

Bylaws

SUBJECT: MINUTES

Board minutes are a legal record of the activities of the Board as a public corporation having the specified legal purpose of maintaining public schools. The minutes of all meetings will be kept by the District Clerk or, in their absence, by the Superintendent or designee. The minutes will be complete, accurate, and maintained in accordance with law. All minutes must be signed by the District Clerk when approved. Unless otherwise provided by law, minutes will be available to the public and posted on the District website within two weeks from the date of a meeting; draft copies, so marked, are acceptable, subject to correction.

Minutes of executive sessions need not include any matter which is not required to be made public by the Freedom of Information Law (FOIL).

The minutes of each meeting of the Board will 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, including a record or summary of all motions, proposals, resolutions, and other matters formally voted upon, with evidence of those voting in the affirmative and the negative, and those abstaining;

Minutes of Executive Sessions

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

If action is taken by a formal vote in executive session, minutes will be available to the public and posted on the District website within one week of the date of the executive session.

Education Law Sections 1721, 2121, and 3020-a
Public Officers Law Sections 87, 103, 103-a, and 106

NOTE: Refer also to Policy #1510 -- Regular Board Meetings and Rules (Quorum and Parliamentary Procedure)

Adopted: 5/19/15
Revised:

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

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses complaints of discrimination and/or harassment made under applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, or other document such as the District's *Code of Conduct*. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

In accordance with applicable federal and state laws and regulations, the District does not discriminate on the basis of any legally protected class or category in its education programs and activities or when making employment decisions. Further, the District prohibits discrimination and harassment on school property and at school functions on the basis of any legally protected class or category including, but not limited to:

- a) Age;
- b) Race;
- c) Creed;
- d) Religion;
- e) Color;
- f) National origin;
- g) Citizenship or immigration status;
- h) Sexual orientation;
- i) Gender identity or expression;
- j) Military status;
- k) Sex;
- l) Disability;
- m) Predisposing genetic characteristics;

(Continued)

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

- n) Familial status;
- o) Marital status; and
- p) Status as a victim of domestic violence.

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of discrimination and/or harassment. The District will promptly respond to reports of discrimination and/or harassment, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)).

Scope and Application

This policy outlines the District's general approach to addressing complaints of discrimination and/or harassment. This policy applies to the dealings between or among the following parties on school property and at school functions:

- a) Students;
- b) Employees;
- c) Applicants for employment;
- d) Paid or unpaid interns;
- e) Anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace;
- f) Volunteers; and
- g) Visitors or other third parties.

Further, discrimination and/or harassment that occurs off school property and somewhere other than a school function can disrupt the District's educational and work environment. This conduct can occur in-person or through phone calls, texts, emails, or social media. Accordingly, conduct or incidents of discrimination and/or harassment that create or foreseeably create a disruption within the District may be subject to this policy in certain circumstances.

(Continued)

Community Relations

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

Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's *Code of Conduct* may address misconduct related to discrimination and/or harassment and may provide for additional, different, or more specific grievance procedures depending on a number of factors including, but not limited to, who is involved, where the alleged discrimination and/or harassment occurred, and the basis of the alleged discrimination and/or harassment. These documents must be read in conjunction with this policy.

The dismissal of a complaint under one policy or document does not preclude action under another related District policy or document.

Definitions

For purposes of this policy, the following definitions apply:

- a) "School property" means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of any District elementary or secondary school, or in or on a school bus or District vehicle.
- 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.

What Constitutes Discrimination and Harassment

Determinations as to whether conduct or an incident constitutes discrimination and/or harassment will be made consistent with applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, or other document such as the District's *Code of Conduct*. These determinations may depend upon a number of factors, including, but not limited to: the particular conduct or incident at issue; the ages of the parties involved; the context in which the conduct or incident took place; the relationship of the parties to one another; the relationship of the parties to the District; and the protected class or characteristic that is alleged to have been the basis for the conduct or incident. The examples below are intended to serve as a general guide for individuals in determining what may constitute discrimination and/or harassment. These examples should not be construed to add or limit the rights that individuals and entities possess as a matter of law.

Generally stated, discrimination consists of the differential treatment of a person or group of people on the basis of their membership in a legally protected class. Discriminatory actions may include, but are not limited to: refusing to promote or hire an individual on the basis of their membership in a protected class; denying an individual access to facilities or educational benefits on the basis of their membership in a protected class; or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

(Continued)

Community Relations

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

Generally stated, harassment consists of subjecting an individual, on the basis of their membership in a legally protected class, to unwelcome verbal, written, or physical conduct which may include, but is not limited to: derogatory remarks, signs, jokes, or pranks; 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.

This conduct may, among other things, have the purpose or effect of: subjecting the individual to inferior terms, conditions, or privileges of employment; 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.

Under New York State Human Rights Law (NYSHRL), discrimination or harassment does not need to be severe or pervasive to be illegal. It can be any discriminatory or harassing behavior that rises above petty slights or trivial inconveniences. Every instance of discrimination or harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, NYSHRL specifies that whether discriminatory or harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics.

Civil Rights Compliance Officer

The District has designated the following District employee(s) to serve as its CRCO(s):

Kate Bulfin-Rella, Supervisor of Special Education
2400 Jericho Turnpike, Garden City Park, NY 11040
516-237-2040
kbulfinrella@mineola.k12.ny.us

Catherine Fishman, Deputy Superintendent
2400 Jericho Turnpike, Garden City Park, NY 11040
516-237-2040
cfishman@mineola.k12.ny.us

The CRCO(s) will coordinate the District's efforts to comply with its responsibilities under applicable non-discrimination and anti-harassment laws and regulations including, but not limited to: the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and the Age Discrimination Act of 1975.

Where appropriate, the CRCO(s) may seek the assistance of other District employees, such as the District's Title IX Coordinator(s) or Dignity Act Coordinator(s) (DAC(s)), or third parties in investigating, responding to, and remedying complaints of discrimination and/or harassment.

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

Reporting Allegations of Discrimination and/or Harassment

Anyone who experiences, witnesses, or becomes aware of potential instances of discrimination or harassment is encouraged to report the behavior to a supervisor, building principal, other administrator, or the CRCO. Individuals should not feel discouraged from reporting discrimination or harassment because they do not believe it is bad enough or conversely because they do not want to see someone punished for less severe behavior.

Reports of discrimination and/or harassment may be made verbally or in writing. A written complaint form is posted on the District's website if an individual would like to use it, but the complaint form is not required. Individuals who are reporting discrimination and/or harassment on behalf of another individual may use the complaint form and note that it is being submitted on another individual's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another individual is also acceptable.

Reports may be made to a CRCO in person, by using the contact information for a CRCO, or by any other means that results in a CRCO receiving the person's verbal or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for a CRCO.

Reports of discrimination and/or harassment may also be made to any other District employee including a supervisor or building principal. All reports of discrimination and/or harassment must be immediately forwarded to the CRCO. Reports may also be forwarded to other District employees depending on the allegations.

Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination.

If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

In addition to complying with the reporting requirements in this policy, District employees must comply with any other applicable reporting requirements contained in District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. Applicable documents include, but are not limited to, the District's policies, regulations, and procedures related to Title IX, sexual harassment in the workplace, and the Dignity for All Students Act (DASA).

(Continued)

Community Relations

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

Supervisors, building principals, other administrators, and the CRCOs are responsible for helping to maintain a discrimination and harassment-free educational and work environment.

All supervisors, building principals, and other administrators who receive a complaint or information about suspected discrimination or harassment, observe what may be discriminatory or harassing behavior, or for any reason suspect that discrimination or harassment is occurring, are required to report the suspected discrimination or harassment to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Supervisors, building principals, and other administrators should not be passive and wait for an individual to make a claim of discrimination or harassment. If they observe such behavior, they must act.

Supervisors, building principals, and other administrators can be disciplined if they engage in discriminatory or harassing behavior themselves. Supervisors, building principals, and other administrators, can also be disciplined for failing to report suspected discrimination or harassment or allowing discrimination or harassment to continue after they know about it.

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

Grievance Process for Complaints of Discrimination and/or Harassment

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

(Continued)

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

The CRCO will generally oversee the District's investigation of all complaints of discrimination and/or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible.

District employees may be required to cooperate as needed in an investigation of suspected discrimination or harassment. The District recognizes that participating in a discrimination or harassment investigation can be uncomfortable and has the potential to retraumatize an individual. Individuals receiving claims and leading investigations will handle complaints and questions with sensitivity toward participants.

Various District policies and documents address discrimination and harassment. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff such as the District's Dignity Act Coordinators (DACs) or Title IX Coordinator(s) to determine which District policies and/or documents are applicable to the specific facts of the complaint.

If an investigation reveals that discrimination and/or harassment based on a legally protected class has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.

Knowingly Makes False Accusations

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

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

The District prohibits all retaliation. Any individual that reports an incident of discrimination or harassment, provides information, or otherwise assists in any investigation of a discrimination or harassment complaint is protected from retaliation. No one should fear reporting discrimination or harassment if they believe it has occurred. Even if the alleged discrimination or 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 discrimination or harassment.

(Continued)

Community Relations

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

Any District employee who retaliates against anyone involved in a discrimination or harassment investigation will face disciplinary action, up to and including termination.

Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

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

Confidentiality

To the extent possible, all complaints will be treated as confidential. Disclosure may be necessary in certain circumstances such as to complete a thorough investigation and/or notify law enforcement officials. All disclosures will be in accordance with law and regulation.

Training

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

Notification

Prior to the beginning of each school year, the District will issue an appropriate public announcement or publication which advises students, parents or legal guardians, employees, and other relevant individuals of the District's established grievance process for resolving complaints of discrimination and/or harassment. This announcement or publication will include the name, office address, telephone number, and email address of the CRCO(s). The District's website will reflect current and complete contact information for the CRCO(s).

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

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

Regulations and/or procedures will be developed for reporting, investigating, and remediating allegations of discrimination and/or harassment.

8 USC Section 1324b

29 USC Section 206

42 USC Section 1981

Age Discrimination Act of 1975, 42 USC Section 6101 et seq.

Age Discrimination in Employment Act of 1967 (ADEA), 29 USC Section 621 et seq.

Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq.

Equal Educational Opportunities Act of 1974, 20 USC Section 1701 et seq.

Genetic Information Non-Discrimination Act (GINA), 42 USC Section 2000ff et seq.

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790 et seq.

Title IV of the Civil Rights Act of 1964, 42 USC Section 2000c et seq.

Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.

Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.

Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.

Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC Section 4301 et seq.

28 CFR Part 35

29 CFR Chapter I – National Labor Relations Board

29 CFR Chapter XIV – Equal Employment Opportunity Commission

34 CFR Parts 100, 104, 106, 110, and 270

45 CFR Part 86

Civil Rights Law Sections 40, 40-a, 40-c, 47-a, 47-b, and 48-a

Civil Service Law Sections 75-b and 115

Correction Law Section 752

Education Law Sections 10-18, 313, 313-a, 2801, 3201, and 3201-a

Labor Law Sections 194-a, 201-d, 201-g, 203-e, 206-c, 215, and 740

New York State Human Rights Law, Executive Law Section 290 et seq.

Military Law Sections 242, 243, and 318

8 NYCRR Section 100.2

9 NYCRR Section 466 et seq.

(Continued)

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

NOTE: Refer also to Policies #3421 -- Title IX and Sex Discrimination
#6120 -- Equal Employment Opportunity
#6121 -- Sexual Harassment in the Workplace
#6122 -- Employee Grievances
#7550 -- Dignity for All Students
#7551 -- Sexual Harassment of Students
#7554 -- Equal Educational Opportunities
#8220 -- Career and Technical (Occupational) Education
District *Code of Conduct*

SUBJECT: TITLE IX AND SEX DISCRIMINATION**Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses complaints of sex discrimination, including sexual harassment, made under Title IX of the Education Amendments Act of 1972 and its implementing regulations (Title IX). It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

The District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in employment. The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of sex discrimination, including sexual harassment, made by students, employees, the District's Title IX Coordinator, or other individuals who are participating or attempting to participate in the District's education program or activity.

Inquiries about Title IX may be directed to the District's Title IX Coordinator, the United States Department of Education's Office for Civil Rights, or both.

Relationship to Other District Documents

In addition to complying with this policy, District employees must comply with any other applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. This includes, but is not limited to, the District's Dignity for All Students (DASA) policy which requires District employees to make an oral report promptly to the Superintendent or principal, their designee, or a 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 of a student. Two days after making the oral report, DASA further requires that the District employee file a written report with the Superintendent or principal, their designee, or a DAC.

The dismissal of a complaint of sex discrimination under Title IX does not preclude action under another related District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Complainant" means:
 - 1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or

(Continued)

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination.
- b) "Complaint" means an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX.
- c) "Confidential employee" means:
 1. An employee of the District whose communications are privileged or confidential under federal or state law. The employee's confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
 2. An employee of the District whom the District has designated as confidential for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services.
- d) "Disciplinary sanctions" means consequences imposed on a respondent following a determination under Title IX that the respondent violated the District's prohibition on sex discrimination.
- e) "Party" means a complainant or respondent.
- f) "Peer retaliation" means retaliation by a student against another student.
- g) "Pregnancy or related conditions" means:
 1. Pregnancy, childbirth, termination of pregnancy, or lactation;
 2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
 3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

(Continued)

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- h) "Relevant" means related to the allegations of sex discrimination under investigation as part of the grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
- i) "Remedies" means measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that sex discrimination occurred.
- j) "Respondent" means a person who is alleged to have violated the District's prohibition on sex discrimination.
- k) "Retaliation" means intimidation, threats, coercion, or discrimination against any person by the District, a student, an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing -- including in an informal resolution process, grievance procedures, and in any other actions taken by the District under Title IX. This does not preclude the District from requiring an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing.
- l) "Supportive measures" means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:
 - 1. Restore or preserve that party's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or
 - 2. Provide support during the District's grievance procedures or during the informal resolution process.

What Constitutes Sex Discrimination under Title IX

Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

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SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex (including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity), that is:

- a) Quid pro quo harassment which is an employee, agent, or other person authorized by the District to provide an aid, benefit, or service under the District's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- b) Hostile environment harassment which is unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the District's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - 1. The degree to which the conduct affected the complainant's ability to access the District's education program or activity;
 - 2. The type, frequency, and duration of the conduct;
 - 3. The parties' ages, roles within the District's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - 4. The location of the conduct and the context in which the conduct occurred; and
 - 5. Other sex-based harassment in the District's education program or activity; or
- c) Specific offenses:
 - 1. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - 2. 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 will be determined based on a consideration of the following factors:

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SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- (1) The length of the relationship;
 - (2) The type of relationship; and
 - (3) The frequency of interaction between the persons involved in the relationship;
3. Domestic violence meaning felony or misdemeanor crimes committed by a person who:
 - (a) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the District, or a person similarly situated to a spouse of the victim;
 - (b) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - (c) Shares a child in common with the victim; or
 - (d) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
4. Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - (a) Fear for the person's safety or the safety of others; or
 - (b) Suffer substantial emotional distress.

Title IX Coordinator

**Option 1 -- Choose this option if the District has only one Title IX Coordinator*

*The District has designated and authorized the following District employee to serve as its Title IX Coordinator and coordinate its efforts to comply with its responsibilities under Title IX:

[The District should list the following for its Title IX Coordinator: name or title, office address, email address, and telephone number.]

**Customize to District -- If the District chooses option one, the District should list the contact information for its Title IX Coordinator.*

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Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

The District may delegate, or permit its Title IX Coordinator to delegate, specific duties to one or more designees.

Where appropriate, the Title IX Coordinator may seek the assistance of the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or DAC(s) in investigating, responding to, and remediating complaints of sex discrimination, including sexual harassment.

**Option 2 -- Choose this option if the District has more than one Title IX Coordinator*

*The District has designated and authorized the following District employees to serve as its Title IX Coordinators:

[For each Title IX Coordinator, the District should list the following: name or title, office address, email address, and telephone number.]

*As required by Title IX, the District has designated the following Title IX Coordinator to retain ultimate oversight over the District's effort to comply with its responsibilities under Title IX and ensure the District's consistent compliance with its responsibilities under Title IX:

[List the name or title of the Title IX Coordinator who retains the ultimate oversight of the District's effort to comply with its responsibilities under Title IX.]

The District may delegate, or permit the Title IX Coordinators to delegate, specific duties to one or more designees.

Where appropriate, a Title IX Coordinator may seek the assistance of the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or DAC(s) in investigating, responding to, and remediating complaints of sex discrimination, including sexual harassment.

Grievance Procedures for Complaints of Sex Discrimination

The District has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX.

**Customize to District -- If the District chooses option two, the District should list the contact information for its Title IX Coordinators. The District must also designate one of the Title IX Coordinators to retain ultimate oversight of the District's effort to comply with its responsibilities under Title IX.*

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SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

All District employees, who are not confidential employees, are required to notify the Title IX Coordinator when they have information about conduct that reasonably may constitute sex discrimination under Title IX.

Making a Complaint of Sex Discrimination

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX:

- a) A complainant;
- b) A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- c) The Title IX Coordinator, after making a determination.

A person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of the person subjected to the sex-based harassment, or if the Title IX Coordinator initiates a complaint consistent with Title IX.

With respect to complaints of sex discrimination other than sex-based harassment, the following individuals have a right to make a complaint:

- a) Any District student or employee; or
- b) Any person other than a student or employee who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination.

If the Title IX Coordinator is initiating a complaint, they will notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

The District may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

It is anticipated that, in most cases, the District will decide to dismiss or investigate a complaint within **a reasonably prompt timeframe* after receiving a complaint.

If a complainant or respondent is a student with a disability, the Title IX Coordinator must consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision, if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act, throughout the District's implementation of grievance procedures.

Basic Requirements of Title IX Grievance Procedures

- a) The District will treat complainants and respondents equitably;
- b) The District requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.
- c) The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.
- d) The District has established timeframes for the major stages of the grievance procedures, including, for example, the decision whether to dismiss or investigate a complaint (i.e., evaluation), investigation, determination, and appeal, if any.
- e) The District has established a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay.
- f) The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

**Customize to District*

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- g) The District will objectively evaluate all evidence that is relevant and not otherwise impermissible -- including both inculpatory and exculpatory evidence. Inculpatory evidence implicates or tends to implicate an individual in a crime or wrongdoing. Exculpatory evidence frees or tends to free an individual from blame or accusation. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

1. Evidence that is protected under a privilege recognized by federal or state law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
 2. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
 3. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
- h) If the District adopts grievance procedures that apply to the resolution of some, but not all, complaints of sex discrimination, the District will articulate in those grievance procedures consistent principles for how the District will determine which procedures apply.

Dismissal of a Complaint

The District may dismiss a complaint of sex discrimination if:

- a) The District is unable to identify the respondent after taking reasonable steps to do so;
- b) The respondent is not participating in the District's education program or activity and is not employed by the District;

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- c) The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the District determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- d) The District determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the District will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the District will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the District will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The District will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the District will also notify the respondent that the dismissal may be appealed.

When a complaint is dismissed, the District will, at a minimum:

- a) Offer supportive measures to the complainant as appropriate;
- b) If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- c) Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the District's education program or activity.

Appeals of Dismissals

Appeals must be submitted in writing to the Title IX Coordinator within **[a reasonably prompt timeframe]* of the notice of the dismissal. Dismissals may be appealed on the following bases:

- a) Procedural irregularity that would change the outcome;
- b) New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and

**Customize to District*

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- c) The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the District will:

- a) Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- b) Implement appeal procedures equally for the parties;
- c) Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- d) Ensure that the decisionmaker for the appeal has been appropriately trained;
- e) Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- f) Notify the parties of the result of the appeal and the rationale for the result.

It is anticipated that the notice of the result of the appeal will be issued within *a reasonably prompt timeframe after the appeal is commenced.

Notice of Allegations

Upon initiation of the District's Title IX grievance procedures, the Title IX Coordinator will notify the parties, whose identities are known, of the following:

- a) The District's Title IX grievance procedures and any informal resolution process;
- b) Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the District;
- c) Retaliation is prohibited; and
- d) The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.

*Customize to District

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

If the District provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the District decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the District will notify the parties, whose identities are known, of the additional allegations.

Investigation

The District will designate an investigator. The investigator may be the Title IX Coordinator or another District employee. The District may also outsource all or part of an investigation to appropriate third parties.

The District will provide for adequate, reliable, and impartial investigation of complaints. The District will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. The burden is on the District -- not on the parties -- to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The District will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. The District will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- a) The District will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the District provides a description of the evidence, the District will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- b) The District will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- c) The District will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of this information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

It is anticipated that most investigations will be completed within **[a reasonably prompt timeframe]* after receiving a complaint.

**Customize to District*

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)Questioning the Parties and Witnesses

The District has established a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

**[The District must describe its process for questioning the parties and witnesses. A sample process has been provided below. The District should review this sample process language and revise it to reflect the District's specific circumstances and practices:]*

The process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, includes:

- a) Allowing the investigator or decisionmaker to ask these questions during individual meetings with a party or witness;*
- b) Allowing each party to propose questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness; and*
- c) Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.]*

Determination Whether Sex Discrimination Occurred

The District will designate a decisionmaker. After an investigation and evaluation of all relevant and not otherwise impermissible evidence, the District will:

- a) Use the ***preponderance of the evidence standard of proof, which is understood to mean that the party with the burden of persuasion must prove that a proposition is more probably true than false meaning a probability of truth greater than 50 %,* to determine whether sex discrimination occurred.

***[The District must use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred, unless the District uses the clear and convincing evidence standard of proof (this standard is understood to mean concluding that a fact is highly probable to be true) in all other comparable proceedings, including proceedings relating to other discrimination complaints, in which case the District may elect to use that standard of proof in determining whether sex discrimination occurred.]*

** and ** Customize to District*

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.

- b) Notify the parties in writing of the determination whether sex discrimination occurred under Title IX, including the rationale for the determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable. It is anticipated that the notice of determination will be issued within **[a reasonably prompt timeframe]* after the conclusion of the investigation.
- c) Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- d) If there is a determination that sex discrimination occurred, require the Title IX Coordinator to, as appropriate:
 - 1. Coordinate the provision and implementation of remedies to a complainant and other people the District identifies as having had equal access to the District's education program or activity limited or denied by sex discrimination;
 - 2. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any disciplinary sanctions; and
 - 3. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.
- e) Comply with the grievance procedures before imposing any disciplinary sanctions against a respondent.
- f) Not discipline a party, witness, or others participating in the District's grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeal of Determinations

Either party may appeal a determination whether sex discrimination occurred. This appeal process, at a minimum, is the same as the District offers in all other comparable proceedings, including proceedings relating to other discrimination complaints.

**Customize to District*

(Continued)

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

**[The District must offer the parties an appeal process that, at a minimum is the same as it offers in all comparable proceedings, if any, including proceedings relating to other discrimination complaints. A sample appeal process has been provided below. The District should review this sample language and revise it so that, at a minimum, it is the same as the District's comparable proceedings:*

Appeals must be submitted in writing to the Title IX Coordinator within 30 days of the notice of the determination. Determinations may be appealed on the following bases:

- a) Procedural irregularity that would change the outcome;*
- b) New evidence that would change the outcome and that was not reasonably available when the determination whether sex-based harassment occurred or dismissal was made; and*
- c) The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.*

The bases on which a party is seeking an appeal should be specifically stated in the party's written appeal.

If the determination is appealed, the District will:

- a) Notify the parties of any appeal;*
- b) Implement appeal procedures equally for the parties;*
- c) Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations;*
- d) Ensure that the decisionmaker for the appeal has been appropriately trained;*
- e) Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and*
- f) Notify the parties of the result of the appeal and the rationale for the result.]*

It is anticipated that the notice of the result of the appeal will be issued within ****[a reasonably prompt timeframe]** after the appeal is commenced.

*** and ** Customize to District**

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)Informal Resolution

At any time prior to determining whether sex discrimination occurred, the District may offer to a complainant and respondent an informal resolution process. The District will not offer an informal resolution process to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student or when the process would conflict with federal, state, or local law.

The District has the discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute sex discrimination under Title IX or when a complaint of sex discrimination is made, and may decline to offer informal resolution despite one or more of the parties' wishes. The District will not require or pressure parties to participate in an informal resolution process.

If available, appropriate, and requested by all parties, the Title IX Coordinator will initiate the informal resolution process.

When the District provides the parties an informal resolution process, it will, to the extent necessary, require its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.

Supportive Measures

The Title IX Coordinator will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the District's education program or activity or provide support during the District's Title IX grievance procedures or during the informal resolution process.

Supportive measures may vary depending on what the District deems to be reasonably available. For complaints of sex-based harassment, these measures may include, but are not limited to: counseling; extensions of deadlines and other course-related adjustments; increased security and monitoring of certain areas of the District; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.

Disciplinary Sanctions and Remedies

After a determination that sex-based harassment occurred, the District may impose disciplinary sanctions on a respondent. Disciplinary sanctions will be imposed in accordance with any applicable District policy, procedure, handbook, or Code of Conduct.

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

**[The District must list, or describe the range of, the possible disciplinary sanctions that it may impose following a determination that sex-based harassment occurred. Sample language has been provided below. The District should review the sample language and revise it to reflect the District's specific circumstances and practices:]*

Disciplinary sanctions that may be imposed on a District employee include, but are not limited to: a verbal warning; a written warning; required training; demotion; suspension; and termination.

Disciplinary sanctions that may be imposed on a District student include, but are not limited to: a verbal warning; writing assignments; changing of seating or location in a classroom; detention; removal from extracurricular activities, including athletics; suspension; and expulsion.

After a determination that sex-based harassment occurred, the District may provide remedies to the complainant and other persons identified as having had equal access to the District's education program or activity limited or denied by sex discrimination.

***[The District must list, or describe the range of, the possible remedies that it may provide following a determination that sex-based harassment occurred. Sample language has been provided below. The District should review the sample language and revise it to reflect the District's specific circumstances and practices:]*

Since remedies are generally designed to restore or preserve access to the District's education program or activity for a particular person, they will generally be individualized and highly fact-specific.

Examples of remedies that may be provided to a District employee include, but are not limited to: making changes to work locations; and providing counseling.

Examples of remedies that may be provided to a District student include, but are not limited to: ensuring safe movement between classes; making changes to class schedules and extracurricular activities to ensure the complainant and respondent are separated; and providing counseling.

Extension of Timeframes

Reasonable extensions of timeframes are allowed on a case-by-case basis for good cause with written notice of any extension to the parties that includes the reason for the delay.

** and ** Customize to District*

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

**[The District must establish reasonably prompt timeframes for the major stages of the grievance procedures, including a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. A sample process that allows for the reasonable extension of timeframes has been provided below. The District should review this sample language and revise it to reflect its specific circumstances and practices.]*

The Title IX Coordinator will evaluate any requests for a reasonable extension of timeframes on a case-by-case basis. If good cause for the extension is found, the Title IX Coordinator will provide written notice to all parties, including the reason for the delay and the new anticipated timeframe. In instances where the Title IX Coordinator is the individual requesting an extension, the Superintendent or designee will evaluate the request to determine if good cause exists.]

Training

The District will ensure that all individuals within the District receive the appropriate Title IX training promptly upon hiring or when their position changes in a way that affects their Title IX responsibilities, with training also provided annually thereafter. This training will not rely on sex stereotypes.

The District will provide training as follows:

- a) All employees will be trained on:
 - 1. The District's obligation to address sex discrimination in its education program or activity;
 - 2. The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment; and
 - 3. All applicable notification and information requirements.
- b) Along with the general training provided to all employees, all investigators, decisionmakers, and other persons who are responsible for implementing the District's grievance procedures or have the authority to modify or terminate supportive measures will be trained on the following topics to the extent related to their responsibilities:
 - 1. The District's obligations to respond to sex discrimination;
 - 2. The District's grievance procedures;

**Customize to District*

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

3. How to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interest, and bias; and
 4. The meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the District's grievance procedures.
- c) Along with the general training provided to all employees, all facilitators of an informal resolution process will be trained on the rules and practices associated with the District's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.
- d) Along with the general training provided to all employees and the more specific training provided to those responsible for implementing the District's grievance procedures and facilitators of an informal resolution process, all Title IX Coordinators and designees will be trained on their specific responsibilities, the District's recordkeeping system, recordkeeping requirements under Title IX, and any other training necessary to coordinate the District's compliance with Title IX.

Notification

The District will provide a notice of nondiscrimination under Title IX to: students; parents, guardians, or other authorized legal representatives of District students; employees, applicants for employment; and all unions and professional organizations holding collective bargaining or professional agreements with the District.

The notice will prominently include, at a minimum, the following:

- a) A statement that the District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in employment;
- b) A statement that inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator, the Office for Civil Rights, or both;
- c) The name or title, office address, email address, and telephone number of the District's Title IX Coordinator;
- d) How to locate this policy which contains the District's Title IX nondiscrimination policy and grievance procedures; and

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- e) How to report information about conduct that may constitute sex discrimination and how to make a complaint of sex discrimination under Title IX.

The District will include this notice on its website and in each handbook, catalog, announcement, bulletin, and application form it provides to the individuals and entities referenced above, as well as in any materials used for recruiting employees.

If necessary, due to the format or size of a publication, the District may instead include a statement that the District prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the Title IX Coordinator, and provide the location of the notice on the District's website.

Recordkeeping

The District will maintain for a period of at least seven years:

- a) For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures and the resulting outcome.
- b) For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX, records documenting the actions the District took to meet its obligations.
- c) All materials used to provide training. The District will make these training materials available upon request for inspection by members of the public.

20 USC Section 1681, et. seq.
34 CFR Part 106
Education Law Section 13
8 NYCRR Section 100.2

Adopted: 9/22/22
Revised:

SUBJECT: MEDICAID COMPLIANCE PROGRAM POLICY**Overview**

The ~~School~~District ~~shall~~will 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 District has established and implemented a Medicaid Compliance Program designed to detect and prevent fraud, waste, and abuse. Failure to comply with applicable laws, regulations, District policies, procedures or standards of conduct may result in sanctions.

~~—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.~~

Compliance Program

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 ~~is comprised of~~includes 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~~These 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~~report compliance issues, questions, and concerns to ~~appropriate personnel~~the District's compliance officer; and describe how issues are investigated, ~~and~~resolved, and documented; Written policies and procedures will also include a policy of non-intimidation and non-retaliation for good faith participation in the compliance program, including but not limited to: reporting potential compliance issues to appropriate personnel, participating in investigation of potential compliance issues, self-evaluations, audits, remedial actions, reporting instances of intimidation or retaliation; and reporting potential fraud, waste, or abuse to the appropriate state or federal entities.
- b) A designated ~~employee~~compliance officer, who may or may not be a District employee, who will be responsible for the day-to-day operation of the Medicaid Compliance Program. ~~This employee's job~~The compliance officer's 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~~compliance officer'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; The compliance officer's primary responsibilities will include:~~

**District Option -- Policy may be deleted if not applicable to District. The Medicaid Compliance Program is required where Medicaid is a substantial portion of business operations, meaning the provider has received or should reasonably expect to receive at least \$1,000,000 in any consecutive 12-month period, directly or indirectly, from the Medicaid program.*

(Continued)

SUBJECT: MEDICAID COMPLIANCE PROGRAM POLICY (Cont'd.)

1. Overseeing and monitoring the adoption, implementation, and maintenance of the compliance program and evaluating its effectiveness;
 2. Drafting, implementing, and updating no less than annually or, as necessary, a compliance work plan;
 3. Reviewing and revising the compliance program and the written policies and procedures and standards of conduct, to incorporate changes based on the District's organizational experience and promptly incorporate changes to laws, rules, regulations, policies, and standards;
 4. Reporting directly, on a regular basis, but no less than quarterly, to the Board, Superintendent, and compliance committee on the progress of adopting, implementing, and maintaining the compliance program;
 5. Assisting the District in establishing methods to improve its efficiency, quality of services, and reducing the District's vulnerability to fraud, waste, and abuse;
 6. Investigating and independently acting on compliance program matters, including designing and coordinating internal investigations and documenting, reporting, coordinating, and pursuing any resulting corrective action with all internal departments, contractors, and the state; and
 7. Ensuring that the compliance officer is allocated sufficient staff and resources to satisfactorily perform their responsibilities for the operation of the compliance program based on the District's risk areas and organizational experience. The District will also ensure that the compliance officer and appropriate compliance personnel have access to all records, documents, information, facilities, and individuals that are relevant to carrying out their compliance program responsibilities.
- c) Compliance Committee which will be responsible for coordinating with the compliance officer to ensure that the District is conducting its business in an ethical and responsible manner, consistent with its compliance program. The District will outline the duties and responsibilities, membership, designation of a chairperson, and the frequency of meetings in a compliance committee charter.
- ed) Training and education of the District's compliance officer, all affected ~~School~~-District employees and other ~~persons~~-individuals associated with the ~~School~~-District's Medicaid Compliance Program, including, but not limited to, members of the District's Board of Education. ~~Such~~-This training ~~shall~~-will occur ~~periodically~~-annually and ~~shall~~-be made a part of any required training or orientation for new employees, Board members, volunteers and/or other ~~s~~-individuals on dealing with the ~~School~~-District's Medicaid Compliance Program;. The training program will include at a minimum:

(Continued)

SUBJECT: MEDICAID COMPLIANCE PROGRAM POLICY (Cont'd.)

1. The District's risk areas and organizational experience;
2. The District's written policies and procedures;
3. The role of the compliance officer and the compliance committee;
4. How employees and other individuals can ask questions and report potential compliance-related issues to the compliance officer and administrators, including the obligation of employees and other individuals to report suspected illegal or improper conduct and the procedures for submitting such reports; and the protection from intimidation and retaliation for good faith participation in the compliance program;
5. Disciplinary standards, with an emphasis on those standards related to the District's compliance program and prevention of fraud, waste, and abuse;
6. How the District responds to compliance issues and implements corrective action plans;
7. Requirements specific to the Medical Assistance program and the District's category or categories of service;
8. Coding and billing requirements and best practices, if applicable; and
9. Claim development and the submission process, if applicable.

The District will also develop a training plan, which will at a minimum, outline the subjects for training and education, the timing and frequency of the training, which employees and other individuals are required to attend, how attendance will be tracked, and how the effectiveness of the training will be periodically evaluated.

- de) ~~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; Lines of communication to ensure confidentiality for the District's employees and other individuals. The District's lines of communication will:~~

(Continued)

SUBJECT: MEDICAID COMPLIANCE PROGRAM POLICY (Cont'd.)

1. Be accessible to all District employees, Board members, volunteers, and other individuals associated with the District's Medicaid Compliance Program;
2. Allow for questions regarding compliance issues to be asked and for compliance issues to be reported;
3. Be publicized to the compliance officer and be made available to all employees and other individuals and all recipients of service from the District;
4. Have a method for anonymous reporting of potential fraud, waste, and abuse and compliance issues directly to the compliance officer; and
5. Ensure that the confidentiality of persons reporting compliance issues be maintained unless the matter is subject to a disciplinary proceeding, referred to, or under investigation by, Medicaid Fraud Control Unit, OMIG, or law enforcement, or disclosure is required during a legal proceeding, and these persons will be protected under the District's policy for non-intimidation and non-retaliation.

If applicable, the District will make information about its compliance program, including its standards of conduct, available on its website.

- ef) ~~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;~~ Disciplinary standards and the implementation of procedures for the enforcement of these standards to address potential violations and encourage good faith participation in the District's compliance program by all employees and other individuals. The written policies and procedures establishing the District's disciplinary standards and the procedures for taking these actions will be published and disseminated to all employees and other individuals and will be incorporated into the District's training plan. The District will enforce its disciplinary standards fairly and consistently, and the same disciplinary action should apply to all levels of district staff.
- fg) ~~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;~~ An effective system for the routine monitoring and identification of compliance risks. This system should include internal monitoring and audits and, as appropriate, external audits, to evaluate the District's compliance with the requirements of the Medical Assistance program and the overall effectiveness of the District's compliance program. The District will

(Continued)

SUBJECT: MEDICAID COMPLIANCE PROGRAM POLICY (Cont'd.)

perform routine audits by internal or external auditors who have expertise in state and federal Medicaid program requirements and applicable law or regulation or have expertise in the subject area of the audit. Audits or investigations conducted by state or federal governmental entities are not considered external audits. The results of all internal or external audits or audits conducted by state or federal agencies will be reviewed for risk areas that can be included in the District's compliance program and compliance work plan. The design, implementation, and results of any internal or external audits will be documented and the results will be shared with the compliance committee and the Board. Any overpayments will be reported, returned, and explained and the District will take prompt corrective action to prevent recurrence.

The District will conduct an annual compliance program review to determine the effectiveness of its compliance program and whether any revision or corrective action is required. The District will require contractors to comply with auditing and monitoring requirements and rules. The District will promptly share the results of its auditing and monitoring activities with the District's compliance officer and appropriate compliance staff.

- gh) ~~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; and~~ Procedures and systems for promptly responding to compliance issues when raised, investigating potential compliance problems identified during internal auditing and monitoring, correcting problems promptly and thoroughly to reduce the potential for recurrence, and ensuring ongoing compliance with state and federal laws, rules, regulations, and requirements of the Medicaid program. When potential compliance risks and issues are identified, whether through reports received or the result of auditing or monitoring, the District will promptly investigate and document its findings and implement corrective action if necessary. The District will document any investigation of compliance issues which will include any alleged violations, a description of the investigative process, copies of interview notes, and other documents essential for demonstrating that the District completed a thorough investigation of the issue. The District will document any disciplinary action taken and the corrective action. The District will promptly report credible evidence that a state or federal law has been violated to the appropriate governmental entity, where reporting is required by law. Any copies of reports submitted to governmental entities will be provided to the District's Medicaid compliance officer.
- 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.~~

(Continued)

SUBJECT: MEDICAID COMPLIANCE PROGRAM POLICY (Cont'd.)

At least annually, the District will review its written policies, procedures, and standards of conduct to determine whether they have been implemented, whether employees and other individuals are following them, whether they are effective, and whether any updates are required.

~~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:~~

- ~~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~~
- ~~d) All Individualized Education Programs (IEPs) for Medicaid-eligible students.~~

~~Questions related to the School Supportive Health Services Program (SSHSP) or the Preschool Supportive Health Services Program (PSHSP) retention policy should be directed to the STAC, Special Aids and Medicaid Unit within the New York State Education Department.~~

Records Management and Retention

The District will retain records demonstrating that it has adopted, implemented, and operated an effective compliance program in accordance with law and regulation.

(Continued)

SUBJECT: MEDICAID COMPLIANCE PROGRAM POLICY (Cont'd.)

Social Services Law Section 363-d
18 NYCRR Part 521
Labor Law Sections 740 and 741

NOTE: Refer also to Policies #2110 -- Orienting and Training Board Members
#5570 -- Financial Accountability
#5571 -- Allegations of Fraud
#5572 -- Audit Committee
#5573 -- Internal Audit Function
#6110 -- Code of Ethics for Board Members and All District
Personnel
District Medicaid Compliance Program

Adopted: 5/19/15
Revised:

SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE**Overview**

The District is committed to providing a healthy and safe environment for all individuals on school grounds. As part of this commitment, the District will comply with all applicable laws, regulations, and codes related to the construction, inspection, operation, and maintenance of District facilities.

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 State Energy Conservation Construction Code, the Manual of Planning Standards and the Commissioner's regulations. The New York State Education Department (NYSED) Office of Facilities Planning has provided an Instruction Guide on its official website.

Plans and specifications for the erection, enlargement, repair, or remodeling of District facilities will be submitted to the Commissioner consistent with applicable law and regulation.

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 will ensure compliance with the requirements of the State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, and applicable law and regulation. 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

All District facilities will have carbon monoxide alarms or detection systems installed in accordance with all applicable laws, regulations, and/or codes.

Asbestos Inspections

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 written 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.

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)**Lead Testing**

The District will every 5 years test potable water for lead contamination from all outlets as required by law and regulation. If an outlet exceeds the action level for lead content, the District will prohibit use of the outlet, and it will remediate the lead level of the outlet before allowing its use. The District will make all required notifications and issue all mandated reports to the public, local health department, and NYSED. 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.

Comprehensive Long-Range Plan

The District will develop and keep on file a comprehensive long-range plan pertaining to educational facilities in accordance with the Commissioner's regulations. This plan will be reevaluated and updated at least annually and will include, at a minimum, an appraisal of the following:

- a) The educational philosophy of the District, with resulting administrative organization and program requirements;
- b) Present and projected student enrollments;
- c) Space use and state-rated student capacity of existing facilities;
- d) The allocation of instructional space to meet the current and future special education program and service needs, and to serve students with disabilities in settings with nondisabled peers;
- e) Priority of need of maintenance, repair, or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and
- f) The provision of additional facilities.

Comprehensive Public School Building Safety Program

To ensure that all District 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.

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)

The Comprehensive Public School Safety Program will consist of the following components:

a) Building Condition Surveys

Building condition surveys will be conducted on a schedule as assigned by the Commissioner of Education in calendar years 2020-2024 and at least every five years thereafter. Building condition surveys will be conducted on all occupied school buildings in accordance with law and regulation, including being conducted by a licensed architect or a licensed professional engineer who will assess the condition of all major building systems of a school building.

b) Visual Inspections

Visual inspections will be conducted when deemed necessary by the Commissioner to maintain the safety of public school buildings and the welfare of their occupants. When visual inspections occur, they will be conducted in accordance with law and regulation.

c) Five-Year Capital Facilities Plan

The District will develop a five-year capital facilities plan and update the plan annually. In developing and amending the plan, the District will use the safety rating of each occupied school building. The plan must be consistent with all District planning requirements and identify critical maintenance needs. The plan will be prepared in a manner and format prescribed by the Commissioner and submitted to the Commissioner upon request. The plan will include, but not be limited to:

1. A breakdown for each of the five years of the plan of the estimated expenses for the following:
 - (a) Current or proposed new construction ranked in priority order;
 - (b) Current or proposed additions to school facilities ranked in priority order;
 - (c) Current or proposed alterations or reconstruction of school facilities ranked in priority order;
 - (d) Major repairs ranked in priority order;
 - (e) Major system replacement and repairs, and maintenance ranked in priority order; and
 - (f) Energy consumption.

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)

2. A District-wide building inventory that includes, but is not limited to:
 - (a) The number and type of facilities owned, operated, or leased by the District;
 - (b) The age, enrollment, rated capacity, use, size, and the safety rating of the buildings as determined pursuant to Commissioner's regulations;
 - (c) The energy sources for the buildings;
 - (d) Probable useful life of each building and its major subsystems;
 - (e) Need for major system replacement and repairs, and maintenance;
 - (f) Summary of the triennial asbestos reports required pursuant to AHERA regulations; and
 - (g) Any other information which may be deemed necessary by the Commissioner to evaluate safety and health conditions in school facilities.

d) Monitoring System

The District will establish a process to monitor the condition of all occupied school buildings in order to assure that they are safe and maintained in a state of good repair. The process will include, but not be limited to:

1. The establishment of a health and safety committee comprised of representation from District officials, staff, bargaining units, and parents.
2. The establishment of a comprehensive maintenance plan for all major building systems to ensure the building is maintained in a state of good repair. This plan will include provisions for a least toxic approach to integrated pest management and establish maintenance procedures and guidelines which will contribute to acceptable indoor air quality. The comprehensive maintenance plan will be available for public inspection.
3. The annual review and approval by the Board of the annual building inspection reports and the five-year building condition surveys.
4. Procedures for assuring that an annual fire safety inspection of each building is conducted in accordance with all applicable laws, regulations, and/or codes.
5. Procedures for assuring that a current and valid certificate of occupancy is maintained for each building and posted in a conspicuous place.

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)

6. Procedures for the investigation and disposition of complaints related to health and safety. These procedures will involve the health and safety committee and, at a minimum, will conform to the following requirements:
 - (a) Provide for a written response to all written complaints. The written response will describe:
 - 1) The investigations, inspections, or tests made to verify the substance of the complaint, or a statement explaining why further investigations, inspections, or tests are not necessary;
 - 2) The results of any investigations, inspections, or tests which address the complaint;
 - 3) The actions, if any, taken to solve the problem; and
 - 4) The action, if any, taken if the complaint involved a violation of law or of a contract provision.
 - (b) A copy of the response will be forwarded to the health and safety committee.
 - (c) Copies of all correspondence will be kept in a permanent project file.
 - (d) These records will be made available to the public upon request.
7. The Board will take actions to immediately remedy serious conditions affecting health and safety in school buildings, and will report the actions to the Commissioner.
8. All construction and maintenance activities will comply with the Uniform Safety Standards for School Construction and Maintenance Projects.

15 USC Sections 2641-2656
40 CFR Part 763, Subpart E
Education Law Sections 408, 409, 409-d, 3602, and 3641
Executive Law Section 378
Public Health Law Section 1110
8 NYCRR Sections 155.1, 155.2, 155.3, and 155.4
10 NYCRR Sections 4-1.1 et seq. and 67-4.1 et seq.
19 NYCRR Sections 1219-1240

Adopted: 5/19/15
Revised: 5/17/16; 4/20/17;

SUBJECT: WELLNESS

[Districts which participate in the National School Lunch Program and/or School Breakfast Program are required to have a wellness policy which is required to have certain elements. It is recommended that all districts adopt a wellness policy. This wellness policy must be customized by your District.]

The District is committed to providing a school environment that promotes and protects students' health, well-being, and ability to learn, by fostering healthy eating and physical activity before, during, and after the school day. This wellness policy outlines the District's approach to ensuring that there are opportunities for all students and personnel to practice healthy eating and physical activity behaviors throughout the school day. The District will work to ensure that all students and personnel across the District have equitable access to health and wellness efforts. This wellness policy applies to all students, personnel, and schools in the District.

Definitions

For the purpose of this wellness policy:

- a) "School campus" means all areas of property under the jurisdiction of the District that are accessible to students during the school day.
- b) "School day" means the period from the midnight before, to 30 minutes after the end of the official school day.

GovernanceDistrict Wellness Committee

[The local school wellness policy must contain a description of the manner in which parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public are provided an opportunity to participate in the development, implementation, and periodic review and update of the local school wellness policy.]

The District has established a wellness committee that meets at least ****[specify frequency of meetings; it is best practice to meet at least four times per year]*** per year to oversee and establish goals for school health and safety policies and programs, including the development, implementation, and periodic review and update of this District-level wellness policy. The District Wellness Committee will evaluate and make recommendations that reflect the specific needs of the District and its students.

The District will actively seek members for the District Wellness Committee through the use of email, newsletters, the District's website, the District's social media page(s), and/or advertisements.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

The District Wellness Committee membership will represent all school levels, and include (to the extent possible), but not be limited to, representatives from the following groups:

- a) Parents and caregivers, including leaders from different parent organizations;
- b) Students;
- c) Physical Education teachers;
- d) School health professionals;
- e) Specialized instructional support personnel such as school counselors, psychologists, or social workers;
- f) District food service program representatives;
- g) School Board;
- h) Community health professionals such as dietitians, doctors, nurses, or dentists;
- i) School administrators;
- j) General Education teachers;
- k) Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators; and
- l) The general public.

District Wellness Leadership

[The local school wellness policy must identify the position of the school official(s) or school official(s) responsible for the implementation and oversight of the local school wellness policy to ensure each school's compliance with the policy.]

The following District official is responsible for the implementation and oversight of this District-level wellness policy:

[District to list title of position responsible for oversight of the District-level wellness policy. It is recommended that a District administrator with the authority to enforce this wellness policy be selected.]

(Continued)

SUBJECT: WELLNESS (Cont'd.)

The contact information for this individual is:

[An email address is sufficient. Consider creating a generic email such as wellness@yourschooldistrict.org.]

This individual will be referred to as District Wellness Coordinator throughout this wellness policy.

The District Wellness Coordinator will convene the District Wellness Committee, facilitate the development of and updates to this wellness policy, and serve as a liaison with community agencies. The District Wellness Coordinator will also work to ensure each school's compliance with this wellness policy.

Building-Level Wellness Teams

The District encourages individual buildings within the District to establish an ongoing building-level wellness committee that supports the implementation of this policy and the efforts of the District Wellness Committee.

Wellness Policy Implementation, Monitoring, and Accountability

[The local school wellness policy must contain a description of the plan for measuring the implementation of the local school wellness policy, and for reporting local school wellness policy content and implementation issues to the public, as required in 7 CFR Section 210.31(d), public involvement and notification, and 7 CFR Section 210.31(e), implementation assessments and updates.]

The District will develop and maintain an implementation plan to manage and coordinate the execution of this wellness policy. The plan delineates roles, responsibilities, actions, and timelines specific to each school. It also includes specific goals and objectives for nutrition standards for all foods and beverages available on the school campus, food and beverage marketing, nutrition promotion and education, physical activity, physical education, and other school-based activities that promote student wellness. In developing these goals, the District will review and consider evidence-based strategies and techniques.

Triennial Assessments

At least once every three years, the District will assess its compliance with this wellness policy. The triennial assessment will measure the implementation of this wellness policy, and include an assessment of:

- a) The extent to which schools in the District are in compliance with this wellness policy;

(Continued)

SUBJECT: WELLNESS (Cont'd.)

- b) The extent to which this wellness policy compares to model local school wellness policies; and
- c) A description of the progress made in attaining the goals of this wellness policy.

The following District official is responsible for managing the District's triennial assessment:

[District to list title of position responsible for managing the triennial assessment. This individual can be the same as the individual responsible for the oversight of this wellness policy.]

The contact information for this individual is:

[An email address is sufficient. Consider creating a generic email such as wellness@yourschooldistrict.org.]

The District will notify the public of the availability of the triennial assessment results.

Updating the Policy

This wellness policy will be assessed and updated, at a minimum, every three years based on the results of the triennial assessment. This wellness policy may also be updated as: District priorities change; community needs change; wellness goals are met; new health science, information and technology emerge; and/or new federal or state guidance or standards are issued.

Evaluation and feedback from interested parties are welcomed as an essential part of revising and updating this wellness policy.

School Meals

[The local school wellness policy must contain standards and nutrition guidelines for all foods and beverages sold to students during the school day that are consistent with applicable requirements set forth under 7 CFR Section 210.10, meal requirements for lunches and requirements for after-school snacks, and 7 CFR Section 220.8, meal requirements for breakfast, as well as promote student health and reduce childhood obesity.]

All schools within the District participate in the following federal Child Nutrition Programs: **[District to list any applicable federal CNP that it participates in. Examples of applicable programs are: National School Lunch Program; School Breakfast Program; Child and Adult Care Food Program; Summer Food Service Program; Fresh Fruit and Vegetable Program; Special Milk Program.]* All school meals will meet or exceed nutrition requirements established by local, state, and federal laws and regulations.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

In addition:

a) Meal Modifications

School meals will be accessible to all students, and the District will accommodate special dietary needs and food allergies as required by law and regulation. This includes making meal modifications, including substitutions for lunches and after-school snacks, for students with a disability whose disability restricts their diet. Any meal modification requested must be related to the disability or limitations caused by the disability and will be offered at no additional cost to the student. The District will notify parents of the procedures for requesting meal modifications for students with disabilities and the process of procedural safeguards related to meal modifications for disabilities.

b) Qualified Nutrition Professionals

School meals will be administered by a team of qualified nutrition professionals who meet or exceed the hiring and annual continuing education/training requirements of the USDA Professional Standards for Child Nutrition Professionals.

c) Unpaid Meal Charges

The District is committed to ensuring that a student whose parent/guardian has unpaid meal charges is not shamed or treated differently than a student whose parent/guardian does not have unpaid meal charges. The District has established procedures to address unpaid meal charges throughout the District in a way that does not stigmatize, distress, or embarrass students.

The District also operates additional nutrition-related programs and activities, including: **[District to list any other nutrition programs that it participates in. Examples of applicable programs are: Farm to Schools; Breakfast After the Bell.]*

The District promotes student health and aims to reduce childhood obesity by:

- a) Promoting student participation in Child Nutrition Programs and working to ensure that families are aware of what programs are available in the District and how to access those programs;
- b) Ensuring all students have a scheduled lunch period and that they are served lunch at a reasonable and appropriate time of day;

(Continued)

SUBJECT: WELLNESS (Cont'd.)

- c) When applicable, serving breakfast to students using a variety of service models to increase participation, such as "grab and go" breakfast or breakfast served in the classrooms.
- d) Providing all students with adequate time to eat meals, meaning that, when applicable, students will be allowed at least ten minutes to eat breakfast and at least 20 minutes to eat lunch, counting from the time they have received their meal and are seated;
- e) Promoting healthy food and beverage choices;
- f) Offering a variety of foods and beverages that are appealing and attractive to students;
- g) Serving meals in clean and inviting settings;
- h) Having lunch follow the recess period to better support learning and healthy eating;
- i) Posting menus on the District website and including nutrient content and ingredients;
- j) When feasible, purchasing, promoting, and serving fresh fruits, vegetables, and other foods from local farmers; and
- k) Not serving food and beverages where natural sugar has been replaced with high-intensity sweeteners or non-nutritive sweeteners.

Child Nutrition Programs aim to improve the diet and health of students, help mitigate childhood obesity, model healthy eating to support the development of lifelong healthy eating patterns and support healthy choices while accommodating cultural food preferences and special dietary needs.

District food service personnel will meet with students in grades 4 through 12 twice annually to solicit feedback on the school breakfast and/or school lunch program(s).

Water

To promote hydration, free, safe, unflavored drinking water will be available to all students and personnel throughout the school day and throughout every school campus. The District will make drinking water available where school meals are served during meal times.

(Continued)

SUBJECT: WELLNESS (Cont'd.)**Foods and Beverages Provided, But Not Sold, to Students During the School Day**

[The local school wellness policy must contain standards for all foods and beverages provided, but not sold, to students during the school day.]

The District is committed to ensuring that all foods and beverages available to students on the school campus during the school day support healthy eating. The foods and beverages provided, but not sold, to students on the school campus during the school day (e.g., classroom parties, classroom snacks brought by parents, or other foods given as incentives) will **[District to customize with standard specific to District practice. Examples of applicable standards: meet or exceed the USDA Smart Snack in School nutrition standards; be low in saturated fat, and have zero grams of trans-fat per serving; food and beverages provided to elementary and middle school-aged students must be caffeine-free, with the exception of trace amounts of naturally occurring caffeine substance, and limited at the high school level.]*

Competitive Foods and Beverages

[The local school wellness policy must contain standards and nutrition guidelines for all foods and beverages sold to students during the school day that are consistent with the nutrition standards set forth under 7 CFR Section 210.11, competitive food service and standards (i.e., the USDA Smart Snacks in School nutrition standards).]

All competitive foods will meet, at a minimum, the USDA Smart Snacks in School nutrition standards. The Smart Snacks in School nutrition standards aim to improve student health and well-being, increase consumption of healthful foods during the school day and create an environment that reinforces the development of healthy eating habits.

Competitive foods include all food and beverages available for sale to students on the school campus during the school day other than meals offered through the Child Nutrition Programs. This includes, but is not limited to, a la carte options in cafeterias, vending machines, school stores, and snack or food carts.

Fundraising

The District requires that all foods and beverages available for sale to students through fundraisers on the school campus during the school day will meet, at a minimum, the USDA Smart Snacks in School nutrition standards. The District encourages the use of fundraisers that promote physical activity (e.g., walk-a-thons, Jump Rope for Heart or fun runs).

School fundraisers conducted outside of the school day will be strongly encouraged to sell only non-food items or foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

The District will provide to any individual or group conducting a school fundraiser the USDA Smart Snacks in School nutrition standards, as well as a list of healthy fundraising ideas.

Foods and Beverages Available for Sale at Events Outside of the School Day

The District is committed to ensuring that all foods and beverages available to students support healthy eating. The foods and beverages that are available for sale at school-sponsored events outside of the school day will **[District to customize with standard specific to District practice. Examples of applicable standards: meet or exceed the USDA Smart Snack in School nutrition standards; be low in saturated fat, and have zero grams of trans-fat per serving; food and beverages elementary and middle school-aged students must be caffeine-free, with the exception of trace amounts of naturally occurring caffeine substance, and limited at the high school level.]*

Food and Beverages Marketing in Schools

[The local school wellness policy must include requirements for marketing and advertising on the school campus during the school day of only those foods and beverages that meet the nutrition standards under 7 CFR Section 210.11, competitive food service and standards (i.e., the USDA Smart Snacks in School nutrition standards).]

All foods and beverages marketed or promoted to students on the school campus during the school day will meet, at a minimum, the USDA Smart Snacks in School nutrition standards. Food marketing commonly includes oral, written, or graphic statements made for the purpose of promoting the sale of a food or beverage product. The marketing of products that do not meet USDA Smart Snacks in School nutrition standards, in any and all of the following ways, is prohibited:

- a) On the product itself;
- b) On vending machines;
- c) In educational materials, including textbooks;
- d) In advertisements in District publications and District mailings;
- e) During broadcasts on District radio stations and in-school television;
- f) Through digital media, such as computer screensavers;
- g) Through District-operated or District-sponsored websites and servers; and
- h) Through the District's public announcement system.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

The District is aware 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 wellness policy. While the immediate replacement of this equipment is not required, as the District replaces or updates this equipment over time, it will ensure its replacement and purchasing decisions reflect the marketing guidelines established by this wellness policy.

***Nutrition Promotion and Education**

[The local school wellness policy must contain specific goals for nutrition promotion and education. In developing these goals, districts must review and consider evidence-based strategies and techniques.]

Nutrition promotion and education positively influence lifelong eating behaviors. The District will model and encourage healthy eating by:

- a) Promoting healthy food and beverage choices for all students by using Smarter Lunchroom techniques which guide students toward healthful choices, as well as by ensuring that 100% of foods and beverages promoted to students meet the USDA Smart Snacks in School nutrition standards;
- b) Cultivating a school environment that promotes a healthy body image, shape, and size among students and personnel;
- c) Encouraging and promoting food purchases from local vendors and advertising local farmers markets to families;
- d) Promoting nutrition education activities that involve parents, students, and the community;
- e) Promoting school and community awareness of this wellness policy through various means, such as publication on the District website;
- f) Encouraging and promoting wellness through social media, newsletters, and an annual family wellness event;
- g) Ensuring that the marketing and advertising of foods and beverages on school campuses during the school day is consistent with nutrition education and health promotion;

**District to customize section on Nutrition Promotion and Education to reflect actual District practices. Sample language has been provided for your District's review. The District may want to include District-specific measurable goals for nutrition education that are designed to promote student wellness.*

(Continued)

SUBJECT: WELLNESS (Cont'd.)

- h) Integrating nutrition education within the comprehensive health education curriculum and other instructional areas, as appropriate, and taught at every grade level, K through 12. Nutrition education follows applicable New York State standards and is 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; and
 - 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;
- i) Providing families and teachers with a list of healthy party ideas, including non-food celebration ideas;
- j) Providing families with a list of classroom snacks and beverages that meet USDA Smart Snacks in School nutrition standards;
- k) Discouraging personnel from using food as a reward or withholding food as punishment under any circumstance – teachers and other appropriate school personnel will be provided with a list of alternative ways to reward students; and
- l) Encouraging District personnel to model healthy eating, drinking, and physical activity behaviors for students.

***Physical Activity and Education**Physical Activity

[The local school wellness policy must contain specific goals for physical activity. In developing these goals, districts must review and consider evidence-based strategies and techniques.]

Since physical activity affects students' emotional and physical well-being, as well as their cognitive development, the District is committed to ensuring that all students, including students with disabilities requiring adaptations or modifications, are provided the opportunity to participate in physical activity before, during, and after school. Physical activity opportunities will be in addition to, not in lieu of, physical education.

****District to customize section on Physical Activity and Education to reflect actual District practices. Sample language has been provided for your District's review. The District may want to include District-specific measurable goals for physical activity.***

(Continued)

SUBJECT: WELLNESS (Cont'd.)

Recess, physical education, or other physical activity time will not be cancelled for instructional make-up time, nor will it be withheld for disciplinary action unless the student is a danger to themselves or others. This does not include participation on sport teams that may have specific academic requirements. Classroom teachers will be provided with a list of ideas for alternative ways to discipline students.

The District is committed to encouraging physical activity through the following:

a) Classroom Physical Activity Breaks (Elementary and Secondary)

All classroom teachers, and particularly those engaged in the instruction of K through 5 students, are strongly encouraged to incorporate into the school day short breaks for students that include physical activity, especially after long periods of inactivity.

b) Recess (Elementary)

All elementary students will be offered one daily period of recess for a minimum of 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. Outdoor recess will be offered when weather permits. In the event that indoor recess is necessary, it will be offered in a place that accommodates moderate to vigorous physical activity.

c) Active Academics

Teachers are encouraged to incorporate kinesthetic learning approaches into core learning subjects when possible to limit sedentary behavior during the school day.

d) Before and After School Activities

The District will offer opportunities for all 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.

e) Active Transport

The District supports active transport to and from school, i.e. walking or biking through programs such as Safe Routes to School. The District will encourage this behavior by securing storage facilities for bicycles and equipment and instructing students on walking and bicycling safety. The District strongly encourages the use of appropriate protective wear, such as helmets.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

f) Family and Community Engagement

Parents and family members are encouraged to participate in evening or weekend events involving physical activity.

Physical Education

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 the Commissioner's regulations. 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.

The District recognizes the importance of physical education classes in providing students with meaningful opportunities for physical exercise and development. Consequently, the District will ensure that:

- a) All physical education classes are taught or supervised by a certified physical education teacher;
- b) All physical education personnel receive professional development relevant to physical education on an annual 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 time;
- e) It provides adequate space and equipment for physical education and conforms 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; and

(Continued)

SUBJECT: WELLNESS (Cont'd.)

- h) Activities or equipment are adapted or modified 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 ensure that a certified physical education teacher participates in the development of a student's IEP, if the student may be eligible for adapted physical education.

***Other School-Based Activities that Promote Student Wellness**

[The local school wellness policy must contain specific goals for other school-based activities that promote student wellness. In developing these goals, districts must review and consider evidence-based strategies and techniques.]

The District is committed to establishing a school environment that is conducive to healthy eating and physical activity for all. The District will, therefore, pursue the following:

Community Partnerships

The District will develop, enhance, and continue relationships with community partners in support of the implementation of this wellness policy. Existing and new community partnerships will be evaluated to ensure they are consistent with this wellness policy and its goals. The District will provide all community partners with a copy of this wellness policy so that they are aware of the District's requirements and goals.

Community Access to District Facilities for Physical Activities

School grounds and facilities will be made available to students, personnel, community members and organizations, and agencies offering physical activity and nutrition programs consistent with District policy. Subject to provisions regarding conduct on school grounds and administrative approval of use by outside organizations.

Professional Learning, Awareness, and Support

All school nutrition program directors, managers, and personnel 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.

****District to customize section on Other School-Based Activities that Promote Student Wellness to reflect actual District practices. Sample language has been provided for your District's review.***

(Continued)

SUBJECT: WELLNESS (Cont'd.)

When feasible, the District will offer annual professional learning opportunities and resources for personnel to increase knowledge and skills about promoting healthy behaviors in the classroom (e.g., increasing the use of kinesthetic teaching approaches or incorporating nutrition lessons into math class). Professional learning will help District personnel understand the connections between academics and health and the ways in which health and wellness are integrated into ongoing District improvement plans/efforts.

Personnel Wellness

To promote a healthy and productive environment, the District will promote personnel wellness. Promoting personnel wellness can lead to enhanced productivity, reduced absenteeism, and lowered healthcare costs.

The District Wellness Committee, in collaboration with community partners, will promote wellness through various initiatives and activities tailored to enhance personnel well-being. The specific offerings may change annually, providing flexibility to adapt to new trends and needs.

District personnel, including teachers, often serve as important role models for student well-being. By focusing on personnel wellness, the District aims to create a positive ripple effect, benefiting both personnel and students.

Notification

[The local school wellness policy must contain a description for reporting local school wellness policy content and implementation issues to the public, as required in 7 CFR Section 210.31(d), public involvement and notification, and 7 CFR Section 210.31(e), implementation assessments and updates.]

The District is committed to being responsive to community input, which begins with an awareness of this wellness policy. On an annual basis, the District will make this wellness policy available to families and the public. The District will also annually inform families and the public, in culturally and linguistically appropriate ways, of its content and implementation status, as well as any updates to this wellness policy. The District will make this information available via the District website and/or District-wide communications. The District will use these same means to inform families and the public about the results of the triennial assessment. The results of the triennial assessment will be made available in an easily understood format.

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 wellness policy implementation. Each year, the District will also publicize the name and contact information of the District official leading and coordinating the District Wellness Committee, as well as information on how the community may get involved with the District Wellness Committee.

(Continued)

SUBJECT: WELLNESS (Cont'd.)**Recordkeeping**

The District will retain records to document compliance with the requirements of this wellness 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 wellness policy has been made available to the public;
- c) Documentation of efforts to review and update this wellness policy, including an indication of who is involved in the update and methods the District uses to make stakeholders aware of their ability to participate on the District Wellness Committee;
- d) Documentation demonstrating compliance with the annual public notification requirements;
- e) The most recent triennial assessment on the implementation of this wellness policy; and
- f) Documentation demonstrating that the most recent triennial assessment results have been made available to the public.

42 USC Sections 1758 and 1758b
7 CFR Sections 210.10, 210.11, 210.31, and 220.8
Education Law Section 915
8 NYCRR Section 135.4

NOTE: Refer also to Policy #5660 -- [Meal Charging and Prohibition Against Meal Shaming](#)
#7550 -- [Dignity for All Students](#)
#8240 -- [Instruction in Certain Subjects](#)

Adopted: 5/19/15
Revised: 5/17/16; 10/26/17; 6/14/18;

SUBJECT: SCHOOL SAFETY PLANS

The District considers the safety of its students and personnel 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, declared state disaster emergency involving a communicable disease or local public health emergency declaration and other 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 school year.

The Board will make the District-wide school safety plan available for public comment at least 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.

The District will provide written information to all students and personnel about emergency procedures by October 1 of each school year.

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, and the provision of remote instruction during an emergency school closure, at the District level, and has the contents as prescribed in Education Law and Commissioner's regulations.

The District-wide school safety plan will 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. The District-wide school safety team will consider, as part of their review of the comprehensive District-wide school safety plan, the installation of a panic alarm system.

The District-wide school safety plan will include, but not be limited to:

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

- 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;
- c) Appropriate prevention and intervention strategies, which may include:
 - 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;
 - 4. Extended day and other school safety programs; and
 - 5. If the District has a multi-disciplinary behavioral assessment team, behavioral assessment team, or a county or regional threat assessment team, the establishment and/or participation of District personnel in a multi-disciplinary behavioral assessment team to assess whether certain exhibited behaviors or actions need intervention or other support, including a school or District-level behavioral assessment team or, if available, a county or regional threat assessment team. When these teams are utilized, the District will:
 - (a) Describe the school, District, or county team and its purpose in the District-wide school safety plan; and
 - (b) Include information regarding the purpose and procedures of these teams in the District's annual personnel training on safety and emergency procedures.
- 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;

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

- 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 personnel 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 or emergency school closure;
- 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;
- 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 or 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 personnel and students, provided that the District must certify to the Commissioner that all personnel 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 30 days of hire or as part of the District's existing new hire training program, whichever is sooner;

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

- n) Procedures for the review and conduct of drills, tabletop exercises, and information about emergency procedures and drills, including information about procedures and timeframes for notification of parents or persons in parental relation regarding drills and other emergency response training(s) that include students. At its discretion, the District may participate in full-scale exercises in coordination with local and county emergency responders and preparedness officials. These procedures must ensure that:
 - 1. Drills conducted during the school day with students present will be conducted in a trauma-informed, developmentally, and age-appropriate manner and will not include props, actors, simulations, or other tactics intended to mimic a school shooting or other act of violence or emergency;
 - 2. When drills are conducted, students and personnel will be informed that the activities are a drill. Students and personnel will not be informed in advance of evacuation drills;
 - 3. When utilized as a training resource, tabletop exercises may include a discussion-based activity for personnel in an informal classroom or meeting-type setting to discuss their roles during an emergency and their responses to a sample emergency situation;
 - 4. If the District opts to participate in full-scale exercises in conjunction with local and county emergency responders and preparedness officials that include props, actors, simulations, or other tactics intended to mimic a school shooting or other act of violence or emergency, the District will not conduct these exercises on a regular school day or when school activities such as athletics are occurring on District grounds. These exercises will not include students unless written consent from parents or persons in parental relation has been obtained;
- 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, between students and personnel, and between administration and parents or persons in parental relation regarding 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;

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

- r) A system for informing all educational agencies within the District of a disaster or emergency school closure;
- 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 personnel, 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);
 - 3. Ensuring personnel 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 personnel, including required training in the District-wide school safety plan and building-level emergency response plan(s);
 - 7. Ensuring the conduct of required evacuation and lock-down drills in a trauma-informed, developmentally, and age-appropriate manner that does not include props, actors, simulations, or other tactics intended to mimic a school shooting or other act of violence or emergency 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 state disaster emergency involving a communicable disease that are substantially consistent with the provisions in Labor Law Section 27-c;
- u) An emergency remote instruction plan; and
- v) Appropriate accommodations for students with life-threatening health conditions.

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**Building-Level Emergency Response Plan(s)**

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 planning team. The building-level emergency response planning 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 planning 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 Section 27-c
8 NYCRR Section 155.17

Adopted: 5/19/15
Revised: 4/20/17; 11/17/22;

SUBJECT: EVACUATION, LOCKDOWN, AND EMERGENCY DISMISSAL DRILLS**Evacuation, Lockdown, and Emergency Dismissal Drills**
Overview

The purpose of drills is to practice personnel and student actions during an emergency. Except for evacuation drills, at the time that drills are conducted, students and personnel will be informed it is a drill. All drills must:

- a) Be conducted in a trauma-informed, developmentally, and age-appropriate manner and shall not include props, actors, simulations, or other tactics intended to mimic a school shooting, incident of violence, or other emergency;
- b) Occur after annual training in emergency procedures has been provided to students and personnel; and
- c) Be completed on different dates, days of the week, and during different times of the school day.

The administration of each school building will instruct and train students on appropriate emergency responses, through drills, in the event of a sudden emergency.

Definitions

For purposes of this section, the following definitions apply:

- a) Trauma means an emotional response to a deeply distressing or disturbing experience such as, but not limited to, an act of violence, natural disaster, abuse, neglect, or loss.
- b) Trauma-informed means an understanding of trauma and how it affects the physical, emotional, and mental health of students and adults.
- c) Trauma-informed drills mean avoiding tactics in training or drills that may introduce or activate trauma, such as the use of props, actors, simulations, or other tactics intended to mimic a school shooting, incident of violence, or other emergency, or inclusion of developmentally or age-inappropriate content. Drills may inadvertently prompt a negative emotional or psychological response in personnel or students because of previous exposure(s) to trauma.

**SUBJECT: EVACUATION, LOCKDOWN, AND EMERGENCY DISMISSAL DRILLS
(Cont'd.)**Definitions

For purposes of this section, the following definitions apply:

- a) Trauma means an emotional response to a deeply distressing or disturbing experience such as, but not limited to, an act of violence, natural disaster, abuse, neglect, or loss.
- b) Trauma-informed means an understanding of trauma and how it affects the physical, emotional, and mental health of students and adults.
- c) Trauma-informed drills mean avoiding tactics in training or drills that may introduce or activate trauma, such as the use of props, actors, simulations, or other tactics intended to mimic a school shooting, incident of violence, or other emergency, or inclusion of developmentally or age-inappropriate content. Drills may inadvertently prompt a negative emotional or psychological response in personnel or students because of previous exposure(s) to trauma.

Drill Requirements

The District will practice emergency response procedures under its District-wide school plan and building-level emergency response plan(s), where possible in cooperation with local law enforcement, emergency preparedness plan officials, and other first responders as follows:

a) Evacuation Drills

The District will conduct at least eight evacuation drills with students each school year. Six of the eight drills will be conducted between September 1 and December 31 of the school year. Four of the eight drills will be through the use of the fire escapes on buildings where fire escapes are provided or through the use of identified secondary means of egress, such as through different corridors, hallways, stairways, and exit doors.

Evacuation drills will be conducted at different times of the school day. Students will be instructed in the procedure to be followed if a fire occurs during a lunch period or assembly, provided, however, that this additional instruction may be waived where a drill is held during a regular school lunch period or assembly.

At least two additional drills will be held during summer school in buildings where summer school is conducted. One of the two drills will be held during the first week of summer school.

(Continued)

**SUBJECT: EVACUATION, LOCKDOWN, AND EMERGENCY DISMISSAL DRILLS
(Cont'd.)**

In the case of after-school programs, events, or performances which are conducted within a school building and which include persons who do not regularly attend classes in the school building, the principal or other person in charge of the building will require the teacher or person in charge of such after-school program, event, or performance to notify persons in attendance at the beginning of the program, event, or performance, of the procedures to be followed in the event of an emergency so that they may be able to respond in a timely, orderly manner.

b) Lockdown Drills

The District will conduct at least four lockdown drills with students each school year. Two of the four drills will be conducted between September 1 and December 31 of the school year.

Lockdown drills will be conducted at different times of the school day. Students will be instructed in the procedure to be followed if an emergency occurs during a lunch period or assembly, provided, however, that this additional instruction may be waived where a drill is held during a regular school lunch period or assembly.

c) Emergency Dismissal Drills

The District will conduct at least one emergency dismissal drill to test emergency response procedures that require early dismissal at a time not to occur more than 15 minutes earlier than the normal dismissal time.

Emergency dismissal drills will test the usefulness of the communications and transportation system during emergencies.

Notification

The District will notify parents or persons in parental relation at least one day, but no more than one week, before any drill. For emergency dismissal drills, the District will notify parents or persons in parental relation at least one week prior.

(Continued)

**SUBJECT: EVACUATION, LOCKDOWN, AND EMERGENCY DISMISSAL DRILLS
(Cont'd.)****Bomb Threats**School Bomb Threats

A bomb threat, even if later determined to be a hoax, is a criminal act. 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.

Bus Emergency Drills

The administration will conduct a minimum of three 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 will 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 exits, 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;

(Continued)

**SUBJECT: EVACUATION, LOCKDOWN, AND EMERGENCY DISMISSAL DRILLS
(Cont'd.)**

- b) Advancing at least 15 feet in front of the bus before crossing the highway after disembarking;
- c) Specific hazards encountered during snow, ice, rain, and other inclement weather, including, but not necessarily limited to, poor driver visibility, reduced vehicular control, and reduced hearing; and
- d) Orderly conduct as bus passengers.

The administration of the drills will be in accordance with the New York State Education Department's Bus Safety Drill Guide and Compliance Form.

Instruction on Use of Seat Belts

When students are transported on school buses, 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 times each year to both public and nonpublic school students who are so transported and will include, but not be limited to:

- a) Proper fastening and release of seat safety belts;
- b) Acceptable adjustment and 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, 3623, and 3635-a
Penal Law Article 240
8 NYCRR Sections 100.2(egg), 155.17, and 156.3

NOTE: Refer also to Policy #5681 -- School Safety Plans

Adopted: 5/19/15

Revised: 3/16/17; 10/26/17; 11/17/22;

SUBJECT: ARTIFICIAL INTELLIGENCE (AI)**Overview**

The emergence of artificial intelligence (AI) technologies, especially generative AI (GenAI), pose unique challenges and opportunities for learning environments. As these technologies integrate deeper into everyday life, the District must proactively address the implications of AI usage to ensure it enhances educational outcomes without compromising academic integrity or equity. This policy outlines the District's commitment to responsible AI integration in educational practices, balancing innovation with the core values of the District's educational mission. Further, it sets forth guidelines designed to evolve as new technologies and methodologies emerge, ensuring the District remains at the forefront of academic excellence and technological responsibility.

Scope and Application

This policy applies to all District students, personnel, volunteers, and contractors. It integrates with, and complements, existing policies on data privacy, acceptable use, and student conduct. This policy aims to provide clear guidelines on the use of AI within the District's schools, ensuring that its application supports the District's educational goals and adheres to its privacy and security standards.

Definitions

- a) Generative AI (GenAI) represents a dynamic subset of AI technologies that can create new, human-like content from extensive data training sets. This content spans across text, images, audio, and more, often mimicking human creativity and adaptability.
- b) Traditional AI refers to systems that operate on fixed algorithms and predefined rules without altering their behavior based on new data after their initial deployment.

Risks and Limitations

The use of GenAI comes with some risks and limitations which include, but are not limited to:

- a) Hallucinations/Confabulations

GenAI can generate plausible, but false or inaccurate, information, a phenomenon known as a hallucination/confabulation.

(Continued)

SUBJECT: ARTIFICIAL INTELLIGENCE (AI) (Cont'd.)**b) Biases**

GenAI tools learn from data created by people, which means any biases, prejudices, and stereotypes in that data can be reflected in the outputs produced by GenAI. For example, GenAI has been found to generate images and text that reinforce existing gender and racial biases. It is essential to recognize that these biases exist and to critically assess the outputs of GenAI tools to prevent the perpetuation of stereotypes and unfair treatment.

GenAI can also suffer from response bias, where the AI generates answers tailored to what it predicts the user wants to hear based on its training data or specific tuning.

c) Copyright

GenAI may pose copyright issues as it may have used copyrighted material within its training data without explicit permission from the copyright holders. As a result, there are unsettled legal questions about the ownership and copyright status of GenAI's outputs, which can closely mimic or incorporate elements of existing copyrighted works.

Data Privacy and Security

Information entered into GenAI may be accessible to others due to data sharing or breaches. All users should exercise caution when utilizing GenAI. Under no circumstances should any sensitive, copyrighted, confidential, or proprietary information be entered into GenAI or any other AI platform, consistent with relevant state and federal laws and District policy. This includes, but is not limited to, data protected by:

- a) Family Educational Rights and Privacy Act (FERPA);
- b) Education Law Section 2-d (Unauthorized Release of Personally Identifiable Information);
- c) Labor Law Section 203-d (Employee Personal Identifying Information);
- d) State Technology Law Section 208 (Notification of Security Breach of Private Information).

Further, if the information would not be disclosed in response to a Freedom of Information Law (FOIL) request, it should not be entered into GenAI.

(Continued)

SUBJECT: ARTIFICIAL INTELLIGENCE (AI) (Cont'd.)**Student Use**

The District permits teachers to determine whether students in their class may use GenAI for assignments. However, the District recognizes that disparities in access to GenAI technologies may exist and will work with teachers to ensure that no student is disadvantaged by their inability to use or decision not to use GenAI.

If teachers allow their students to use GenAI, they are expected to communicate their expectations regarding the use of GenAI clearly to their students. Further, the teacher must discuss the appropriate and responsible use of GenAI with the students. This includes talking to students about the risks and limitations of GenAI, emphasizing how students are accountable for the accuracy of their work, and, when relevant, ensuring proper citation of sources.

Student use of GenAI that conflicts with teacher instruction, District policy, regulation, procedure, or other document, such as the District's Code of Conduct, may result in investigation and/or disciplinary action.

District Personnel Use

District personnel may utilize GenAI in accordance with this policy. However, regardless of the tools used to enhance their work, personnel are ultimately responsible for the accuracy and integrity of all work they produce. AI is intended to support, not replace, an employee's responsibility for their own work.

Training, Awareness, and Support

The District will provide training, awareness, and support to teachers in navigating the evolving use of GenAI in the classroom. This may include professional learning opportunities, workshops, and resources to enhance teachers' proficiency and confidence in using GenAI to enrich student learning. The goal is to equip teachers with the knowledge to critically assess GenAI technologies and guide students in understanding the complexities associated with these tools. Additionally, the District may extend training, awareness, and support regarding GenAI to other District personnel who may benefit from understanding and utilizing GenAI in their roles.

(Continued)

SUBJECT: ARTIFICIAL INTELLIGENCE (AI) (Cont'd.)**Compliance with Other Documents**

When using GenAI, all personnel and students must comply with all applicable laws, regulations, and District documents. This includes Education Law Section 2-d, which requires the District to ensure that whenever it enters into a contract or other written agreement with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District, the contract or written agreement will include provisions requiring that confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

Applicable District documents may include the District's policies on data security and acceptable use, as well as the District's *Code of Conduct*.

NOTE: Refer also to Policies #3310 -- Public Access to Records
#3320 -- Confidentiality of Computerized Information
#5672 -- Information Security Breach and Notification
#5673 -- Employee Personnel Identifying Information
#5674 -- Data Networks and Security Access
#5676 -- Privacy and Security for Student Data and Teacher and Principal Data
#6410 -- Staff Use of Computerized Information Resources
#7240 -- Student Records: Access and Challenge
#7315 -- Student Responsible Use Policy (RUP)
#7316 -- Student Use of Personal Technology
#8271 -- Internet Safety/Internet Content Filtering
#8350 -- Use of Copyrighted Materials
District *Code of Conduct*

Adopted:

Personnel

SUBJECT: EVALUATION OF PERSONNEL**All Staff Members**

The administration will undertake a continuous program of supervision and evaluation of all personnel, including support staff, in the District. The primary purposes of the evaluations will be to encourage and promote improved performance and to make decisions about the occupancy of positions.

Teachers and Administrators

The District is committed to supporting the development of effective teachers and administrators. To this end, the District will provide procedures for the evaluation of all professional staff. The District will develop in accordance with applicable laws and regulations.

The primary purposes of these evaluations are:

- a) To encourage and promote improved performance;
- b) To guide professional development efforts; and
- c) To provide a basis for evaluative judgments by applicable school officials.

Disclosure of APPR/Educator Evaluation Ratings

The Commissioner is required to disclose professional performance review/evaluation data for teachers and building principals on the New York State Education Department website and in any other manner to make this data widely available to the public. The District will provide notice to parents or legal guardians of their right to obtain this information and the methods by which the data can be obtained.

Education Law Sections 3012-c and 3012-d
Public Officers Law Article 6
8 NYCRR Subpart 30-3
8 NYCRR Sections 80-1.1 and 100.2(o)

Adopted: 5/19/15
Revised: 5/17/16; 3/16/17;

SUBJECT: INCIDENTAL TEACHING

The Board will comply with all applicable laws and regulations regarding incidental teaching. Any updates to applicable laws and regulations, whether temporary or permanent, will supersede any conflicting language in this policy. As a result, different incidental teaching rules may apply in certain years.

Generally, the Superintendent may assign a teacher to teach a subject not covered by that teacher's certificate or license for a period not to exceed five classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment efforts, and provided that approval of the District Superintendent is obtained.

Not later than twenty business days after this assignment, the Superintendent must submit for approval an application, in a form satisfactory to the District Superintendent, 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 the 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 that 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 must demonstrate to the satisfaction of the District Superintendent 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 District Superintendent will issue a determination within twenty business days of receipt of the District's application.

(Continued)

SUBJECT: INCIDENTAL TEACHING (Cont'd.)

If the application is disapproved, the Superintendent, within seven business days of receipt of the notice of disapproval, will terminate the incidental teaching assignment. If the application is approved, this approval will be deemed to have commenced on the date of the incidental teaching assignment and will terminate on the last day of the school year for which it is granted.

The Superintendent may renew an incidental teaching assignment, in accordance with the requirements of Commissioner's regulations, for any subsequent school year.

To obtain a renewal, the Superintendent, as soon as possible after learning that the continued assignment of an incidental teacher is necessary, must submit an application which, in addition to including the information noted above for the initial approval of an incidental teaching assignment, must provide assurances by the Superintendent that:

- a) The teacher who previously taught the course on an incidental basis has been offered the opportunity to continue to teach the course or has not been offered an opportunity because the Superintendent has evidence that the course was not taught in an acceptable manner;
- b) The teacher assigned a course on an incidental basis has completed, or has agreed to complete, within the prescribed time period, at least three semester hours of credit or a satisfactory equivalent leading to certification in the subject area of the incidental assignment; and
- c) The teacher assigned to teach the course will be reimbursed by the District for the tuition cost of any portion of the three semester hours of credit or the equivalent required that is taken by the teacher at the request of the District, and satisfactory evidence that the teacher has been reimbursed in the event the teacher who is assigned has previously taught the course on an incidental basis, under a previous renewed approval.

8 NYCRR Section 80-5.3

Adopted: 5/19/15
Revised:

SUBJECT: PROBATION AND TENURE

The Board will comply with all applicable laws and regulations regarding probation and tenure. Any updates to applicable laws and regulations, whether temporary or permanent, will supersede any conflicting language in this policy. As a result, different probationary and tenure rules may apply for teachers or building principals in certain circumstances.

Probation

Generally, teachers, all other members of the teaching staff, principals, administrators, supervisors, and all other members of the supervising staff will be appointed by the Board upon the recommendation of the Superintendent for a probationary period of four years.

The probationary period will not exceed three years for teachers previously appointed to tenure in any district or BOCES within the state, provided that the teacher was not dismissed from that district or BOCES as a result of charges brought pursuant to Education Law Section 3020-a or 3020-b and met the required annual professional performance review (APPR) rating in their final year of service there.

Additionally, up to two years of service as a regular substitute teacher may be applied toward probationary service. (This is sometimes referred to as Jarema Credit.)

The probationary period will not exceed three years for principals, administrators, supervisors, or other members of the supervising staff appointed on or after June 1, 2020 who were previously appointed to tenure as an administrator within an authorized administrative tenure area in any district or BOCES within the state provided that the individual was not dismissed from that district or BOCES as a result of charges brought pursuant to Education Law Section 3020-a or 3020-b.

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 their probationary period upon the recommendation of the Superintendent and by majority vote of the Board.

Any staff member not recommended for tenure appointment will be notified in writing by the Superintendent no later than 60 days before their probationary period expires.

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 those who have been found competent, efficient, and satisfactory and, in the case of teachers and building principals, those who have received APPR ratings of effective or highly effective in at least three of the preceding four years, exclusive of any breaks in service.

(Continued)

SUBJECT: PROBATION AND TENURE (Cont'd.)

If a teacher or building principal receives an APPR rating of ineffective in their final probationary year after receiving APPR ratings of effective or highly effective in the preceding probationary years, they will not be eligible for tenure. However, the Board may extend that teacher's or building principal's probationary time by an additional year. The teacher or building principal may be eligible for immediate tenure if they successfully appeal the ineffective rating.

The Board may then—by a majority vote—appoint to tenure any or all of the persons recommended by the Superintendent.

A teacher or building principal will remain on probationary status until the end of the school year in which they have received APPR ratings of effective or highly effective for at least three of the four preceding school years, exclusive of any breaks in service. During this time, the Board may grant tenure contingent upon a teacher's or building principal's receipt of a minimum APPR rating in the final year of their probationary period. If the contingency is not met after all appeals are exhausted, the grant of tenure will be void and unenforceable and the teacher's or building principal's probationary period may be extended for an additional year in accordance with law.

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 their time;
- c) The date probationary service or service on tenure commences in each area;
- d) The expiration date of the appointment, if made on a probationary basis. For appointments of classroom teachers and building 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 the four preceding years; and
 2. If the teacher or building principal receives an ineffective composite or overall APPR rating in their final year of probation, they will not be eligible for tenure at that time; and

(Continued)

SUBJECT: PROBATION AND TENURE (Cont'd.)

- e) The certification status of the appointee in reference to the position to which the individual is appointed.

Education Law Sections 2509, 2573, 3012, 3012-d, 3014, and 3031
8 NYCRR Section 30-1.3

NOTE: Refer also to Policy #6217 -- Professional Staff: Separation

Adopted: 5/19/15
Revised: 5/17/16; 1/19/23;

Personnel

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 these employees where the 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 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 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 of time 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 will not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.

- 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.

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)**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 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 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)

Personnel

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) Breastfeeding/Lactation

The District will provide paid break time for thirty minutes, and permit the use of existing paid break time or meal time for time in excess of thirty minutes, to allow an employee to express breast milk for their nursing child each time the employee has reasonable need to express breast milk for up to three years following childbirth.

Upon employee request, the District will designate a room or other location to be used by the employee to express breast milk which will be in close proximity to the work area, well lit, shielded from view, and free from workplace or public intrusion. The location will, at a minimum, contain a chair, a working surface, nearby access to clean running water, and an electrical outlet. The location will not be a restroom or toilet stall. The District will provide access to refrigeration for the purposes of storing expressed milk.

If the sole purpose of the location is not dedicated for use by employees to express breast milk, the location will be made available to employees when needed and will not be used for any other purpose while in use. The District will provide notice to all employees as soon as practicable when the location has been designated for use by employees to express breast milk.

At the employee's option, the District will allow the employee to work before or after their 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 a written notification regarding the rights of nursing employees to express breast milk in the workplace to each employee upon hire, annually thereafter, and to employees returning to work following the birth of a child. This notice will be based on a written policy developed by the Commissioner of Labor and will at a minimum:

1. Inform employees of their rights pursuant to law;

(Continued)

Personnel

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

2. Specify how a request may be submitted to the District for a room or other location for use by an employee to express breast milk;
3. Require the District to respond to requests within a reasonable time frame that is not to exceed five business days.

The District will not discriminate or retaliate against an employee who chooses to express breast milk in the workplace.

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 district attorney, or exercise their 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 their 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.

for this purpose are granted in accordance with law and the terms of any applicable collective bargaining agreement.

(Continued)

Personnel

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

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 their 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

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 the 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 their 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 days 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 Section 218d

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 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

Election Law Section 3-110

Executive Law Section 296(22)

General Municipal Law Sections 92, 92-c, and 92-d

Judiciary Law Sections 519 and 521

Labor Law Sections 202-a, 202-i, 202-j, 202-l, and 206-c

Military Law Sections 242 and 243

Penal Law Section 215.14

Adopted: 5/19/15

Revised: 1/19/23;

**SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR
INDEPENDENT CONTRACTOR**

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making this determination, the District must consider the factors set forth in state regulations.

A certification of the determination that an individual is an employee is required when the District initially reports to the New York State and Local Retirement System (NYSLRS) certain covered professionals, including those persons providing services as an attorney, physician, engineer, architect, accountant, or auditor.

Definitions

"Employee" means an individual performing services for the District for which the District has the right to control the means and methods of what work will be done and how the work will be done.

"Independent contractor" means a consultant or other individual engaged to achieve a certain result for the District but who is not subject to the direction of the District as to the means and methods of accomplishing the result. The District will not enter into agreements with independent contractors for instructional services except under the limited circumstance permitted by the New York State Education Department (NYSED).

Employees to be Reported to NYSLRS

All persons employed by the District will be included in the reporting requirements. The District will provide the information deemed necessary by the retirement system for all employees except those who actively participate in another public retirement system or program. In the case of employees who are in the process of being registered to membership, all service, salary, and deduction data and mandatory contributions will be accumulated by the District and the accumulation will be included with the first monthly report which is due after the employee's registration or identification number has been assigned.

An individual serving the District as an independent contractor or consultant is not an employee and should not be reported to the retirement system.

Employer Reporting of Certain Professions

In the case of an individual whose service has been engaged by the District in the capacity of attorney, physician, engineer, architect, accountant, or auditor and the District has determined that the individual is rendering service as an employee and, therefore, may be eligible for credit with a retirement system, the District will submit to the retirement system, in a form prescribed by the Comptroller and certified by the Chief Fiscal Officer of the District, an explanation of the factors that led to the conclusion that the individual is an employee and not an independent contractor or consultant.

(Continued)

Personnel

**SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR
INDEPENDENT CONTRACTOR (Cont'd.)**

When making a determination as to an individual's status as an employee or independent contractor, no single factor will be considered to be conclusive of the issue. All factors will be considered in making an assessment of an individual's status when engaged to perform services.

The District will also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS 2414) as promulgated by the Office of the New York State Comptroller.

Legal ServicesCharging for Legal Services

An attorney will not simultaneously be an independent contractor and an employee of the District for the purpose of providing legal services to the District.

An attorney who is not an employee of the District will not seek to be or be considered, treated or otherwise reported by the District as an employee for purposes of compensation, remuneration, health insurance, pension, and all associated employment-related benefits and emoluments.

Reports Regarding Attorneys

The District will, on or before the 45th day after the commencement of its fiscal year, file NYSED, the State Comptroller, and the Attorney General a report specifying:

- a) All attorneys who provide legal services to the District or Board;
- b) Whether the District or Board hired those attorneys as employees; and
- c) All remuneration and compensation paid for legal services.

Protection Against Fraud

Any person who knowingly makes any false statement, or falsifies or permits to be falsified any record or records of the retirement system in any attempt to defraud the system, or who receives certain benefits or payments in excess of statutory limits, as a result of those acts, will be guilty of criminal conduct, and will be punished under the laws of New York State.

Education Law Sections 525, 2050-2054
Retirement and Social Security Law Sections 11, 34, 311, and 334
2 NYCRR Sections 315.2 and 315.3

NOTE: Refer also to Policy #1337 -- Duties of the School Attorney

Adopted: 5/19/15
Revised: 1/19/23;

2025

6560
3 of 3

Personnel

**SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR
INDEPENDENT CONTRACTOR (Cont'd.)**

SUBJECT: GRADUATION REQUIREMENTS

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.

Details on general education and diploma requirements can be found at <https://www.nysed.gov/curriculum-instruction/general-education-and-diploma-requirements>.

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 early graduation in making its decision.

8 NYCRR Sections 100.2, 100.4(d), 100.5, 100.6, 100.7, 100.8, 100.9, and 200.5

NOTE: Refer also to Policies #7221 -- Participation in Graduation Ceremonies and Activities
#7222 -- Diploma or Credential Options for Students with Disabilities

Adopted: 5/19/15

Revised: 5/17/16; 3/16/17; 7/3/19;

SUBJECT: ADVANCED COURSEWORK**Overview**

The District acknowledges that advanced coursework can foster academic excellence, enhance critical thinking skills, and prepare students for college and career success. In light of the potential benefits and opportunities, the District is committed to offering a variety of advanced coursework options.

For purposes of this policy, "advanced coursework" means any middle, high school, or college level honors, gifted, accelerated, advanced placement, international baccalaureate, dual enrollment, or concurrent-enrollment course, or a course that would offer the ability for a student to earn college credit and/or an industry recognized certification.

Types of Advanced Coursework

The District offers a variety of advanced coursework options, including but not limited to:

a) **Accelerated Coursework for Eighth Grade Students**

Eighth grade students have the opportunity to take high school courses in mathematics and in at least one of the following areas: world languages and science courses. Using written criteria, the Superintendent or designee will determine whether an eighth grade student has demonstrated readiness to take high school courses.

Credit may be awarded upon successful completion of an accelerated course and passing related examinations if certain conditions are satisfied.

b) **Advanced Placement (AP)**

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.

c) **Dual Enrollment for College Credit**

Students who have demonstrated readiness for college-level courses and meet all necessary prerequisites may matriculate at any college that has a cooperative agreement with the District. Collegiate 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 any college courses before they are taken during the school day.

(Continued)

SUBJECT: ADVANCED COURSEWORK (Cont'd.)**Notification**

By June 1 of each school year, the District will annually notify students and parents of the benefits and opportunities within the District of participating in advanced courses. This notification will be provided electronically or by mail. This notification must also be posted on the District website.

Notification of advanced coursework must be provided to all students in every grade beginning in either grade 5 or one grade prior to the first year that advanced coursework is offered by the District, whichever grade comes first.

This notification will include:

- a) The benefits of participating in advanced courses;
- b) A description of the advanced courses offered by the District in middle and high school and how to prepare for and enroll in them;
- c) A description of the advanced courses to be offered by the District in the following school year; and
- d) A description of the academic and non-academic support the District provides to help students succeed in advanced courses, as well as any financial assistance available to reduce or eliminate any costs associated with participation in advanced courses, including, but not limited to, related fees, supplies, and assessments.

Education Law Section 817
8 NYCRR Section 100.2(l)(2) and 100.4(d)

Adopted:

SUBJECT: VIRTUAL INSTRUCTION**Overview**

Virtual instruction has been part of the educational landscape in New York schools for decades. Under New York State regulations, virtual instruction is not the same as remote instruction. Virtual instruction is an intentional learning course or program conducted through digital means while remote instruction is instruction that occurs due to limitations on access to a brick-and-mortar classroom.

The District is not required to offer virtual instruction and/or blended instruction but may do so in certain circumstances.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Asynchronous instruction" means instruction where students engage in learning without the direct presence (remote or in-person) of a teacher.
- b) "Blended instruction" means instruction provided by a teacher, as prescribed in regulation, that is designed for delivery part of the time as synchronous instruction in an in-person learning environment, and part of the time as synchronous, or synchronous and asynchronous, instruction in a virtual learning environment where there is regular and substantive interaction between the student and teacher.
- c) "Remote instruction" means instruction provided by an appropriately certified teacher who is not in the same in-person physical location as the student(s) receiving the instruction, where there is regular and substantive daily interaction between the student and teacher.
 - 1. Remote instruction will encompass synchronous instruction provided through digital video-based technology and may also include asynchronous instruction intended to complement synchronous instruction. Digital video-based technology includes online technology and videoconferencing technology.
 - 2. Remote instruction may encompass non-digital and audio-based asynchronous and/or synchronous instruction where this instruction is more appropriate for a student's educational needs.
- d) "Synchronous instruction" means instruction where students engage in learning in the direct presence (remote or in-person) of a teacher in real time.
- e) "Virtual instruction" means synchronous, or synchronous and asynchronous, instruction provided by a teacher that is designed for delivery in a virtual learning environment where there is regular and substantive interaction between the student and teacher.

(Continued)

SUBJECT: VIRTUAL INSTRUCTION (Cont'd.)

- f) "Virtual learning environment" means an instructional and learning environment facilitated through digital video-based technology and/or a combination of an online learning management system and video-conferencing technology, where teacher-to-student, student-to-student, and/or student-to-content interactions occur solely through digital, internet-connected technology.

Virtual Instruction and Blended Instruction

If offered by the District, a student, with permission from their parents and/or persons in parental relation as applicable, may choose to receive virtual instruction and/or blended instruction, subject to certain conditions.

Before enrolling a student in virtual instruction and/or blended instruction, the District will ensure that the student has access to the digital, internet-connected technology and internet access necessary to receive and participate in virtual instruction.

When offered by the District, the District will ensure that virtual instruction and blended instruction:

- a) Align with applicable New York State Learning Standards;
- b) Are provided in accordance with enrolled students' individualized education programs to ensure the continued provision of a free appropriate public education;
- d) Provide for documentation of student mastery of the learning outcomes;
- e) Are provided in a manner consistent with the defined terms in this policy;
- f) Satisfy the unit of study and unit requirements in regulation; and
- g) Are provided by an appropriately certified teacher from the District, from a BOCES that the District has contracted with to provide instruction in the subject area, or from a district who provides instruction in the subject area under a shared service agreement.

A student with a disability who is receiving virtual instruction and/or blended instruction must continue to receive educational services to enable the student to receive a free appropriate public education.

8 NYCRR Sections 100.1, 100.2(u), and 100.5

Adopted:

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 New York State Education Department (NYSED).

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) and sudden cardiac arrests as specified in the Commissioner's regulations.
- b) Have a current health examination and, if the health examination was not completed within 30 days of the start of the season, a completed and signed interval health history form.
- ~~bc)~~ Obtain medical clearance from the ~~school physician or nurse practitioner or the student's personal physician~~ District's Medical Director. ~~The school physician or nurse practitioner retains final approval on any physicals performed by a student's personal physician.~~
- ~~ed)~~ Meet the requirements for interscholastic competition as set forth by the Commissioner's regulations and ~~the~~ NYSPHSAA.
- ~~de)~~ 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~~ all students through interscholastic and intramural activities. To ensure equal athletic opportunities for its students, the District will consider, among other factors:

- a) ~~Its accommodation of athletic interests and abilities (the nature and extent of sports offered, including levels of competition, team competition, and team performance); Whether the~~ selection of sports and levels of competition effectively accommodate all students' interests and abilities;
- b) The provision of ~~E~~equipment and supplies;
- c) Scheduling of games and practice time;
- d) Travel costs and opportunities for travel;
- e) Assignment and compensation of coaches;

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

- f) The provision of ~~L~~locker rooms, practice facilities, and competitive facilities;
- g) Available medical and training facilities and services; and
- 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~~ The Title IX Coordinator(s) 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 ~~a~~Athletic ~~d~~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 eighth 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 the ~~a~~Athletic ~~d~~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 diagnose and treat an athlete's injuries.~~ The coach should ensure that any player injured while under ~~his or her~~ their 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~~ their coach of all injuries, even if it happens outside of school. No student will be allowed to practice or compete if there is a question whether ~~he or she is~~ they are in adequate

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

physical condition. A physician's certification may be required before an athlete is permitted to return to practice or competition.

Athletic Program-Safety

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

- a) Requiring timely medical examinations of participants;
- b) Employing certified or licensed staff to coach all varsity, junior varsity, and modified practices 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.

Sudden Cardiac Arrest

For purposes of this policy, the following definition applies:

- a) "Athletic activities" means participation in sessions for instruction and practice in skills, attitudes, and knowledge through participation in individual, group, and team activities organized on an intramural, extramural, interschool athletic, or inclusive athletic basis to supplement regular physical education class instruction, otherwise known as extraclass periods in physical education or extraclass activities.

The District promotes safe athletic activities and strives to prevent incidents of sudden cardiac arrest in students by:

- a) Including information developed by the Commissioner of Health on the definition of sudden cardiac arrest and signs and symptoms of pending or increased risk of sudden cardiac arrest in any document that may be required from a parent or person in parental relation for a student's participation in interscholastic sports, including a permission or consent form;
- b) Immediately removing from athletic activities any student who displays signs or symptoms of pending or increased risk of sudden cardiac arrest;

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

- c) Prohibiting any student from resuming athletic activities until the student has been evaluated by and received written and signed authorization from a licensed physician and until the student has been evaluated and received clearance from the District's Medical Director to resume athletic activities;
- d) Requiring the licensed physician's written and signed authorization to be kept on file in the student's permanent health record;
- e) Abiding by any limitations or restrictions concerning school attendance and athletic activities issued by the student's treating physician;
- f) Requiring coaches of extra periods in physical education to hold a valid certification in first aid knowledge and skills including instruction in recognizing signs and symptoms of cardiac arrest and sudden cardiac arrest; and
- g) Either posting on the District website information developed by the Commissioner of Health on the definition of sudden cardiac arrest and signs and symptoms of pending or increased risk of sudden cardiac arrest or providing a reference for how to obtain this information from the webpages of NYSED and the New York State Department of Health.

Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.
34 CFR Sections 106.8, 106.41, and 106.45
45 CFR Section 86.41
Education Law Sections 305, 923, and 3208-a
8 NYCRR Sections 135.4, 135.5, 136.3, 136.5, and 136.9

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
#8240 -- Instruction in Certain Subjects

Adopted: 5/19/15
Revised: 5/17/16; 5/16/23;

Students

SUBJECT: STUDENT VOTER REGISTRATION AND PRE-REGISTRATION

The District recognizes the importance of voting and civic engagement. As such, the District seeks to encourage student voter registration and pre-registration. A person who is at least 16 years of age and who is otherwise qualified to register to vote may pre-register to vote, and will then be automatically registered to vote upon reaching the age of eligibility as provided by law.

The District promotes student voter registration and pre-registration through the following means:

- a) Collaborating with county boards of elections to conduct voter registration and pre-registration in the District's high school(s); and
- b) Encouraging voter registration and pre-registration at various student events throughout the year.

The District will inform students of New York State's requirements for voter registration and pre-registration, as well as provide access to voter registration and pre-registration applications during the school year and provide assistance with filing these applications. The completion and submission of voter registration or pre-registration forms will not be a course requirement or graded assignment for District students.

Election Law Section 5-507

Adopted: 5/16/23
Revised:

Students

SUBJECT: STUDENT GOVERNMENT

Student government organizations enhance civic engagement and leadership preparedness. Civic-ready students use civic knowledge, skills, and mindsets to make decisions and take actions for themselves, their communities, and the public good as members of a culturally diverse, democratic society.

Recognizing the benefits of student government organizations, the District has established a student government for the high school in the District].

The student government will serve as a liaison between the student body and school administration, representing student perspectives in District policies and programs. It will meet regularly to discuss and address student interests and concerns, and to plan activities that promote civic engagement and school spirit.

The District will establish guidelines and procedures for the operation of the student government.

Education Law Section 817

NOTE: Refer also to Policy #7410 -- Extracurricular Activities

Adopted:

SUBJECT: STUDENT PHYSICALS**Health Examination**

Each student enrolled in a District school must have a satisfactory health examination conducted by a duly licensed physician, physician assistant, or nurse practitioner within 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) Prekindergarten 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 30 calendar days after their entrance into:

- a) A District school at any grade level;
- b) Prekindergarten or kindergarten; and
- c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

If a student does not submit the required health certificate within 30 calendar days after their entrance, the building principal or designee will send a notice to student's parent or person in parental relation stating that if the required health certificate is not submitted within 30 calendar days from the date of the notice, the Director of School Health Services will conduct an examination by health appraisal of the student.

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~~ their attendance at a District school and, where applicable, whether the student has impaired sight or hearing, has received a scoliosis screening, or has any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of ~~such~~ work to prevent injury to the student;
- e) State the student's body mass index (BMI) and weight status category; and
- f) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is:
 - 1. Authorized by law to practice in New York State consistent with any applicable written practice agreement; or
 - 2. Authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to those of New York State.

A licensed health professional with appropriate training may conduct a scoliosis screening.

Dental Health Certificate

The District will request a dental health certificate from each student 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 interests of the student.

A notice of request for a dental health certificate will be distributed at the same time that the parent or person in parental relation is notified of health examination requirements. 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, student's family or person in parental relation, or upon identified need.

(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 assessment was not given more than 12 months prior to the commencement of the school year in which the assessment is requested; and
- b) State whether the student is in fit condition of dental health to permit their attendance at a District school; and
- 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 building principal or designee will report to the Director of School Health Services the names of all students who are required to and have not submitted the required health certificate or who are students with disabilities. The Director of School Health Services will separately and carefully examine and test students who are required to and have not submitted; the required health certificate and students with disabilities to determine whether any student has impaired sight or hearing, or any other physical disability which may 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 also 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 prohibited by law, if it is determined that a student has impaired sight or hearing, or other 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.

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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 this information online. A student's parent or person in parental relation may refuse to have the student's BMI and weight status category included in this survey.

Lead Screenings

Prior to or within three months after initial enrollment of a student under six years old, the District will obtain from the student's parent or person in parental relation evidence that the student has been screened for lead. If the District does not receive evidence that the student has been screened for lead, the District will provide the student's parent or person in parental relation with information on lead poisoning in children and lead poisoning prevention, as well as refer the parent or person in parental relation to a primary care provider or the local health authority for a blood lead test.

Health Screenings

The District will provide a:

- a) Scoliosis screening, if not documented on the student's health certificate, at least once each school year for male students in grade 9, and for female students in grades 5 and 7. The positive results of any scoliosis screening examination will be provided in writing to the student's parent or person in parental relation within 90 calendar days after the finding;
- b) Vision screening, if not documented on the student's health certificate, to all students within six months of admission to a District school. The vision screening will test the student's color perception, distance acuity, and near vision. In addition, all students will be screened for distance acuity and near vision in grades prekindergarten or kindergarten, 1, 3, 5, 7, and 11, as well as at any other time deemed necessary. The results of all vision screening examinations will be provided in writing to the student's parent or person in parental relation and to any teacher of the student while the student is enrolled in the District school; and
- c) Hearing screening, if not documented on the student's health certificate, to all students within six months of admission to a District school. In addition, all students will receive a hearing screening in grades prekindergarten or kindergarten, 1, 3, 5, 7, and 11, as well as at any other time deemed necessary. Each hearing screening will include, but not be limited to, pure tone screening. The results of any hearing tests requiring a follow-up examination will be provided in writing to the student's parent or person in parental relation and to any teacher of the student while the student is enrolled in the District school.

(Continued)

SUBJECT: STUDENT PHYSICALS (Cont'd.)

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 these records.

Student Health Records

The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and state laws.

Accommodation for Religious Beliefs

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings will be required where a student or the parent or person in parental relation to that student objects on the grounds that the examinations, health history, and/or screenings conflict with their genuine and sincere religious beliefs. A written and signed statement from the student or the student's parent or person in parental relation that the person holds these beliefs must be submitted to the building principal or designee, in which case they may require supporting documents.

Students in Temporary Housing

For students in temporary housing (i.e., homeless children and youth), the enrolling school must immediately refer the parent or guardian of the student to the District's McKinney-Vento liaison, who will assist them in obtaining the necessary medical records.

20 USC Section 1232g
Education Law Sections 903, 904, 905, and 3220
Public Health Law Section 1370-d
8 NYCRR Sections 136.1 and 136.3

NOTE: Refer also to Policies #5690 -- Exposure Control Program
#5691 -- Communicable Diseases
#5692 -- Human Immunodeficiency Virus (HIV) Related Illnesses
#7121 -- Diagnostic Screening of Students
#7131 -- Education of Students in Temporary Housing
#7250 -- Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors
#7420 -- Sports and the Athletic Program
#7510 -- School Health Services
#7511 -- Immunization of Students
#7522 -- Concussion Management

Adopted: 5/19/15
Revised: 5/16/23;

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. As such, the District supports the proper evaluation and management of concussion injuries.~~

A concussion is a **type of** mild traumatic brain injury (MTBI) ~~that occurs when normal brain functioning is disrupted~~ caused by a **bump**, 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. Concussions can impact a student's academic performance as well as their athletic pursuits. **As such, the District supports the proper evaluation and management of concussion injuries.**

Concussion Management Team (CMT)

The District ~~is authorized, at its discretion, to~~ **may** establish a Concussion Management Team (CMT) which may be composed of the ~~certified~~ **athletic director and/or Director of Physical Education**, a school nurse, the school physician/**District's Medical Director**, a coach of an interscholastic team **and/or physical education teacher**, a certified athletic trainer, ~~or such~~ and other appropriate personnel as designated by the District. **If established, the** CMT will oversee and implement the District's concussion policy, including the requirement that all school coaches, physical education teachers, **school** nurses, and certified athletic trainers who work with and/or provide instruction to ~~pupils~~ **students** 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 (**parents**) 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~~ **training** every two 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. **Since concussion symptoms may manifest themselves in any setting, all staff will be encouraged to take the online training and be alert for students who may display or report concussion symptoms.**

Components of the training will include, **but not be limited to:**

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;
- c) How MTBIs may occur;

(Continued)

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

- 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 ~~course training can~~ must be completed by means of instruction approved by the New York State Education Department (NYSED) 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. Each time a staff member completes this training or a related professional development course, they must forward proof of completion to the CMT or, if a CMT has not been established, a designated District staff member who will enter the information into the District's existing system for tracking completed trainings and professional development courses. The system will also use an email to remind staff of the need to complete the training each year as needed. 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 and Students

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 on~~ the NYSED's and New York Department of Health's websites.

(Continued)

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)**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.

The District may, in collaboration with their Medical Director, allow ~~credentialed~~ District staff who are appropriately licensed or certified healthcare professionals and credentialed to use validated neurocognitive computerized testing ~~as a concussion assessment tool~~ to review and obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose ~~and treat~~ a concussion or clear a student to return to activities. 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~~A student will not return to physical activity (including athletics, physical education class, and recess) until ~~he or she has~~ they have been symptom-free for at least 24 hours, and ~~has~~ have been evaluated and received written and signed authorization from a licensed physician. This written authorization should be sent to the school for review by the District's Medical Director. ~~In accordance with Commissioner's regulations,~~ Additionally, the District's Medical Director ~~will give~~ has the final ~~clearance on a authority to clear students to participate in or~~ return to ~~activity for~~ extra-class athletics activities. 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's~~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 private~~ provider's orders for post-concussion management are implemented and followed, and for students to resume participation in athletic activities with the District's Medical Director approval. 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.

(Continued)

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The District's Medical Director and other licensed healthcare professionals employed by the District will also ~~formulate~~~~establish~~ 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 ~~or at a school-sponsored athletic event~~.

In accordance with NYSED guidelines, this policy will be both reviewed and updated ~~periodically~~ ~~at least every three years or with updates to guidance~~. 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 Section 305(42)

8 NYCRR Sections 135.4 and 136.5

Guidelines for Concussion Management in Schools, NYSED Guidance Document, 2022

Adopted: 5/19/15

Revised: 5/16/23;

SUBJECT: CHILD ABUSE AND MALTREATMENT**Child Abuse in a Domestic Setting**

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 counselors, school psychologists, school social workers, school nurses, school administrators

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

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.

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 action against an employee because the employee believes that they have 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.

Report Form

The "Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at the 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.

Definitions

"Administrator" or "school administrator" means a principal, or the equivalent title, in a school, or other chief school officer.

"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;
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury, serious physical injury, or death;

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

- c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or
- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors in accordance with Penal Law Article 235; or
- e) Using corporal punishment as defined by the Commissioner of Education.

"Educational setting" means the building(s) and grounds of a school; the vehicles provided directly or by contract by the school for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off school 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.

"School" means a school district, public school, charter school, nonpublic school, board of cooperative educational services (BOCES), special act school district as defined in Education Law Section 4001, approved preschool special education program pursuant to Education Law Section 4410, approved private residential or non-residential school for the education of students with disabilities including certain private schools, or state-operated or state-supported school in accordance with Education Law Articles 85, 87, or 88.

Duties Upon Receipt of an Allegation of Child Abuse in an Educational Setting

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 the 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; 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 written report must be completed on a form prescribed by the Commissioner of Education.

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

- 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 school or a person or entity that contracts with a school 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 their supervisor employed by the school or 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 school or a person or entity that contracts with a school to provide transportation services to children from a person employed by the school or 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 written report must be completed on a form prescribed by the Commissioner.
- 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 school district of the child's attendance, the report of these allegations will be promptly forwarded to the superintendent of the school district of the child's attendance and 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 another designated administrator.

Upon receipt of a written report alleging child abuse in an educational setting, a school administrator or superintendent must then determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. If it is determined that reasonable suspicion exists, the school

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

administrator or superintendent must follow the procedures mandated in law and further described in administrative regulations including parental notification. When the school administrator receives a written report, they must promptly provide a copy of the report to the superintendent. The report must be promptly forwarded to appropriate law enforcement. In no 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, they will also refer the report to the Commissioner if the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by NYSED.

Civil Immunity

Any employee, volunteer, or supervisor who is employed by a person or entity that contracts with a school 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 those actions.

Any school administrator or superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits a report to a person or agency as required by law, will have immunity from civil liability which might otherwise result by reason of those actions.

Confidentiality

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 those reports that are in the possession of any person legally authorized to receive that information, will be confidential and will not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or in accordance with a court-ordered subpoena. School administrators and the Superintendent will exercise reasonable care in preventing unauthorized disclosure.

Training

The District will implement a training program regarding child abuse in an educational setting for all current and new teachers, school nurses, school counselors, school psychologists, school social workers, school administrators, Board members, other school personnel required to hold a teaching or administrative license or certificate, and any school bus driver or supervisor employed by the District or any person or entity that contracts with the District to provide transportation services to children, as well as licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered speech-language pathologists, teacher aides, and school resource officers.

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**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 their 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 those actions.

Notification

Teachers and all other school officials will be provided an annual written explanation concerning the reporting of child abuse and child abuse in an educational setting including the immunity provisions as set forth 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.

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.

Education Law Article 23-B and Sections 409-1, 3028-b, and 3209-a
Family Court Act Section 1012
Labor Law Section 740(1)(e)
Penal Law Articles 130, 235, and 263
Social Services Law Sections 411-428
8 NYCRR Part 83 and Section 100.2(hh) and (nn)
20 USC Section 7926

Adopted: 5/19/15

Revised: 5/17/16; 10/26/17; 5/16/23;

Students

SUBJECT: SUICIDE

The District is committed to protecting the health and well-being of all students by creating and maintaining policies, procedures, and plans for the prevention, intervention, and post-intervention of suicide.

The Board instructs the Superintendent to establish a District crisis intervention team. Members of the team should include, but are not limited to, a school administrator, school psychologist, school counselor, school social worker, teacher, school nurse and/or District medical director, school safety professional, and any other District staff member who can be of assistance during a crisis. The crisis intervention team will develop a suicide response plan which will be integrated into the existing District-wide school safety plan. The suicide response plan will include education and awareness of risk factors for youth suicide, procedures for intervening if a student exhibits risk factors, including referral services, and a post-intervention plan to help the school and community cope with the aftermath of suicide should it occur.

The administration will inform staff of District policies, procedures, and plans for suicide prevention, intervention, and post-intervention. The District will actively respond to any situation where a student verbally or behaviorally indicates intent to attempt suicide or engage in self-harm. When District staff become aware of a student exhibiting potential suicidal behavior, they should immediately escort the student to a member of the District's crisis intervention team and report the behavior to an administrator.

Suicide prevention will also be incorporated into the curriculum, as developmentally appropriate, to educate students and done in a manner so as not to sensationalize the topic, but to provide students with information and resources on this important mental health issue. In addition, the District will foster interagency cooperation that will enable staff to identify and access appropriate community resources to aid students in times of crisis.

The District will inform students, staff, and parents or guardians of the 988 hotline which connects callers to the National Suicide Prevention Lifeline. Individuals can call or text 988 to be connected to the hotline. The 988 hotline is intended for anyone who is: suicidal; experiencing a mental health or substance use-related crisis; or experiencing any kind of emotional distress.

Professional Development/Learning and Training

Staff training and professional development/learning on suicide and crisis intervention should be offered annually. The training should include: information on how to identify warning signs for suicide, and the protocols to follow when referring a student thought to be at risk for suicide; a description of the roles and responsibilities of the crisis intervention team; and the flow of communication and the tasks each role of the crisis intervention team undertakes.

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7540
2 of 2

Students

SUBJECT: SUICIDE (Cont'd.)

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#5681 -- School Safety Plans
#7550 -- Dignity for All Students
#7553 -- Hazing of Students

Adopted:

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES**Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses the provision of equal educational opportunities to students. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the District provides equal opportunity for students and does not discriminate against any student enrolled in (or any candidate for admission to) its programs and activities on the basis of any legally protected class or category including, but not limited to: race; color; religion; disability; national origin; sexual orientation; gender identity or expression; military status; sex; age; marital status; pregnancy; parental status; weight; ethnic group; or religious practice. Further, the District provides equal access to its facilities to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 (as a patriotic society).

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of discrimination. The District will promptly respond to reports of discrimination, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)).

Reporting Allegations of Discrimination

In order for the District to enforce this policy, and to take corrective action as warranted, it is essential that students who believe that they have been a victim of discrimination, as well as any other person who has knowledge of or witnesses any possible discrimination, immediately report the alleged conduct or incident. Reports of discrimination may be made orally or in writing to any District employee including, but not limited to, a teacher, building principal, or CRCO.

All District employees who witness or receive an oral or written report of discrimination must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

(Continued)

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)

Additionally, District employees must comply with reporting requirements in any other applicable District policy or document.

Grievance Process for Complaints of Discrimination

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of discrimination and will promptly take appropriate action to protect students from further discrimination.

Various District policies and documents address discrimination. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the District's *Code of Conduct*. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff such as the District's Title IX Coordinator(s) and/or Dignity Act Coordinator(s) (DAC(s)) to determine which District policies and/or documents are applicable to the specific facts of the complaint.

If an investigation reveals that discrimination has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

The District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of discrimination.

Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

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

(Continued)

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)

Age Discrimination Act of 1975, 42 USC § 6101 et seq.
Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.
Equal Educational Opportunities Act of 1974, 20 USC § 1701 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC § 790 et seq.
Title IV of the Civil Rights Act of 1964, 42 USC § 2000c et seq.
Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.
Title IX of the Education Amendments Act of 1972, 20 USC § 1681 et seq.
28 CFR Part 35
34 CFR Parts 100, 104, 106, 110, and 270
45 CFR Part 86
Civil Rights Law §§ 40, 40-c, and 47-b
Education Law §§ 10-18, 313, 2801, 3201, and 3201-a
New York State Human Rights Law, Executive Law § 290 et seq.
8 NYCRR § 100.2
9 NYCRR § 466 et seq.

NOTE: Refer also to Policies #3281 -- Use of Facilities by the Boy Scouts of America and Patriotic Youth Groups
#3410 -- Code of Conduct
#3420 -- Non-Discrimination and Anti-Harassment in the District
#3421 -- Title IX and Sex Discrimination
#7550 -- Dignity for All Students
#7551 -- Sexual Harassment of Students
District Code of Conduct

Adopted: 5/19/15
Revised: 5/17/16; 5/16/23

SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS**Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses educational services for married/pregnant students. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

The opportunity to participate in all of the education programs and activities operated by the District will not be restricted or denied because of a student's current, potential, or past parental, family, or marital status.

The District does not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions. It does not constitute prohibited discrimination when the District allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity, provided the District ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Parental status" means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:
 - 1. A biological parent;
 - 2. An adoptive parent;
 - 3. A foster parent;
 - 4. A stepparent;
 - 5. A legal custodian or guardian;
 - 6. In loco parentis with respect to such a person; or
 - 7. Actively seeking legal custody, guardianship, visitation, or adoption of such a person

(Continued)

**SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS
(Cont'd.)**

- b) "Pregnancy or related conditions" means:
1. Pregnancy, childbirth, termination of pregnancy, or lactation;
 2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
 3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Preventing Discrimination and Ensuring Equal Access

Under Title IX, the District must take specific actions to promptly and effectively prevent sex discrimination and ensure equal access to the District's education program or activity once the student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student's pregnancy or related conditions. The Title IX Coordinator must coordinate these actions.

The District will not require supporting documentation for any of these actions unless the documentation is necessary and reasonable for the District to determine the reasonable modification to make or whether to take additional specific actions. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to:

- a) When the student's need for a specific action is obvious, such as when a student who is pregnant needs a bigger uniform;
- b) When the student has previously provided the District with sufficient supporting documentation;
- c) When the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom;
- d) When the student has lactation needs; or
- e) When the specific action is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

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**SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS
(Cont'd.)****Reasonable Modifications**

The District will make reasonable modifications to the District's policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the District's education program or activity. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required, the District must consult with the student. A modification that the District can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification.

The student has discretion to accept or decline each reasonable modification offered by the District. If a student accepts the District's offered reasonable modification, the District must implement it.

Reasonable modifications may include, but are not limited to: breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

Voluntary Access to Separate and Comparable Portion of the District's Education Program or Activity

The District will allow the student to voluntarily access any separate and comparable portion of the District's education program or activity.

Voluntary Leaves of Absence

The District will allow the student to voluntarily take a leave of absence from the District's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a student qualifies for leave under a leave policy maintained by the District that allows a greater period of time than the medically necessary period, the District must permit the student to take voluntary leave under that policy instead if the student so chooses.

When the student returns to the District's education program or activity, the student must be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

(Continued)

**SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS
(Cont'd.)****Lactation Space**

The District must ensure that the student can access a lactation space, which must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

Comparable Treatment to Other Temporary Medical Conditions

To the extent consistent with law and regulation, the District will treat pregnancy and related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy the District administers, operates, offers, or participates in with respect to students admitted to the District's education program or activity.

Certification to Participate

The District does not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in the District's class, program, or extracurricular activity unless:

- a) The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- b) The District requires such certification of all students participating in the class, program, or extracurricular activity; and
- c) The information obtained is not used as a basis for discrimination prohibited by Title IX.

Notification

When a student, or a person who has a legal right to act on behalf of the student, informs any District employee of the student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee must promptly:

- a) Provide that person with the Title IX Coordinator's contact information;
- b) Inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the District's education program or activity.

(Continued)

**SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS
(Cont'd.)**

Additionally, the District must promptly inform the student, and, if applicable, the person who notified the Title IX Coordinator of the student's pregnancy or related condition and has a legal right to act on behalf of the student, of the District's related obligations under Title IX and provide the District's notice of nondiscrimination under Title IX.

34 CFR Part 106

Adopted:

SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS**Due Process Complaints**

The District will make every effort to amicably resolve disputes regarding educational programs for students with disabilities. If these disputes cannot be resolved, either a parent, person in parental relation, or the District may file a due process complaint challenging the identification, evaluation, or educational placement of a student with a disability, or a student suspected of having a disability, or the provision of a free appropriate public education to the student. The complainant may not receive an impartial due process hearing until the complainant, or the complainant's attorney, files a due process complaint notice that meets the requirements set forth in law for the notice. All due process hearings will be conducted in a manner consistent with the timelines and procedures set forth in law and regulation.

Except as otherwise provided by law, all requests for impartial due process hearings must be submitted within two years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. Upon receipt or filing of the due process complaint notice, the District will provide the most current version of the procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and any free or low-cost legal and other relevant services available in the area.

An impartial due process hearing will be conducted at a time and location reasonable and convenient to the parent and student involved. The hearing will be closed to the public unless the parent requests otherwise. The impartial hearing officer (IHO) may conduct the hearing by videoconference or teleconference with parental consent which may be obtained at a pre-hearing conference, or at a minimum of ten days before the scheduled hearing date, provided that all personally identifiable data, information, or records pertaining to the student during the hearing is kept confidential in accordance with law and regulation.

A student whose education is the subject of a due process complaint will remain in their current placement during the pendency of the impartial due process hearing unless both parties agree or as otherwise permitted by law.

Resolution Process

Prior to the opportunity for an impartial due process hearing, the District will convene a meeting with the parents and the relevant member or members of the Committee on Special Education or Committee on Preschool Special Education who have specific knowledge of the facts identified in the complaint. This meeting will provide the parents with an opportunity to discuss their complaint and the facts that form the basis of the complaint, and an opportunity to resolve the complaint with the District. The District will take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, and will notify parents of the meeting early enough to ensure that they

(Continued)

SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS (Cont'd.)

have the opportunity to attend. The resolution meeting will be at a mutually agreed upon time and place and in a location that is physically accessible to the parents. The parents and District may agree to use alternative means of meeting participation, such as videoconferences and conference calls. The District will ensure that all resolution meetings conform to the requirements set forth in the Commissioner's regulations.

The parents and the District may agree, in writing to waive the resolution process or agree to use the mediation process to resolve the dispute.

Selection and Board Appointment of Impartial Hearing Officers

When a due process complaint notice is properly filed, the Board will arrange for an impartial due process hearing to be conducted. In these instances, the Board will immediately, but not later than two business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent, initiate the process to select an IHO through a rotational selection process. To expedite this process, the Board may designate one or more of its members to appoint the IHO on its behalf.

The District will utilize the New York State Education Department's (NYSED) Impartial Hearing Reporting System to access the alphabetical list of the names of each IHO certified in New York State and available to serve in the District. The appointment of an IHO will be made only from this list and in accordance with the alphabetical rotation selection process and the timelines and procedures established by the Commissioner of Education. The District will record and report required information relating to the selection of IHOs and the conduct of impartial due process hearings according to the manner and schedule specified by NYSED.

If an IHO is not appointed within 196 days from receipt by the District of a due process complaint, the District will, no later than five business days after the 196th day has elapsed, provide written notification to parents of their right to request accelerated review. When accelerated review is sought, the District will be deemed to have denied the student a free and appropriate public education (FAPE) by virtue of the 196 day (or more) delay in the appointment of an IHO.

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 District will also reimburse the IHO for certain travel and other hearing-related expenses in accordance with an annually determined schedule.

Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
34 CFR Part 300
Education Law Sections 4404 and 4410(7)
8 NYCRR Sections 200.2 and 200.5

(Continued)

**SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT
OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

NOTE: Refer also to Policies #7313 -- Suspension of Students
#7660 -- Parent Involvement for Children with Disabilities
#7690 -- Special Education Mediation

SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES, AND EVALUATION

The Board of Regents and the New York State Education Department (NYSED) are responsible for setting state learning standards for what all students should know and be able to do as a result of skilled instruction. The District must provide students with instruction on certain specified topics as outlined in law, regulation, and guidance and will develop curriculum based on established state learning standards, laws, regulations, and guidance.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Curriculum" means the outline or scope and sequence of the content, concepts, and skills students will learn to enable them to meet state learning standards.
- b) "Instruction" means the ways (e.g., approaches, strategies, environments, materials, interactions) that an educator chooses to teach the curriculum, based on the needs of their students.
- c) "State learning standards" means the knowledge, skills, and understandings that individuals can and do habitually demonstrate over time as a consequence of instruction and experience. These standards reflect educational goals for students and are organized by subject area and grade levels.

Curriculum Development, Resources, and Evaluation

District curriculum will align with state learning standards and include any specific topics required by law, regulation, or guidance. The Board has the authority to prescribe curriculum in the District within the parameters established by state learning standards, law, regulation, and guidance. The Board will work with District staff to develop and improve curriculum in the District.

Instructional staff will initiate curriculum development and improvement and respond to changing conditions in curriculum needs and requirements. Curriculum changes may be prompted by changes in state learning standards, trends in specific content areas, changes to educational best practices, and student input. Instructional staff are expected to continually evaluate District curriculum in order to improve learning and foster student growth.

There are many resources that instructional staff may utilize to develop and improve curriculum. Resources may originate from a variety of sources including NYSED, Board of Cooperative Educational Services (BOCES), and colleges and universities. Instructional staff, under the guidance of District administrators, are expected to consider those resources for possible improvement to the instructional program.

(Continued)

**SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES, AND EVALUATION
(Cont'd.)**

District administrators will work with instructional staff to develop, improve, and evaluate the District's curriculum. District administrators and instructional staff in an academic department may work together to develop recommendations related to their specific academic area. District administrators will work to ensure that curriculum is evaluated on a regular basis.

Recommended curriculum changes will be presented to the Superintendent for review and action. Upon the Superintendent's approval, the recommended changes will then be presented to the Board for approval. District administrators and/or instructional staff may be invited to Board meetings to discuss changes to District curriculum.

The Board may periodically request that the Superintendent present reports necessary to evaluate the effectiveness of the District's curriculum.

20 USC Section 6311

Education Law Sections 101, 101-a, 207, 305, 1604, 1709, 1711, 1804, 2503, and 2508

8 NYCRR Sections 3.35 and 100.1

NOTE: Refer also to Policies #8210 -- [Safety Conditions and Prevention Instruction](#)
#8240 -- [Instruction in Certain Subjects](#)
#8242 -- [Civility, Citizenship and Character Education/Interpersonal
Violence Prevention Education](#)

Adopted:

SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS

Generally, the Board has the authority to prescribe the course of study in the schools of the District. However, there are general curriculum areas and specific topics in which the District must prescribe instruction. All students in the District will receive instruction in accordance with any applicable laws and regulations.

Driver Education

A driver education course may be offered under the conditions set forth by the New York State Education Department and Commissioner's regulations.

Gifted and Talented Students

The Board will provide appropriate educational programs for students identified as gifted and talented.

Physical Education Class

All students, except those with medical excuses, will participate in physical education in accordance with the Commissioner's regulations, which require that all students attend and participate in physical education as follows:

- a) All students in grades K through 3 will participate in a daily program for a minimum of 120 minutes per week. All students in grades 4 through 6 will participate in a program three times per week for a minimum of 120 minutes per week. The minimum time devoted to these programs (K through 6) is exclusive of any time that may be required for dressing and showering.
- b) Students in grades 5 through 6 that are in a middle school will participate in the physical education program a minimum of three periods per calendar week during one semester of each school year and two periods during the other semester, or a comparable time each semester if the school is organized in other patterns.
- c) All secondary students (in grades 7 through 12) will have the opportunity for regular physical education, but not less than three times per week in one semester and two times per week in the other semester or for a comparable time each semester if the school is organized in other patterns. For students in grades 10 through 12 only, a comparable time each semester will be provided if students have demonstrated acceptable levels of physical fitness, physical skills, and knowledge of physical education activities in extra class programs or out-of-school activities approved by the physical education staff and the school administration.

(Continued)

Instruction

SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS (Cont'd.)

- d) For grades K through 12, a district may provide an equivalent program as approved by the Commissioner of Education.

An excuse from physical education class may be accepted from a licensed physician for medical reasons or a licensed chiropractor for conditions of the spine.

Any student who is temporarily or permanently unable to participate in the regular program of physical education will be provided with adaptive physical education that meets their particular needs.

Sudden Cardiac Arrest

For purposes of this policy, the following definition applies:

- a) "Physical activities" means participation in physical education classes and recess or similar activities during the school day.

The District promotes safe physical activities and strives to prevent incidents of sudden cardiac arrest in students by:

- a) Immediately removing from physical activities any student who displays signs or symptoms of pending sudden cardiac arrest;
- b) Prohibiting any student from resuming physical activities until the student has been evaluated by and received written and signed authorization from a healthcare provider to resume physical activities;
- c) Requiring the healthcare provider's written and signed authorization to be kept on file in the student's permanent health record;
- d) Abiding by any limitations or restrictions concerning school attendance and physical activities issued by the student's healthcare provider;
- e) Either posting on the District website information developed by the Commissioner of Health on the definition of sudden cardiac arrest and signs and symptoms of pending or increased risk of sudden cardiac arrest or providing a reference for how to obtain this information from the webpages of the New York State Education Department and the New York State Department of Health.

Health and Mental Health Education

The District's health education program recognizes the multiple dimensions of health by including instruction related to:

(Continued)

SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS (Cont'd.)

- a) Mental health;
- b) The relation of physical and mental health;
- c) The misuse and abuse of alcohol, tobacco, and other drugs; and
- d) The prevention and detection of certain cancers.

This instruction will enhance student understanding, attitudes, and behaviors that promote health, well-being, and human dignity.

Health education programs provided by the District will be designed according to the needs and abilities of the students at successive grade levels in accordance with applicable laws and regulations.

Education Law Article 90 and Sections 803, 804, 806-a, 923, 1709, and 3204
8 NYCRR Part 142 and Sections 100.2(c), 107.2, 135.1, 135.3, 135.4, and 136.9

Instruction

SUBJECT: TEXTBOOKS, LIBRARY MATERIALS, AND OTHER INSTRUCTIONAL MATERIALS

The District's instructional program is enriched and supported by the selection of quality print and non-print instructional materials. Selected instructional materials will align with New York State learning standards, reflect different viewpoints, and meet the varied needs and interests of staff and students.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Instructional material" means any print or non-print material with instructional content or an instructional function that is used to facilitate formal or informal learning either in the classroom, library media center, or elsewhere in the District. Examples of instructional materials include, but are not limited to: textbooks; workbooks; hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.
- b) "Library material" means any print or non-print material which is catalogued and processed as part of the library media center for use by students and staff. Examples of library materials include, but are not limited to: hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.
- c) "Textbook" means a text, or a text-substitute, that a student is required to use in a particular class or program of the District. Textbooks include:
 - 1. Books, or book substitutes, including hardcover or paperback books, workbooks, or manuals; and
 - 2. Courseware or other content-based instructional materials in an electronic format.

Overview of Instructional MaterialsTextbooks

The Superintendent will work with District administrators and instructional staff to determine what textbooks should be used as part of the District's instructional program. Upon the recommendation of the Superintendent, the Board will designate the textbooks to be used. Textbooks, once designated, cannot be superseded within a period of five years except by a 3/4 vote of the Board.

(Continued)

SUBJECT: TEXTBOOKS, LIBRARY MATERIALS, AND OTHER INSTRUCTIONAL MATERIALS (Cont'd.)

The District will ensure that students who require alternative formats of instructional materials receive those materials in a format that meets the National Instructional Materials Accessibility Standard (NIMAS) and at the same time as those instructional materials are available to their peers.

The District participates in the National Instructional Materials Access Center (NIMAC) which is an online repository of source files in the NIMAS format. Since the District participates in NIMAC, contracts with publishers executed on and after December 3, 2006 for textbooks and other printed core materials must include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this will not add any cost to the contract).

The Board will make provision for funds to be budgeted for the purchase of textbooks. Students may be required to pay for lost or excessively damaged textbooks.

Calculators

The New York State Education Department (NYSED) requires the use of calculators for intermediate and high school level mathematics and science assessments. Students are not required to purchase their own calculators. To the extent that calculators are a necessary part of the instructional program, the District will provide them.

Calculators must be considered a classroom teaching material for which the District is authorized to levy a tax. Even if operating under a contingent budget, the District must purchase and provide calculators if required for participation in an instructional program. Students may be required to pay for lost calculators.

Library Materials

The District will establish and maintain a library media center in each school which will contain library materials. The library media center in each District school will meet the needs of students and staff, and provide an adequate complement to the instructional program in the various areas of the curriculum. The District will employ certified school library media specialists in accordance with specific standards contained in regulation, unless equivalent service is provided by an alternative arrangement approved by the Commissioner.

The Board delegates its authority to designate library materials to be used in the District to the school library media specialist(s). When appropriate, the school library media specialist(s) will work cooperatively with the Superintendent, other District administrators, instructional staff, the Board, students, and/or District community members to identify, order, and organize library materials.

When appropriate, the school library media specialist(s) will utilize shared services such as Boards of Cooperative Educational Services (BOCES) to improve programs and services, build collections, utilize new technologies, and maximize funding.

(Continued)

Instruction

SUBJECT: TEXTBOOKS, LIBRARY MATERIALS, AND OTHER INSTRUCTIONAL MATERIALS (Cont'd.)

The Board will make provision for funds to be budgeted for the purchase of library materials. Students may be required to pay for library materials that are lost, excessively damaged, or overdue.

Objectives in the Selection of Instructional Materials

The broad range and varying suitability of all forms of instructional materials which are available for purchase demand careful evaluation before they are selected for use in the District's classrooms and library media centers. In order to select quality print and non-print instructional materials to enrich and support the District's instructional program, the Board endorses and supports the selection of instructional materials that:

- a) Align with New York State learning standards;
- b) Implement, enrich, and support the District's curriculum and instructional program, taking into consideration the varied interests, abilities, and learning styles of students;
- c) Meet the varied needs and interests of staff and students;
- d) Present various sides of controversial issues so that students may develop critical thinking and reading skills resulting in the ability to make informed decisions;
- e) Offer global perspectives and promote diversity by including materials by authors and illustrators of all cultures -- materials will not be excluded because of the race, nationality, religion, gender, gender expression, sexual orientation, political views, or social views of the author;
- f) Provide staff and students with a wide range of up-to-date instructional materials of all levels of difficulty in a variety of physical and digital formats including print and non-print such as electronic and multimedia (including subscription databases and other online products, ebooks, educational games, and other forms of emerging technologies);
- g) Afford students the opportunity to explore a diverse range of literature to develop and strengthen a lifelong love of reading.

20 USC Sections 1412, 1474, and 6311

34 CFR Section 300.172

34 CFR Part 300, Appendix C

Education Law Sections 701, 702, 711, 1604, 1709, 1804, 1950, 2503, and 3602

8 NYCRR Sections 91.1, 91.2, 100.1, and 200.2

NOTE: Refer also to Policies #5412 -- Alternative Formats for Instructional Materials
#8330 -- Objection to Instructional and Library Materials and Controversial Issues

Adopted: 5/19/15

Revised:

SUBJECT: OBJECTION TO INSTRUCTIONAL AND LIBRARY MATERIALS AND CONTROVERSIAL ISSUES

The Board recognizes the right of District community members to voice concerns and objections about instructional materials and the discussion of controversial issues. This policy addresses how those concerns and objections can be raised.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Controversial issues" means questions, subjects, or problems which can create a difference of opinion. They can include issues which may have political, social, environmental, or personal impacts on students and/or the wider community: locally, nationally, or internationally.
- b) "Instructional material" means any print or non-print material with instructional content or an instructional function that is used to facilitate formal or informal learning either in the classroom, library media center, or elsewhere in the District. Examples of instructional materials include, but are not limited to: textbooks; workbooks; hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.
- c) "Library material" means any print or non-print material which is catalogued and processed as part of the library media center for use by students and staff. Examples of library materials include, but are not limited to: hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.
- d) "Textbook" means a text, or a text-substitute, that a student is required to use in a particular class or program of the District. Textbooks include:
 - 1. Books, or book substitutes, including hardcover or paperback books, workbooks, or manuals; and
 - 2. Courseware or other content-based instructional materials in an electronic format.

Objections to Instructional Materials

The Board has authority to prescribe curriculum in the District and to designate the textbooks to be used in the District. The parent of a student cannot compel the Board to use a particular textbook or discontinue the use of a particular textbook. Further, the District may not be compelled to assign an alternate curriculum to a student based upon a parent's disapproval of classroom assignments. Students may be able to be excused from instruction in very limited circumstances outlined in law and regulation.

(Continued)

Instruction

**SUBJECT: OBJECTION TO INSTRUCTIONAL AND LIBRARY MATERIALS AND
CONTROVERSIAL ISSUES (Cont'd.)**

District community members who have questions or concerns about instructional materials are encouraged to bring these questions and concerns to instructional staff and/or the school library media specialist(s).

District community members who wish to formally object to instructional materials must submit their objections in writing to the Superintendent. District staff who object to instructional materials must follow the same process as all District community members. Challenged instructional materials will remain in use and/or circulation until a final decision has been made. The Board will be informed of any objection the Superintendent receives.

The Superintendent will designate a review committee to investigate and evaluate the challenged instructional material. The committee will include, among others, the school library media specialist from the building where the objection originated and the building principal. The committee will evaluate the challenged material according to the District's criteria for the evaluation and selection of instructional materials.

The review committee will submit a written report of the results of their review to the Superintendent within 60 days of receipt of the formal written objection.

Appeals of decisions by the review committee may be submitted in writing to the Superintendent who will then submit the appeal to the Board for action.

If subsequent objections after an appeal are issued for the same material within a period of five years, the Superintendent can deny the objection based on the previous review and decision.

Controversial Issues

Controversial issues may be studied as part of the curriculum. Instructional staff will present these issues in their classrooms in an impartial and objective manner. It is expected that a library media center's collection, both print and digital, will include items that are considered to be controversial.

Instructional staff wishing to call upon outside speakers to present on controversial issues are required to work with the building principal who will keep in mind the obligation to present balanced viewpoints. The building principal will inform the Superintendent of the presentation on the controversial issue prior to it occurring.

Any objection to how a controversial issue is being taught, including the use of a guest speaker, should be directed to the building principal who will consult with appropriate instructional staff to address the objection.

(Continued)

**SUBJECT: OBJECTION TO INSTRUCTIONAL AND LIBRARY MATERIALS AND
CONTROVERSIAL ISSUES (Cont'd.)**

If the objection is related an instructional material being used in the teaching of a controversial issue, the process requesting reconsideration of library or instructional materials should be followed. Objections to instructional materials by District community members must be submitted in writing to the Superintendent. If the objection is related to the curriculum or New York State learning standards, the building principal will address the matter with the individual(s) raising the objection.

Education Law Sections 701, 711, 809, 1604, 1709, 1804, 2503, and 3204
8 NYCRR Sections 16.2 and 135.3

NOTE: Refer also to Policies #8320 -- Textbooks, Library Materials, and Other Instructional Materials
#8360 -- Religious Expression in the Instructional Program

Adopted: 5/19/15
Revised:

SUBJECT: INSTRUCTIONAL MATERIALS AND NONPUBLIC SCHOOL STUDENTS**Textbooks**

Upon written request, textbooks will be purchased and loaned free of charge to resident nonpublic school students in grades K through 12 in accordance with law and regulation. Students who reside outside of the District in which the nonpublic school they attend is located must have their textbooks provided by their district of residence.

Written requests for textbook loans may be presented directly to the Board, or with the Board's consent, to an appropriate official of the nonpublic school the student attends. The loan request should include information necessary to identify the book, such as title, author, publisher, and copyright date, as well as the name and address of the child or parent requesting the loan and the nonpublic school attended.

Textbook purchase and loan requests must be received by the District by **June 1st** of the school year prior to which the textbooks are being requested. Notice of this date will be given to all nonpublic schools. For resident students not enrolled by June 1, requests may also be submitted within 30 days of enrollment in the nonpublic school. Additionally, in no event will a late request be denied where a reasonable explanation is given for the delay in making the request.

Any textbook purchased and loaned cannot be religious and must be approved by any school board in New York State. The District may request evidence that a requested textbook is used in one or more public school districts in the state. This evidence may include an authenticated list of public school districts using the textbook from the publisher.

All textbooks will be loaned to resident students enrolled in public and nonpublic schools on an equitable basis.

Textbooks loaned to resident nonpublic school students remain the property of the District. Like public school students, nonpublic school students may be required to pay for lost or excessively damaged textbooks. The District will provide notification of this at the time a textbook is loaned.

Instructional Computer Hardware

Upon written request, instructional computer hardware will be purchased and loaned free of charge to nonpublic school students in the District in grades K through 12 in accordance with law and regulation. The instructional computer hardware must be required for use as a learning aid in a particular class or program.

(Continued)

Instruction

**SUBJECT: INSTRUCTIONAL MATERIALS AND NONPUBLIC SCHOOL STUDENTS
(Cont'd.)**

Written requests for a loan of instructional computer hardware may be presented directly to the Board, or with the Board's consent, to an appropriate official of the nonpublic school the student attends. The loan request should include information necessary to identify the instructional computer hardware.

Instructional computer hardware purchase and loan requests must be received by the District by **June 1st** of the school year prior to which the instructional computer hardware is being requested. Notice of this date will be given to all nonpublic schools. For students not enrolled by June 1, requests may also be submitted within 30 days of enrollment in the nonpublic school. Additionally, in no event will a late request be denied where a reasonable explanation is given for the delay in making the request.

Any instructional computer hardware containing software programs which are religious in nature or content will not be purchased or loaned by the District. Additionally, any instructional computer hardware purchased and loaned must be approved by any school board in New York State.

Instructional computer hardware will be loaned to students enrolled in nonpublic schools on an equitable basis.

Instructional computer hardware loaned to nonpublic school students remains the property of the District. Like public school students, nonpublic school students may be required to pay for lost or excessively damaged instructional computer hardware. The District will provide notification of this at the time instructional computer hardware is loaned.

Smart Schools Classroom Technology

Upon written request, Smart Schools classroom technology will be purchased and loaned free of charge to nonpublic school students in the District in grades K through 12 in accordance with requirements in law and regulation.

Written requests for a loan of Smart Schools classroom technology may be presented directly to the Board, or with the Board's consent, to an appropriate official of the nonpublic school the student attends. The loan request should include information necessary to identify the Smart Schools classroom technology.

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**SUBJECT: INSTRUCTIONAL MATERIALS AND NONPUBLIC SCHOOL STUDENTS
(Cont'd.)**

Smart Schools classroom technology purchase and loan requests must be received by the District by **June 1st** of the school year prior to which the Smart Schools classroom technology is being requested. Notice of this date will be given to all nonpublic schools. For students not enrolled by June 1, requests may also be submitted within 30 days of enrollment in the nonpublic school. Additionally, in no event will a late request be denied where a reasonable explanation is given for the delay in making the request.

Any Smart Schools classroom technology purchased and loaned cannot contain religious content and must be approved by any school board in New York State.

Smart Schools classroom technology will be loaned to students enrolled in nonpublic schools on an equitable basis.

Computer Software

Upon written request, computer software programs will be loaned free of charge to nonpublic school students in the District in grades K through 12 in accordance with requirements in law and regulation.

Written requests for a loan of computer software programs may be presented directly to the Board, or with the Board's consent, to an appropriate official of the nonpublic school the student attends. The loan request should include information necessary to identify the computer software program.

Any computer software which is religious in nature or content will not be purchased or loaned by the District.

Computer software will be loaned to students enrolled in public and nonpublic schools on an equitable basis.

Computer software loaned to nonpublic school students remain the property of the District. Like public school students, nonpublic school students may be required to pay for lost or excessively damaged computer software. The District will provide notification of this at the time computer software is loaned.

(Continued)

**SUBJECT: INSTRUCTIONAL MATERIALS AND NONPUBLIC SCHOOL STUDENTS
(Cont'd.)****Library Materials**

Upon written request, library materials will be loaned free of charge to nonpublic school students in the District in grades K through 12 in accordance with law and regulation. Library materials must be required for use as a learning aid in a particular class or program and will be loaned for individual student use only.

Written requests for a loan of library materials may be presented directly to the Board, or with the Board's consent, to an appropriate official of the nonpublic school the student attends. The loan request should include information necessary to identify the book, such as title, author, publisher, and copyright date, as well as the name and address of the child or parent requesting the loan and the nonpublic school attended.

Library materials which are religious in nature or content will not be purchased or loaned by the District.

All library materials will be loaned to students enrolled in public and nonpublic schools on an equitable basis.

Library materials loaned to nonpublic school students remain the property of the District. Like public school students, nonpublic school students may be required to pay for lost or excessively damaged library materials. The District will provide notification of this at the time a library material is loaned.

Education Law Sections 701, 712, 752, 754, and 755
8 NYCRR Sections 21.1, 21.3, and 21.4

Adopted: 5/19/15
Revised: