period of not less than one (1) calendar year for a student who is determined to have violated the Federal Gun-Free Schools Act and its implementing provisions in the New York State Education Law, provided that the Superintendent may modify the suspension requirement on a case-by-case basis.

Students who have brought a "weapon" or "firearm" to school will be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials.

For the purposes of this policy, the term "weapon" will be as defined in 18 USC 930(g)(2).

For the purposes of this policy, the term "firearm" will be as defined in 18 USC 921(a).

Students with disabilities continue to be entitled to all rights enumerated in the Individuals with Disabilities Act and Education Law Article 89. This policy shall not be deemed to authorize suspension of students with disabilities in violation of those authorities.

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.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001, 18 United States Code (USC) Section 921(a) and 930
Criminal Procedure Law Section 1.20(42)
Education Law Sections 809-a and 3214

NOTE: Refer also to: Policy #3411 – Prohibition of Weapons on School Grounds
Policy #7313 – Suspension of Students
District Code of Conduct

Adopted: 06/27/07
Revised: 05/22/13
Revised: 04/09/14
Revised: 03/22/23

SUBJECT: CO-CURRICULAR ACTIVITIES

Co-curricular activities are considered to be an integral part of the educational program offered by the Naples Central School District. The availability of co-curricular activities provides students with an opportunity to participate in healthy, worthwhile activities and to acquire skills and understandings which may be used as adults.

Co-curricular activities are designated for specific grade levels and are open to participation by all students at those levels in accordance with the non-discriminating policies adopted by the Naples Central School Board of Education. Participation in certain co-curricular activities is subject to the acceptance of organizational by-laws or athletic training rules.

For all authorized co-curricular activities, faculty advisors will be provided.

Co-curricular activities, including fund raising, shall be governed by existing Board policies and administrational directives. All co-curricular organizations should develop a written constitution and by-laws. New organizations require the recommendation of the appropriate Principal.

In order to provide co-curricular opportunities to students, there may be times when practices, rehearsals, or school-sponsored activities need to be scheduled on Sundays. When this is the case, the advisor must make it clear to students that participation is voluntary. If a student is unable or unwilling to participate, it is understood that there shall be no repercussions or limitations imposed related to playing time, standing in the club, etc.

Limited Open Forum

The Board of Education maintains a limited open forum where secondary students may meet for voluntary student-initiated activities unrelated directly to the instructional program, regardless of religious, political or philosophical content.

To provide "a fair opportunity" to students who wish to conduct a meeting, the Board of Education, in accordance with the provisions of the Equal Access Act, shall ensure that:

a) The meeting is voluntary and student-initiated;

b) There is no sponsorship of the meeting by the school, the government, or its agents or employees;

c) Employees or agents of the school or government are present at religious meetings only in a non-participatory capacity;

(Continued)

SUBJECT: CO-CURRICULAR ACTIVITIES (Cont'd.)

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 USC Section 4071[c]).

The Board prohibits student organizations whose activities may be unlawful or may cause disruption or interference with the orderly conduct of the educational process.

Administration is responsible for establishing regulations governing the use of school facilities by student organizations.

Eligibility for Attendance

a) Students who are suspended from school on a day of an athletic game or practice session, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.

b) In order for students to attend a school-sponsored function, it is necessary that students attend classes for at least one half (1/2) of the school day on the day of the activity, unless otherwise excused by the building administrator. One-half (1/2) of the school day is defined as follows: from 8:30 a.m. until noon or from noon until the end of the school day.

Equal Access Act, 20 United States Code (USC) Sections 4071-4074
Education Law Sections 1709 and 1709-a, 2503-a and 2554-a
8 New York Code of Rules and Regulations (NYCRR) Sections 172.1 and 172.2

Adopted: 06/27/07
Revised: 04/18/18

POLICY

2007 7411

Students

SUBJECT: CENSORSHIP OF SCHOOL SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES

The District may exercise editorial control over the style and content of student speech in school sponsored publications and activities that are part of the educational curriculum.

Such publications must be prepared under the supervision of a classroom teacher or teacher advisor appointed by the Principal. The Building Principal shall reserve the right to review student publications prior to printing and distribution. The Building Principal shall also have the right to determine the time and place of distribution.

Adopted: 6/27/07

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM

General Principles and Eligibility

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

Athletic eligibility requires that the student:

a) Provide written parental or guardian consent. The consent form must contain information regarding mild traumatic brain injuries (concussions) as specified in the Commissioner's regulations.

b) Obtain medical clearance from the school physician or nurse practitioner or the student's personal physician. The school physician/nurse practitioner retains final approval on any physicals performed by a student's personal physician.

c) Meet the requirements for interscholastic competition as set forth by the Commissioner's regulations and the NYSPHSAA.

d) Comply with all District rules, codes, and standards applicable to athletic participation.

Title IX Compliance

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

a) Its accommodation of athletic interests and abilities (the nature and extent of sports offered, including levels of competition, team competition, and team performance);

b) Equipment and supplies;

c) Scheduling of games and practice time;

d) Travel costs and opportunities for travel;

e) Assignment and compensation of coaches;

f) Locker rooms, practice, and competitive facilities;

g) Available medical and training facilities and services; and

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

h) The nature and extent of support, publicity, and promotion.

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

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

Booster Clubs

The 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, therefore, benefits, services, and opportunities attained through private funds - including donations, fundraising, and booster clubs - must be considered in combination with all benefits, services and opportunities.

Athletic Placement Process for Interschool Athletic Programs (APP)*

The APP is a method for evaluating students who want to participate in sports at higher or lower levels, consistent with their physical and emotional maturity, size, fitness level, and skills. The Board approves the use of the APP for students in grades no lower than seventh grade to compete on interscholastic athletic teams organized for senior high school students and for senior high school students to compete on interscholastic athletic teams organized for students in the seventh and eighth grades. The Superintendent will implement procedures for the APP, and will direct the athletic director to maintain records of students who have successfully completed the APP.

Student Athletic Injuries

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

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

Athletic Program - Safety

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

a) Requiring medical examinations of participants;

b) Employing certified or licensed staff to coach all varsity, junior varsity, and modified practice and games;

c) Providing or requiring certified or licensed officials to officiate all competitions;

d) Ensuring that its players' equipment is safe and operates within the applicable manufacturers' guidelines;

e) Ensuring that all home fields, courts, pools, tracks, and other areas where athletes practice, warm-up, or compete are safe and appropriate for use; and

f) Providing professional development and training opportunities for all coaching staff.

Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
45 Code of Federal Regulations Part 86
8 New York Code of Rules and Regulations (NYCRR) Section 135 and 136

NOTE: Refer also to Policies #3420 – Non-Discrimination and Anti-Harassment in the District
#3421 – Title IX and Sex Discrimination
#7520 – Accidents and Medical Emergencies
#7522 – Concussion Management

Adopted: 06/27/07
Revised: 10/03/12
Revised: 11/04/15
Revised: 02/03/21

POLICY

2007 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 Naples Central School District and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

Education Law Sections 1604(30), 1709(12-a) and 2503(1)

Adopted: 6/27/07

POLICY

2007 7440

Students

SUBJECT: MUSICAL INSTRUMENTS

a) All instrumental music students shall be expected to own or rent their instrument - particularly the common and less expensive instruments (flute, clarinet, trumpet, saxophone, etc.).

b) Students will not be required to own or rent the less common and more expensive instruments. Instruments in this category are as follows: oboe, bassoon, tuba, French horn, trombone, baritone horn, tenor and baritone saxophones, bass trombone and percussion instruments. School-owned instruments in this classification will be disbursed upon decisions by the instrumental music staff. Decisions will be dependent upon the individual student's talent and merit and the need for a balanced instrumentation at each grade level.

c) Students and parents/guardians will assume responsibility for proper care of school-owned instruments and will pay for damages to same.

d) The District will only transport in its vehicles those instruments meeting certain safety standards as indicated in the New York State Department of Transportation Regulations.

17 New York Code of Rules and Regulations (NYCRR) Section 720.22

Adopted: 6/27/07

POLICY

2025 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 or designee. Any such plan shall have a clearly defined purpose and, in general, shall contribute to the educational experience of students and shall not conflict with instructional programs or state mandates. Fund raising activities away from school property shall be held to a minimum.

Profits shall be used to enhance school programs by providing money for expenditures not normally funded by the District.

All participation shall be voluntary.

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

NOTE: Refer also to Policy #3271 -- Solicitation of Charitable Donations From School Children

Adopted: 06/27/07
Revised: 03/12/25

POLICY

2007 7460

Students

SUBJECT: CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS

In accordance with the most recent Guidance Document issued by the U.S. Department of Education implementing the requirements of the No Child Left Behind Act of 2001, the Board of Education affirms the responsibilities of the School District, consistent with applicable statutory/case law pertaining to the First Amendment of the United States Constitution, to allow students and staff to engage in constitutionally protected prayer within the District schools.

Accordingly, no Board of Education policy shall prevent, or otherwise deny participation in, constitutionally protected prayer in District schools, consistent with the Guidance Document and applicable law as enumerated above.

The Board rescinds any other policy that may be inconsistent with the mandates of this policy, which shall supersede any and all Board policies to the contrary.

United States Constitution, First Amendment
Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, Section 9524
Equal Access Act, 20 United States Code (USC) Sections 4071-4074

NOTE: Refer also to Policy #8360 -- Religious Expression in the Instructional Program

Adopted: 6/27/07

POLICY

2019 7511

Students

SUBJECT: IMMUNIZATION OF STUDENTS

Every child entering or attending a District school must present proof of immunization or proof of immunity by serology (blood test) if applicable in accordance with Public Health Law Section 2164 and the New York State Department of Health Regulations unless:

a) A New York State licensed physician certifies that such immunization is detrimental to the child's health. The requirement for that immunization is waived until such immunization is no longer detrimental to the child's health.

Except for this exemption, the District may not permit a child lacking evidence of immunization to remain in school for more than fourteen (14) days, or more than thirty (30) days for an out-of-state or out-of-country transferee who can show a good faith effort to get the necessary certification or other evidence of immunization.

For homeless children, the enrolling school must immediately refer the parent or guardian of the child to the District's homeless liaison, who must assist them in obtaining the necessary immunizations, or immunization or medical records.

Parents, guardians or other persons in parental relation may appeal to the Commissioner of Education if their child is denied school entrance or attendance for failing to meet health immunization standards.

The District will provide an annual summary of compliance with immunization requirements to the Commissioner of Health.

All schools will also post educational information on influenza and the benefits of influenza immunization which will be in plain view and available to parents.

Education Law Section 310 and 914
Public Health Law Section 613 and 2164
8 New York Code of Rules and Regulations (NYCRR) Part 100.2 and 136.3
10 New York Code of Rules and Regulations (NYCRR) Subpart 66-1

NOTE: Refer also to Policy #7131 -- Education of Students in Temporary Housing

Adopted: 06/27/07
Revised: 05/21/14
Revised:10/06/19

SUBJECT: STUDENT PHYSICALS

Health Examination

Each student enrolled in District schools must have a satisfactory health examination conducted by a duly licensed physician, physician assistant or nurse practitioner within twelve (12) months prior to the commencement of the school year of the student's entrance into:

a) A District school at any grade level;

b) Pre-kindergarten or kindergarten; and

c) 1st, 3rd, 5th, 7th, 9th and 11th grades.

The District may also require an examination and health history of a student when it is determined by the District that it would promote the educational interests of the student.

The District will also provide health examinations before participation in strenuous physical activity and periodically throughout the season as necessary, as well as for the issuance of employment certificates, vacation work permits, newspaper carrier certificates, and street trades badges.

Health Certificate

Each student must submit a health certificate attesting to the health examination within thirty (30) days after his or her entrance into:

a) A District school at any grade level;

b) Pre-Kindergarten or Kindergarten; and

c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

The building principal or designee will send a notice to the parent of, or person in parental relation to, any student who does not present a health certificate, that if the required health certificate is not furnished within 30 calendar days from the date of the notice, an examination by health appraisal will be made of the student by the Director of School Health Services.

The health certificate will be filed in the student's cumulative record. The health certificate must:

a) Be on a form prescribed by the Commissioner;

(Continued)

SUBJECT: STUDENT PHYSICALS (Cont'd.)

b) Describe the condition of the student when the examination was given, provided that such examination was not given more than 12 months prior to the commencement of the school year in which the examination is required;

c) State the results of any test conducted on the student for sickle cell anemia;

d) State whether the student is in a fit condition of health to permit his or her attendance at a District school and, where applicable, whether the student has impaired sight or hearing, has received a scoliosis hearing, or has any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student;

e) State the student's body mass index (BMI) and weight status category;

f) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is:

1. Authorized by law to practice in New York State consistent with any applicable written practice agreement; or

2. Authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to those of New York.

A licensed health professional with appropriate training may conduct a scoliosis screening.

Dental Health Certificate

The District will request a dental health certificate from each student at the same time that health certificates are required.

The District may also request an assessment and dental health history of a student when it is determined by the District that it would promote the educational interested of the student.

A notice of request for a dental health certificate will be distributed at the same time that the parent or person in parental relation is notified of health examination requirements. The notice of request for a dental health certificate will list dental practices, dentists, and registered dental hygienists to which students may be referred for dental services on a free or reduced cost basis upon request of the student's school.

(Continued)

SUBJECT: STUDENT PHYSICALS (Cont'd.)

The dental health certificate will be filed in the student's cumulative record. The dental health certificate must:

a) Describe the dental health condition of the student when the assessment was given, provided that the was not given more than twelve (12) months prior to the commencement of the school year in which the assessment is requested; and

b) State whether the student is in fit condition of dental health to permit his or her attendance at a District school;

c) Be signed by a duly licensed dentist, or a registered dental hygienist, who is:

   1. Authorized by law to practice in New York State, and consistent with any applicable written practice agreement; or

   2. Authorized to practice in the jurisdiction in which the assessment was performed, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to New York State.

Examination by Health Appraisal

The Director of School Health Services will cause students who are required to, but have not submitted, the required health certificate and students with disabilities to be separately and carefully examined and tested to ascertain whether any such student has impaired sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of work to prevent injury to the student.

Each examination will include a calculation of the student's BMI and weight status category. Further, the physician, physician assistant or nurse practitioner administering the examination will determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, will conduct the test and include the results in the health certificate.

Unless otherwise prohibited by law, if it is ascertained that a student has impaired sight or hearing, or a physical disability or other condition, including sickle cell anemia, the building principal or designee will notify, in writing, the student's parent or person in parental relation as to the existence of the disability. If the parent or person in parental relation is unable or unwilling to provide the necessary relief and treatment for the student, it will be reported by the building principal or designee to the Director of School Health Services, who then has the duty to provide relief for the student.

(Continued)

SUBJECT: STUDENT PHYSICALS (Cont'd.)

District Reporting of BMI and Weight Status Category

Each school year, the New York State Department of Health randomly selects a certain number of districts across New York State to report, in the aggregate, students' BMI and weight status categories. Selected districts must report BMI results on-line using the Department of Health's Health Provider Network secure website. A student's parent or person in parental relation may refuse to have the student's BMI and weight status category included in such survey.

Health Screenings

The District will provide:

a) Scoliosis screening, if not documented on the student's health certificate, at least once each school year for male students in grade 9, and for female students in grades 5 and 7. The positive results of any scoliosis screening examination will be provided in writing to the student's parent or person in parental relation within ninety (90) days after the finding;

b) Vision screening, if not documented on the student's health certificate, to all students within six (6) months of admission to a District school. The vision screening will test the student's color perception, distance acuity, and near vision. In addition, all students will be screened for distance acuity and near vision in grades pre-kindergarten or kindergarten, 1, 3, 5, 7 and 11, as well as at any other time deemed necessary. The results of all vision screening examinations will be in provided in writing to the student's parent or person in parental relation and to any teacher of the student while the student is enrolled in the District school; and

c) Hearing screening, if not documented on the student's health certificate, to all students within six (6) months of admission to a District school. In addition, all students will receive a hearing screening in grades pre-kindergarten or kindergarten, 1, 3, 5, 7 and 11, as well as at any other time deemed necessary. Each hearing screening will include, but not be limited to, pure tone screening. The results of any such hearing tests requiring a follow-up examination will be provided in writing to the student's parent or person in parental relation and to any teacher of the student while the student is enrolled in the District school.

The results of all health screenings will be recorded in the student's cumulative health record which will be maintained by the school for at least as long as the minimum retention period for such records.

Student Health Records

The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and state laws.

(Continued)

SUBJECT: STUDENT PHYSICALS (Cont'd.)

Accommodation for Religious Beliefs

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings will be required where a student or the parent or person in parental relation to that student objects on the grounds that such examinations, health history, and/or screenings conflict with their genuine and sincere religious beliefs. A written and signed statement from the student or the student's parent or person in parental relation that the person holds these beliefs must be submitted to the building principal or designee, in which case he or she may require supporting documents.

Students in Temporary Housing

For students in temporary housing (i.e. homeless children and youth), the enrolling school must immediately refer the parent or guardian of the student to the District's McKinney-Vento liaison, who will assist them in obtaining the necessary medical records.

20 United States Code (USC) § 1232(g)
Education Law §§ 903-905, and 3220
8 New York Code of Rules and Regulations (NYCRR) §§ 136.1, 136.3

NOTE: Refer also to Policies #5690 -- Exposure Control Program
#5691 -- Communicable Diseases
#5692 -- Human Immunodeficiency Virus (HIV) Related Illnesses
#7121 -- Diagnostic Screening of Students
#7131 -- Education of Students in Temporary Housing
#7250 -- Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors
#7420 -- Sports and Athletic Program
#7510 -- School Health Services
#7511 -- Immunization of Students
#7522 -- Concussion Management

Adopted: 06/27/07
Revised: 05/02/12
Revised: 10/03/12
Revised: 05/22/13
Revised: 12/12/18

SUBJECT: ADMINISTRATION OF MEDICATION

The school's registered professional nurse may administer medication to a student during the school day under certain conditions. For the purpose of this policy, the term "medication" includes both prescription and non-prescription medications. The school must receive the following before medication is given to a student:

a) The original written order from the student's provider stating the name of the medication, precise dosage, frequency, and time of administration;

b) A written, signed consent from the student's parent or person in parental relation requesting the administration of the medication, as prescribed by the physician, to the student in school; and

c) The medication, properly labeled in its original container, must be delivered to the School Health Office by the student's parent or person in parental relation. The term "properly labeled," in the context of this policy, means that the container must include the following information: the student's name, name of medication, dosage, frequency and prescribing physician. A student is not permitted to carry any medication on his/her person in school, or on the school bus, or keep any medication in his/her school locker(s). Exceptions may apply, however, for students diagnosed with asthma or other respiratory illnesses, diabtes, or allergies who will be permitted to carry and self-administer medication under certain conditions.

All medication orders must be reviewed annually by school health office personnel or whenever there is a change in dosage.

Students with Asthma or Other Respiratory Illnesses

The District will make a nebulizer available on-site in school buildings where full- or part-time nursing services are provided. Only students with a patient-specific order may have access to the nebulizer. School nursing personnel will clean and maintain the District nebulizer as appropriate.

The District will obtain and stock albuterol metered dose inhalers (MDIs) and/or liquid albuterol from a licensed pharmacy. This stock albuterol is for use in a nebulizer for students diagnosed with asthma whose personal prescription albuterol supplies are empty and while awaiting the parent or person in parental relation to provide the school with a new one. School health office personnel will promptly inform parents or persons in parental relation of the need for replacement of the student's albuterol medication. Students utilizing the school's stock albuterol must provide a patient specific order for albuterol from their own private healthcare provider, including an order permitting the

(Continued)

SUBJECT: ADMINISTRATION OF MEDICATION (Cont'd)

student to utilize the school's stock albuterol. Stock albuterol may only be utilized when the school nurse is available to administer the medication. The student's parent or person in parental relation must also provide the school with written permission allowing his or her child to be administered the school's stock albuterol in the event that the student's own prescription albuterol supply is empty. The school health office will promptly inform students' parents or persons in parental relation any time that the school stock albuterol was utilized.

Personal equipment used to deliver albuterol to a student will be cleaned, appropriately labeled with the student's name, and used solely by that individual student. (Examples of equipment are the nebulizer tubing, facemask, mouthpiece, spacer, etc.)

Self-Administration of Medication

Generally

Each student who is permitted to self-administer medication should have an emergency care plan on file with the District. Further, the school will maintain a record of all written parental consents in the student's cumulative health record.

School health office personnel will also maintain regular parental contact in order to monitor the effectiveness of 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 report to the health office on a periodic basis as determined by health office personnel to maintain an ongoing evaluation of the student's management of self-medication techniques, and to work cooperatively with the parents and the student regarding self-care management.

Students who self-administer medication without proper authorization will be referred for counseling by school nursing personnel, as appropriate. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and school administration may determine the proper resolution of this behavior.

Students with Asthma or another Respiratory Disease

A student will be permitted to carry and self-administer their prescribed inhaled rescue medication during the school day, on school property, and at any school function if the school health office has the following on file:

a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of asthma or other respiratory disease for which inhaled rescue medications are prescribed to alleviate respiratory symptoms or to prevent the onset of exercise induced asthma; the student has demonstrated that he/she can self-

(Continued)

SUBJECT: ADMINISTRATION OF MEDICATION (Cont'd)

administer the prescribed medication effectively; and the expiration date of the order, the name of the prescribed medication, the dose the student is to self-administer, times when the medication is to be self-administered, and the circumstances which may warrant the use of the medication; and

b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain an extra inhaled rescue medication in the care and custody of the school's registered professional nurse, nurse practitioner, physician assistant, or school physician.

Students with Allergies

A student may carry and self-administer his or her prescribed EpiPen during the school day, on school property, and at any school function if the school health office has the following on file:

a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of an allergy for which an EpiPen is needed for the emergency treatment of allergic reactions; the student has demonstrated that he or she can self-administer the EpiPen effectively; and the expiration date of the order, the name of the medicine, the dose the student is to self-administer, and the circumstances which may warrant use of the medication; and

b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain an extra EpiPen in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

Students with Diabetes

A student may carry and self-administer his or her prescribed insulin through an appropriate medication delivery device, carry glucagon, and carry and use equipment and supplies necessary to check blood glucose and/or ketone levels during the school day, on school property, and at any school function if the school health office has the following on file:

a) Written order/permission and an attestation from a duly authorized healthcare provider stating that the student has a diagnosis of diabetes for which insulin and glucagon through appropriate medication delivery devices, and the use of equipment and supplies to check blood glucose and/or ketone levels are necessary; the student has demonstrated that he/she can self-administer effectively, can self-check glucose or ketone levels independently, and

(Continued)

SUBJECT: ADMINISTRATION OF MEDICATION (Cont'd)

can independently follow prescribed treatment orders; and the expiration date of the order, the name of the prescribed insulin or glucagon, the type of insulin delivery system, the dose of insulin and/or glucagon the student is to self-administer, times when the insulin and/or glucagon is to be self-administered, and the circumstances which may warrant administration by the student. The written permission must also identify the prescribed blood glucose and/or ketone test, the times testing is to be done, and any circumstances which warrant checking a blood glucose and/or ketone level.

b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain extra insulin, insulin delivery system, glucagon, blood glucose meter, and related supplies to treat the student's diabetes in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

Students with diabetes may also carry food, oral glucose, or other similar substances necessary to treat hypoglycemia in accordance with District policy.

Alcohol-Based Hand Sanitizers

The New York State Education Department (NYSED) permits the use of alcohol-based hand sanitizers in schools. The school medical director may approve and permit the use of alcohol-based hand sanitizers in the District's schools without a physician's order. Parents may provide written notification to the school in the event that they do not wish to have their child use these products.

Sunscreen

Students may carry and use FDA-approved sunscreen products for over-the-counter use. The student's parent or person in parental relation must provide written permission for the student to carry and use sunscreen. The written parental consent will be maintained by the school. A student who is unable to physically apply sunscreen may be assisted by unlicensed personnel when directed to do so by the student, if permitted by a parent or person in parental relation, and authorized by the school.

Storage and Disposal

The District will comply with relevant state laws, regulations, and guidelines governing the District's receipt, storage, and disposal of medication.

(Continued)

SUBJECT: ADMINISTRATION OF MEDICATION (Cont'd)

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Education Law Sections 902(b), 907, 916, 916-a, 916-b, 919, 921, 6527, 6908(1)(a)(iv), and 6909
Public Health Law Section 3000-a, Chaperone, 3309
8 NYCRR 136.6, 136.7

NOTE: Refer also to Policy #7521 -- Students with Life-Threatening Health Conditions

Adopted: 06/27/07
Revised: 12/07/11
Revised: 12/12/12
Revised: 12/02/15

POLICY

2007 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.

Education Law Section 905
8 New York Code of Rules and Regulations (NYCRR) Part 136

Adopted: 6/27/07

POLICY

2012 7515

Students

SUBJECT: PEDICULOSIS (HEAD LICE)

Few conditions seem to cause as much concern in schools and homes as an infestation of head lice in children. Students in the elementary grades (ages 3 through 10) are the most likely target hosts for these insect pests. Head lice do not respect socio-economic class distinctions and their presence does not indicate a lack of hygiene or personal cleanliness. Recent medical recommendations from both the American Association of Pediatrics (AAP) and the National Association of School Nurses (NASN) do not treat head lice as an illness that necessitates an absence from school and have shown that the contagion does not spread as easily as once thought. Therefore, the Board of Education does not condone the absence of students from school for unnecessary reasons and considers head lice an unnecessary absence that impedes a student's educational progress.

In order to control infestations of head lice (Pediculosis), the Board of Education has adopted the following protocols:

a) Whenever there is a possibility that a student is infested, staff will contact the student's parents. An infested student will not return to school unless corrective treatment has been given and the student is free of active lice. Current treatment protocols make this possible in less than twenty-four (24) hours. Parents may be asked to have a physician prescribe medication for treatment.

b) A student who has been infested will be readmitted to school after successfully completing an examination by the school nurse.

c) School staff will work with parents to minimize student absence caused by exposure to head lice. An infested student is not sick and is not a danger to other students. Excessive and unnecessary absences affect a student's educational progress.

d) School staff will protect student privacy and maintain confidentiality of medical information when infestations are detected.

e) School staff will also work to minimize the social stigma that is unfairly attached to victims of head lice infestations. Head lice are not caused by poverty or unsanitary conditions. Students will not be separated from their peers or singled out as infected. All staff will learn proper precautions to prevent further spread of the infestation.

Regulations will be developed to provide guidelines on the detection and treatment of head lice, as well as classroom procedures for dealing with affected students.

Adoption Date: 01/25/12

POLICY

2018 7520

Students

SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES

Student Emergency Treatment

All staff members of the District are responsible to obtain first aid care for students who are injured or become ill while under school supervision.

In most instances, first aid should be rendered and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board encourages all staff members to become qualified to give emergency treatment through instruction in first aid, Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillators (AEDs).

Transporting an Ill or Injured Student

In the event of an illness or injury to a student, an ambulance may be called. The District will make all reasonable attempts to contact a parent or person in parental relation when determining if emergency treatment is necessary.

Insurance

The Board will approve provisions for all students to be covered by group insurance. These student accident insurance policies will be a co-insurance with family coverage(s) as primary.

Education Law Sections §§ 1604(7-a), 1604(7-b), 1709(8-a) and 1709(8-b)

NOTE: Refer also to Policy #7420 – Sports and Athletic Program

Adopted: 06/27/07
Revised: 01/31/18

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS

Students come to school with diverse medical conditions which may impact their learning as well as their health. Some of these conditions are serious and may be life-threatening. As a result, 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. This policy encompasses an array of serious or life-threatening medical conditions such as anaphylaxis, diabetes, seizure disorders, or severe asthma and acute medical conditions such as substance overdose. All students within the District with known life-threatening conditions will have a comprehensive plan of care in place: an Emergency Care Plan (ECP) or Individualized Healthcare Plan (IHP) and if appropriate, an Individualized Education Plan (IEP) or Section 504 Plan.

Life-Threatening Conditions

For those students with chronic life-threatening conditions such as diabetes, seizure disorders, asthma, and allergies, the District must work cooperatively with the parent(s) and the healthcare provider(s) to:

a) Immediately develop an 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 IHP 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 medical-legal documents duly executed in accordance with New York State law; appropriate healthcare provider authorization in writing for specific students that includes the frequency and conditions for any testing or treatment, symptoms, and treatment of any conditions associated with the health problem; and directions for emergencies;

e) Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, providing any necessary equipment, and participation in the education and co-management of the child as he/she works toward self-management;

(Continued)

SUBJECT: STUDENTS WITH LIFE THREATENING HEALTH CONDITIONS (Cont'd.)

f) Allow supervised students to carry life-saving medication in accordance with relevant laws, regulations, and procedures. The District will also encourage parents and students to provide duplicate life-saving medication to be maintained in the Health Office in the event the self-carrying student misplaces, loses, or forgets their medication;

g) Assure appropriate and reasonable building accommodations are in place within a reasonable degree of medical certainty.

In addition, the District will:

a) Provide training for transportation, instructional, food service, and physical education staff, as appropriate, in the recognition of an anaphylactic reaction;

b) Have standing emergency medical protocols for nursing or other 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 or other staff, as designated by the administration and allowed under federal and New York State laws and regulations, to administer in the event of an unanticipated anaphylactic episode;

d) Maintain or ensure the maintenance of a copy of the standing order(s) and protocol(s) that authorizes them to administer emergency medications such as anaphylactic treatment agents;

e) As permitted by New York State law, maintain stock supplies of life-saving emergency medications such as epinephrine auto-injectors and Naloxone (Narcan) for use, especially in first time emergencies;

f) Ensure that building-level and district-wide school safety plans include appropriate accommodations for students with life-threatening health conditions;

g) Encourage families to obtain medic-alert bracelets for at risk students;

h) Educate students regarding the importance of immediately reporting symptoms of an allergic reaction.

(Continued)

SUBJECT: STUDENTS WITH LIFE THREATENING HEALTH CONDITIONS (Cont'd.)

Creating an Allergen-Safe School Environment

The risk of accidental exposure or cross-contamination is always present in school, 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.

In an effort to prevent accidental exposure to allergens, the District will monitor the following high-risk areas and activities:

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.

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, as appropriate;
b) Assuring the availability of the necessary equipment or medications;
c) Providing appropriately trained licensed persons as required by law;
d) Developing an emergency plan for the student; and
e) 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
34 Code of Federal Regulations (CFR) Part 300
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Education Law Sections 6527 and 6908
Public Health Law Section 2500-h (Anaphylactic policy for School District) and 3000-a
8 NYCRR Section 136.7

NOTE: Refer also to Policy #7513 -- Administration of Medication

Adopted: 06/27/07
Revised: 12/02/15
Revised: 06/21/17

SUBJECT: CONCUSSION MANAGEMENT

The Board recognizes that concussions and head injuries are the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The physical and mental well-being of District students is a primary concern. Therefore, the District supports the proper evaluation and management of concussion injuries.

A concussion is a mild traumatic brain injury (MTBI) that occurs when normal brain functioning is disrupted by a blow or jolt to the head or body that causes the head and brain to move rapidly back and forth. Recovery from concussion and its symptoms will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management.

Concussion Management Team (CMT)

The District is authorized, at its discretion, to establish a Concussion Management Team (CMT) which may be composed of the certified athletic director, a school nurse, the school physician, a coach of an interscholastic team, a certified athletic trainer or such other appropriate personnel as designated by the District. The CMT will oversee and implement the District's concussion policy, including the requirement that all school coaches, physical education teachers, nurses, and certified athletic trainers who work with and/or provide instruction to pupils engaged in school-sponsored athletic activities complete training relating to MTBIs. Furthermore, every CMT may establish and implement a program which provides information on MTBIs to parents and persons in parental relation throughout each school year.

Staff Training/Course of Instruction

Each school coach, physical education teacher, school nurse, and certified athletic trainer who works with and/or provides instruction to students in school-sponsored athletic activities will complete a course of instruction every two (2) years relating to recognizing the symptoms of concussions or MTBIs and monitoring and seeking proper medical treatment for students who suffer from a concussion or MTBI.

Components of the training will include:

a) The definition of MTBI;

b) Signs and symptoms of MTBI;

c) How MTBIs may occur;

d) Practices regarding prevention; and

e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

(Continued)

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The course can be completed by means of instruction approved by State Education Department (SED) which include, but are not limited to, courses provided online and by teleconference. The CMT will utilize the District's existing system to document all required training and professional development for District staff. Upon completion of the training each year, staff will forward their course completion certificate to the appropriate staff for entry into the system. The system will also use an email to remind staff of the need to complete the training each year. Because concussion symptoms may manifest themselves in any setting, all school staff will be encouraged to take the online training and be alert for students who may display or report concussion symptoms.

Information to Parents

The District will include the following information on MTBIs or concussions in any permission or consent form or similar document that may be required from a parent or person in parental relation for a student's participation in interscholastic sports. Similar information will be provided to all students when they sign up for participation in sports and/or through information provided in physical education, health or mental health classes. Information will include:

a) The definition of MTBI;

b) Signs and symptoms of MTBI;

c) How MTBIs may occur;

d) Practices regarding prevention; and

e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The District will provide a link on its website to this list of information from the SED's and Department of Health's websites.

Identification of Concussion and Removal from Athletic Activities

The District requires the immediate removal from all athletic activities of any student who has sustained, or is believed to have sustained, a MTBI or concussion. Any student demonstrating signs, symptoms or behaviors consistent with a concussion while participating in a class, extracurricular activity, or interscholastic athletic activity will be removed from the class, game or activity and must be evaluated as soon as possible by an appropriate health care professional. This removal must occur based on display of symptoms regardless of whether the injury occurred inside or outside of school. If there is any doubt as to whether the student has sustained a concussion, it will be presumed that the student has been injured until proven otherwise. The District will notify the student's parents or guardians and recommend appropriate evaluation and monitoring.

(Continued)

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The District may allow credentialed District staff to use validated neurocognitive computerized testing as a concussion assessment tool to obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose and treat a concussion. The District must seek authorization from the parent/guardian prior to the testing. Additionally, parents/guardians should be given a copy of the results upon request.

Return to School Activities and Athletics

The student will not return to physical activity (including athletics, physical education class, and recess) until he or she has been symptom-free for at least twenty-four (24) hours, and has been evaluated and received written authorization from a licensed physician. In accordance with Commissioner's Regulations, the District's Medical Director will give final clearance on a return to activity for extra-class athletics. All authorizations will be kept on file in the student's permanent health record. The standards for return to athletic activity will also apply to injuries that occur outside of school. School staff should be aware that students may exhibit concussion symptoms caused by injuries from outside activities and that these visible symptoms also indicate a removal from play.

The District will follow any directives issued by the student's treating physician with regard to limitations and restrictions on school and athletic activities for the student. The District will also develop a coordinated communication plan among appropriate staff to ensure that the treating physician's orders for post-concussion management are implemented and followed. The school nurse will work to ensure that all the necessary staff get the information they need to care for and work with the injured student.

The District's Medical Director and other licensed healthcare professionals employed by the District will also formulate a procedure and treatment plan to be utilized by District staff who may respond to students or staff with possible concussions during the school day.

In accordance with SED guidelines, this policy will be reviewed and updated periodically. The Superintendent, in consultation with the District's Medical Director and other appropriate staff, may develop regulations and protocols for strategies to prevent concussions, the identification of concussions, and procedures for removal from and return to activities or academics.

Education Law § 305(42)
8 NYCRR §§ 135.4 and 136.5
Guidelines for Concussion Management in Schools , SED Guidance Document, 2018

Adopted: 12/12/12
Revised: 12/12/18

SUBJECT: CHILD ABUSE AND MALTREATMENT

The District takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations will be developed, maintained and disseminated by administration regarding the:

a) Mandatory reporting of suspected child abuse or maltreatment;

b) Reporting procedures and obligations of persons required to report;

c) Provisions for taking a child into protective custody;

d) Mandatory reporting of deaths;

e) Immunity from liability and penalties for failure to report;

f) Obligations for provision of services and procedures necessary to safeguard the life or health of a child; and

g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all current and new school officials will be established and implemented to enable the staff to carry out their reporting responsibilities.

Reporting Information

The District will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of school buildings. The District will also make this information available from its administrative offices; provide it to parents and persons in parental relation at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. The District may post and provide this information in other, common languages used by the school community.

Persons Required to Report

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) in accordance with Social Services Law Section 413(1) include, but are not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate, and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

All mandated reporters must make the report themselves and then immediately notify the Building Principal or designee. The Building Principal or designee will be responsible for all subsequent administration necessitated by the report. Any report must include the name, title and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

Prohibition of Retaliatory Personnel Action

The District will not take any retaliatory personnel action against an employee because the employee believes that he or she has reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR. Further, no school official will impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

"Retaliatory personnel action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee.

Report Form

The "**Report of Suspected Child Abuse or Maltreatment**" Form LDSS-2221A may be accessed at the Office of Children and Family Services (OCFS) website.

Child Abuse in an Educational Setting

The District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers.

"Child abuse" means any of the following acts committed in an educational setting by an employee or volunteer against a child (defined as a person under the age of 21 years enrolled in a school):

a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or

b) Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or

c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or

d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Penal Law Article 235.

Administrator or school administrator means a principal, or the equivalent title, in a school, or other chief school officer.

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

"Educational setting" means the building(s) and grounds of the District; the vehicles provided directly or by contract by the District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off District grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

In any case where an oral or written allegation is made to a teacher, school nurse, school counselor, school psychologist, school social worker, school administrator, Board member, or other school personnel required to hold a teaching or administrative license or certificate, as well as a licensed and registered physical therapist licensed and registered occupational therapist, licensed and registered speech-language pathologist, Teacher Aide or school resource officer that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that person will upon receipt of 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 will be completed on a form as prescribed by the Commissioner of Education and available at _____.

b) Except where the school administrator is the person receiving the oral or written allegation, the employee completing the written report must promptly *personally deliver* a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred.

In any case where an oral or written allegation is made to a school bus driver employed by a person or entity that contracts with the District to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that school bus driver will upon receipt of the allegation, promptly report or cause a report to be made to his or her supervisor employed by the contracting person or entity.

In any case where an oral or written report or allegation is made to a supervisor who is employed by a person or entity that contracts with the District to provide transportation services to children from a person employed by the contracted person or entity that a child has been subjected to child abuse by an employee or volunteer in an educational setting, the supervisor must, upon receipt of an allegation:

a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent or guardian; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This report must be completed on a form prescribed by the Commissioner.

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

b) Ensure that the written report is personally delivered to the Superintendent employed by the school district where the child abuse occurred or, for a school other than a school district or public school, the school administrator employed by the school where the child abuse occurred.

In any case where it is alleged a child was abused by an employee or volunteer of a school other than a school within the District, the report of these allegations will be promptly forwarded to the Superintendent of the District of the Superintendent of the school district where the abuse of the child allegedly occurred. If a case involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate Superintendent, must be notified of the allegations of abuse.

If it is alleged the child was abused by the Superintendent or administrator, the report of the allegations will be made to the designated Compliance Officer, who can be reached at _____..

Any employee, volunteer, or supervisor who is employed by a person or entity that contracts with the District to provide transportation services to children who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law will have immunity from civil liability which might otherwise result by reason of such actions.

Upon receipt of a written report alleging child abuse in an educational setting, a school administrator or the Superintendent or the designated Compliance Officer 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 or the designated Compliance Officer must follow the procedures mandated in law and further described in administrative regulations including parental notification. When the school administrator receives a written report, he or she must promptly provide a copy of such report to the Superintendent or the designated Compliance Officer and promptly forward the report to appropriate law enforcement. In on event will reporting to law enforcement be delayed by an inability to contact the Superintendent.

Where the Superintendent or, in a school other than a school district or public school, the school administrator has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent or the designated Compliance Officer will also refer the report to the Commissioner if 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 or designated Compliance Officer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits a report to a person or agency as required by law, will have immunity from civil liability which might otherwise result by reason of such actions.

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

Reports and other written material submitted in accordance with law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive that information, will be confidential and will not be re-disclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or in accordance with a court-ordered subpoena. School administrators and the Superintendent or the designated Compliance Officer will exercise reasonable care in preventing such unauthorized disclosure.

Additionally, teachers and all other school officials will be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. The Commissioner will furnish the District with required information, including rules and regulations for training necessary to implement District and staff responsibilities under the law.

All persons employed by the District, in titles equivalent to teacher or administrator, and any school bus drivers employed by a person or entity that contracts with the District to provide transportation services to children, are required to complete coursework or training regarding the identification and reporting of child abuse and maltreatment in accordance with law and Commissioner's regulations.

Prohibition of "Silent" (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner, as appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his or her position.

The Superintendent (or other school administrator) who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation as required by law will have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

Prohibition on Aiding and Abetting Sexual Abuse

Unless exempted by law, no District employee, contractor, or agent of the District will assist another District employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law.

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

Education Law Article 23-B and §§ 409-1, 902(b), 3028-b, and 3209-a
Family Court Act § 1012
Labor Law § 740(1)(e)
Penal Law Articles 130, 235 and 263
Social Services Law §§ 411-428
8 New York Code of Rules and Regulations (NYCRR) Part 83, § 100.2(nn)
20 USC § 7926

Adopted: 06/27/07
Revised: 12/17/14
Revised: 04/12/17
Revised: 04/10/19
Revised: 03/22/23

POLICY

2025 7540

Students

SUBJECT: STUDENT MENTAL HEALTH AWARENESS

The factors contributing to student mental health are complex and multi-faceted. School may be one place where individuals at risk may be recognized and supported. The District is committed to the education and awareness of risk factors and procedures for intervening if a student exhibits risk factors, including referral services.

NOTE: Refer also to Policies: #3420 -- Anti-Harassment in the School District
#5681 -- School Safety Plans
#7552 -- Bullying: Peer Abuse in the Schools
#7553 -- Hazing of Students

Adopted: 6/27/07
Revised: 2/16/11
Revised: 05/07/25

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

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

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

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

Age Discrimination in Employment Act, 29 United States Code Section 621
Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.
Prohibits discrimination on the basis of race, color or national origin.
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Prohibits discrimination on the basis of race, color, religion, sex or national origin.

(Continued)

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

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

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

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

NOTE: Refer also to Policy #3420 -- Anti-Harassment in the School District

Adopted: 6/27/07

SUBJECT: SEXUAL HARASSMENT OF STUDENTS

The Board of Education affirms its commitment to provide an environment free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. The Board, therefore, prohibits all forms of sexual harassing conduct against students by other students, employees, school volunteers, and non-employees such as contractors and vendors, which occur on school grounds and at school-sponsored events, programs and activities, including those that take place on at locations off school premises.

Sexual Harassment

The legal definition of sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, or physical conduct of a sexual nature. For the purposes of this policy, sexual harassment also includes sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes, but is not limited to: rape, sexual assault, sexual battery, and sexual coercion.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, District employees, or third parties such as visitors or school volunteers.

While the foregoing provides a legal definition of sexual harassment, this Policy prohibits all sexual harassing conduct, as described below.

Examples of Prohibited Conduct

Sexual harassing conduct can be verbal, non-verbal, or physical. Examples of such conduct may include, but are not limited to the following:

a) Verbal abuse or ridicule, including innuendoes, stories and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.

b) Direct or indirect threats or bribes for unwanted sexual activity.

c) Asking or commenting about a person's sexual activities.

d) Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.

e) Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.

f) The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.

(Continued)

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

g) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.

h) Unwelcome and/or offensive public displays of sexual/physical affection.

i) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.

j) Demanding sexual favors of a student, insinuating that refusal to acquiesce in such favors will adversely affect a student's grades, references, academic/scholastic placement, and/or participation in extracurricular activities.

k) Engaging in sexual conduct with an individual who is unable to consent due to his/her age, use of drugs or alcohol, intellectual disability, or other disability.

l) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

Investigation of Complaints and Grievances

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassing conduct in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassing conduct, should immediately report such alleged conduct. The District recognizes that sexual harassment is a sensitive issue and that students may choose to inform any trusted staff member of suspected discriminatory or harassing conduct. Staff members who receive such complaints will immediately inform the Civil Rights Compliance Officer. Where appropriate, the Civil Rights Compliance Officer may seek the assistance of the relevant Dignity Act Coordinator in investigating, responding to, and remedying such student complaints. In the event that the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated an additional individual to serve in such capacity, or to the Superintendent.

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of sexual harassing conduct and will promptly take appropriate action to protect individuals from further harassing conduct. All such complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, in consultation with the Title IX Compliance Officer and consistent with any applicable Title IX regulations.

(Continued)

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District and Administrative Regulation #3420R -- Non-Discrimination and Anti-Harassment in the School District.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in good faith in the investigation of a complaint of sexual harassing conduct.

Where appropriate, follow-up inquiries will be made to verify that sexual harassment has not resumed and that all those involved in the investigation of the sexual harassment have not suffered retaliation.

Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
34 Code of Federal Regulations (CFR) Section 100 et seq.
Education Law Section 2801(1)
OCR Dear Colleague Letter, April 4, 2011

Adopted: 06/27/07
Revised: 07/13/11
Revised: 12/17/14
Revised: 03/22/23

SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS

The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying of a person by any other person is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus. The Board of Education shall require the prohibition of bullying - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take three forms:

a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);

b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and

c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

Although this Policy focuses on the bullying of a student by another student, it should be noted that bullying against any individual is strictly prohibited. This includes bullying of staff members against students, students against staff members, staff members against other staff members, and bullying by or against any parents, persons in parental relation, volunteers, visitors or vendors who may be on school property or at school sponsored events as defined above.

Engages in Cyberbullying Behavior

As with other forms of bullying, cyberbullying is an attempt to display power and control over someone perceived as weaker. Cyberbullying involving District students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of personal digital devices while at school, such as cell phones, digital cameras, and personal computers to engage in bullying.

Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings (including blogs).

(Continued)

SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS (Cont'd)

Cyberbullying has the effect of:

a) Physically, emotionally or mentally harming a student;
b) Placing a student in reasonable fear of physical, emotional or mental harm;
c) Placing a student in reasonable fear of damage to or loss of personal property; and
d) Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

Also, cyberbullying that occurs off-campus, that causes or threatens to cause a material or substantial disruption in the school, could allow school officials to apply the "**Tinker** standard" where a student's off-campus "speech" may be subject to formal discipline by school officials when it is determined that the off-campus speech did cause a substantial disruption or threat thereof within the school setting [Tinker v. Des Moines Indep. Sch. Dist. 393 U.S. 503 (1969)]. Such conduct could also be subject to appropriate disciplinary action in accordance with the *District Code of conduct* and possible referral to local law enforcement authorities.

Reports of Allegations of Bullying/Cyberbullying Behavior

Any person who believes that he/she is being subjected to bullying/cyberbullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, shall report the bullying to any staff member or the Building Principal. The administration will take all reasonable steps to investigate and determine facts related to the reported issue while ensuring adherence to SED law regarding student rights. Given the sophistication of social media/technology, administration will work to partner with families to prevent cyberbullying as it is recognized that these behaviors often occur outside of the school day and take appropriate reasonable action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of bullying. Investigation of allegations of bullying shall follow the procedures utilized for complaints of harassment within the School District. Allegations of bullying shall be promptly and equitably investigated and will be treated as confidential and private to the extent possible within legal constraints.

Prevention and Intervention

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior.

(Continued)

SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS (Cont'd)

Prevention and intervention techniques within the District to prevent against bullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims and/or parents to help ensure that the bullying stops.

Rules against bullying shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of bullying/cyberbullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying/cyberbullying behavior has not resumed and that all those involved in the investigation of allegations of bullying have not suffered retaliation.

Civil Service Law Section 75-B

NOTE: Refer also to Policies #3420 -- Anti-Harassment in the School District
#7551 -- Sexual Harassment of Students
#7553 -- Hazing of Students
District Code of Conduct

Adopted: 06/27/07
Revised: 03/17/10
Revised: 02/15/12
Revised: 05/07/25

POLICY

2015 7553

Students

SUBJECT: HAZING OF STUDENTS

The Board of Education is committed to providing a safe, productive and positive learning environment within its schools. Hazing activities are demeaning and abusive behaviors that harm victims, are inconsistent with the educational goals of the District, and may constitute criminal conduct. Consequently, the hazing of a students by other students or groups of students is strictly prohibited on school property; in school buildings; on school buses; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Hazing is prohibited regardless of the victim's apparent willingness to participate in the activity.

For purposes of this policy, the term *"hazing" is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate*. Acts constituting hazing may range in severity from teasing or embarrassing a student to various forms of physical, emotional, and/or sexual abuse. Hazing behaviors include, but are not limited to:

1) Humiliation: socially offensive, isolating or uncooperative behaviors.

2) Substance abuse: abuse of tobacco, alcohol or illegal drugs.

3) Other dangerous actions: hurtful, aggressive, destructive, and disruptive behaviors.

Hazing is a form of harassment and bullying, as those terms are defined for the purposes of Policy #7560 – Dignity for All Students, and may constitute discrimination. As such, the District's response to reports of hazing will be governed by applicable law, the District's *Code of Conduct*, and Policy #7560 and its implementing regulations. In the event allegations involve hazing based on a student's race, color, religion, national origin, sex, sexual orientation, or disability, the District may utilize the procedures set forth in Policy #3420 – Non-Discrimination and Anti-Harassment in the School District, and its implementing regulations.

Education Law Sections 1709-a, 2503-a, 2554-a and 2801
New York State Penal Law Sections 120.16 and 120.17
8 New York Code of Rules and Regulations (NYCRR) Section 100.2

NOTE: Refer also to: Policy #3420 – Anti-Harassment in the School District
Policy #7551 – Sexual Harassment of Students
District Code of Conduct

Adopted: 06/27/07
Revised: 04/28/10
Revised: 03/21/12
Revised: 05/20/15

POLICY

2025 7554

Students

SUBJECT: STUDENT GENDER IDENTITY

All students need a safe and supportive educational environment to progress academically and developmentally. The District is committed to fostering a safe learning environment for all students, free from discrimination and harassment on the basis of sex, gender, gender identity, and gender expression. All students shall have an equal opportunity to access school programs, facilities, and activities, consistent with law. The District will comply with applicable laws and will work to address the specific needs of each student on a case-by-case basis.

As the law, guidelines, and best practices may change over time, the Board directs the Superintendent to promulgate regulations to assist the District.

Records

Any requests to modify student educational records will comply with legal requirements related to these records. Former students seeking to modify their educational records will have all rights afforded to them under law. It may be necessary to maintain a confidential record of a student's birth name after modification to the student's official education records.

Family Educational Rights and Privacy Act (FERPA), 20 USC § 1232g
34 CFR Part 99
Title IX of the Education Amendments of 1972
Education Law Article 2 and §§ 2-d, 11(7), 3201-a
8 NYCRR § 100.2

NOTE: Refer also to Policies: #3420 - Non-Discrimination and Anti-Harassment in the School District
#7560 – Dignity for all Students
#7551 -- Sexual Harassment of Students
#7553 -- Hazing of Students
#8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adopted: 11/04/15
Reviewed: 01/31/18
Reviewed: 10/03/18
Revised: 07/09/25

SUBJECT: DIGNITY FOR ALL STUDENTS ACT

The District seeks to create an environment free of harassment, bullying, and discrimination, to foster civility in its schools, and to prevent conduct which is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions.

The District further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by employees or other students on school property and at school functions.

In addition, other acts of harassment, bullying, and/or discrimination that occur off school property may be subject to discipline or other corrective action, where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

Dignity Act Coordinator

In each of its schools, the District will designate at least one employee to serve as the Dignity Act Coordinator (DAC) and receive reports of harassment, bullying, and/or discrimination. Each DAC will be:

a) Approved by the Board;

b) Licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or Superintendent;

c) Instructed in the provisions of the Dignity for All Students Act and its implementing regulations;

d) Thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;

e) Provided with training which addresses the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;

f) Provided with training in the identification and mitigation of harassment, bullying, and discrimination; and

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

g) Provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

The District will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

a) Listing it in the *Code of Conduct,* with updates posted on the District's website; and

b) Including it in the *Code of Conduct's* plain language summary provided to all parents or persons in parental relation to students before the beginning of each school year; and

c) Providing it to parents and persons in parental relation in at least one District or school mailing or other method of distribution, each school year, including, but not limited to, electronic communication and/or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other method of distribution as soon as practicable thereafter; and

d) Posting it in highly visible areas of school buildings; and

e) Making it available at the district and school-level administrative offices.

If a DAC vacates his or her position, the District will immediately designate another eligible employee as an interim DAC, pending approval of a successor DAC from the Board within 30 days of the date the position was vacated. In the event a DAC is unable to perform his or her duties for an extended period of time, the District will immediately designate another eligible employee as an interim DAC, pending return of the previous individual to the position.

Training and Awareness

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and/or discrimination, and to discourage and respond to incidents of harassment, bullying, and/or discrimination. This training may be provided in conjunction with existing professional development, and will be conducted consistent with guidelines approved by the Board, and will include training to;

a) Raise awareness and sensitivity to potential acts of harassment, bullying, and discrimination;

b) Address social patterns of harassment, bullying, and discrimination;

c) Inform employees on the identification and mitigation of harassment, bullying, and discrimination;

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

d) Enable employees to prevent and respond to incidents of harassment, bullying, and discrimination;

e) Make employees aware of the effects of harassment, bullying, cyberbullying, and discrimination on students;

f) Provide strategies for effectively addressing problems of exclusion, bias and aggression;

g) Include safe and supportive school climate concepts in curriculum and classroom management; and

h) Provide for the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the *Code of Conduct*, publicized District-wide and disseminated to all staff and parents or persons in parental relation. Any amendments to the *Code of Conduct* will be disseminated as soon as practicable following their adoption. The District will provide new employees with a complete copy of the current *Code of Conduct* upon beginning their employment, and distribute an age-appropriate summary to all students at a school assembly at the beginning of each school year.

Internal Reports and Investigations of Harassment, Bullying, and/or Discrimination

All District employees who witness or receive an oral or written report of harassment, bullying, and/or discrimination are required to take act ion. District employees must make an oral report promptly to the Superintendent or principal, their designee, or the Dignity Act Coordinator (DAC) not later than one school day after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination. No later than two school days after making the oral report, the District employee must file a written report with the Superintendent or principal, their designee, or the DAC.

The Superintendent or principal, their designee, or the DAC will lead or supervise the thorough investigation of all reports of harassment, bullying, and/or discrimination and ensure that all investigations are promptly completed after the receipt of a written report. In investigating any allegation, the investigator may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remedying complaints of harassment, bullying, and/or discrimination.

When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the Superintendent or principal, their designee, or the DAC will take prompt action, consistent with the District's *Code of Conduct*, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom the behavior was directed.

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

The Superintendent or principal, their designee, or the DAC will promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying, and/or discrimination constitutes criminal conduct.

Reporting Incidents

Reporting Incidents to the Superintendent

At least once during each school year, each building principal will provide a report on data and trends related to harassment, bullying, and/or discrimination to the Superintendent in a manner prescribed by the District. This report will be used to submit the annual School Safety and the Educational Climate (SSEC) Summary Data Collection form to the State Education Department (SED).

Reporting of Material Incidents to the Commissioner of Education

Each school year, the District will submit to the Commissioner a report of material incidents of harassment, bullying, and/or discrimination that occurred during the school year in accordance with law and regulation. This report will be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or other date determined by the Commissioner.

Prohibition of Retaliatory Behavior (Whistle-Blower Protection)

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, and/or discrimination by an employee or student, on school grounds or at a school function, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in reporting or investigation of an incident of alleged harassment, bullying, or discrimination.

Publication of District Policy

At least once during each school year, all employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy will include information relating to how students, parents, or persons in parental relation, and employees may report harassment, bullying, and/or discrimination. Additionally, the District will maintain a current version of this policy on its website at all times.

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

Application

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation, including, but not limited to, any remedies or rights available under the Individuals With Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Education Law §§ 10-18 and 2801
8 New York Code of Rules and Regulations (NYCRR) § 100.2

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board of Education
#3420 -- Non-Discrimination and Anti-Harassment in the District
#5670 -- Records Management
#6411 -- Use of E-mail in the District
#7551 -- Sexual Harassment of Students
#7552 -- Bullying: Peer Abuse in the Schools
#7553 -- Hazing of Students
#8242 -- Civility, Citizenship and Character Education/ Interpersonal Violence Prevention Education

Adopted: 10/03/12
Revised: 07/15/13
Revised: 05/20/15
Revised: 01/31/18
Revised: 01/22/20
Revised: 03/22/23

POLICY

2014 7570

Students

SUBJECT: SUPERVISION OF STUDENTS

Students working on any activity must be supervised by the teacher or staff member in charge of the activity. This applies to all in school and co-curricular activities as well as sports activities and events. Permission to hold practices or meetings must not be granted unless a teacher or staff member is definitely in charge.

a) District personnel will be fully responsible for the supervision of all students in either their class or their after school activities.

b) Coaches will maintain supervision over the dressing rooms by personally being present during the dressing periods. Coaches are responsible for the supervision of their athletes at the end of practice. This may entail bus duty, or making sure students have transportation home.

c) Teachers and/or assigned school personnel in the elementary grades will be responsible for the playground supervision of all the children under their jurisdiction during the recess periods and before the regular afternoon sessions. The Principal will distribute the responsibility so that the playground situation will be properly controlled.

d) Students are not to be sent on any type of errand away from the building.

e) All teachers and staff working directly with students who have a history of wandering or elopement (i.e., the act of a student who leaves or runs away from the premises without permission or notification, often referring to students who have autism spectrum disorder or diminished cognitive impairment) will be made aware of these concerns and of any existing behavioral intervention plan formulated to prevent or respond to instances of wandering or elopement.

NOTE: Refer also to Policy #5681 – School Safety Plans
#5730 - Transportation of Students

Adopted: 06/27/07
Revised: 10/15/14

POLICY

2012 7610

Students

SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN

A District plan shall be developed describing the Special Education program in the Naples Central School District. The District plan shall include the following:

a) A description of the nature and scope of special education programs and services currently available to students residing in the District, including but not limited to descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition.

b) Identification of the number and age span of students (school age and preschool) to be served by type of disability and recommended setting.

c) The method to be used to evaluate the extent to which the objectives of the program have been achieved.

d) A description of the policies and practices of the Board of Education to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities.

e) A description of the policies and practices of the Board of Education to ensure that appropriate space will be continually available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by Boards of Cooperative Educational Services.

f) A description of how the District intends to ensure that all instructional materials to be used in the schools of the District will be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students. The alternative format must meet the National Instructional Materials Accessibility Standard defined in federal law.

g) The estimated budget to support such plan.

h) The date on which such plan was adopted by the Board of Education.

i) A description of how the District plan is consistent with the special education space requirements plan for the region as developed by the Board of Cooperative Educational Services.

The District plan, with personally identifiable student information deleted, shall be filed and available for public inspection and review by the Commissioner.

20 United States Code (USC) Section 1474(e)(3)(B)
8 New York Code of Rules and Regulations (NYCRR) Part 155 and Section 200.2(c)

NOTE: Refer also to Policy # 7220 – Graduation Requirements/Early Graduation/Accelerated Programs

Adopted: 06/27/07
Revised: 05/02/12

SUBJECT: STUDENT APPROPRIATE SPECIAL EDUCATION PROGRAMS AND RELATED SERVICES FOR STUDENTS WITH DISABILITIES

A student with a disability means a student under the age of twenty-one who is entitled to attend public schools and who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. A student is not considered as having a disability if his/her educational needs are due primarily to unfamiliarity with the English language; environmental, cultural or economic factors; or lack of appropriate instruction in reading or mathematics.

The Board of Education recognizes its responsibility for providing a continuum of appropriate special education and related services that meet the individual needs of disabled school-aged and preschool students and enable the student to be involved in the general education curriculum. To achieve this goal the Committee on Special Education (CSE) shall provide the Board with a written evaluation report for each disabled student, which includes:

a) Identification of disabling condition.

b) Recommendation(s) for a special education program and/or related service(s) consistent with Section 200.6(a) of the Commissioner's Regulations.

The CSE or CPSE, whichever is appropriate, shall develop an Individualized Education Program for every child with a disability and shall review it at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

The Board of Education shall arrange for each student with a disability to be provided the special education services recommended by the CSE/CPSE as necessary to meet the student's special education needs. Services shall be provided in the least restrictive environment as defined in District Policy No. 7615, Section 200.1(cc) of the Commissioner's Regulations and the student's IEP.

Students with disabilities placed together in a special education class for shall be grouped by similarity of individual needs as defined in Sections 200.1(ww) and 200.6(a)(3) and (h) of the Commissioner's Regulations. Staffing for special education programs and services will be in accordance with the requirements of the Commissioner's Regulations.

Extended School Year Services and/or Programs

The School District shall provide, directly or by contract, special services and/or programs during July and August (i.e., extended school year) to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) in accordance with the Commissioner's Regulations.

(Continued)

SUBJECT: STUDENT APPROPRIATE SPECIAL EDUCATION PROGRAMS AND RELATED SERVICES FOR STUDENTS WITH DISABILITIES (Cont'd.)

Provision of Special Education Services to Nonpublic School students with Disabilities who are Parentally Placed

The **district of location** is responsible for student find, including individual evaluations, Committee on Special Education (CSE) meetings, provision of special education services and due process to parentally placed nonpublic school students attending nonpublic schools located in the geographic region of the public school district.

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool students with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, State-supported or State-operated schools or to Charter schools.

The actual cost for Committee on Special Education (CSE) administration, evaluations and special education services provided to a student with a disability who is a resident of New York State, but a nonresident tot eh district of location, may be recovered from the student's school district of residence. Because federal regulations require parental consent before any personally identifiable information about the student relating to special education is shared between officials in the public school district of location and officials in the public school district of residence, parent consent to share special education information between the two public school districts is required before billing a district of residence for the cost of special education services provided to the student by the district of location.

Parental consent must be obtained by the school district of location before any personally identifiable information about the student is shared between officials in the public school district of residence and officials in the public school district of location.

The school district of location must consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the school district. The school district must engage in consultation regarding the student find process and services generally; consultation is not specific to individual students. Individual services are determined by the CSE.

The consultation process must be timely and meaningful and include discussion of:

1) Child Find;
2) Provision of Special Education Services; and
3) Use of Federal Funds.

(Continued)

SUBJECT: STUDENT APPROPRIATE SPECIAL EDUCATION PROGRAMS AND RELATED SERVICES FOR STUDENTS WITH DISABILITIES (Cont'd.)

The school district of location must provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out-of-state students must be documented on a services plan that is developed by the CSE of the district of location. The services plan is the written plan that describes the specific special education and related service that the district of location will provide to the student consistent with the services that the district of location has determined through the consultation process and in relation to the proportionate shares of federal IDEA Part B dollars, to be provided to the student.

Tuition Reimbursement Claims for Disable Nonpublic School Students

The parent must comply with the IDEA's pre-hearing notice requirement for tuition reimbursement claims. Specifically, the IDEA directs that at least ten (10) business days before submitting a request for an impartial due process hearing for tuition reimbursement, the parent must give the district written notice of intent to enroll the student in private school at public expense. The purpose of this requirement is to give the public school district's CSE the opportunity to meet and develop a new IEP for the student that addresses the parent's concerns. *A parent who does not provide such written notice within ten (10) days may have his request for reimbursement reduced or denied. In most cases, a parent's failure to satisfy these notice requirements is a complete bar to recovery.*

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Sections 612 and 614

Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.

20 United States Code (USC) Section 9101(23)
21 United States Code (USC) Section 812(c)
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 3004(4), 3004(5), 3208, 3242, 3602-c, 4401-4407 and 4410-6
8 New York Code of Rules and Regulations (NYCRR) Sections 52,21, 57-3, 100.5, 100.9, 177.2, 200.2(b), 200.2(c)(2)(v), 200.4(effective)(9) and 200.6(a)(1)

Adopted: 02/24/2010
Revised: 03/22/2023

POLICY

2023 7612

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) Each student with a disability shall be identified, evaluated and receive a placement as determined by the Committee on Special Education (CSE).

b) The Committee will determine written goals, including academic and functional goals, for each student with a disability by considering the special and individual needs of each student with a disability. Short-term instructional objectives for each preschool student with a disability and for students who take New York State alternate assessments.

c) The Committee will 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 will 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 will be consistent with the individual needs of each student in the group.

f) Students with disabilities may be grouped according to:

(1) Academic achievement, functional performance and learning characteristics;
(2) Social development;
(3) Physical development; and
(4) Management needs.

g) When grouping students by similarity of needs, the social needs or physical development of a student will not be the sole determinant for placement of a student in a special education program.

h) The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(3) and 200.6(a)(3)

Adopted: 06/27/07
Revised: 03/22/23

SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM

The Board of Education shall establish at least one Committee on Special Education and one Committee on Preschool Special Education. The Board shall also establish, as necessary, Subcommittees on Special Education to ensure timely evaluation and placement of students with disabilities.

Committee on Special Education

The Board of Education shall, upon completion of its review of the recommendations of the CSE, arrange for the appropriate special education programs and services to be provided to a student with a disability. The Board shall notify the parent/guardian of its action in accordance with federal and state law and regulations.

For a student not previously identified as having a disability, the CSE shall provide a recommendation to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the date of receipt of consent to evaluate. For a student with a disability referred for review, a recommendation shall be provided to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the referral for review. However, if such recommendation of the CSE is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such special education programs and services for students with disabilities within thirty (30) school days of the Board's receipt of the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board of Education disagrees with such recommendation, the Board shall follow one of the following procedures:

a) The Board may remand the recommendation to the CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,

b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or

(Continued)

SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)

concerns. The second CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parents/guardians with written notice and a copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

Committee on Preschool Special Education

Upon receipt of the recommendation of the Committee on Preschool Special Education (CPSE), the Board of Education shall arrange for the preschool student with a disability to receive such appropriate programs and services in accordance with the student's IEP, commencing with the July, September or January starting date for the approved program, unless such services are recommended by the CPSE less than thirty (30) school days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, such services shall be provided no later than thirty (30) days from the recommendation of the CPSE.

If the Board disagrees with the recommendation of the CPSE, the Board shall send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board of Education shall provide such notice as required by federal and state law and regulations.

Subcommittee on Special Education

The number of Subcommittees on Special Education will be determined by the CSE and the CSE will be responsible for the oversight and monitoring of the activities of each subcommittee to assure compliance with the requirements of applicable state and federal laws and regulations.

Each Subcommittee may perform the functions for which the CSE is responsible, except:

a) When a student is considered for initial placement in a special class; or

b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or

(Continued)

SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)

c) When a student is considered for placements in a school primarily serving students with disabilities or a school outside the District.

Subcommittees shall report annually to the CSE regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relation to a student, the Subcommittee shall refer to the CSE any matter in which the parent disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate education to the student.

Education Law Sections 4402 and 4410
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(d)(1), 200.4(c), 200.4(d), 200.5 and 200.16(e)

NOTE: Refer also to Policies #7631 -- Appointment and Training of Committee on Special Education (CSE)/Subcommittee on Special Education Members
#7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Adopted: 6/27/07

POLICY

2023 7614

Students

SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM

The Board recognizes the need for educational programs for three (3) and four (4) year old children with disabilities and directs that administrative practices and procedures be developed to:

a) Ensure the 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.

All preschool students with a disability residing in the District may participate in an approved preschool program, and receive timely evaluation and placement through the Committee on Preschool Education, consistent with the Commissioner's Regulations.

The District shall ensure on an annual basis that all CPSE members are qualified and are trained regarding their responsibilities, specifically including the requirement that parents of preschool students receive and understand the request for consent for evaluation. The District will take measurable steps to recruit, hire, train, and retain highly qualified personnel for all CPSE members and special education providers.

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 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 Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
Education Law Section 4410
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(2), 200.2(b)(5) and 200.5

Adopted: 06/27/07
Revised: 05/21/14
Revised: 03/22/23

POLICY

2023 7615

Students

SUBJECT: LEAST RESTRICTIVE ENVIRONMENT

The District will, pursuant to law and regulation, to educate students with disabilities in the least restrictive environment. This will include:

a) Education in regular classes with supplemental supports and services, supplementary education in a resource room, consultant teacher instruction in regular classes, education for part of the day in certain subject areas 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 non-disabled 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.

The District will provide a continuum of alternative placements, in accordance with law and/or regulation, will be available to meet the needs of students with disabilities. Where accommodations are necessary for a student with a disability to participate in a District-sponsored program or activity consistent with law, including extracurricular and nonacademic activities, a multidisciplinary team, which may be the CSE or Section 504 team, shall determine appropriate accommodations.

Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300

Education Law Sections 4401-4410-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.5, 100.9, 200.1(cc), 200.1(qq), 200.2(b), 200.4 and 200.6

Adopted: 06/27/07
Revised: 03/22/23

SUBJECT: SCHOOL-WIDE PRE-REFERRAL APPROACHES AND INTERVENTION

The District will implement schoolwide approaches and pre-referral interventions in order to remediate a student's performance within the general education setting prior to referral to the Committee on Special Education (CSE) for special education.

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). Consistent with applicable law and regulation, these practices and approaches may include, but are not limited to:

1. Providing early intervention services with funds available under the IDEA and which may be coordinated with similar activities conducted under the Elementary and Secondary Education Act. Such services would be made available to students not currently identified as needing special education and related services, but who need additional support to succeed in a general education setting. This may include professional development that enables teachers and other staff to deliver scientifically based academic instruction and behavioral interventions, such as scientifically based literacy instruction and, where appropriate, instruction on the use of adaptive and instructional software. It also may include educational and behavioral evaluations, services and supports.
2. Instructional Support Teams (IST) may be formed in accordance with law and/or regulations as may be applicable as well as District guidelines.
3. Implementation of a response to intervention (RTI) program that includes the minimum requirements established by Commissioner’s Regulations, and allows teachers and other staff to determine whether a student responds to scientific, research-based instruction or requires interventions beyond those provided to all students in the general education classroom.
4. Implementation of a positive behavioral intervention and support (PBIS) system that reduces school and classroom behavioral problems, and creates and maintains a safe and positive learning environment by promoting positive behavior in all students.

Pre-referral/Intervention Instructional Support Plans will be proactive in their strategies to meet the broad range of individual student needs and to improve student performance. Pre-referral/Intervention strategies and/or Instructional Support Plans will be reviewed and evaluated to determine their effectiveness and modified as appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented will be maintained.

(Continued)

SUBJECT: SCHOOL-WIDE PRE-REFERRAL APPROACHES AND INTERVENTION (Cont'd.)

If a referral is made to the CSE while implementing pre-referral/intervention instructional support services, the CSE is obligated to fulfill 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 (IEP), if applicable. District implementation of any of the above practices will not impede or delay the appropriate evaluation of a student suspected of having a disability, and the student's right to a free appropriate public education.

Parental notification of students who have been determined to need academic intervention services will be provided as per Commissioner's Regulations.

§ Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) § Section 794 et seq.
Education Law §§ Sections 3602(32), 4401 and 4401-a
8 New York Code of Rules and Regulations (NYCRR) §§ Sections 100.1(g), 100.1(p), 100.1(r), 100.1(s), 100.1(t), 100.2(v), 100.2(dd)(4), 100.2(ee), 200.2(b)(7), 200.4(a)(2), 200.4(a)(9); 200.4(c), and Part 154

NOTE: Refer also to Policy #7212 – Response to Intervention (RtI) Process

Adopted: 06/27/07
Revised: 02/15/17
Revised: 03/22/23

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The School District will 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.

At a minimum, the CSE must consider whether declassification is appropriate each time a reevaluation is completed, and upon the request of a parent. The School District must evaluate a student with a disability prior to determining that a student is no longer a student with a disability, and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent at no cost to the parent.

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, the recommendation shall:

a) Identify the declassification support services, if any, to be provided to the student; and/or the student's teachers; and

b) Indicate the projected date of initiation of such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one (1) year after the student enters the full-time regular education program.

Declassification Support Services

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 to the student or the student's teacher(s) to aid in the student's transition from special education to full-time regular education. These services are provided by persons certified or licensed in the appropriate area of service pursuant to Commissioner's Regulations Part 80. Such services include:

a) For the student, psychological services, social work services, speech and language improvement services, non-career counseling, and other appropriate support services; and

b) For the student's teacher, the assistance of supplementary school personnel and consultations with appropriate personnel.

(Continued)

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

When appropriate, the District shall provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

Procedural Safeguards Notice

The District shall use the procedural safeguards notice prescribed by the Commissioner of Education. The 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 notice will be translated orally or by other means to the parent in his/her native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that all due process procedures, pursuant to law and/or regulation, have been met.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446]
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4401-4410-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(u), 100.6, 200.1(ooo), 200.2(b)(8), 200.4(b)(4), 200.4(b)(5), 200.4(c)(3), 200.4(c)(4), 200.4(d)(1) and 200.5(a)

NOTE: Refer also to Policy #7641 – Transition Services

Adopted: 06/27/07
Revised: 12/18/13
Revised: 03/22/23

SUBJECT: USE OF TIME OUT ROOMS

"Time out" is a technique used to interrupt an unacceptable behavior by removing the student from the situation where the misbehavior is occurring. SED does not regulate the use of time outs, but does regulate the use of a separate room where a student may be removed for a time out.

Except as provided pursuant to 8 NYCRR Section 200.22(c) as referenced below, the School District shall not employ the use of time out rooms as a means of regulating student behavior.

Pursuant to Commissioner's Regulations, a time out room is defined "as an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her education program." Time out rooms will be used in conjunction with a behavioral intervention plan (that is designed to teach and reinforce alternative appropriate behaviors). The student is then removed to a supervised area to facilitate self-control. Time outs may also be used in unanticipated situations that pose an immediate concern for the physical safety of a student or others. Such unanticipated or emergency use requires proper documentation as outlined in Commissioner's Regulation Section 200.22(d)(4).

The District has adopted and implemented the following policy and procedures governing school use of time out rooms as part its behavior management approach consistent with Commissioner's Regulations, including the physical and monitoring requirements, parental rights and individualized education program (IEP) requirements for students with disabilities.

At a minimum, the use of time out rooms shall be governed by the following rules and standards:

a) The District prohibits placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised. The time out room shall be unlocked and the door must be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out or emergency interventions is prohibited.

   Staff shall continuously monitor the student in a time out room. The staff must be able to see and hear the student at all times.

   Under no circumstances shall a time out room in a school program be used for seclusion of the student, where the term "seclusion" is interpreted to mean placing a student in a locked room or space or in a room where the student is not continuously observed and supervised.

b) Factors which may precipitate the use of the time out room:

   Behaviors creating an unsafe environment for the students or others such as, but not limited to, hitting, biting, spitting, kicking or throwing of objects.

c) Time limitations for the use of the time out room:

   The time limitation for use of the time out room will be a maximum of sixty (60) minutes per incident.

(Continued)

SUBJECT: USE OF TIME OUT ROOMS (Cont'd.)

Further, a student's IEP shall specify when a behavioral intervention plan includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence as determined on an individual basis in consideration of the student's age and individual needs.

School administration or other personnel shall be notified in the event a student is placed in a time out room for excessive amounts of time; and such information shall be considered when determining the effectiveness of the student's behavioral intervention plan and the use of the time out room for the student. Whether the student requires a debriefing following the use of a time out room shall be left to the staff knowledgeable about the individual student.

d) Staff training on the policies and procedures related to the use of time out rooms shall include, but not be limited to, the following measures:

1. The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Commissioner's Regulations relating to the use of time out rooms, including members of the Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE).

2. Staff utilizing and supervising the time out room will be trained in de-escalation techniques and appropriate physical restraints to utilize as needed.

e) Data collection to monitor the effectiveness of the use of time out rooms:

District schools shall establish and implement procedures to document the use of time out rooms, including information to monitor the effectiveness of the use of the time out room to decrease specified behaviors. Such data would be subject to review by the State Education Department (SED) upon request.

Such data collection should appropriately include, but is not limited to, the following information:

1. A record for each student showing the date and time of each use of the time out room;

2. A detailed account of the antecedent conditions/specific behavior that led to the use of the time out room;

3. The amount of time that the student was in the time out room; and

4. Information to monitor the effectiveness of the use of the time out room to decrease specified behaviors which resulted in the student being placed in the room.

(Continued)

SUBJECT: USE OF TIME OUT ROOMS (Cont'd.)

f) Information to be provided to parents.

The School District shall inform the student's parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room for a student, and shall give the parent the opportunity to see the physical space that will be used as a time out room and provide the parent with a copy of the school's policy on the use of time out rooms.

Additionally, parents should be notified if their child was placed in a time out room. Minimally, *whenever a time out room is used as an emergency intervention* pursuant to Commissioner's Regulations Section 200.22(d), the parent shall be notified of the emergency intervention. Such notification will be provided the same day whenever possible.

The parent is a member of the CSE and the use of a time out room must be included on the student's IEP. The parent receives prior notice as to the recommendations on a student's IEP and may request due process in the event the parent does not agree with the CSE recommendations.

Parent reports of alleged inappropriate interventions used in a time out room should be directed to school administrators.

Physical Space Used as a Time Out Room

The physical space used as a time out room must meet certain standards.

a) The room shall provide a means for continuous visual and auditory monitoring of the student.

b) The room shall be of adequate width, length and height to allow the student to move about and recline comfortably.

c) Wall and floor coverings should be designed to prevent injury to the student, and there shall be adequate lighting and ventilation.

d) The temperature of the room shall be within the normal comfort range and consistent with the rest of the building.

e) The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student and shall meet all local fire and safety codes.

Education Law §§ 207, 210, 305, 4401, 4402, 4403, and 4410
8 NYCRR §§ 19.5, 200.1, 200.4, 200.7, 200.22, and 201.2

Adopted: 03/16/16
Revised: 03/22/23

POLICY

2023 7620

Students

SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT PROGRAMS

All students with disabilities residing in the District, including those of preschool age, will be provided with full access and opportunity to participate in School District programs, including nonacademic extracurricular programs and activities, that are available to all other students enrolled in the District. Nonacademic and extracurricular programs and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, referrals to agencies that provide assistance to individuals with disabilities and employment of students (both by the School District and assistance in making outside employment available).

Parents/guardians of students with disabilities, including those students placed in out-of-District programs, shall receive timely notice of such District programs and activities.

Community Resources

The District may compile a list of appropriate community resources to parents or persons in parental relation of a child with a disability. Such a list shall clearly state that these services are in addition to programs and services provided by the District and will not be paid for by the District. Any member of the District's committees or subcommittees on special education, or the District, who, acting reasonably and in good faith, provides this information shall not be liable for such action.

Education Law Sections 4402(1)(b)(3-a) and 4410(5)(b)(IV)
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(1) and 200.2(b)(2)

Adopted: 06/27/07
Revised: 03/17/10
Revised: 03/22/23

POLICY

2023 7621

Students

SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973

The Board of Education affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District shall make its program and facilities accessible to all its students with disabilities.

The District shall also identify, evaluate and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The District official responsible for coordination of activities relating to compliance with Section 504 is the Superintendent of Schools. This official shall provide information, including complaint procedures, to any person who feels his/her rights under Section 504 have been violated by the District or its officials.

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

Adopted: 06/27/07
Revised: 03/22/23

SUBJECT: COMMITTEE ON SPECIAL EDUCATION (CSE)/)/COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE)

Committee on Special Education (CSE) Membership

The Board of Education shall appoint a Committee on Special Education (CSE) whose membership shall include, but not be limited to, the following members:

a) The parent(s) or persons in parental relation of the student;.

b) At least one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);

c) At least one (1) special education teacher of the student, or, where appropriate, at least one (1) special education provider (i.e., related service provider) of such student;

d) A school psychologist;

e) A District representative who is qualified to provide or supervise special education and who is knowledgeable about the general education curriculum and the availability of District resources. This individual may be the same individual appointed as the special education teacher or provider or the school psychologist. The District representative will serve as the chairperson of the Committee:

f) An individual who can interpret the instructional implications of evaluation results, who may be a CSE member appointed as the regular education teacher, the special education teacher or provider, the school psychologist, or the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;

g) A school physician, if specifically requested in writing by the parent or by the District at least 72 hours prior to the meeting;

h) An additional parent member of a student with a disability residing in the District or a neighboring school district, provided that this parent's child has been declassified less than five years' prior or the child has graduated less than five years' prior, if specifically requested in writing by the parent of the student, the student, or member of the CSE at least 72 hours prior to the meeting;

i) Other persons having knowledge or special expertise regarding the student as designated by either the parent or District;

j) The student, if appropriate.

(Continued)

SUBJECT: COMMITTEE ON SPECIAL EDUCATION (CSE)/)/COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) (Cont'd.)

Subcommittee on Special Education Membership

The Board of Education may appoint,
Subcommittees on Special Education to assist in the timely evaluation and placement of students with disabilities in accordance with applicable law and Commissioner's regulations. The Board will determine the number of subcommittees to be appointed upon the recommendation of the CSE.

Committee on Preschool Special Education (CPSE) Membership

The Board will appoint a CPSE whose membership and purpose varies slightly from the membership of the CSE. The CPSE must include those same individuals as the CSE as set forth within this policy and also include the following members:

a) For a child in transition from early intervention programs and services, at the request of the parent or person in parental relation, the appropriate professional designated by the agency that has been charged with the responsibility for the preschool child; and

b) A representative of the municipality of the preschool child's residence.

Training

The training of qualified personnel is essential to the effective implementation of the Commissioner's Regulations regarding the education of all students with disabilities.

The Director of Special Education will establish 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 of the CSE and CPSE.

Alternative Means of Meeting

When conducting a meeting of the CSE or CPSE, the parent and the representative of the District appointed to the CSE or CPSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300 and Section 300.321
Education Law Section 4402
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(3), 200.3, and 200.4(d)(4)(i)(d)

NOTE: Refer also to Policies
#7613 -- The Role of the Board in Implementing a Student's Individualized Education Program
#7632 -- Appointment and Training of Committee on Preschool Special Education Members

Adopted: 06/27/07
Revised: 12/12/12
Revised: 03/22/23

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS

Committee on Preschool Special Education (CPSE) Membership

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) whose membership shall include, but not be limited to, the following members:

a) The parent(s) of the preschool child. To ensure that one or both parents are present at each CPSE meeting, the District and the parent(s) may agree to use alternative means of participation such as video conferences or conference phone calls;;

b) Not less than one (1) regular education teacher of such child (if the child is, or may be, participating in the regular education environment);

c) Not less than one (1) special education teacher of the child or, where appropriate, not less than one (1) special education provider (i.e., related service provider) of such child;

d) A representative of the School District who is qualified to provide, or supervise the provision of, special education and who is knowledgeable about the general education curriculum and about the availability of preschool special education programs and services and other resources of the District and the municipality (who shall serve as Chairperson of the CPSE);

e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, the special education teacher or provider, the school psychologist, the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;

f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;

g) An additional parent of a child with a disability who resides in the School District or a neighboring school district, and whose child is enrolled in a preschool or elementary level education program provided that such parent shall not be employed by or under contract with the School District; and provided further that such parent shall not be a required member unless the parents of the child or a member of the CPSE request, in writing, at least seventy-two (72) hours prior to such meeting, that the additional parent member participate in the meeting. The parents or other person in parental relation shall receive proper written notice of their right to have an additional parent attend any meeting of the committee regarding the student along with a statement, prepared by NYSED, explaining the role of having the additional parent attend the meeting;

(Continued)

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)

h) For a child's smooth transition from early intervention programs and services (Infant and Toddler Programs), at the request of the parent/person in parental relation, the appropriate professional designated by the agency that has been charged with the responsibility for the preschool child; and

i) A representative from the municipality of the preschool child's residence. Attendance of the appointee of the municipality is not required for a quorum.

However, except for the parents/persons in parental relation and the appointee from the municipality (a) and i) above) a member of the CPSE is not required to attend a meeting of the team in whole or in part if the parent/person in parental relation and the District agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed at that meeting.

Additionally, a member as described in letters b) through h) of this subheading may be excused from attending the CPSE meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing to the excusal not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:

a) The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

b) The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in a) above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation.

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

(Continued)

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Preschool Special Education.

Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Section 4410
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(3) and 200.3

NOTE: Refer also to Policies #7613 -- The Role of the Board of Education in Implementing a Student's Individualized Education Program
#7614 -- Preschool Special Education Program
#7631 -- Committee on Special Education/Subcommittee on Special Education Members

Adopted: 06/27/07
Revised: 12/18/13

POLICY

2023 7640

Students

SUBJECT: CONFIDENTIALITY AND ACCESS TO STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Provision of Individualized Education Program

Each regular education teacher, special education teacher, related service provider and/or other service provider who is responsible for the implementation of a student's IEP will be *provided with either a paper or electronic copy of the IEP (including amendments to the IEP) prior to the implementation of such program.* Such individuals responsible for the implementation of a student's IEP shall be notified and trained on how to access such IEP electronically. All individuals responsible for implementation of an IEP shall be notified and trained on how to access the IEP electronically. Supplementary school personnel and other providers responsible for assisting in implementation of an IEP shall have an opportunity to review a copy of the IEP prior to its implementation and shall have ongoing access to the IEP. For purposes of this policy, "other service provider" means a representative of another public school district, charter school, Board of Cooperative Educational Services (BOCES) or school enumerated in Education Law Articles 81, 85 or 89 where the student receives or will receive IEP services. Further, the District will designate at least one school official who shall be responsible for maintaining a record of the personnel who have received IEP copies for each student.

Any *copy of a student's IEP shall remain confidential* in compliance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records; and shall not be disclosed to any other person other than the parent of such student, except in accordance with federal and state laws and/or regulations. Appropriate training and information will be provided to designated school personnel, as applicable, to ensure the confidentiality of such information. Procedures will be established to have copies of students' IEPs stored in secure locations and retrieved or destroyed when the above-described professionals are no longer responsible for implementing a student's IEP.

The Chairperson of the Committee on Special Education shall designate a professional employee of the District with knowledge of the student's disability and the education program to, prior to the implementation of the student's IEP, inform each teacher, related service provider, teacher assistant and other support staff person of his or her responsibility relating to the implementation of the IEP and the specific accommodations, modifications and support that must be provided.

A copy of a student's IEP shall be provided to the student's parents at no cost to the student's parents.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 615(k)(l)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
21 United States Code (USC) Section 812(c)
Education Law Articles 81, 85 and 89 and Sections 207, 3208 and 4402(7)
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(hh), 200.2(b)(11), 200.4(b)(4), 200.4(d)(3)(i), 200.4(e)(3), 200.4(f), 200.4(j), 200.16(e)(6) and 200.22

Adopted: 03/17/10
Revised: 12/12/12
Revised: 03/22/23

SUBJECT: TRANSITION SERVICES

Beginning not later than the first individualized education program (IEP) to be in effect when the student is age 15 (and at a younger age, if determined appropriate), and updated annually, the student's IEP must include:

a) A statement of the student's needs taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities;

b) Appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;

c) A statement of transition service needs that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational educational program;

d) Needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and

e) A statement of the responsibilities of the District and participating agencies, when applicable, for the provision of such services and activities, before the student leaves the school setting, that promote movement from school to post-school opportunities.

As defined by the Commissioner's Regulations, transition services means a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate movement from school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational 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 strengths, preferences and interests and shall include needed activities in the following areas:

a) Instruction;

b) Related services (the term "related services" does not include a medical device that is implanted, or the replacement of such device);

c) Community experiences;

d) The development of employment and other post-school adult living objectives; and

(Continued)

SUBJECT: TRANSITION SERVICES (Cont'd.)

e) When appropriate, acquisition of daily living skills and functional vocational evaluation.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400 et seq.
34 Code of Federal Regulations (CFR) Sections 300.343, 300.347 and 300.348
Education Law Section 4401
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(qq), 200.1(fff), 2004.(d)(2)(ix), and 200.5(c)(2)(vii)

Adopted: 6/27/07

SUBJECT: EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS

The School District shall provide, directly or by contract, special services and/or programs during July and August (i.e., extended school year) to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the Committee on special Education (CSE)/Committee on Preschool Special Education (CPSE).

The CSE/CPSE must determine whether a student requires extended school year special education services and/or programs in order to prevent substantial regression. Substantial regression would be indicated by a student's inability to maintain developmental levels due to a loss of skill, set of skill competencies or knowledge during the months of July and August. In accordance with Commissioner's Regulations, students must be considered for twelve (12) month special services and/or programs to prevent substantial regression if they are:

a) Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes; or

   Preschool students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention;

b) Students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment and are placed in special classes; or

   Preschool students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment;

c) Students who are recommended for home and/or hospital instruction whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment; or

   Preschool students whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment in the home;

d) Students, including preschool students, whose needs are so severe that they can be met only in a seven (7) day residential program; or

(Continued)

SUBJECT: EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS (Cont'd.)

e) Students who are not in programs as described in subparagraphs (a) through (d) above during the period from September through June and who, because of their disabilities, exhibit the need for a twelve (12) month special service and/or program provided in a structured learning environment of up to twelve (12) months duration in order to prevent substantial regression as determined by the CSE; or

Preschool students who are not described in subparagraphs (a) through (d) above whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration to prevent substantial regression as determined by the Preschool Committee on Special Education (CPSE).

For students eligible for twelve (12) month service and/or program, the student's Individualized Education Program (IEP) shall indicate the identity of the provider of services during the months of July and August, and, for preschool students determined by the CPSE to require a structured learning environment of twelve (12) months duration to prevent substantial regression, a statement of the reasons for such recommendation.

The IEP shall indicate the projected date of the review of the student's need for such services and shall indicate the recommended placement.

Any District plan to operate a July/August program must be approved by the State Education Department in accordance with applicable laws, regulations, procedures, and/or guidelines.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
Education Law Section 4408
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(qq), 200.4(d)(2)(x), 200.5(b)(1)(iii), 200.6(j) and 200.16(h)(3)(v)

Adopted: 06/27/07
Revised: 10/15/14

POLICY

2007 7643

Students

SUBJECT: TRANSFER STUDENTS WITH DISABILITIES

To facilitate the transition of students with disabilities transferring into or out of the District the District shall:

a) As the district of origin take reasonable steps to promptly respond to all requests from the new school district.

b) As the new school district take reasonable steps to promptly obtain the student's records from the previous school, including the IEP, supporting documents and any other records relating to the provision of special education services.

c) Provide to a student with a disability (as defined in Section 200.1(zz) of Commissioner's Regulations) who transfers school districts within the same academic year a free appropriate education including services comparable to those described in the student's previous IEP.

1. For transfers within New York State, the previously held IEP will be followed in consultation with the parents until the District adopts the previously held IEP or develops, adopts and implements a new IEP consistent with federal and State law and regulation.

2. For transfers from outside New York State, in consultation with the parents the previously held IEP will be followed until the District conducts an evaluation and, if appropriate, develops a new IEP consistent with federal and State law and regulation.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400 et seq.
8 New York Code of Rules and Regulations (NYCRR) Section 200.4(e)(8)

Adopted: 6/27/07

SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES (CHILD FIND)

The District will locate, identify, and evaluate all students with disabilities who reside within its boundaries, including homeless children, children who are wards of the state, home-schooled children, and children attending private schools. Further, it is the policy of the Board of Education to conduct a census in order to locate and identify all children with disabilities within the District under the age of twenty-one (21), including those children as described above, and to establish a register of such students entitled to attend school or receive preschool services.

The Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) will maintain and annually revise the register of such students and others referred to the committee as possibly having a disability, as appropriate. In addition, census data shall be reported by October 1 to the CSE or CPSE as appropriate.

The District understands that its Child Find obligations have been expanded to include notification to every parent or person in parental relation, upon enrollment of their child in the District, of their rights regarding referral and evaluation for the purposes of special education services or programs pursuant to applicable federal and state laws. The notification will contain the name and contact information for the chairperson of the District's CSE or other individual who is charged with processing referrals to the committee in the District. The District may, in its discretion, provide such notice by directing parents or persons in parental relation to obtain information located on the State Education Department's website relating to a parent's guide to special education in New York State for children ages three (3) through twenty-one (21).

Any student suspected of having a disability should be referred to the applicable CSE or CPSE for evaluation and possible identification as a student with a disability.

Nonpublic School Students with Disabilities Who are Parentally Placed

If the District boundaries encompass a nonpublic school, the District, as the district of location, must develop and implement methods to identify, locate, and ensure the identification and evaluation of students with disabilities who have been, or are going to be, parentally placed in such nonpublic school.

The child find activities must be similar to those for students with disabilities in public schools and must be completed in a time period comparable to that for other students attending public schools in the School District.

As the district of location, the District must also consult with the appropriate representatives of the nonpublic schools and parents of parentally placed nonpublic school students to determine an accurate count of students with disabilities attending such schools and receiving special education services.

(Continued)

SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES (CHILD FIND) (Cont'd.)

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, state-supported or state-operated schools; or to charter schools.

Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 3240-3242, 3602-c(2-a), 4401-a, 4402, 4404, 4405 and 4410.6
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(a) and 200.4

NOTE: Refer also to Policy #7130 – Entitlement to Attend – Age and Residence

Adopted: 06/27/07
Revised: 11/04/15

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES

The Board of Education recognizes the rights of the parent/guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation and educational placement of a child with a disability.

All due process procedures for parents/guardians and children in the Commissioner's Regulations shall be observed by the School District.

Definition of Parent

Parent means a birth or adoptive parent, a legally appointed guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child, a person in parental relation to the child as defined in Education Law Section 3212, an individual designated as a person in parental relation pursuant to General Obligations Law Title 15-A including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent or other relative with whom the child resides), or a surrogate parent who has been appointed in accordance with Section 200.5(n) of Commissioner's Regulations. The term does not include the State if the student is a ward of the State.

A foster parent may act as a parent unless State law, regulations or contractual obligations with a State or local entity prohibit the foster parent from acting as a parent.

Unless a judicial decree identifies a specific person(s) to act as the parent or make educational decisions for the student, if one or more parties is qualified to act as a parent, the birth or adoptive parent is presumed to be the parent unless they do not have the legal authority to do so.

Surrogate Parents

In the event that no parent or guardian for a child with a disability can be identified; or after reasonable efforts the whereabouts of the parent or guardian cannot be determined; or the student is an unaccompanied homeless youth; or the child with a disability is a ward of the State and does not have a "parent" as defined above; or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law; the Board shall assign an individual from a list of willing and eligible persons to act as a surrogate for the parents or guardians. This determination shall be completed within a reasonable time following the receipt of a referral for an initial evaluation or re-evaluation; alternatively, the surrogate parent may be appointed by a judge overseeing the child's case.

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that ensure adequate representation of the child.

Prior Written Notice (Notice of Recommendation)

Prior written notice (notice of recommendation) must be given to parents of a student with a disability a reasonable time before the District proposes to, or refuses to, initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student. Prior written notice must also be provided informing the parents when no additional data is required to determine the student's educational needs, the reasons for this determination and their right to request an assessment. Prior written notice will also be provided prior to the student's graduation with a local or Regents diploma, stating that such student will no longer be entitled to receive a Free Appropriate Public Education (FAPE) after graduation. Additionally, prior written notice will be provided upon the student's receipt of any other exiting credential, including but not limited to a Skills and Achievement Commencement Credential or a Career Development and Occupational Studies Commencement Credential, provided the student has not already earned a local or Regents diploma. Such notice shall state that the student continues to be eligible for FAPE until the school year in which the student turns age twenty-one (21), or until the receipt of a local or Regents high school diploma, whichever is earlier.

If the prior written notice relates to a proposed action that also requires parental consent, the District must give notice at the same time it requests parental consent. The prior written notice will contain all elements required by Commissioner's Regulations.

A parent may elect to receive prior written notice and other required notifications by electronic mail (email) communication if the District makes this option available.

Parent Participation in Meetings

The School District must take steps to ensure that one or both of the parents of a child with a disability are present at each Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) meeting or are afforded the opportunity to participate in a mutually agreed upon time and place. The School District must document its attempts to involve parents, such as:

a) Detailed records of telephone calls made or attempted and the results of these calls;

b) Copies of correspondence sent to the parents and any responses received; and

c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

A meeting may be conducted without a parent in attendance if the School District is unable to convince the parents that they should attend.

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

Additionally, the School District must take whatever action is necessary to ensure the parent understands the proceedings of this meeting including arranging for an interpreter for parents with deafness or whose native language is other than English.

Parental Consent

In accordance with due process, a parent (as defined in Commissioner's Regulations Section 200.1(l)) of a special education student or a student suspected of having a disability must provide informed consent before the School District can take certain actions. The District will make reasonable efforts to obtain written informed consent and will maintain a detailed record of its attempts and the results of the attempts.

Parents with custodial rights - whether sole or joint - may exercise decision-making authority with respect to the student's education. Absent a court order or custody agreement to the contrary, a non-custodial parent may not control educational decisions for the student, though he/she may participate in the child's education.

Consent for Evaluations

The parent or guardian must provide informed consent to the initial evaluation, or reevaluations in accordance with law and/or regulations. If a parent does not provide consent for an initial evaluation, the School District *may* pursue the evaluation by commencing a due process hearing to override the refusal to provide consent.

Parental consent for a reevaluation is not needed if the District can demonstrate that it has taken reasonable measures to obtain consent, but the parents or guardians have failed to respond.

Consent for the Initial Provision of Services

Parental consent is also required for the initial provision of special education services. Consent for an initial evaluation does not constitute consent for the initial provision of services. If a parent does not provide consent for the initial provision of services, the School District *shall not* provide the special education programs and services to the student and shall not use the due process procedures to challenge the parent's refusal to consent. The School District shall not be considered to be in violation of the requirements to provide a free appropriate public education (FAPE), shall not be required to convene a meeting of the committee on special education or develop an individualized education program (IEP).

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

Consent to Access Public Benefits or Insurance (e.g., Medicaid)

A School District must notify the child's parent in writing prior to accessing the child's or parent's public benefits or insurance for the first time and annually thereafter. The written notification must explain the protections afforded to parents so that parents are fully informed of their rights before the District accesses their or their child's Medicaid or other public benefits or insurance to pay for services under the IDEA. Furthermore, this notice must be in a language understandable to the general public and in the parent's native language or the mode of communication used by the parent.

A School District must obtain a one-time written consent from the parent, after providing the written notification (as described above), before accessing the child's or parent's public benefits or insurance (e.g., Medicaid) for the first time. The consent must state that the parent understands and agrees that the School District may access the child's or parent's public benefits or insurance to pay for special education or related services. The consent must also specify:

a) The personally identifiable information that may be disclosed (this can include records or information about the services that will be provided to the student);

b) The purpose of the disclosure; and

c) The agency to which the disclosure may be made (Medicaid).

Merely providing the Medicaid application does not meet the IDEA parent consent requirements. A sample Medicaid Consent Form may be found at:
http://www. p12.nysed.gov/specialed/publications/sampleconsent.htm.

Consent for an Unaccompanied Homeless Youth

Consent may be provided by a surrogate parent. However, until a surrogate parent is appointed, consent may be provided on a temporary basis by an employee of a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth.

Consent for a Ward of the State

A ward of the State means a child or youth under the age of twenty-one (21):

a) Who has been placed or remanded pursuant to Social Services Law or the Family Court Act or freed for adoption pursuant to Social Services Law; or

b) Who is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

c) Who is a destitute child under Social Services Law.

In the event that a child is a ward of the State, the School District shall make reasonable efforts to obtain the informed consent from the parent of the child for an initial evaluation to determine whether the child is a child with a disability.

The School District is not required to obtain informed consent if:

a) Despite reasonable efforts to do so, the School District cannot discover the whereabouts of the parent of the student, including consulting with the agency responsible for the care of the student; or

b) The rights of the parents of the student have been terminated in accordance with State law; or

c) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.

Consent for a Student Who is Home Instructed or Parentally Placed in a Private School at the Parent's Expense

If a parent of a student who is home instructed or placed in a private school by their parents at their own expense does not provide consent for an initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, the District may not continue to pursue those evaluations by using the due process procedures and the District is not required to consider the student as eligible for special education services.

Parental Revocation of Consent

Parental revocation of consent for continued provision of special education and related services must be in writing. When the parent revokes such consent, the District still must provide the parent with the usual written notice of its intentions with respect to the child.

If the parent of a student with a disability revokes his/her consent in writing for the continued provision of special education and related services to the student at any time subsequent to the initial provision of special education and related services, the District:

a) Shall not continue to provide special education and related services to the student, but must provide prior written notice to the parent before ceasing the provisions of special education and related services;

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

b) Shall not use due process procedures (i.e., mediation, resolution meeting, and/or impartial due process hearing) in order to obtain agreement or a ruling that the services may be provided to the student without parental consent;

c) Shall not be considered to be in violation of the requirement to make a free and appropriate public education (FAPE) available to the student because of the failure to provide the student with further special education and related services following revocation of consent; and

d) Is not required to convene a meeting of the Committee on Special Education or develop an IEP for the student for further provision of special education programs and related services upon receipt of written revocation of consent; and

e) Is not required to amend the student's education records to remove any references to the student's receipt of special education programs and services because of the revocation of consent.

Procedural Safeguards Notice

The School District will provide the procedural safeguards notice prescribed by the Commissioner of Education to the parents of a student with a disability at least one time per year and also:

a) Upon initial referral or parental request for evaluation;

b) Upon the first filing of a due process complaint notice to request mediation or an impartial due process hearing;

c) Upon request by a parent;

d) Upon a decision to impose a suspension or removal that constitutes a disciplinary change in placement; and

e) Upon first receipt of a State complaint.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
34 CFR Part 300
Education Law Sections 207, 3212, 4005, 4202, 4401 and 4402
8 NYCRR Sections 200.1, 200.4(b)(6), and 200.5

NOTE: Refer also to Policy #7260 -- Designation of Person in Parental Relation

Adopted: 05/22/13
Revised: 02/26/14

POLICY

2023 7670

Students

SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS

Due Process Complaints

The District is committed to making every effort to amicably resolve disputes regarding educational programs for students with disabilities. . When outside assistance is needed to aid in resolving a disagreement about the identification, evaluation, educational placement or provision of a free appropriate education for a student with a disability, mediation is encouraged.

For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The Impartial Hearing Officer (IHO) renders a written decision after the parties present and refute evidence before him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO). The District will comply with Section 200.5 of the Commissioner's Regulations and all other relevant laws and regulations with respect to the hearing.

Impartial Hearing Officer

Upon receipt of a due process complaint notice or initiation of an impartial hearing, the impartial hearing officer (IHO) shall be selected from the rotational list maintained by the State Education Department in accordance with the Commissioner's Regulations. The Board of Education president and vice-president are authorized to appoint the impartial hearing officer, to be ratified by the Board of Education at its next regularly scheduled meeting.

Compensation of Impartial Hearing Officers

The District will be responsible for compensating the IHO for prehearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The rate of compensation may not exceed the maximum rate approved by the Director of the Division of the Budget. The District will also reimburse the IHO for reasonable travel and other hearing-related expenses in connection with the hearing and, when necessary, reasonable lodging and meals expenses. Travel reimbursement shall be at the IRS mileage rate or at the rate of reasonable public carriers, at the determination of the District. Lodging and meals reimbursement shall be at the rate approved by the Board of Education for District employees. Reimbursement and payment shall be made upon receipt of detailed and itemized invoices. The District will not pay a cancellation fee when more than three (3) business days' notice is given or when the cancellation is by the parent.

Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) § 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law §§ 4005, 4202, 4404(1) and 4410(7)
8 New York Code of Rules and Regulations (NYCRR) §§ 200.2 and 200.5

Adopted: 06/27/07
Revised: 02/24/10
Revised: 05/21/14
Revised: 01/31/18
Revised: 03/22/23

POLICY

2007 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(g). Additionally, the Federal Regulations (34 Code of Federal Regulations [CFR] 300.503) specify requirements for an independent evaluation.

Administrative regulations on independent evaluations will be developed 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.

34 Code of Federal Regulations (CFR) Sections 300.12 and 300.503
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(z) and 200.5(g)

Adopted: 6/27/07

POLICY

2007 7690

Students

SUBJECT: SPECIAL EDUCATION MEDIATION

The District will offer mediation to resolve any disputes involving any matter for which an impartial due process hearing may be brought, including matters arising prior to the filing of a request for an impartial hearing.

Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center who are not employees of a State educational agency providing direct services to the student who is the subject of the mediation process or a school district or program serving students with disabilities. Mediators may not have a personal or professional interest which would conflict with their objectivity in the mediation process and should be knowledgeable in laws and regulations relating to the provision of special education services.

Parents or persons in parental relation to students suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial hearing procedures in accordance with Federal and State law and regulations. If the parent and District agree, alternative means of meeting participation may be utilized, such as video conferences and conference calls.

Discussions during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings. The parties may be required to sign a confidentiality pledge prior to the commencement of the process.

If resolution to the complaint is reached through mediation, the parent and the representative of the District who has the authority to bind the District will execute a legally binding written agreement specifying the resolution and stating that all discussions occurring during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. If the written agreement is inconsistent with the student's current IEP, the IEP must be immediately amended to reflect the mediation agreement.

The mediation process is voluntary and will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relation to request an impartial hearing subsequent to mediation. Parents or persons in parental relation to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided for in federal and state laws and regulations. Similarly, mediation shall not be construed to limit a parent or person in parental relation from requesting an impartial hearing without having first utilized mediation procedures set forth in Education Law.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4005, 4202 and 4404-a
Judiciary Law Section 849a
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1 and 200.5

Adopted: 6/27/07

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2007 8000

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Naples Central School District **NUMBER**

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2007 8000

Instruction

Naples Central School District **NUMBER**

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POLICY

Instruction

SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES AND EVALUATION

Research has demonstrated that student success is tied to curricula that is appropriately aligned and articulated, and in compliance with all state and national standards. 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. In order to help our students achieve success, the District will ensure that:

a) All curricula is aligned with New York State and Common Core Learning standards;

b) All approved curricula is taught in every classroom.

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. The administration is directed to ensure the implementation of this policy.

Curriculum Resources

There are many resources for curriculum development that exist in our School District, and the instructional staff, under the guidance of the administration, is expected to delve into those resources for possible improvement of the instructional program. Each teacher has the privilege of being an initiator of improvement, as well as a reactor to changing conditions, and the Principals shall be involved in curriculum development.

From the staff, the Superintendent may appoint curriculum study committees; and their findings, as well as the collective judgments of the staff about the pertinence of various possible changes, shall be submitted by the Superintendent to the Board of Education for consideration in the forming of curriculum policy.

Curriculum Evaluation

The Board of Education shall direct a continuing evaluation of the curriculum as part of a program of instructional improvement. All aspects of the curriculum shall be subjected to a searching and critical analysis in an attempt to improve the learning and growth of students.

The administrative staff shall evaluate the curriculum in a systematic manner, involving school personnel and others as appropriate and make periodic recommendations for action by the Board. The Board of Education from time to time may invite teachers or others to discuss the curriculum.

(Continued)

SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES AND EVALUATION (Cont'd.)

Evaluation of the Instructional Program

The Board of Education expects staff members to maintain a continual program of evaluation at every level to determine the extent of progress toward the schools' objectives. The Board of Education will periodically request the Superintendent to present factual information that it considers necessary to evaluate the effectiveness of the School System.

Education Law Sections 1604, 1709, 2503 and 3204
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(m)

Adopted: 06/27/07
Revised: 05/02/12

POLICY

2007 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: 6/27/07

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES

The Naples Central School District provides equal opportunities for students and does not discriminate against any student enrolled in (or any candidate for admission to) its programs or activities; on the basis of actual or perceived race, color, national origin, sex, disability, or age.

Educational Services for Married/Pregnant Students

Public schools may not discriminate against students based on their parental and/or marital status. The opportunity to participate in all the services, programs, and activities of the school district shall not be restricted or denied because of pregnancy, parenthood, or marriage.

Pregnant students shall be encouraged to remain and participate in District programs. The forms of instruction provided to such students may include any or all the following:

a) Remain in school with provisions for special instruction, scheduling, and counseling as needed;

b) Receive home instruction;

c) Attend BOCES programs.

In this regard, the Superintendent or his/her designee, in consultation with student services staff, the school physician and the student's personal physician, may make program modifications which are feasible and necessary to accommodate the special needs of such students.

Investigation of Complaints and Grievances

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination and will promptly take appropriate action to protect individuals from further discrimination. All such complaints will be handled in a manner consistent with applicable laws/regulations as well as the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

(Continued)

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)

Where appropriate, follow-up inquiries will be made to verify that discrimination has not resumed (or report otherwise)_and that all those involved in the investigation of the discrimination have not suffered retaliation.

Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
20 USC Section 1701, et seq.
45 CFR Section 84.40

Adopted: 06/27/07
Revised: 12/17/14
Revised: 03/22/23

POLICY

2007 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.

The safety program may include, but not be limited to, in-service training, plant inspection, fire prevention, accident recordkeeping, driver and vehicle safety programs, emergency procedures and drills, and traffic safety programs relevant to students, employees and the community.

It shall be the duty of the Board of Education to provide inspections and supervision of the health and safety aspects of the school facilities.

Eye Safety/Student Use of Hand-Held Laser Pointers

Eye safety devices are to be provided by the School District for the protection of employees, students and visitors, and worn in the technology education classes and labs when activities present a potential eye hazard. The Superintendent or his/her designee will ensure that these devices are properly repaired, cleaned and stored to prevent the spread of germs or diseases after individuals use them.

Each classroom teacher is responsible for the safe and proper use of all instructional materials and equipment by students in his/her classroom. Laser pointers are to be used by students only when such use is approved and supervised by the classroom instructor.

Students will be advised not to stare directly into the beam from a laser pointer or direct the beam at the eyes of another individual. Students are not to aim the pointer into the audience. Students are to be made aware of the hazards associated with the particular type of laser pointer used.

Education Law Sections 409, 409-a, 807-a and 906
8 New York Code of Rules and Regulations (NYCRR) Part 136 and Section 141.10

Adopted: 6/27/07

SUBJECT: PREVENTION INSTRUCTION

AIDS Instruction in Health Education

The Board of Education will 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 will be provided in an age-appropriate manner and will 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 will 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 will be required to receive instruction concerning the methods of AIDS prevention if his/her parent or legal guardian files with the principal a written request that the student not participate in this instruction, with an assurance that the student will receive this instruction at home.

AIDS instruction in the elementary grades will be taught by the regular classroom teachers, while this instruction in the middle and high school grades will be a part of the required health education curriculum.

Hands-Only Cardio Pulmonary Resuscitation and Automated External Defibrillator Instruction

High school students will be provided instruction in hands-only cardiopulmonary resuscitation and the use of an automated external defibrillator. Standards for this instruction will be based on a nationally recognized instructional program that utilizes the most current guidelines for cardiopulmonary resuscitation and emergency cardiovascular care issued by the American Heart Association or a substantially equivalent organization, that are consistent with the requirements of the programs adopted by the American Heart Association or the American Red Cross, and will incorporate instruction designed to:

a) Recognize the signs of a possible cardiac arrest and to call 911;

b) Provide an opportunity to demonstrate the psychomotor skills necessary to perform hands-only compression cardiopulmonary resuscitation; and

c) Provide awareness in the use of an automated external defibrillator.

The Committee on Special Education or a Multidisciplinary Team, in accordance with Section 504 of the Rehabilitation Act, may determine, on an individual student basis, if a student with a disability should be excused from the requirement for instruction in hands-only CPR and the use of AEDs.

(Continued)

SUBJECT: PREVENTION INSTRUCTION (Cont'd.)

Substance Abuse - Prevention Instruction

The Board of Education recognizes the need to educate students on the hazards of alcohol, tobacco and drug abuse. An educationally sequential health prevention program, utilizing as appropriate community, staff and student input, 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/Injury Prevention/Life Safety Education

The Board of Education directs the administration to provide instruction in fire and arson prevention, injury prevention and life safety education relating to protection against injury or death and property loss or damage as a result of criminally initiated or other preventable fire.

This instruction will include materials to educate children on the dangers of falsely reporting a criminal incident, an impending explosion or fire emergency involving danger to life or property, an impending catastrophe, or a life safety emergency.

The Board of Education directs the administration to provide this instruction for all students for a period of not less than forty-five (45) minutes in each month that school is in session.

Student Safety

Instruction in courses in technology education, science, home and career skills, health and safety, physical education, and art will include and emphasize safety and accident prevention.

Safety instruction will precede the use of materials and equipment by students in applicable units of work in the courses listed above, and instructors will teach and enforce all safety procedures relating to the particular courses. These procedures will include wearing protective eye devices during appropriate activities.

Emergency Planning

The District will maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students will be provided instruction to respond effectively in emergency situations.

(Continued)

SUBJECT: PREVENTION INSTRUCTION (Cont'd.)

Instruction on Prevention of Child Abduction

All students in grades K through 8 in District schools will receive instruction designed to prevent the abduction of children. This instruction will be provided by or under the direct supervision of regular classroom teachers and the Board of Education will provide appropriate training and curriculum materials for the regular classroom teachers who provide this instruction. However, at the Board's discretion, this instruction may be provided by any other public or private agency.

The Commissioner of Education will provide technical assistance to assist in developing curricula for these courses of study which must be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness skills, information, self-confidence, and support to aid in the prevention of child abduction.

For purposes of developing these courses of study, the Board of Education may establish local advisory councils or utilize the school-based shared decision making and planning committee established under the Commissioner's regulations to make recommendations concerning the content and implementation of these 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. The advisory council will consist of, but not be limited to, parents, school trustees and Board members, appropriate school personnel, business and community representatives, and law enforcement personnel having experience in the prevention of child abduction.

Instruction on Child Development and Parenting Skills

Instruction regarding child development and parenting skills may be offered by the District. The curriculum will include instruction on the consequences and prevention of shaken baby syndrome, which may include the viewing of a video presentation for students in secondary schools.

AIDS Instruction: 8 New York Code of Rules and Regulations (NYCRR) Sections 135.3(b)(2) and 135.3(c)(2)
Cardiopulmonary Resuscitation and Automated External Defibrillators:
Education Law § 804-d, 8 NYCRR § 100.2(c)(11)
Civil Preparedness: New York State Office of Disaster Preparedness
Fire and Arson/Injury Prevention/Life Safety: Education Law § 808; 8 NYCRR § 100.2(c)(5)(11)
Prevention of Child Abduction: Education Law Section 803-a
Student Safety: Education Law Section 808
8 New York Code of Rules and Regulations (NYCRR) Sections 107 and 155
Substance Abuse: Education Law Section 804
8 New York Code of Rules and Regulations (NYCRR) Section 135.3(a)
Instruction on Child Development and Parenting Skills
Education Law § 804

(Continued)

SUBJECT: PREVENTION INSTRUCTION (Cont'd.)

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

Adopted: 06/27/07
Revised: 12/02/15
Revised: 03/16/16

POLICY

2007 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 education program through utilization of any available federal and state funds for that purpose and of supporting the BOCES program.

Equal Opportunity

The Board of Education prohibits discrimination on the basis of sex, sexual orientation, race, color, creed, religion, national origin, political affiliation, age, marital status, military status or disability in any career and technical education program or activity of this District.

The career and technical education program and/or activities shall be readily accessible to students with disabilities.

Public Notification

Prior to the beginning of each school year or academic semester, the District shall issue an appropriate public announcement which advises students, parents, employees and the general public that career and technical education opportunities will be offered without regard to sex, sexual orientation, race, color, creed, religion, national origin, political affiliation, age, marital status, military status 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 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.

Civil Rights Law Section 40-c
Education Law Article 93
Executive Law Section 290 et seq.
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(h) and 141 et seq.

Adopted: 06/27/07

POLICY

2007 8230

Instruction

SUBJECT: GUIDANCE PROGRAM

A District plan for the K through 12 guidance program shall be filed in the District Office and made available for public review. This plan shall be subject to annual review and revised as necessary in the following areas:

a) Identification of guidance program objectives;
b) Activities to accomplish the objectives;
c) Identification of staff members and other resources to accomplish the objectives;
d) Provisions for the annual assessment of program results.

Guidance Program (K through 6)

A coordinated guidance program in grades K through 6 shall be developed and implemented to:

a) Prepare students to participate effectively in their current and future educational programs;

b) Help those students exhibiting any attendance, academic, behavioral or adjustment problems;

c) Educate students concerning avoidance of child sexual abuse; and

d) Encourage parental involvement.

Guidance Program (7 through 12)

A coordinated guidance program in grades 7 through 12 shall be developed and implemented including the following activities and services:

a) Each student's educational progress and career plans will be reviewed annually;

b) Instruction at each grade level to help students learn about various careers and career planning skills;

c) Other advisory and counseling assistance which will benefit students such as: helping students develop and implement postsecondary education and career plans; helping those students exhibiting any behavioral or adjustment problems; and encouraging parental involvement;

d) Employment of personnel certified or licensed as school counselors.

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

Adopted: 06/27/07

POLICY

2016 8240

Instruction

SUBJECT: INSTRUCTIONAL PROGRAMS: DRIVER EDUCATION, GIFTED AND TALENTED EDUCATION AND PHYSICAL EDUCATION

Driver Education

The Naples Central School District shall provide a driver education course to eligible students. Access to the course is limited to those students who are sixteen (16) years old or older and shall be afforded first to seniors according to birthdate then to juniors by birthdate, up to established enrollment limits.

The summer driver education program may be opened to non-resident students on a space available basis. Tuition will not be charged for the enrollment of students whose parents are property owners in the School District. Tuition of $100 will be charged for students whose parents are not property owners in the School District. The opportunity will be offered on a "first come, first served" basis with preference being given to students whose parents own property in the District. Non-resident students interested in taking driver education in the Naples Central School District should contact the Main office in the High School.

Education Law Section 806-a
8 New York Code of Rules and Regulations (NYCRR) Section 107.2

Programs for Enrichment

The Naples Central School District recognizes the need to cultivate potential gifted behaviors in all children. These behaviors can be encouraged through deliberate instructional efforts. Identification of these behaviors becomes a deliberate effort on the part of the Enrichment Coordinator and classroom teacher to search for and recognize the student's strengths, talents and sustained interests. Programming is carefully planned to provide challenge, diversity, options and opportunities for involvement and productivity. "Curriculum" refers to the process rather than a fixed set of materials or activities.

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

Adopted: 06/27/07
Revised: 08/18/16

POLICY

2020 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 instructional courses in patriotism, citizenship, civic education and values, our shared history of diversity, the role of religious tolerance in this country, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery (including the Freedom Trail and Underground Railroad), the Holocaust, and the mass starvation in Ireland from 1845 to 1850.

The Board also directs that all students attending District schools in grades 8 through 12 receive instruction in the history, meaning, significance and effect of the United States Constitution, the New York State Constitution, and the Declaration of Independence.

The curricula for such courses must include the subjects specified by the Board of Regents and be for the period of instruction, as mandated by the Regents, which is necessary in these subjects in each of the appropriate grades.

One week during each school year a uniform course of exercises shall be provided to teach students, in an age appropriate manner, the purpose, meaning and importance of the Bill of Rights Articles in the United States and New York State Constitutions. These exercises shall be in addition to the above required courses.

In addition, since the District that receives Federal Funds for a fiscal year, it will hold an educational program on the United States Constitution on September 17th of each year for the students in the District to commemorate the September 17, 1787 signing of the Constitution, known as Constitution Day and Citizenship Day. However, when September 17 falls on a Saturday, Sunday, or holiday, this day will be held during the preceding or following week.

The Board directs that the above named subjects, as mandated by law, be addressed in the instructional curricula provided by the District.

Education Law § 801
36 USC § 106

NOTE: Refer also to Policy #8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adopted: 06/27/07
Revised: 10/21/20

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, with an emphasis on discouraging acts of harassment, bullying and/or discrimination. 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 (Dignity for All Students Act);

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;

(Continued)

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; and

j) Safe and responsible use of the Internet and electronic communications.

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

Interpersonal Violence Prevention Education

The District will utilize the interpersonal violence prevention education package 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 801-a, 804(4)
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(2)(c)(2)

Adopted: 06/27/07
Revised: 10/03/12
Revised: 07/15/13

POLICY

2007 8243

Instruction

SUBJECT: OBSERVATION OF CONSERVATION DAY

The Naples Central School Board of Education encourages the development of student understandings about plants and animals. To this end Naples Central School students will observe Conservation Day annually.

Conservation Day activities shall be carried out at both the elementary and secondary levels consisting of exercises which encourage the planting, protection, and preservation of trees and shrubs. Other activities which foster respect for wildlife and conservation may also be included.

Education Law Section 810
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(c)(9)

NOTE: Refer also to Policies #5650 -- Energy/Water Conservation and Recycling of Solid Waste
#8211 -- Prevention Instruction

Adopted: 6/27/07

POLICY

2007 8244

Instruction

SUBJECT: FAMILY LIFE EDUCATION

The Naples Central School Board of Education adopts the following position concerning Family Life Education in the Naples Central School District.

a) Health Education is mandated for secondary students in New York State.

b) The present health education curriculum as recommended by the Education Department of the State of New York will be followed. Included in the health curriculum are instructional areas dealing with human sexuality. These units, while not mandated by the State, are recommended. The Naples Central School Board of Education recognizes that this specific area of the curriculum is particularly sensitive and that some parents may not want their children to receive instruction in this area. In order to accommodate the wishes of those parents, the Naples Central School Board of Education hereby adopts the following procedures for exclusion of those students from planned classes dealing with aspects of human sexuality:

1. The parents of students involved in secondary classes or of elementary school students where a human sexuality unit is planned will be notified in advance of the class.

2. Included in the notification will be a general outline of the content to be covered and a description of the materials to be used.

3. Parents will be given the opportunity to preview materials or to meet with the teacher.

4. Parents will be asked to return a signed permission slip before their child will be permitted to attend the classes.

5. Should a parent withhold permission, the child will not be penalized. An alternative assignment will be given in an area of health outside of human sexuality.

NOTE: Refer also to Policy #8330 -- Objection to Instructional Materials

Adopted: 6/27/07

POLICY

2007 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 instructional 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: 6/27/07

POLICY

2007 8260

Instruction

SUBJECT: PROGRAMS AND PROJECTS FUNDED BY TITLE I

Parental Involvement

The Board of Education recognizes the rights of parents/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 Elementary and Secondary Education Act. 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 No Child Left Behind Act of 2001, 20 United States Code (USC) Section 6301 et seq.
34 Code of Federal Regulations (CFR) Part 75

Adopted: 6/27/07

POLICY

2007 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: 6/27/07

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY

Filtering. Pursuant to the Children's Internet Protection Act (CIPA), filtering software will be used to block minors' access to:

- visual depictions that are (a) obscene, (b) child pornography, or (c) harmful to minors; and
- Internet sites which, in the Board's determination, contain material which is "inappropriate for minors." (See below.)

Adult access to visual depictions that are obscene and/or child pornography will also be blocked. However, the Superintendent or his/her designee may disable the software to enable access to blocked sites for bona fide research or other lawful purposes.

Matter Inappropriate for Minors. The Board will (as it deems appropriate) determine by resolution what Internet material is "inappropriate for minors" in the District. This determination will be based on community standards.

Safety of Minors When Using Direct Electronic Communications. In using the computer network and Internet, minors are not permitted to reveal personal information (such as home addresses, telephone numbers, their real last names or any other information which might allow someone they are communicating with online to locate them) without appropriate supervision. No minor may arrange a face-to-face meeting with someone he/she "meets" on the computer network or Internet without his/her parent's permission.

Unauthorized Access and Other Unlawful Activities. It is a violation of this Policy to:

- use the School's computer network or the Internet to gain unauthorized access to other computers or computer systems, or to attempt to gain such unauthorized access;
- damage, disable or otherwise interfere with the operation of computers, computer systems, software or related equipment through physical action or by electronic means; and/or
- violate state or federal law relating to copyright, trade secrets, the distribution of obscene or pornographic materials, or any other applicable law or municipal ordinance.

Unauthorized Disclosure and Dissemination of Personal Identification Information Regarding Minors. Personally identifiable information concerning minors may not be disclosed or used in any way on the Internet (e.g., on the District's web page or otherwise) without the permission of a parent or guardian. If a student is 18 or over, the permission may also come directly from the student.

(Continued)

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY (Cont'd.)

Instruction on Internet Social Interaction and Cyberbullying. The District will educate students about appropriate online behavior, including interacting with other individuals on social networking websites/chat rooms as well as cyberbullying awareness and response.

Monitoring. Those responsible for supervising minors while using District computers will also be responsible for monitoring their online activities by circulating throughout the area where the computers are located and directly observing the nature of those activities.

Regulations and Dissemination. The Superintendent is authorized to develop and implement regulations consistent with this policy. The Superintendent will also be responsible for disseminating the policy and associated regulations to school personnel and students.

47 United States Code (USC) Sections 254(h) and 254(l)
47 Code of Federal Regulations (CFR) Part 54
Education Law Section 814

Adopted: 06/27/07
Revised: 02/24/10
Revised: 06/13/12
Revised: 07/11/12
Revised: 03/22/23

POLICY

Instruction

SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS WITH LIMITED ENGLISH PROFICIENCY

The Board of Education recognizes its responsibility to ensure that students of foreign birth or ancestry, who are identified as English Language Learners (ELLs) are provided with an appropriate bilingual education or English as a New Language (ENL) program.
The District has developed a comprehensive plan to meet the educational needs of ELLs. The plan will be kept on file in the District and submitted to the Commissioner of Education prior to the start of each school year. The plan includes:

a) The District's philosophy regarding the education of ELLs;

b) The District's administrative practices and procedures to screen, identify, and place ELLs in appropriate programs;

c) The District's plan to provide parents and other persons in parental relation with information about all bilingual education and ENL programs available in the District and notices regarding program placement and the rights of parents or persons in parental relation in a language they best understand;

d) The District's system to annually measure and track the academic progress and English language proficiency of ELLs and use of data to drive instruction;

e) A description of the District's curricular and extracurricular services provided to ELLs;

f) The District's administrative practices to annually evaluate ELLs;

g) The District's procedure to identify support services for ELLs;

h) The District's policies and procedures regarding ELLs who are students with disabilities;

i) The District's procedures to exit ELLs including those students with inconsistent/interrupted formal education;

j) The District's services to support former ELLs.

Additionally, the District will provide professional development to all teachers, level III teaching assistants, and administrators that specifically addresses the needs of ELLs.

(Continued)

SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS WITH LIMITED ENGLISH PROFICIENCY (Cont'd.)

The Superintendent will ensure that all data, including plans, assurances, and reports as required by the Commissioner's Regulations, is submitted to the State Education Department in a timely manner.

Title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, Sections 1112(g) and 3302(a)
Education Law Section 3204
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(g) and Parts 117 and 154

Adopted: 06/27/07
Revised: 11/04/15

POLICY

2007 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: 6/27/07

POLICY

Instruction

SUBJECT: OBJECTIVES FOR THE SELECTION OF INSTRUCTIONAL MATERIALS FOR THE SCHOOL LIBRARY MEDIA CENTER

Objectives for the Selection of Instructional Materials for School Library Media Center

The objective of the media center is to make available to faculty and students a collection of materials that will enrich and support the curriculum.

A. For the purpose of this statement of policy the term "instructional materials" will refer to any material with instructional content or function that is used for formal or informal teaching/learning purposes. Instructional materials include print and electronic resources.

B. The instructional materials will support, enrich and help to implement the educational programs of the school through the interaction of professional personnel and other members of the school community.

C. To achieve the above goal the Board of Education of Naples Central School District in accordance with the guidelines established by the American Library Association (ALA), defines the following responsibilities of its professional library staff:

- To provide materials that will enrich and support the curriculum as well as materials that meet students' interests, abilities, learning styles, and maturity levels.
- To provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards.
- To provide a background of information, which will enable students to make intelligent judgments in their daily lives.
- To provide materials on opposing sides of controversial issues so that young citizens may develop, under guidance, the practice of critical reading and thinking.
- 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 to the school community.

All types of instructional materials for school library media programs will be recommended for purchase by the library media professionals. Although the selection process involves many members of the school community, administration, faculty, or parent/guardians, the responsibility for coordination of selection and purchase of school instructional materials rests with professional librarians. The Superintendent and his/her designee will approve all purchases.

(Continued)

SUBJECT: OBJECTIVES FOR THE SELECTION OF INSTRUCTIONAL MATERIALS FOR THE SCHOOL LIBRARY MEDIA CENTER (Cont'd)

A. Selection Criteria

1. Instructional materials shall support and be consistent with the education goals of New York State and Naples Central School District and the aims and objectives of individual schools and specific courses.
2. Instructional materials shall meet high standards of quality in factual content and presentation.
3. Instructional material shall be appropriate for the subject area and for the age, emotional development, ability level, learning styles, and social development of the students for whom the materials are selected.
4. Physical format and appearance of learning resources shall be suitable for their intended use.
5. Instructional materials shall be designed to help students gain an awareness of our pluralistic society.
6. Instructional materials shall be designed to motivate students and staff to examine their own duties, responsibilities, rights, and privileges as participating citizens in our society, and to make informed judgments in their daily lives.
7. Instructional materials shall represent a fair and unbiased presentation of information. The selection of instructional materials on controversial issues will be directed toward maintaining a diverse collection representing various views.
8. Instructional materials shall clarify historical and contemporary forces by presenting and analyzing inter-group tension and conflict objectively, placing emphasis on recognizing and understanding social and economic problems. Materials will be relevant to today's world – reflecting problems, aspirations, attitudes, and ideals of a global society.
9. Materials will reflect the interests and needs of the students and faculty served by the media center.
10. Materials will be included in the collection because of their literary and/or artistic value and merit.

B. **Procedures of Selection and Acquisition:**

1. In selecting instructional materials, professional personnel will evaluate available resources and curriculum needs and will consult reputable, professional reviews
2. Recommendations for purchase involve administrators, teachers, students, district personnel, and community persons, as appropriate.
3. Each school library media center is given a comprehensive budget for both print and electronic resources.
4. Donated materials shall be judged by the selection criteria and shall be accepted or rejected by those criteria.
5. Selection is an ongoing process that should include how to remove materials no longer appropriate and how to replace lost and worn materials still of educational value .

(Continued)

SUBJECT: OBJECTIVES FOR THE SELECTION OF INSTRUCTIONAL MATERIALS FOR THE SCHOOL LIBRARY MEDIA CENTER (Cont'd)

6. Materials for media centers are selected by the professional media staff with due regard to suggestions from the faculty, parents, and students. Final selection is made by the media specialists of the school in which the center is housed.

   A. **Staff members involved in selection of resource materials shall use the following criteria as a guide:**
      - Educational significance
      - Contribution the subject matter makes to the curriculum and the interests of the students
      - Favorable reviews found in standard selection sources
      - Favorable recommendations based on preview and examination of materials by professional personnel
      - Reputation and significance of the author, producer, and publisher
      - Validity, currency, and appropriateness of material
      - Contribution the material makes to breadth of representative viewpoints on controversial issues
      - High degree of potential user appeal
      - High artistic quality and/or style
      - Quality and variety of format
      - Value commensurate with cost and/or need
      - Timeliness or permanence
      - Integrity

   B. Weeding

      In order to maintain the quality of the collection, school library media specialists will periodically assess the collection to identify those items that are no longer appropriate. These materials will be discarded, or weeded, from the collection following these procedures:
         - Worn or missing standard items are replaced periodically
         - Out-of-date or no longer useful materials are withdrawn from the collection

8 New York Code of Rules and Regulations (NYCRR) Section 21.4

Adopted: 06/27/07
Revised: 02/16/11
Revised: 06/15/22

POLICY

Instruction

SUBJECT: CHALLENGED MATERIALS POLICY

Occasional objections to instructional materials will be made, despite the quality of the selection process. The Naples Central School District supports the principles of intellectual freedom inherent in the First Amendment of the Constitution of the United States and expressed in the *Library Bill of Rights* of the American Library Association (ALA), the *School Library Bill of Rights* of the American Association of School Librarians (AASL), and *Freedom to Read* of the American Library Association (ALA).

If a complaint is made, the following procedures should be followed:

1. The person with the objection will meet with the teacher or the school library media specialist concerning the material to discuss the reason for the objection to see if the problem can be resolved informally. The building principal shall be informed of the objection and the outcome of the meeting. The principal will report on it to the Superintendent. If not resolved, then:

   A. Inform the complainant of the selection procedures and make no commitments.

   B. Invite the complainant to submit a formal "Citizen's Request for Re-evaluation of Instructional Materials" (8330F of this policy manual).

   C. Inform the principal and other appropriate personnel.

   D. Keep challenged materials on the shelves during the reconsideration process.

   E. Upon receipt of the completed form, the principal requests review of the challenged materials by a materials evaluation committee within fifteen working days, and notifies the superintendent that such review is being done. The review committee is appointed by the principal, with the concurrence and assistance of the library media specialist, and includes media professionals, representatives from the classroom teachers, and one or more parents. If the challenged material is at the secondary level, the committee will also include one or more students.

   F. The review committee will take the following steps:

      1. Read, view or listen to the material in its entirety. (Examine the material as a whole, not as passages pulled out of context).

      2. Check reputable professional reviews for evaluation of the material.

      3. Weigh the strengths and weaknesses of the material and form opinions based on selection criteria, relevance to the curriculum, and the educational philosophy of the school.

      4. Complete the appropriate "Materials Evaluation Committee Report Form"

(Continued)

SUBJECT: CHALLENGED MATERIALS POLICY (Cont'd)

5. The materials evaluation committee's recommendation will be sent to the principal, the superintendent, and the president of the Board of Education.

6. The superintendent or his/her designee will inform the complainant of the recommendation of the review committee.

7. The decision of the materials evaluation committee will be implemented.

8. A written appeal may be made to the Superintendent concerning the review committee's recommendation.

Education Law Section 3204(5)
8 New York Code of Rules and Regulations (NYCRR) Section 135.3

NOTE: Refer also to Policies #8244 -- Family Life Education
#8320 -- Selection of Library and Audiovisual Materials
#8360 -- Religious Expression in the Instructional Program

Adopted: 06/27/07
Revised: 02/16/11
Revised: 06/15/22

POLICY

2007 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 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: 6/27/07

SUBJECT: LOAN OF INSTRUCTIONAL MATERIALS

1. Textbooks/Workbooks

The term "textbook" shall refer to a book or Kindle supplied to a student for a fixed period of time for his/her personal use and basic to the study of a subject.

The Board of Education shall make provision for funds to be budgeted for the purchase of textbooks and related instructional materials.

Upon the recommendation of the Superintendent of Schools, the Board of Education shall designate the textbooks to be used. Textbooks, once designated, cannot be superseded within a period of five (5) years except by a three-fourths (3/4) vote of the Board.

Students will be required to pay for lost books or for excessive damage to books.

Textbooks for Resident Students Attending Private Schools

Resident students attending private schools will be supplied non-sectarian textbooks in accordance with the requirements of Education Law.

Workbooks

The Board of Education shall approve the expenditure of funds for the purchase of workbooks and manuals.

The term "workbook" shall refer to the type of book that provides spaces to write in and is consumed each year. It is usually paper-covered and designed to be used in connection with a textbook.

2. Computer Hardware

The School District shall loan, upon request of an individual or a group of individual students, to all students legally attending nonpublic elementary or secondary schools located in the School District, instructional computer hardware (includes Kindles, Pads, Tablets, and other personal electronic devices) which is designated for use in any public elementary or secondary schools of the State or is approved by any school authorities as such term is defined in Education Law Section 2(12). Such instructional computer hardware is to be loaned free to such children, commencing with the 2007-2008 school year, subject to such rules and regulations as are or may be prescribed by the Board of Regents and school authorities.

The School District shall not be required to loan instructional computer hardware to nonpublic school students in excess of the instructional computer hardware acquired pursuant to Education Law Section 753. Instructional computer hardware shall be loaned on an equitable basis to children

(Continued)

SUBJECT: LOAN OF INSTRUCTIONAL MATERIALS (Cont'd)

attending nonpublic schools in the District and to students with disabilities residing in the District who attend programs under the provisions of Education Law Sections 4401(2)(c), 4401(2)(e), 4401(2)(g), 4401(2)(i), and 4401(2)(l). However, the School District shall not be required to loan to children attending nonpublic schools in the District, or to such students with disabilities, instructional computer hardware purchased with local or federal funds or with State funds, other than Instructional Computer Hardware Aid funds.

Instructional computer hardware containing computer software programs which are religious in nature or content shall not be purchased or loaned by the School District.

Instructional computer hardware shall be loaned upon the individual written request of nonpublic school students, but such requests shall not be required of students attending public school districts. Requests may be presented directly to the lending District or, with the consent of the lending District, to an appropriate official of the nonpublic school which the student attends. The form of request used by the lending District may provide for a guarantee by a parent or guardian for the return of such hardware or, in the case of loss or damage, for payment of the value thereof.

School authorities shall adopt regulations specifying the date by which written requests for the purchase and loan of instructional computer hardware must be received by the District. Notice of the date shall be given to all nonpublic schools in the School District. Such date shall not be earlier than the first day of June of the school year prior to that for which such instructional computer hardware is being requested. For a child not attending a nonpublic school prior to June first, the parent/guardian may submit a written request for instructional computer hardware within thirty (30) days after such child is enrolled in the nonpublic school. In no event, however, shall a request made later than the times otherwise provided pursuant to Education Law Section 754 be denied where a reasonable explanation is given for the delay in making the request.

*The District has established *July 1, 2011* as the date by which such requests for the purchase and loan of instructional computer hardware must be received by the District unless otherwise authorized in accordance with law and Commissioner's Regulations.

Such instructional computer hardware shall remain the property of the lending District and shall bear an identifying label. The school authorities of each District shall establish lending procedures which apply to students in public and nonpublic schools, and shall inform the authorities of such schools of these procedures.

Instructional Computer Hardware and Technology Equipment Apportionment

The School District shall be eligible for an apportionment under the provisions of Education Law Section 753 for approved expenses for:

a) The purchase or lease of micro and/or mini computer equipment or terminals for instructional purposes; or

(Continued)

SUBJECT: LOAN OF INSTRUCTIONAL MATERIALS (Cont'd)

b) Technology equipment with a useful life used in conjunction with or in support of educational programs including but not limited to video, solar energy, robotic, satellite, laser and such other equipment as the Commissioner of Education shall approve; or

c) The repair of such equipment and training /staff development for instructional purposes.

Such aid shall be provided pursuant to the Instructional Computer Technology Plan developed by the District which specifies requirements for each School District's Technology Plan, including an assurance of the Superintendent of Schools, in a form prescribed by the Commissioner of Education, that the School District has provided for the loan of instructional computer hardware to students legally attending nonpublic schools pursuant to Education Law Section 754.

The School District shall not be required to purchase or otherwise acquire instructional computer hardware or technology equipment, the cost of which exceeds the amount of state aid provided pursuant to Education Law Section 753.

Expenses aided pursuant to Section 753 shall not be eligible for aid pursuant to any other provision of Education Law.

The School District shall maintain a separate record of expenditures incurred from State aid received pursuant to Education Law Section 753 and the Rules of the Board of Regents Section 21.3.

Education Law Sections 2(12), 753, 754, 3602(6), 3602(26), 4401(2)(c), 4401(2)(e), 4401(2)(g), 4401(2)(i), and 4401(2)(l)

8 New York Code of Rules and Regulations (NYCRR) Sections 21.3, 100.12, 155.1(a)(4), and 175.25

Education Law Article 15

Note: Refer to Regulation 8340
Refer to End of Year Procedures for Laptop Users
Refer to Acceptable Use Form for Laptop and Kindle Users

Adopted: 6/27/07
Revised: 7/13/11

POLICY

2007 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 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.

17 United States Code (USC) Section 101 et seq.

Adopted: 6/27/07

SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM

The Board of Education acknowledges the importance of religion to the understanding of society and the richness of the human experience. In approaching the teaching about religion in the school, the District will be guided by three concepts when making decisions about the appropriateness of activities for inclusion in the school program: the activity should have a secular purpose; the activity should neither advance nor inhibit religion; and the activity must not foster an excessive entanglement of "government" with religion.

Nurturing the development of knowledge and respect for the rights of all cultural and religious groups is a continuing goal of the School District. Students, faculty and administration are reminded of the pluralism of religious beliefs and are urged to be conscious of and respect the sensitivity of others.

Opportunities to learn about cultural and religious traditions should be provided within the framework of the curriculum. Information about religious and cultural holidays and traditions focusing on how and when they are celebrated, their origins and histories should be part of this instruction. This educational opportunity should be handled with great care, sensitivity and respect for the feelings and beliefs of individuals.

An environment should be created and encouraged where students of various ethnic backgrounds feel comfortable in sharing comments about their religious and cultural traditions. No student should be singled out to share or participate in such discussions solely on the basis of that student's identification with the cultural/religious heritage being addressed. A student's preference not to share or participate in such discussions should be honored and respected without penalty.

School Activities Related to Religious Holidays or Themes

School activities related to the teaching about religious holidays or themes must be consistent with, representative of, and congruent with the District's curriculum.

In planning school activities related to the teaching about religious holidays or themes, special effort must be made to ensure that the activity is not devotional and that students of all faiths can join without feeling they are betraying their own beliefs.

In planning school activities related to the teaching about religious holidays or themes, age appropriate activities are encouraged within the framework of the curriculum. Teaching about religious and cultural holidays may include such special activities as parties and special foods, if they reinforce educational goals.

(Continued)

SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM (Cont'd.)

Symbols in the Schools

The purpose of using religious symbols should be to teach about religious concepts and traditions, and to convey historical or cultural content, not to promote or celebrate religious concepts, events or holidays.

Music in the Schools

The purpose of using religious music should be to teach musical concepts, to convey historical and cultural content, or to create aesthetic experiences in a setting which emphasizes artistic expression and educational value, not to promote or to celebrate a religious faith.

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.

United States Constitution, First Amendment
Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001, Section 9524
Equal Access Act, 20 United States Code (USC) Sections 4071-4074
Education Law Sections 1609(9), 1609(10), 1709(1), 1709(3), 3204(5) and 3210
8 New York Code of Rules and Regulations (NYCRR) Sections 16.2 and 109.2

NOTE: Refer also to Policies #7460 -- Constitutionally Protected Prayer in the Public Schools
#8330 -- Objection to Instructional Materials

Adopted: 6/27/07

SUBJECT: ANIMALS IN THE SCHOOL: THERAPY DOGS

GENERAL

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 (other than service animals) are brought to the school or classrooms. It is the Building Principal's responsibility to confirm that there is appropriate educational purpose if any animal is housed in a classroom. Animals, other than service animals, are not to be transported on school buses.

Any school which cares for or uses animals for study will afford the animal the following: appropriate quarters; sufficient space for the normal behavior and postural requirements of the species; proper ventilation, lighting, and temperature control; adequate food and clean drinking water; and quarters which shall be cleaned on a regular basis and located in an area where undue stress and disturbance are minimized. Compliance will be enforced with regard to Education Law Section 809.

Animals in school must be properly housed, handled, and cared for and only the teacher or those students designated by the teacher are to handle animals. For matters of health and safety, animals shall never be in the natatorium.

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. Animal-specific guidelines established by the Center for Disease Control shall be followed at all times.

THERAPY DOGS

The Naples Central School District supports the implementation of a Therapy Dog program for the academic, social, and emotional benefit of its students.

A therapy dog is a dog trained to provide affection and comfort to students in the Naples Central School District. The most important characteristic of a therapy dog is its temperament. A good therapy dog must be friendly, patient, confident, at ease in all situations, and gentle. Therapy dogs must enjoy human contact and be content to be petted and handled, sometimes clumsily. A therapy dog's primary job is to allow unfamiliar people to make physical contact with it and to enjoy that contact. Therapy dogs are not considered trained service dogs as described by the Americans with Disabilities Act (see Service Animals section below).

The following minimum standards shall be in effect for all therapy dogs approved to serve in the Naples Central School District:

(Continued)

SUBJECT: ANIMALS IN THE SCHOOL: THERAPY DOGS (Cont'd.)

A therapy dog must be clean, well-groomed, and not have an offensive odor.
A therapy dog does not urinate or defecate in inappropriate locations.
A therapy dog does not annoy any member of the student body or school personnel by seeking attention.
A therapy dog does not vocalize unnecessarily.
A therapy dog shows no aggression towards people or other animals.
A therapy dog does not solicit or steal food or other items from the student body or school personnel.
A therapy dog does not in any way interfere with the educational process of any student.
A therapy dog does not pose a health or safety threat to any student, personnel, or other persons.

Custody of the Therapy dog is maintained independently by school employees and must meet standards of health as prescribed by veterinarians at the owner's expense. The school district bears no financial responsibility for the care or feeding of the animal.

Therapy dogs in the school setting shall be recommended by the Superintendent of Schools and approved by the Board of Education. Prior to recommendation and approval, owners shall provide:

1. Proof of current Inoculations
2. Proof of Health, such as a current health certificate from a Veterinarian
3. Visible cleanliness of dog with no sign of fleas/ticks
4. A visually healthy, alert and not grossly over or under weight dog
5. Proof of physical and stool sample
6. Proof of Heartworm Test
7. A copy of the owner's current Homeowner's Insurance Policy.

These same requirements must be met on an annual basis, prior to the start of any school year.

All therapy dogs and owners shall be tested and accredited by Therapy Dogs International (TDI) or a comparable authority as determined by the Superintendent of Schools. With a valid certificate and while "working" at the school under the owner's supervision, the District's liability insurance shall serve as secondary coverage.

The Building Principal shall notify parents on an annual basis regarding the presence of therapy dogs in the school building.

Adopted: 06/17/15

POLICY

2023 8370

Instruction

SUBJECT: ANIMAL DISSECTION OPT-OUT

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 person in parental relation to student. 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.

The District will give reasonable notice to all students enrolled in a course that includes the dissection of an animal and students' parent(s)/person(s) in parental relation 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/persons in parental relation and students enrolled in a course that includes dissection at least once at the beginning of the school year.

Education Law Section 809

Adopted: 07/13/11
Revised: 03/22/23

POLICY

2007 8410

Instruction

SUBJECT: SCHOOL CALENDAR AND SCHOOL DAY

School Calendar

The Superintendent shall be responsible for the preparation of a school calendar to be presented to the Board of Education for adoption.

School Day

The school day shall be set by the Superintendent with approval of the Board of Education.

Education Law Sections 3204(4) and 3604(7)(8)
8 New York Code of Rules and Regulations (NYCRR) Section 175.5

Adopted: 6/27/07

POLICY

2007 8420

Instruction

SUBJECT: OPENING EXERCISES

The Board directs the administration to include the Pledge of Allegiance as part of the opening exercises in all the schools. Under certain circumstances, such as religious conviction, individuals may be excused from this requirement as a protection of their Constitutional rights.

Education Law Section 802
8 New York Code of Rules and Regulations (NYCRR) Section 108.5

Adopted: 6/27/07

POLICY

2011 8430

Instruction

SUBJECT: INDEPENDENT STUDY

Independent study, for credit, will be available to meet the individual needs of students in grades 9 through 12. The Principal, after consultation with relevant faculty, shall award credit to the student based on successful completion of the independent study and demonstrated mastery of the learning outcomes of the subject.

Students enrolled in the District, may earn a maximum of three (3) units of elective credit towards a Regents diploma through independent study. The student's participation in independent study shall be approved by a school-based panel consisting of, at a minimum, the Principal, a teacher in the subject area for which independent credit is sought, and a guidance director or administrator.

Credit for independent study may be awarded for elective courses only and shall not be awarded for courses required for the Regents diploma as specified in Commissioner's Regulations.

8 New York Code of Rules and Regulations (NYCRR) Section 100.5(9)

NOTE: Refer also to Policies #7220 – Graduation Requirements

Adopted: 06/27/07
Revised: 04/27/11

POLICY

2007 8440

Instruction

SUBJECT: HOMEWORK

The Board of Education acknowledges the educational validity of homework as an adjunct to and extension of the instructional program of the schools. "Homework" shall refer to those assignments to be prepared by the student outside of the school or independently while in attendance at school.

Adopted: 6/27/07

POLICY

2014 8450

Instruction

SUBJECT: HOME TUTORING (TEMPORARY INSTRUCTION)

Resident children attending public or non-public schools who are unable to attend school because of physical, mental or emotional illness or injury as substantiated by a licensed physician are eligible to be instructed at home or in a hospital by an appropriately certified teacher provided by the School District. These students will be provided with such instruction in accordance with New York State Education Law and Commissioner's Regulations.

Procedures for students requiring home tutoring shall be developed under the direction of the Superintendent or his/her designee.

Education Law Sections 1604(20), 1709(24), 3202 and 4401
8 New York Code of Rules and Regulations (NYCRR) Section 175.21

Adopted: 06/27/07
Revised: 02/26/14

POLICY

2007 8460

Instruction

SUBJECT: FIELD TRIPS

The Board of Education recognizes that field trips are an educationally sound and important ingredient in the instructional program of the schools.

For purposes of this policy, a field trip shall be defined as any journey by a group of students away from the school premises, under the supervision of a teacher, which is an integral part of an approved course of study and conducted for the purpose of affording a first-hand educational experience not available in the classroom.

Field trips are a part of the curriculum of the schools, and student conduct and attendance on field trips are governed by the same rules that govern regular classroom activities. The School System shall obtain written parental/guardian permission for students going on school-sponsored field trips.

The Superintendent shall prepare procedures for the operation of a field trip activity. Field trip support shall be determined annually by the Board during its budget deliberations. Regardless of the fiscal support for field trips, the rules of the School District for approval and conduct of such trips shall apply.

Overnight trips require the approval of the Board of Education.

The Superintendent/designee may cancel previously approved field trips due to extenuating circumstances.

NOTE: Refer also to Policies #5730 -- Transportation of Students
District Code of Conduct on School Property

Adopted: 6/27/07

POLICY

2010 8461

Instruction

SUBJECT: FOREIGN TRAVEL

The Board of Education understands that foreign travel can provide valuable experiences and opportunities for our staff and students. The staff are able to organize foreign travel to support curriculum for interested students. These trips will not be sponsored by the school district. All trip organizational meetings are to be held off campus or would r4equire a facility use form to hold the meeting(s) in the school. All fundraising is independent of the school, and all correspondence regarding foreign trips should state that the trip is not sponsored by the school district.

Foreign Travel supported by the District: Limited Basis

Before planning a foreign travel, trip planners and organizers should determine if foreign travel is permitted. Administrators should contact the U.S. Department of State (as recommended by NYSIR-A Guide to managing Foreign Travel).

The U.S. Department of State website has warnings about travel for U.S. travelers. This website can be accessed at: http://www.cdc.gov/

Conducting a threat assessment of the destination is a prudent idea. Countries and destinations that were popular tourist sites in the past may no longer be suitable for school sponsored travel.

The District should use Foreign Travel documents provided by the district's current Insurance Reciprocal.

NOTE: Refer also to Policy #8460 – Field Trips

***All foreign travel expenses would be the responsibility of the individual traveler.

Adopted: 06/30/2010

SUBJECT: HOME INSTRUCTION (HOME SCHOOLING)

From time to time, parents will choose to instruct their children at home. 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.

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) They 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.

b) The District does permit home-instructed students to participate in extra-curricular and other school-sponsored activities, subject to the discretion of the Superintendent. Such students may participate provided the students have satisfactorily submitted any required permission forms, medical forms, and any other paperwork developed by the District. All students must abide by all District rules and regulations such as, but not limited to, the student Code of Conduct. The District will follow the provisions of Public Health Law Section 2164 dealing with any health-related requirements.

c) The District is not required to loan available textbooks and other materials (e.g., library materials, microscopes, computer software, movie projectors).

However, the District shall provide such textbooks and other materials to the extent available to home-instructed students.

d) The School District is not required to furnish health services.

e) The District is not responsible for providing remedial programs.

f) They may not participate in the instructional program of the School District except for dual enrollment opportunities the District may make available under the “Dual Enrollment Law” and for special education programs and services the District is required to offer (exceptions are listed below).

The District shall not make available to home-instructed students occupational and vocational education programs (career and technical education programs) and programs for the gifted in accordance with the provisions of the "Dual Enrollment Law."

(Continued)

SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)

g) The District shall offer a home-instructed student with disabilities the special education services as addressed in the approved Individualized Education Program (IEP) by the Committee on Special Education. However, there is no requirement that such services be provided in the student's home. Further, the District shall conduct a census and register of students with disabilities who reside in the District in accordance with Education Law and Commissioner's Regulations.

h) Students instructed at home shall not be allowed to use school facilities, except as provided for community organizations in Policy #3280 -- Community Use of School Facilities.

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.

Education Law Sections 3204, 3205, 3210(2), 3212(2), 3240-42, 3602-c and 4402
8 New York Code of Rules and Regulations (NYCRR) Sections 100.10, 135.4(c)(7)(ii)(b)(2) and 200.2(a)

Adopted: 06/27/07
Revised: 11/18/09
Revised: 06/21/17

POLICY

2007 8480

Instruction

SUBJECT: IN SCHOOL TUTORING

Secondary school students may avail themselves of extra help from classroom teachers during the ninth (9th) period of the school day. Teachers shall encourage students who are experiencing academic difficulty, and may require them, to take advantage of the ninth (9th) period special instruction.

Adopted: 6/27/07

Subject: Title IX and Sex Discrimination in the School District

The District will comply with Title IX of the Education Amendments Act of 1972: no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the District.

This policy outlines the required elements under the law for published grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX, and a grievance process that complies with federal regulations for formal complaints of violations of Title IX.

This policy is to be read and implemented alongside other District policies covering discrimination, anti-harassment, and other sex-based misconduct that may not fall within the scope of this policy and/or Title IX.

The Superintendent of Schools is directed to develop regulations to implement this policy in accordance with the provisions of law and established Board policies and regulations.

Pertinent Definitions
For purposes of this policy and the implementing regulations, the District uses the following definitions:

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

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

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

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

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

(3) Sexual assault, meaning forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (FBI);

(Continued)

Subject: Title IX and Sex Discrimination in the School District (Cont'd)

(4) Dating violence, meaning violence committed by a person – (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

(5) Domestic violence, meaning felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

(6) Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent, regardless of whether a formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. The range of supportive measures offered by the District may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the school campus, and other similar measures.

Title IX Coordinator: the District shall appoint one (1) or more Title IX Coordinators, who shall carry out the duties required of them under the law.

Response to Reports of Sexual Harassment

Any person may report sex discrimination. Making a report of sexual harassment is not the same as filing a formal complaint of sexual harassment. Although the District must respond to all reports it receives of sexual harassment, the Title IX grievance process outlined in this policy is only initiated with the filing of a formal complaint.

(Continued)

Subject: Title IX and Sex Discrimination in the School District (Cont'd)

With or without a formal complaint, if the District has actual knowledge of sexual harassment in an education program or activity against a person in the United States, it must respond promptly in a manner that is clearly reasonable in light of the known circumstances.

The District must treat complainants and respondents equitably by offering supportive measures to a complainant, and by following a grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

The District's appointed Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

Response to a Formal Complaint
In response to a formal complaint, the District will follow its grievance process as outlined in this policy and its implementing regulations. General requirements for the grievance process are as follows. The District will:

1. Treat complainants and respondents equitably by providing remedies to a complainant when a determination of responsibility for sexual harassment has been made against the respondent.
2. Treat complainants and respondents equitably by following the grievance process before the imposition of any disciplinary sanctions or actions that are not supportive measures against a respondent.
3. Design any remedies to restore or preserve equal access to the District's education program or activity.
4. Require an objective evaluation of all relevant evidence.
5. Provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness.
6. Require that a Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
7. Ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment under federal Title IX regulations, the scope of the District's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

(Continued)

Subject: Title IX and Sex Discrimination in the School District (Cont'd)

8. Ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in federal regulations.
9. Ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
10. Presume the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
11. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

In general, the grievance process consists of the following elements: (1) receipt of complaint; (2) notification to parties; (3) investigation; (4) disclosure of evidence; (5) receipt of statements from parties; (6) generation of the investigative report; (7) submissions of questions/answers from parties; (8) hearing OR determination regarding culpability; (9) appeals (if filed).

Receipt of Complaint
The filing of a formal complaint initiates the grievance process. A formal complaint must be signed by the complainant, the complainant's parent or legal guardian as appropriate, or the Title IX Coordinator.

Notification to Parties
When a formal complaint is filed, the Title IX Coordinator must send a written notice of allegations to all parties which includes the identities of all known parties. Written notice must contain all elements required under the law.

Investigation: Disclosure of Evidence, Receipt of Statements from Parties, and Generation of Investigative Report
The District must investigate the allegations in a formal complaint. When investigating a formal complaint and throughout the grievance process, the District must:

1. Ensure the burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility fall on the District, rather than the parties (provided that the District cannot access, consider, disclose, or otherwise use a party's records that are made/maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for a grievance process. If the party is not yet an eligible student under the Family Educational Rights and Privacy Act (FERPA), consent must be obtained from a parent or legal guardian.

(Continued)

Subject: Title IX and Sex Discrimination in the School District (Cont'd)

2. Provide an equal opportunity for the parties to present witnesses.
3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
4. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice (who may be an attorney), and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding (although restrictions may be established and equally imposed regarding the extent of the advisor's participation).
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the District must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The District must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination;
7. Prior to the completion of the investigative report, provide the parties with at least ten (10) days to submit a written response following review of the evidence, which the investigator will consider; and
8. Create an investigative report that fairly summarizes relevant evidence and, at least ten (10) days prior to a hearing (if a hearing is held) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

Submissions of questions/answers from parties

With or without a hearing, after the District sends the investigative report to the parties but before making a determination, the decision-maker must provide each party the opportunity (1) to submit written, relevant questions that it wants asked of a party or witness, (2) provide each party with the answers, and (3) allow for additional, limited follow-up questions from each party.

(Continued)

Subject: Title IX and Sex Discrimination in the School District (Cont'd)

Hearing or Determination regarding culpability
The District has a choice as to whether it will offer an informal resolution process and whether it will offer a hearing. With or without a hearing, the decision-maker will render a determination regarding culpability to the parties.

Timing for Grievance Process
The District will strive to complete the grievance process and interim steps within reasonably prompt time frames. These time frames will allow for a temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

Estimated time frames for steps in the grievance process shall be included in regulations promulgated by the Superintendent. Estimated time frames required to be published in District policy are outlined below. Depending on the nature of the complaint or other circumstances, the listed time frames may be longer.

1. For the conclusion of the grievance process: within sixty (60) calendar days after receipt of formal complaint.
2. For filing appeals: within fifteen (15) school days of notice of determination.
3. For the resolution of appeals: within twenty-five (25) school days of filing of appeal.
4. For the informal resolution process, if offered: within thirty (30) school days (but within a reasonably prompt time frame, if not)

Standard of evidence
The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard. The District will apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment.

Disciplinary sanctions and remedies
After a determination of responsibility, the range of possible disciplinary sanctions and remedies include any disciplinary outcome listed in the District's Code of Conduct, including up to expulsion.

Appeals
Following a determination by the District, a complainant or respondent may appeal on the following bases, which must be identified in the appeal: (1) A procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and (3) the existence of a conflict of interest or bias for/against complainants or respondents generally or for/against the individual complainant or respondent held by the Title IX Coordinator, investigator, or decision-maker that affected the outcome of the matter.

(Continued)

Subject: Title IX and Sex Discrimination in the School District (Cont'd)

Either party may file an appeal from a determination regarding responsibility or from the District's dismissal of a formal complaint or any of its allegations. Appeals must be submitted in writing to the Title IX Coordinator within fifteen (15) school days of the written notice of the determination regarding responsibility or dismissal of the formal complaint or any of its allegations.

Upon receipt of an appeal, the District will:

a) Notify the other party in writing that an appeal has been filed and implement appeal procedures equally for both parties;

b) Ensure that any decision-maker for the appeal:
   1. Is not the same person as any decision-maker that reached the initial determination regarding responsibility or dismissal, investigator, or Title IX Coordinator;
   2. Does not have any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;

c) Give all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Parties will have to submit these written statements after the parties have been notified of the appeal;

d) Issue a written decision describing the result of the appeal and the rationale for the result; and

e) Provide the written decision simultaneously to the Title IX Coordinator, the Superintendent, and all parties after receiving the parties' written statements in support of, or challenging, the outcome.

Adopted: 03/22/23

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