Please be advised that the District's Policy Manual developed with Erie 1 BOCES Policy Services is not to be interpreted as the rendering of legal advice. Application of Board policies to specific situations may necessitate consultation with the School Administrators/School Attorney to address the particular circumstances.

**FOREWORD**

Contained herein are the policy statements formulated by the Board of Education of the Salamanca City School District.

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

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

Policy should accomplish the following:

a) State a position taken by the District;

b) Grant the authority to act;

c) Be sufficiently detailed to give adequate direction;

d) Be achievable within the real environment of the school and community;

e) Provide for impartial procedures.

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

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or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education.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

It is a well established fact, as prescribed by the State Constitution, that public education is a state function. This responsibility is delegated to the local school districts and administered by policies of the Board of Education.

The report "Persisting Objectives in Education in New York State" identifies the key goals that have guided the development of the education system:

a) Literacy - competence in reading and writing;

b) Citizenship - appreciation of and responsibility for sustaining the American heritage;

c) Knowledge - command of a liberal fund of knowledge in science and the humanities;

d) Productivity - command of useful skills and competence in applying them;

e) Health - physical, emotional and mental;

f) Ethics - moral and spiritual values;

g) Clear thinking - careful, constructive, creative and critical thinking habits;

h) Individual Development - cultivation of individual aptitudes, abilities and interests.

In implementing these objectives the Board of Education has the responsibility of leadership and direction of the educational program. This program will provide for an equal opportunity for all pupils to achieve their maximum development according to their abilities, interests and willingness to learn. This responsibility involves physical facilities, equipment and trained personnel for a productive program to benefit the pupils in the complex process of education.

In promoting its function, the Board of Education subscribes to the basic belief that decisions, judgments and actions always should be related to services to children in terms of the objectives.
Salamanca City School District

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SUBJECT: ORGANIZATION

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

The Citizens provide support and, through an elected Board of Education, determine the policies of the Salamanca City School District.

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

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

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

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

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

The Teaching Personnel provide learning experiences for students under the direction of the administration, accomplishing the goals and purposes set forth in the Philosophy of the Salamanca City School District.

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

The Students of Salamanca City are provided educational experiences leading ultimately to responsible citizenship.

Education Law Section 1526
SUBJECT: SCHOOL DISTRICT AND BOARD OF EDUCATION LEGAL STATUS

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

The Legislature of the State has implemented this constitutional mandate through the creation of school districts of various types. The Salamanca City School District is governed by the laws set forth for Small City School Districts in Article 51 and 53 of the Education Law, and by-laws relating to, or affecting, Central School Districts as set forth in Article 37 of the Education Law, Union Free School Districts as set forth in Article 35 of the Education Law, and Common School Districts as set forth in Article 33 of the Education Law.

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

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

New York State Constitution
Education Law Articles 33, 35, 37, 51 and 53

Adopted: 1998
Revised: 7/12/05
SUBJECT: BOARD OF EDUCATION AUTHORITY

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

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

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

Education Law Sections 1604, 1701, 1709, 1804 and 1805
SUBJECT:  NUMBER OF MEMBERS AND TERMS OF OFFICE

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

Members of the Board of Education shall serve for five (5) years beginning July 1 following their election and each term shall expire on the thirtieth day of June of the fifth year.

7 Member Board - Education Law Section 1804
Term of Office - Education Law Section 2105
SUBJECT: BOARD OF EDUCATION MEMBERS: QUALIFICATIONS

Board of Education members of the Salamanca City School District must meet the following qualifications:

a) A citizen of the United States;
b) Eighteen (18) years of age or older;
c) Able to read and write;
d) A legal resident of the District one (1) year prior to the election;
e) Cannot be an employee of the Salamanca City School District;
f) Shall not, at the same time, hold the office of Board member and any other city office except as provided by Education Law Section 2103-a which permits police officers and fire fighters to serve on such school boards;
g) The only member of his/her family (that is, cannot be a member of the same household) on the Salamanca City School District Board;
h) Must not have been removed from a School District office within one year preceding the date of election to the Board.

Education Law Sections 2102, 2103, 2103-a, and 2502(7)
Public Officers Law Section 3

Revised: 4/20/93
SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION

a) Candidates for the office of member of the Board of Education shall be nominated by a petition directed to the Clerk of the School District which is signed by at least one hundred (100) qualified voters of the District. Petitions must state the residence of each signer, the name and residence of each candidate.

b) The notice of the annual District meeting must state that petitions nominating candidates for the office of member of the Board of Education must be filed with the Clerk of the District no later than twenty (20) days before the annual or special district meeting at which the school board election will occur, between 9 a.m. and 5 p.m.

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

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

e) The candidates receiving the largest number of votes or, in the alternative, the largest number of votes for each specific vacancy, shall be declared elected in accordance with Education Law.

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

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

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

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

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

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

Adopted: 1989
Revised: 4/20/93; 7/14/98; 7/12/05; 7/11/06
SUBJECT: ABSENTEE BALLOTS

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

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

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

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

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

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

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

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

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

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

(Continued)
SUBJECT: ABSENTEE BALLOTS (Cont'd.)

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

Additionally, such list of all persons to whom absentee ballots have been issued shall be posted in a conspicuous place or places during the District election/vote, and any qualified voter may challenge the acceptance of the absentee voter's ballot of any person on such list by making his/her reasons known to the election inspector before the close of the polls.

Nursing Homes or Other Qualifying Adult Care Facilities

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

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

Adopted: 4/9/91
Revised: 8/10/99; 7/11/00; 7/12/05
SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS

Each candidate for the position of trustee of the Board of Education must file two (2) statements accounting for his/her campaign expenditures and contributions with the Clerk of the Board and the Commissioner of Education if the expenses exceed five hundred dollars ($500). In the event the expenses do not exceed $500, then a sworn statement to that effect must be filed with the Clerk of the Board. The first statement shall be filed ten (10) days before the election. The second statement shall be filed within twenty (20) days after the election.

Required contributions shall include:

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

The times for filing the statements are as follows:

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

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

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

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

Education Law Sections 1528 and 1529
Election Law Section 14-100(1)
SUBJECT: RESIGNATION AND DISMISSAL

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

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

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

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

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

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

In the event of death, resignation, removal from office or from the School District, or refusal to serve of a Board member, the Board may appoint a new member to fill such a vacancy. Small city school boards are not obligated to fill a vacancy. If the Board chooses to fill the vacancy, it shall be only for a term ending with the next annual election of the School District at which time such vacancy shall be filled in a regular manner for the balance of the unexpired term.

The Board, at its own option, may also elect to call a special election within ninety (90) days to fill the unexpired term. The Commissioner of Education may order a special election for filling a vacancy. When such special election is ordered the vacancy shall not be filled otherwise.

(Continued)
SUBJECT:  RESIGNATION AND DISMISSAL (Cont'd.)

A Board member who has been removed from office shall be ineligible to appointment or election to any office in the District for a period of one (1) year from the date of such removal.

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

Revised: 8/8/95; 8/10/99; 9/9/03
SUBJECT: ROLE OF THE BOARD OF EDUCATION

Recognizing the complexity of public elementary/secondary education and the limited time available to the unpaid, volunteer members of the Board of Education, the Board has decided that it could best fulfill its responsibilities by adopting a role consisting of the following:

a) Performance of all functions required by statute which cannot be delegated legally or prudently;

b) Selection of a Superintendent who is competent to manage the District school system through the development and implementation of a realistic, comprehensive, strategic plan which shall specify:

1. the current educational objectives of the District in terms of student performance;

2. process objectives to be achieved during the current year (each of which shall be justified in terms of its expected eventual contribution to student learning);

3. the resources required for the achievement of each of the objectives;

4. a time schedule of events which is sufficiently detailed to permit the Board to make periodic evaluations, during the course of the year, of the degree of achievement in relation to the Superintendent's plan; and

5. a systematic, summary reporting procedure which will provide the Board with periodic information regarding year-to-date progress against objectives;

c) Critically reviewing and approving the Superintendent's plan;

d) Evaluation of the Superintendent's performance on the basis of:

1. Achievement in relation to his/her approved plan;

2. Compliance with laws, regulations and policies of the Board;

3. The degree to which he/she handles questions, complaints and crises to the satisfaction of the community, the faculty, students and the Board, without requiring time-consuming analysis and intervention by the Board;

4. The degree to which the District has demonstrably maintained or increased its capability to improve student performance to provide essential non-instructional services, and/or to operate efficiently.

e) To assist the Superintendent by providing the necessary fiscal and moral encouragement.
SUBJECT: COMPENSATION AND EXPENSES

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

All members of the Board of Education may be reimbursed for actual expenses incurred in representing the District. All bills or claims for reimbursement must be itemized in reasonable detail.

Education Law Section 2118
SUBJECT: POWERS AND DUTIES OF THE BOARD AND ITS OFFICERS

a) The Board of Education shall exercise the powers and duties enumerated in the Education Law and by Commissioner's Regulations;

b) Although each of the enumerated responsibilities belongs ultimately to the Board of Education, their definition and fulfillment requires the widespread cooperation of administrators, teachers and lay citizens if they are to represent an expression of community wishes, as well as a reflection of professional expertise, wisdom, experience, and research;

c) The basic responsibilities of the Board of Education members shall include:

1. Developing a philosophy of education and providing citizen leadership in determining the goals which public education in their community should strive to attain;

2. Determining policies which will assist in developing and improving the curriculum to implement better the philosophy and goals of the District;

3. Evaluating the educational program of the schools as a continuing process;

4. Developing sound written policies as guidelines to action and decision;

5. Establishing conditions which will attract and retain an excellent professional staff;

6. Providing adequate financing for present needs and future plans of the total program;

7. Providing good physical facilities and equipment for carrying on the educational program;

8. Maintaining a program of public information for community understanding of the school's program and policies;

9. Engaging in self-improvement programs and activities for the purpose of rendering better Board of Education service.

Education Law Section 2503
SUBJECT: NOMINATION AND ELECTION OF BOARD OFFICERS

Officers of the Board of Education shall be nominated and elected by the simple majority of the Board at its Annual Organization Meeting. They will take their oath as officers at this meeting along with newly elected members.

The elected officers of the Board of Education are:

a) President;

b) Vice-President.

Education Law Sections 1701 and 2105(6)
SUBJECT:  DUTIES OF THE PRESIDENT OF THE BOARD OF EDUCATION

The President's duties include the following:

a)  Preside at all meetings of the Board;

b)  Call special meetings as necessary or on request;

c)  Appoint members to all committees of the Board;

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

e)  Execute documents on behalf of the Board;

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

Education Law Section 1701
SUBJECT: Duties of the Vice President of the Board of Education

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

Education Law Section 1701

Adopted: 1989
Revised: 7/14/98
SUBJECT: APPOINTMENTS AND DESIGNATIONS BY THE BOARD OF EDUCATION

The Board shall designate the first meeting of each fiscal year as the Reorganizational Meeting of the Board. At this meeting, the Board may organize itself as follows:

a) Administration of Oath

Administer Oath to Newly Elected Board Members.

b) Election of Officers

1. President of the Board;
2. Vice-President of the Board;
3. Administer Oath to above.

c) Other Appointments

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

The following shall be appointed annually:

1. District Clerk;
2. District Treasurer;
3. Deputy Treasurer;
4. Tax Collector and Deputies;
5. External (Independent) Auditor;
6. Treasurer, Extraclassroom Activities Account;
7. Audit Committee.

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

1. Census Enumerator and assistants if District conducts census;
2. Director of School Health Services (School Physician/Nurse Practitioner);
3. Supervisors of Attendance;
4. Committee on Special Education and Committee on Preschool Special Education;
5. Records Access and Management Officer;
6. Asbestos Hazard Emergency Response Act (AHERA) Local Educational Agency (LEA.) designee;
7. Title IX/Section 504/ADA Compliance Officer;
8. Liaison for Homeless Children and Youth;
9. Chemical Hygiene officer.

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

The following may also be appointed:

1. School Attorney;
2. Claims Auditor;
3. Internal Auditor;
4. Insurance Advisor;
5. Copyright Officer.

d) Designations

1. Regular Monthly Meetings;
2. Official Bank Depository - All Funds;
3. Official Newspapers;
4. Official Bank Signatories;
5. Purchasing Agent;
6. Designated Educational Official (DEO) to receive court notification regarding a student's sentence/adjudication in certain criminal cases and juvenile delinquency proceedings;
7. School Pesticide Representative;
8. Reviewing Official, Hearing Official and Verification Official for participation in the federal Child Nutrition Program (the Hearing Official may not be the same person as the Reviewing and/or Verification Official).

e) Authorization

1. Superintendent to Certify Payroll;
2. Attendance at conferences, conventions, workshops, etc., for School Board members and Superintendents;

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

3. Superintendent to approve attendance at conferences, conventions, workshops, etc., for members of District staff;

4. Authorization to establish petty cash funds;

5. Superintendent authorized to approve budget transfers;

6. Treasurer to borrow money necessary to cover payrolls and current expenses during school year, if needed;

7. Authorize the Superintendent to sign applications for approved Title I and other Title Programs which the District is entitled to by Federal Law;

8. Authorize establishment of bonds for Deputy Tax Collector, District Treasurer and District Clerk, as mandated by law.

f) Other Items

1. Re-adoption of all policies and code of ethics in effect;

2. Establish a mileage reimbursement rate;

3. Set rate for custodial services for use of school facilities by organizations;

4. Set substitute teacher rate;

5. Set student lunch prices.

McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the No Child Left Behind Act of 2001
Education Law Sections 305(31), 1709 and 2503

Revised: 4/7/92; 4/20/93; 8/10/99; 9/9/03; 7/12/05; 7/11/06; 10/7/08
SUBJECT: DUTIES OF THE DISTRICT CLERK

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

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

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

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

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

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

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

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

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

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

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

k) Assumes other duties customary to the office.

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

Education Law Section 2121
Public Officers Law Section 104

Adopted: 1989
Revised: 8/10/99
SUBJECT: DUTIES OF THE SCHOOL DISTRICT TREASURER

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

a) To act as custodian of all monies belonging to the School District and lawfully deposit these monies in the depositories designated by the Board;

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

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

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

f) To assume other duties customary to the office.

Education Law Sections 1709(20-a), 2110-a, 2116-a and 2854(c)
General Municipal Law Sections 33 and 104-b
8 New York Code of Rules and Regulations (NYCRR) Sections 170.2, 170.3 and 170.12

Revised: 7/11/06; 10/7/08
SUBJECT: DUTIES OF THE TAX COLLECTOR

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

a) To prepare and mail tax notices;

b) To use suitable printed tax receipt forms as prescribed by the State Tax Commission;

c) To collect taxes in the amount of the warrant, upon the issuance of the tax warrant by the Board of Education and penalty fees in accordance with the terms of such warrant;

d) To turn over daily to the School District Treasurer all money collected by virtue of any tax list and warrant issued;

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

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

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

Education Law Sections 2126 and 2130
Real Property Law Sections 922, 924, 1322, 1330, and 1338
8 New York Code of Rules and Regulations (NYCRR) Section 170.2
SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR

The Board by law shall obtain an annual audit of its records by an independent certified public accountant or an independent public accountant. The independent accountant shall present the report of the annual audit to the Board and provide a copy of the audit to each Board member. The Board shall adopt a resolution accepting the audit report and file a copy of the resolution with the Commissioner. The District will also file the audit report with the Commissioner for a specific school year by October 15 of the following school year. In addition to the annual audit, the District shall be subject to State audits conducted by the State Comptroller.

Request for Proposal Process

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

Education Law Sections 1709(20-a), 2110-a, 2116-a and 2854(c)
General Municipal Law Sections 33 and 104-b
8 New York Code of Rules and Regulations (NYCRR) Sections 170.2, 170.3 and 170.12
SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR

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

Qualifications

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

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

a) A member of the Board;
b) The Clerk or Treasurer of the Board;
c) The Superintendent or official of the District responsible for business management;
d) The Purchasing Agent;
e) Clerical or professional personnel directly involved in accounting and purchasing functions of the District or under the direct supervision of the Superintendent;
f) The individual or entity responsible for the internal audit function (the Internal Auditor);
g) The External (Independent) Auditor responsible for the external audit of the financial statements;

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

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

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

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

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

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

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

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

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

b) Substantiate receipts or other revenues or expenditures;

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

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

Adopted: 1989
Revised: 11/12/02; 7/11/06
SUBJECT: DUTIES OF THE SCHOOL ACTIVITIES TREASURER(S)

The School Activities Treasurer is appointed by the Board of Education and is responsible for the supervision of the school activities funds.

The Treasurer's duties include the following:

a) Countersign all checks disbursing funds from the Extracurricular Activities Account;

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

c) Maintain records of all receipts and expenditures;

d) Submit records to the Board as required;

e) Other duties customary to the position.

Commissioner's Regulations Section 172.2
SUBJECT: DUTIES OF THE SCHOOL ATTORNEY

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

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

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

c) Matters related to "due process" hearings or procedures.
SUBJECT: DUTIES OF THE SCHOOL PHYSICIAN/NURSE PRACTITIONER

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

a) Performs professional medical services in the examination and care of school children;
b) Performs routine examinations of school children to detect the presence of contagious diseases and physical defects;
c) Serves as an on call member on the Committee on Special Education;
d) Reports to the Board on school health services;
e) Coordinates scheduling for physical examinations to all students participating in interscholastic athletics;
f) Develops the program of health service in accordance with policies approved by the Board and as directed by the Superintendent of Schools;
g) Conducts physical exams for all bus drivers and substitutes annually (prior to employment);
h) Conducts physical exams for all new employees (instructional and non-instructional);
i) Conducts a medical evaluation on any employee at the request of the Board of Education.

Education Law Sections 902 and 913

Adopted: 1998
Revised: 7/14/98; 9/9/03
SUBJECT: DUTIES OF THE INTERNAL AUDITOR

The Internal Auditor reports directly to the Board of Education.

The District may use its employees, inter-municipal cooperative agreements, shared services to the extent authorized by Education Law Section 1950, or independent contractors as the person/entity serving as Internal Auditor. The person or entity serving as Internal Auditor must follow generally accepted auditing standards, be independent of District business operations, and have the requisite knowledge and skills to complete the work.

The Internal Auditor is responsible for performing the internal audit function for the Board of Education which includes at a minimum:

a) Development of a risk assessment of District operations, including but not limited to, a review of financial policies, procedures and practices;

b) An annual review and update of such risk assessment;

c) Annual testing and evaluation of one or more areas of the District's internal controls, taking into account risk, control weakness, size, and complexity of operations;

d) Preparation of reports, at least annually or more frequently as the Board may direct, which:

1. Analyze significant risk assessment findings;
2. Recommend changes for strengthening controls and reducing identified risks; and
3. Specify timeframes for implementation of such recommendations.

Education Law Sections 1950, 2116-b and 2116-c
8 New York Code of Rules and Regulations (NYCRR) Section 170.12(d)

NOTE: Refer Also to Policy #5573 -- Internal Audit Function

Adopted: 7/11/06
SUBJECT: METHODS OF OPERATION

The Board of Education shall act as a body in making decisions and in taking official action. No individual member of the Board shall be empowered to act in matters which require approval of the entire Board.

The Board may organize itself in committees without a specific purpose.

Official action may be taken only during a duly convened meeting of the Board of Education.

Education Law Section 2502(1)
SUBJECT: PRINCIPLES FOR SCHOOL BOARD MEMBERS

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

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

New York State School Boards Association
SUBJECT: FORMULATION, ADOPTION AND DISSEMINATION OF POLICY

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

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

The adoption of a written policy shall occur only after the proposal has been moved, discussed and voted on affirmatively at two successive meetings of the Board of Education (i.e. the "first reading" and the "second reading"). The policy draft may be amended at the second meeting. By a two-thirds majority vote, the Board may waive the "second reading" and complete the adoption of the proposed policy at its "first reading." Job descriptions, references contrary to law or state and federal regulation, and conflicts with negotiated agreements will be updated without previous Board approval.

The formal adoption of written Board policy shall be recorded in the official minutes of the Board. Such written Board policy shall be the continuing legal regulations of the District.
SUBJECT: EXECUTION OF POLICY: ADMINISTRATIVE REGULATION

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

It shall be the Board's responsibility to keep its written policies up-to-date so that they may be used consistently as a basis for Board action and administrative decision. Review shall occur on a periodic basis, at least every two years.

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

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

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

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

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

d) Proposed, pending or current litigation;

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

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

g) The preparation, grading or administration of examinations;

h) The proposed acquisition, sale or lease of real property, but only when publicity would substantially affect the value of the property; and

i) The proposed acquisition of securities, or sale or exchange of securities held by the District or the Board, but only when publicity would substantially affect the value thereof.

No executive session of the Board of Education or any committee thereof may be recorded by any means without the express consent of the Board. Any violation of this provision by any employee, administrator or other District official, including members of the Board of Education will be considered an act of official misconduct.

Public Officers Law Article 7
Education Law Sections 1708 and 3020A
Commissioner's Regulations Section 200.5

Revised: 4/20/93; 1/11/05
SUBJECT:  MEETINGS OF COMMITTEES OF THE BOARD OF EDUCATION

Committee meetings are not open to the public unless they constitute an official convening of a public body for the purpose of conducting public business. A "public body" is defined as an entity which requires a quorum to conduct business, including committees and subcommittees.

Those committees and subcommittees which must abide by the provisions of the Open Meetings Law must meet publicly, go into executive session only on a motion and only for one of the permitted topics, give advance notice of meetings, make public minutes and otherwise comply with all requirements of the Open Meetings Law.

Public Officers Law Sections 97.2 and 108.3

Revised: 7/12/94
SUBJECT: QUORUM AND ATTENDANCE OF THE BOARD OF EDUCATION

The quorum for any meeting of the Board shall be four members. No formal action shall be taken at any meeting at which a quorum is not present. Provided a quorum exists, the Board shall act by unanimous affirmative vote of no less than five of its members, unless otherwise required by the laws of the State of New York.

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

Education Law Section 2502(8)
General Construction Law Section 41
SUBJECT: MINUTES

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

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

a) The type of meeting;

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

c) Board members present and absent;

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

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

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

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

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

Minutes of Executive Sessions

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

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

Education Law Section 2121
Public Officers Law Section 106

Adopted: 1989
Revised: 11/12/02; 7/12/05; 7/11/06
SUBJECT:  REGULAR BOARD MEETINGS

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

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

If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

Regular meetings of the Board of Education of the Salamanca City School District shall take place on the day and time designated by the Board at the Annual Organizational Meeting, except as modified at subsequent meetings of the Board.

It is the responsibility of the Superintendent to prepare the agenda and review it with the Board President for each meeting of the Board. The agenda for each meeting shall be prepared during the week prior to the meeting. The agenda shall be distributed to Board members no later than the Friday before such regular meeting. Whenever the President or other members of the Board wish to bring a matter to the attention of the Board, such request should be made to the Superintendent so that the same can be placed on the agenda. Whenever individuals or groups wish to bring a matter to the attention of the Board, such request shall be addressed in writing to the Superintendent. The Superintendent shall present such matter to the Board.

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

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

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

(Continued)
SUBJECT:  REGULAR BOARD MEETINGS (Cont’d.)

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

Education Law Sections 1708 and 2504
Public Officers Law Article 7

NOTE:  Refer also to Policy #1570 -- Special Meetings of the Board of Education

Adopted:  1989
Revised:  8/10/99; 11/12/02; 7/11/06
SUBJECT: AGENDA FORMAT

The Superintendent shall prepare a written agenda to include:

a) Call to order, Roll Call;

b) Pledge of Allegiance;

c) Approve Agenda: Board Members shall have the opportunity to add/delete/change items on the agenda since Friday mailing;

d) Public Participation: Organizations, groups, and individuals seeking space on the agenda should contact the Superintendent five (5) days in advance of the meeting. They shall state the subject and purpose of the agenda item. Persons wishing to address the Board shall reference Policy #3220 that delineates public expression at board meetings;

e) Board Message (Awards, Honors, and Recognition);

f) Superintendent's Remarks;

g) Old Business;

h) New Business;

i) Leaves of Absence;

j) Resignations;

k) Appointments;

l) Board Correspondence;

m) Board Information Items/Reports/Discussion;

n) Upcoming Activities/Events of Interest;

o) Executive Session - specific purpose;

p) Adjournment.

For special and emergency meetings, the regular meeting agenda format shown above may be shortened and/or adapted to fit the purpose of the meeting.

(Continued)
SUBJECT: AGENDA FORMAT (Cont'd.)

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

NOTE: Refer also to Policy #3220 -- Policy on Persons Wishing to Address the Board

Adopted: 1998
Revised: 4/5/05
SUBJECT: SPECIAL MEETINGS OF THE BOARD OF EDUCATION

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

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

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

Adopted: 1989
Revised: 8/10/99
SUBJECT: ANNUAL DISTRICT MEETING AND ELECTION/BUDGET VOTE

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

Effective April 1, 2006, in the event that a school budget revote is necessary; it shall be held on the third Tuesday of June. However, in the event that the third Tuesday of June conflicts with a religious holiday, the School Board may petition the Commissioner of Education to obtain permission to hold the budget revote on the second Tuesday in June. Such request from the Board of Education must be certified and received by the Commissioner no later than March 1.

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

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

Annual Meeting (Election and Budget Vote) - Education Law Sections 1804(4); 1906(1); 2002(1); 2017(5) and (6); 2022(1); and 2601-a(2)
Notice - Education Law Sections 1608(2); 1716(2); 2003(1); 2004(1); and 2601-a(2)

Adopted: 2/10/98
Revised: 7/11/06
SUBJECT: BUSINESS OF THE ANNUAL DISTRICT ELECTION

The Board of Education will appoint at a regular or special meeting prior to the Annual Election, a qualified voter as chairperson.

The chairperson will call the meeting to order and proceed to the following order of business:

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

Education Law Sections 2602, 2605, 2606, 2607 and 2610
SUBJECT: ANNUAL ORGANIZATIONAL MEETING

The annual meeting of the Board of Education shall be held during the first week in July, at 4 p.m. in the afternoon or such other hour as the Board may determine, at which meeting the Board shall select a President for the ensuing year. At such meeting the Board may also select a Vice-President who shall be authorized to act for the President in case of the President's absence or inability to act during such year.

Officers

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

Oath of Office

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

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

Adopted: 1989
Revised: 8/10/99; 7/12/05; 7/11/06
SUBJECT: LEGAL QUALIFICATIONS OF VOTERS AT SCHOOL DISTRICT MEETINGS

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

a) A citizen of the United States;

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

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

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

Education Law Section 2603
SUBJECT: VOTING MACHINES AND REGISTER OF VOTERS

Voting machines shall be used in annual Salamanca City School District meetings for the purpose of voting on the election of a trustee or trustees and such special propositions as may be requested by the Board of Education.

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

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

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

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

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

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

The chairperson of the inspectors of election shall present the results to the clerk who will read the results.

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

Education Law Section 2606, 2607 and 2611
SUBJECT: SUBMISSION OF QUESTIONS AND PROPOSITIONS AT ANNUAL ELECTIONS AND SPECIAL DISTRICT MEETINGS

Submission of Questions and Propositions at Annual District Elections

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

a) Questions or propositions to appear on the ballot on the voting machine shall be submitted by petition directed to the Clerk of the School District and shall be signed by twenty-five (25) qualified voters, or five percent (5%) of the registered voters of the District who voted in the previous annual election of Board members, whichever is greater. Each signer shall state his/her residence.

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

c) Each petition shall be filed with the Clerk of the School District not later than thirty (30) days preceding the Annual District Election at which the question or proposition is to be voted upon.

d) The Board of Education shall cause the rules and regulations as to be distributed within the District.

e) Nothing herein contained shall affect the nominations of candidates as set forth in the Annual District Election notice pursuant to Section 2018 of the Education Law.

Questions or Propositions to be Submitted at Special District Meetings

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

In accordance with Chapter 182 of the Laws of 1952, a Registration Board consisting of two (2) members and two (2) alternates shall be appointed for one (1) year effective April 1 of that year at a compensation rate determined by the Board of Education.

The Superintendent shall be empowered to insert names of inspectors or alternates to him/her to complete vacancies as they occur.

The Board of Education before the 15th of February in each year, shall appoint a Board of Registration for a term of one year to prepare a register for each school election. Each member shall be entitled to compensation at a rate not to exceed that paid at general elections in the city.

Educational Law 2606
Salamanca City School District

INTERNAL OPERATIONS

1.1 Orienting New Board Members

1.1.1 Conference Attendance and Expenses

1.2 Use of Parliamentary Procedure

1.3 Board Member Training on Financial Oversight, Accountability and Fiduciary Responsibilities

BOARD OF EDUCATION COMMITTEES

2.1 Committees of the Board

BOARD OF EDUCATION ACTIVITIES

3.1 Membership in Associations

3.2 Attendance by Board Members at Conferences, Conventions and Workshops

3.3 Board Self-Evaluation

3.4 Compensation and Expenses
SUBJECT: ORIENTING NEW BOARD MEMBERS

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

a) The electee shall be given selected material on the job of being part of the Board, which material is supplied by the New York State School Boards Association, the National School Boards Association, and/or other professional organizations;

b) The electee shall be invited to attend Board meetings and to participate in its discussions;

c) The Clerk shall supply material pertinent to meetings and shall explain its use;

d) The electee shall be invited to meet with the Superintendent and other administrative personnel to discuss services they perform for the Board;

e) A copy of the Board's policies and by-laws shall be given the electee by the Clerk;

f) The opportunity shall be provided for new Board members to attend the New York State School Boards Association orientation program.

g) A senior Board member shall act as an advisor to the electee during the orientation period.
SUBJECT: CONFERENCE ATTENDANCE AND EXPENSES

Conferences provide an opportunity for Board Members to keep abreast of current developments in education.

In order to benefit the school system, all Board Members are encouraged to participate in these activities. However, participation shall be governed by available resources.

Whenever possible, those attending will secure accommodations at the site of the conference to facilitate maximum participation in the activities.

Members shall be fully reimbursed for approved expenses for travel and attendance at conferences and meetings or other official Board business approved by the Board. Reimbursement for mileage in private car will be at the current rate.
SUBJECT: USE OF PARLIAMENTARY PROCEDURE

The business of the Board of Education shall be conducted in accordance with the following principles:

a) Rules of the Board will have precedence;

b) Authoritative principles of parliamentary procedure as found in Robert's Rules of Order Newly Revised* shall be followed.


Commissioner's Decision Numbers 8018 and 8873
INTERNAL OPERATIONS

SUBJECT: BOARD MEMBER TRAINING ON FINANCIAL OVERSIGHT, ACCOUNTABILITY AND FIDUCIARY RESPONSIBILITIES

Within the first year of election, re-election or appointment, each Board member must complete a minimum of six hours of training on the financial oversight, accountability and fiduciary responsibilities of a School Board member. Once the training is completed, it does not need to be repeated if a Board member is re-elected. The curriculum and provider of this training must be approved by the Commissioner of Education.

Upon completion of the required training, the Board member must file a certificate of completion with the District Clerk.

Any expenses incurred for training are a lawful charge upon the District.

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

Adopted: 7/11/06
Revised: 10/7/08
SUBJECT: COMMITTEES OF THE BOARD

The Board and/or the President of the Board may at its discretion establish committees for the purpose of undertaking a specific task in connection with Board activity.

These committees, however, cannot make legal decisions for the entire Board.

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

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

All advisory committees shall be terminated at the completion of their task.

Audit Committee

The Board has established an audit committee to oversee the annual audit of the District, and report on its findings to the Board.

Visitation Committees

The Board of Education shall appoint one (1) or more committees to visit every school or department at least once annually and report on their conditions at the next regular meeting of the Board.

Standing Committees

The Board of Education shall have the following standing committees:

a) Building and Grounds;
b) Personnel, Instructional and Service;
c) Finance;
d) Transportation;
e) Cattaraugus County School Board Association - Delegate and Alternate;
f) Curriculum Study.

Education Law Sections 1708, 2116-c and 4601

NOTE: Refer also to Policy #5572 -- Audit Committee

Revised: 7/11/06; 10/7/08
SUBJECT:  MEMBERSHIP IN ASSOCIATIONS

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

Education Law Section 2503
SUBJECT: ATTENDANCE BY BOARD MEMBERS AT CONFERENCES, CONVENTIONS AND WORKSHOPS

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

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

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

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

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

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

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

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

Adopted: 1989
Revised: 7/14/98
**SUBJECT: BOARD SELF-EVALUATION**

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

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

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

Conference Travel for Newly Elected Board Members

In accordance with General Municipal Law, the Board, by a majority vote, may authorize a newly elected Board member whose term of office has not yet commenced to attend a conference. Such conference travel shall be for official District business and shall be made utilizing a cost-effective and reasonable method of travel.

Authorization must be by resolution adopted prior to such attendance and duly entered in the minutes. However, the Board may delegate the power to authorize such attendance at a conference to the Board President or Board Vice President.

Education Law Section 2118
General Municipal Law Sections 77-b and 77-b(2)

Adopted: 10/7/08
Salamanca City School District

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EMERGENCY SITUATIONS

5.1 Emergency School Closings
SUBJECT: SCHOOL-COMMUNITY RELATIONS

One of the main purposes of good school public relations is to stimulate people to learn more about the schools so that they can participate more intelligently in the solution of educational problems. In accomplishing this purpose, a second aim can be fulfilled - that of gearing the operation of the schools to public interests and desires. Good school-community relations, then, require a two-way current of communication: from school to community, and from community to school.

The Public's Right To Know

Responsibilities of the Board of Education

The Board of Education is aware of its responsibility in maintaining a cooperative relationship with the community which is served by the School District. It is the desire of the Board to sponsor a close relationship with the citizens of the District in any way that will improve the educational program, for the Board expects to draw upon the potential sources of aid existing in the community in support of that program. The Board of Education will attempt to ensure that the citizens of the School District are kept informed of its activities in channels of communication beyond those required by law. Therefore, the Board of Education shall encourage the use of all appropriate means for supplying the community with accurate information about the schools.

Responsibilities of Administrators

The Superintendent shall be the central intermediary between the schools and the public, and through him shall be funneled information for the public.

Responsibilities of Teachers

The successful public relations program lies largely in the hands of the individual teacher.

Therefore, it is the responsibility of all teachers to be well informed as to the educational practices of the School District, since many parents gather their information about the school and their teachers from their children.

Responsibilities of Non-Instructional Personnel

The role of non-instructional personnel in public education is often little understood and less appreciated. The impressions and attitude of students and citizens are deeply and daily affected by the quality of their relationships with these people. Therefore, the Board relies upon all School District employees to assume their important role of interpreting the school in their contacts with the public.
SUBJECT: SCHOOL SPONSORED MEDIA

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

In addition, a newsletter may be prepared and mailed to each resident of the School District. Included in the newsletter will be information regarding school activities, a monthly calendar and other items of interest to the community. The Board accepts the funding obligation for the necessary staff and production costs.

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

The School District has the capability to broadcast educational programs over the local cable television system as a result of a contract with Cabelcomm of Oswego, New York.

The staff of the School District is directed to meet the terms and conditions of the contract which are:

a) To give to Cabelcomm and its Salamanca office one week's advance notice of all its programming.

b) To use the designated channel in compliance with all rules and regulations now or hereafter established by Cabelcomm.

c) To attend, repair, and maintain its equipment or Cabelcomm facilities in a reasonable and workmanlike manner, subject to the supervision of Cabelcomm.

The use of this system is limited to programs originated and produced by the District's employees, agents, and students, and programs only of an educational nature.

Revised: 4/7/92; 4/13/99
SUBJECT: RELATIONS WITH THE MUNICIPAL GOVERNMENTS

It is the policy of the Board to establish and maintain a positive working relationship with the governing bodies of the municipality. The Board shall also cooperate with municipal, county and state agencies whose work affects the welfare of the children of the District, including the Board of Health, the Recreation Department, the Public Library, the Police and Fire Departments and the Civil Defense Agency.
SUBJECT: SENIOR CITIZENS

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

Senior citizens (65 years of age and over) of the School District are also issued free passes to all school activities.
SUBJECT:  FLAG DISPLAY

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

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

Education Law Sections 418, 419 and 802
Executive Law Section 403
SUBJECT: SCHOOL VOLUNTEERS

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

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

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

c) Strengthen school/community relations through positive participation.

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

An application shall be filled out by each volunteer and forwarded to the District Office for evaluation. All persons performing volunteer services shall be screened and interviewed by one or more members of the regular school staff. A volunteer may or may not be added to the District list pending approval from the Superintendent of Schools.

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

Education Law Sections 3023 and 3028

Adopted: 5/9/95
SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING

General Criteria

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

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

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

Content Standards

a) Approval for posting a Web Page must be obtained from the Website Manager or his/her designee(s). If at any time, the Website Manager/designee(s) believes the proposed material does not meet the standards approved by the District, it will not be published on the Web. Decisions regarding access to active Web Pages for editing content or organization will be the responsibility of the Website Manager/designee(s).

b) A Web Page must be sponsored by a member of the District faculty, staff or administration who will be responsible for its content, design, currency and maintenance. The sponsor is responsible for ensuring that those constructing and maintaining the Web Page have the necessary technical training and that they fully understand and adhere to District policies and regulations. The Web Page must include the name of the sponsor.

c) Staff or student work should be published only as it relates to a school/classroom authorized project or other school-related activity.

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

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

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

f) A disclaimer statement about the content of Web Pages must be part of individual sites:

Example: "The District has made every reasonable attempt to ensure that our Web Pages are educationally sound and do not contain links to questionable material or material that can be deemed in violation of the School District's Standards and Guidelines for Web Page Publishing Policy."

g) Commercial advertising or marketing on the District/school/classroom Web Page(s) (or the use of school-affiliated Web Pages for the pursuit of personal or financial gain) shall be prohibited unless otherwise authorized in accordance with law and/or regulation. Decisions regarding Website advertising must be consistent with existing District policies and practices on this matter. School-affiliated Web Pages may mention outside organizations only in the context of school programs that have a direct relationship to those organizations (e.g., sponsorship of an activity, student community service project).

h) Web Pages may include faculty or staff names; however, other personal information about employees including, but not limited to, home telephone numbers, addresses, e-mail addresses, or other identifying information such as names of family members may be published only with the employee's written permission. Pictures of students may be used with student and parental consent, but will be posted without last names for student protection.

i) All Web Pages must conform to the standards for appropriate use found in the District's Acceptable Use Policy(ies) and accompanying Regulations regarding standards of acceptable use; examples of inappropriate behavior; and compliance with applicable laws, privacy, and safety concerns.

j) All Web Pages must be approved through the designated process before being posted to the District/school/classroom Websites.

k) All staff and/or students authorized to publish material on the District/school/classroom Web Page(s) shall acknowledge receipt of the District's Web Page Standards and agree to comply with same prior to posting any material on the Web.

(Continued)
Release of Student Education Records

In accordance with the Family Educational Rights and Privacy Act (FERPA), unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information contained in student education records only if it has received a "signed and dated written consent" from a parent or eligible student. Consent form is available on the District web pages and in District Offices.

Student Directory Information

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

Parental/Eligible Student Consent Required and Privacy Concerns

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

a) Such release is authorized by the Family Educational Rights and Privacy Act, or its implementing regulations;

b) The information released is "directory information" as designated by the District in accordance with FERPA. The District shall provide parents and eligible students with annual notification of their rights under FERPA and designation of directory information (i.e., disclosure of personally identifiable information contained in student records);

c) For anything not specifically designated as "directory information" by the District, the District must receive a "signed and dated written consent" from the parent/eligible student prior to releasing such information (unless otherwise authorized per FERPA);

d) However, even if student photographs are designated as directory information per FERPA, due to privacy and safety concerns, the District requires specific affirmative written parent/eligible student consent prior to posting student photographs on District/school/classroom Web Pages. Whenever possible, group photographs of students and/or the use of photographs where the student is not easily identifiable is preferable to the use of individual student photographs for safety reasons; student pictures will not be posted with last names;

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

e) Web Pages shall not include a student's full name, telephone number, address, e-mail address or post such information of other family members or friends. Posting of student names will be limited to first name only. Permission forms from parents are strongly suggested;

f) Online posting of school bus schedules and/or other specific activity schedules detailing dates/times/locations (e.g., field trips) is prohibited on school-affiliated Websites as such information can pose risks of child abduction or other security concerns. Password protected Websites may be authorized by the Superintendent/designee.

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

Copyrighted Materials

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

Fair Use of Copyrighted Materials

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

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

a) Unless otherwise noted, always assume that work on the web is copyrighted. It is NOT necessary that the copyright symbol -- © -- be displayed for the work to be protected by copyright laws.

b) Proper attribution must always be given.

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

c) Obtaining permission(s) from the copyright holder(s) (whether text, graphics or music) should occur during the developmental process or project, rather than waiting to seek permission upon completion of the project.

d) Unauthorized electronic transmission of copyrighted materials is illegal.

Intellectual Property/Works Made for Hire

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

   a) Work prepared by an employee within the scope of his/her employment, whether tangible or intangible;

   b) Work specifically ordered or commissioned for use as a contribution to a collective work, as enumerated in law.

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

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

Student Work

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

Student Free Speech Issues (School-sponsored Publications)

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

However, the school's actions in such a case must be reasonably related to legitimate pedagogical concerns and may not amount to viewpoint discrimination.
SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING (Cont'd.)

Consequences for Non-Compliance

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

Staff

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

Students

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

Oversight

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

Adopted: 12/09/08
SUBJECT: VISITORS TO THE SCHOOL

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

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

Education Law Section 2801
Penal Law Sections 140.10 and 240.35
SUBJECT: UNLAWFUL POSSESSION OF A WEAPON UPON SCHOOL GROUNDS

It shall be unlawful for any person to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge upon school grounds or in any District building without the express written authorization of the Superintendent or his/her designee.

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

Additionally, the possession of any weapon, as defined in the New York State Penal Code, on school property or in school buildings is prohibited, except by law enforcement personnel or upon written authorization of the Superintendent/designee.

Unlawful possession of a weapon upon school grounds may be a violation of the New York State Penal Law, and is a violation of School District policy and the Code of Conduct.

Penal Law Sections 220.00(14), 265.01, 265.02(4), 265.03, 265.05, and 265.06

NOTE: Refer also to Policies #7470 -- Weapons in School
#7471 -- Gun-Free Schools

Adopted: 5/9/95
Revised: 9/9/03
SUBJECT: PERSONS WISHING TO ADDRESS THE BOARD

Background and Purpose

The Board of Education recognizes that public participation in the processes of government is an essential part of our democratic heritage. Therefore, although not required to do so under the Education Law, the Board wishes to allow residents of the school district the privilege of expressing themselves on agenda items that are of concern to them.

In order to promote an orderly discussion, to protect the public's interest, and to preserve its statutory rights, the Board has chosen to adopt a policy describing those rules it will follow during such public participation in a meeting of the Board.

Policy

The following rules shall constitute the policy of this Board with regard to persons wishing to address the Board during a meeting:

a) Public participation in a meeting of the Board, that period of time during which persons may address the Board, shall occur only at that place in the written agenda, except that the chairman of the meeting may, at his/her discretion, permit brief public remarks at other times, provided that any such remark is:

i. directly related to an item currently under Board discussion and;
ii. does not involve personalities, and provided further that;
iii. the persons wishing to make any such remark is a bona-fide resident of the school district, subject to the condition given in (b) below.

b) Only bona-fide residents of the school district shall have the privilege of addressing the Board unless the Board, by a majority vote of its members, grants the privilege to another party.

c) Public participation shall be limited to items enumerated on the agenda.

d) Public participation that involves personalities shall never be in order.

e) Public participation shall be limited in time to a total of fifteen (15) minutes unless the Board, by a majority vote of its members, permits participation to continue for not more than one additional fifteen-minute period.

f) Once recognized by the chairman of the meeting, no individual shall address the Board for longer than three (3) minutes, provided that once all others wishing to address the Board within the allowable time limit for public participation shall have had an opportunity to do so, that same individual may again address the Board for not more than one additional three minute period.

Revised: 12/09/03
SUBJECT: PUBLIC COMPLAINTS

Complaints by citizens regarding any facet of the school operation often can be handled more satisfactorily by the administrative officer in charge of the unit closest to the source of the complaint. In most instances, therefore, complaints will be made to the building principal and/or his/her assistant if the matter cannot be resolved by the teacher, coach, or other school employee.

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

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

In accordance with the provisions of General Municipal Law and the collective bargaining agreements, all District personnel shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal. The District shall provide at least two (2) procedural stages and an appellate stage for the settlement of any grievance.

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

Prohibition of Retaliatory Behavior

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

Complaints and Grievances Coordinator

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

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

The Title IX/Section 504/ADA Coordinator shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status, veteran status, marital status, predisposing genetic characteristics, or use of a recognized guide dog, hearing dog or service dog.

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621
Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.
Prohibits discrimination on the basis of race, color or national origin.

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

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Prohibits discrimination on the basis of race, color, religion, sex or national origin.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
Prohibits discrimination on the basis of sex.
Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual
orientation or disability.
Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation,
disability, military status, predisposing genetic characteristics, marital status, or use of a recognized guide
dog, hearing dog or service dog.
Military Law Sections 242 and 243

NOTE:  Refer also to Policy #3420 -- Anti-Harassment in the School District
SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS

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

a) Establishing rules and regulations for the redress of complaints or grievances through proper administration channels;

b) Developing an appeals process;

c) Ensuring that students have full understanding and access to these regulations and procedure; and

d) Providing prompt consideration and determination of student complaints and grievances.

Prohibition of Retaliatory Behavior

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

Complaints and Grievances Coordinator

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

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

The Title IX/Section 504/ADA Coordinator shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status, marital status, or use of a recognized guide dog, hearing dog or service dog.

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

Age Discrimination in Employment Act, 29 United States Code Section 621
Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.
Prohibits discrimination on the basis of race, color or national origin.
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Prohibits discrimination on the basis of race, color, religion, sex or national origin.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
Prohibits discrimination on the basis of sex.
Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.
Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, or use of a recognized guide dog, hearing dog or service dog.

NOTE: Refer also to Policy #3420 -- Anti-Harassment in the School District
SUBJECT:   STUDENT PARTICIPATION

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

The Board of Education recognizes that the goal of the Parent-Teacher Association is to develop a united effort between educators and the general public to secure for every child the highest achievement in physical, academic and social education. Therefore, staff members and parents are encouraged to join the Parent-Teachers Association and to participate actively in its programs.
SUBJECT: PARTICIPATION IN SCHOOL-BASED PLANNING AND SHARED DECISION MAKING

In accordance with the Commissioner's Regulations, the Board of Education has developed and adopted a District plan for the participation by teachers and parents with administrators and School Board members in school-based planning and shared decision making. The District plan shall be developed in collaboration with a committee comprising:

a) The Superintendent of Schools;

b) Administrators and teachers selected by their respective bargaining units; and

c) Parents who are selected by school-related parent organizations as defined by Commissioner's Regulations and who are not employed by the District or a collective bargaining unit;

The plan for participation in school-based planning and shared decision making shall specify:

a) The educational issues which will be subject to cooperative planning and shared decision making at the building level by teachers, parents, administrators, and, at the discretion of the Board of Education, other parties such as students, support staff, and community members;

b) The manner and extent of the expected involvement of all parties;

c) The means and standards by which all parties shall evaluate improvement in student achievement;

d) The means by which all parties will be held accountable for the decisions which they share in making;

e) The process whereby disputes presented by the participating parties about the educational issues being decided upon will be resolved at the local level; and

f) The manner in which all state and federal requirements for the involvement of parents in planning and decision making will be coordinated with and met by the overall plan.

Adoption of the District plan and submission of such plan to the Commissioner of Education shall be in accordance with the Regulations of the Commissioner.

The Board of Education shall review the District plan every two years.
SUBJECT:  ADVERTISING IN THE SCHOOLS

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

a) Schools may cooperate in furthering the work of any non-profit community-wide social service agency, provided that such cooperation does not restrict nor impair the educational program of the schools or conflict with Section 19.6 of the Rules of the Board of Regents;

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

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

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

No materials of a commercial nature shall be distributed through the children in attendance in the Salamanca City Schools except as authorized by law or the Commissioner's Regulations.

Revised: 5/9/95
SUBJECT: SOLICITING FUNDS FROM SCHOOL PERSONNEL

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

Distribution of information about worthwhile area charities may be made through the Office of the Superintendent of Schools as a service to School District personnel.
SUBJECT: USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT

School Facilities

It shall be the policy of the Board to encourage the greatest possible use of school buildings for community-wide activities. This is meant to include use by recognized civic, social and fraternal and religious organizations in accordance with law. Groups wishing to use the school facilities must secure written permission from the Superintendent/designee and abide by the rules and regulations established for such use including restrictions on alcohol, tobacco and drug use. The Superintendent/designee at his/her discretion, may consult with the Board of Education. Monthly reports may be made to the Board regarding community use of the school facilities.

Materials and Equipment

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

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

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

Specific Requirements Relating to Boy Scouts and other Title 36 Patriotic Youth Groups

The Boy Scouts Act applies to any local educational agency (LEA) that has a designated open forum or limited public forum and that receives funds made available through the U.S. Department of Education (DOE). It applies to any group officially affiliated with the Boy Scouts of America or any other youth group designated in Title 36 of the United States Code as a patriotic society.

This statute provides for the following:

a) No covered entity (elementary school, secondary school or LEA) shall deny equal access or a fair opportunity to meet, or discriminate against any group affiliated with the Boy Scouts of America or any other Title 36 patriotic youth group that requests to conduct a meeting within the covered entity's designated open forum or limited public forum.

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

1. A designated open forum exists when the school designates a time and place for one or more outside youth community groups to meet on school premises or in school facilities, including during the hours in which attendance at the school is compulsory, for reasons other than to provide the school's educational program.

2. A limited public forum exists when the school allows one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

b) No covered entity shall deny access or opportunity or discriminate for reasons including the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the Title 36 patriotic youth group.

c) Access to facilities and the ability to communicate using school-related means of communication must be provided to any group officially affiliated with the Boy Scouts of America or any other Title 36 patriotic youth group on terms that are no less favorable than the most favorable terms provided to other outside youth or community groups.

The statute applies regardless of the entity's authority to make decisions about the use of its own school facilities. However, no entity is required to sponsor any group officially affiliated with Boy Scouts or any other Title 36 patriotic youth group.

The obligation to comply with the Boy Scouts Act is not obviated or alleviated by any State or local law or other requirement.

Damage to School Facilities

Whenever a community organization is granted the use of a school facility, the organization shall be financially responsible for any damages to the facility.

NOTE: Restitution for children's vandalism shall be sought within the provisions of General Obligations Law Section 3-112 and Penal Law Section 60.27. Please refer to Policy #7421 -- Loss or Destruction of District Property or Resources.

Insurance Liabilities

Whenever a community organization is granted the use of school facility, a certificate of insurance for personal and/or property liability may be filed with the Clerk of the Board of Education if additions or alterations are to be made to that facility for the purpose of that group's approved activity or when the activity engaged in by the organization can cause personal injury or property damage.

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

Education Law Section 2116
Public Officers Law Sections 87 and 89
21 New York Code of Rules and Regulations (NYCRR) Parts 1401 and 9760

Adopted: 1989
Revised: 11/12/02; 9/9/03; 7/11/06; 10/7/08
SUBJECT: OPERATION OF MOTOR-DRIVEN VEHICLES ON DISTRICT PROPERTY

All motor-driven vehicles, including cars, snowmobiles, mini-bikes, motorcycles, all-terrain vehicles (ATV's) and other such vehicles are prohibited from using any school grounds or areas except for authorized school functions or purposes.

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

The operation of motor vehicles, not licensed for highway use, is prohibited on school property.

Education Law Section 2801(1)
Vehicle and Traffic Law Section 1670

Revised: 7/11/06
SUBJECT: PUBLIC ACCESS TO RECORDS

Access to records of the District shall be consistent with the rules and regulations established by the State Committee on Open Government and shall comply with all the requirements of the New York State Public Officers Law Section 87.

A records access officer shall be designated by the Superintendent, subject to the approval of the Board of Education, who shall have the duty of coordinating the School District's response to public request for access to records.

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

Requests for Records via E-mail

If the District has the capability to retrieve electronic records, it must provide such records electronically upon request. The District shall accept requests for records submitted in the form of electronic mail and respond to such requests by electronic mail using the forms supplied by the District. This information shall be posted on the District website, clearly designating the e-mail address for purposes of receiving requests for records via this format.

When the District maintains requested records electronically, the response shall inform the requester that the records are accessible via the internet and in printed form either on paper or other information storage medium.

The District shall respond to a request within five (5) business days of the receipt of a request. Should all or part of the request need to be denied, the District shall respond in the manner set forth by the rules and regulations stipulated by the Committee on Open Government.

Education Law Section 2116
Public Officers Law Sections 87 and 89
21 New York Code of Rules and Regulations (NYCRR) Parts 1401 and 9760

Adopted: 1998
Revised: 9/9/03; 10/7/08
SUBJECT: CONFIDENTIALITY OF COMPUTERIZED INFORMATION

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

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

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

Public Officers Law Sections 84 et seq.

Revised: 7/12/94
SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY

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

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

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

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

a) Provisions regarding appropriate and acceptable conduct, dress and language on school property and at school functions; and provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions; the appropriate range of disciplinary measures which may be imposed for violation of such Code; and the roles of teachers, administrators, other school personnel, the Board of Education and parents/persons in parental relation to the student;

b) Standards and procedures to assure security and safety of students and school personnel;

c) Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;

d) Disciplinary measures to be taken for incidents involving the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights and threats of violence;

e) Provisions for detention, suspension and removal from the classroom of students, including provisions for continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school;

f) Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;

g) Provisions ensuring the Code of Conduct and its enforcement are in compliance with federal and state laws relating to students with disabilities;

(Continued)
SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY (Cont’d.)

h) Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;

i) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;

j) Provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition will be filed;

k) Circumstances under and procedures by which referral to appropriate human service agencies shall be made;

l) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority in the classroom (as defined in Commissioner's Regulations). However, the suspending authority may reduce the suspension period on a case by case basis consistent with federal and state law;

m) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law. However, the suspending authority may reduce the suspension period on a case by case basis consistent with federal and state law.

The Code of Conduct will be adopted by the Board of Education only after at least one public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties. Copies of the Code of Conduct shall be disseminated pursuant to law and Commissioner's Regulations.

The District's Code of Conduct shall be reviewed on an annual basis, and updated if necessary in accordance with law. The School Board shall reapprove any updated Code of Conduct only after at least one public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties.

The District shall file a copy of its Code of Conduct with the Commissioner of Education; and all amendments to the Code of Conduct shall be filed with the Commissioner no later than thirty (30) days after their adoption.

Privacy Rights

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

(Continued)
SUBJECT:  CODE OF CONDUCT ON SCHOOL PROPERTY (Cont’d.)

Education Law Sections 2801 and 3214
Family Court Act Articles 3 and 7
Vehicle and Traffic Law Section 142
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)(2)

Adopted:  11/12/02
Revised:  10/7/08
SUBJECT: UNIFORM VIOLENT AND DISRUPTIVE INCIDENT SYSTEM

In compliance with the Uniform Violent and Disruptive Incident System, the District will record each violent or disruptive incident that occurs on school property or at a school function. School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

In accordance with the manner prescribed, the District will submit an annual report of violent and disruptive incidents (on the Summary of Violent and Disruptive Incidents form) from the previous school year to the Commissioner of Education. Summary data will be used to determine the rate of violent and disruptive incidents in each school and to identify schools as persistently dangerous, as required by the No Child Left Behind Act.

The District will utilize the Individual Violent or Disruptive Incident Report form for the reporting of individual incidents by each building and/or program under its jurisdiction and for the tally count of incidents into the Summary Form. Copies of such incident reports will be retained for the time prescribed by the Commissioner in the applicable records retention schedule. These reports will be available for inspection by the State Education Department upon request.

All personally identifiable information included in a violent or disruptive incident report will be confidential and will not be disclosed to any person for any purpose other than that specified in Section 2802 of the Education Law, except as otherwise authorized by law.

The District will include a summary of the District's annual violent or disruptive incident report in its School District Report Card in the format prescribed by the Commissioner.

Reporting Guidelines

The District will utilize the New York State Education Department's website to obtain copies of the forms, directions, glossary and additional information at www.emsc.nysed.gov/irts/.

Education Law Sections 2801(1) and 2802
8 New York Code of Rules and Regulations (NYCRR) Section 100.2 (gg)

Adopted: 8/14/01
Revised: 7/11/06
SUBJECT: THREATS OF VIOLENCE IN SCHOOL

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

Any person who commits an act or threatens an act of violence, including bomb threats, whether made orally, in writing, or by e-mail, shall be subject to appropriate discipline in accordance with applicable law, District policies and regulations, as well as the Code of Conduct for and collective bargaining agreements, as may be necessary.

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

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

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

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

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

Regulations will be developed to address safety concerns in the schools, and appropriate sanctions for violations of this policy by students will be addressed in the Code of Conduct.

Adopted: 10/14/03
Revised: 10/7/08
SUBJECT: ANTI-HARASSMENT IN THE SCHOOL DISTRICT

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

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

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

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

For purposes of this policy, harassment shall mean communication (verbal, written or graphic) and/or physical conduct based on an individual's actual or perceived race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital or veteran status, military status, disability, or use of a recognized guide dog, hearing dog or service dog that:

a) Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or is used as a basis for employment decisions (including terms and conditions of employment) affecting such individual; and/or creates an intimidating, hostile or offensive work environment;

b) Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creates an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit;

c) Otherwise adversely affects the employment and/or educational opportunities and benefits provided by the District.

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

The School District will act to promptly investigate all complaints, either verbal or written, formal or informal, of allegations of harassment based on any of the characteristics described above; and will promptly take appropriate action to protect individuals from further harassment. The District will designate, at a minimum, two (2) Complaint Officers, one of each gender.

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

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

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

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

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

Prohibition of Retaliatory Behavior

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

Finding That Harassment Did Not Occur

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Complaint Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that harassment did not occur.

Knowingly Makes False Accusations

Employees and/or students who knowingly make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

Development and Dissemination of Administrative Regulations

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

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

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

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

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

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621
Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Prohibits discrimination on the basis of disability.
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.
Prohibits discrimination on the basis of race, color or national origin.
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Prohibits discrimination on the basis of race, color, religion, sex or national origin.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
Prohibits discrimination on the basis of sex.
Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status or disability.
Education Law Section 2801(1)
Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, or use of a recognized guide dog, hearing dog or service dog.
Military Law Sections 242 and 243

NOTE: Refer also to Policies #3222 -- Complaints and Grievances by Employees #3223 -- Complaints and Grievances by Students #6180 -- Sexual Harassment of District Personnel #7631 -- Sexual Harassment of Students

Adopted: 2/18/03
Revised: 9/9/03; 7/11/06; 10/7/08
SUBJECT: EMERGENCY SCHOOL CLOSINGS

In the event it is necessary to close school for the day, activate a delayed starting time or early dismissal (as well as information relating to cancellation of after-school activities/late bus runs), due to inclement weather, impassable roads or other emergency reasons, announcement thereof shall be made over local radio stations, television stations and the Internet as designated by the Board of Education.

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

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

Education Law Section 3604(7)

Adopted: 1998
Revised: 7/12/05; 10/7/08
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SUBJECT: ADMINISTRATIVE PERSONNEL

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

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

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

Commissioner's Regulations Section 80.4
Education Law Section 1709
SUBJECT:  ADMINISTRATIVE ORGANIZATION AND OPERATION

The basic principles of Administrative Organization and Operation are:

a) The working relationships shall involve two types of officers: line and staff. Line organization involves a direct flow of authority upward and downward from chief school officer to building principal. A line officer has power and authority over subordinates. Staff officers do not stand in the direct line of authority; they serve as coordinative or consultant people.

b) The Board of Education shall formulate and legislate educational policy.

c) Administrative regulations shall be developed by the chief school officer in cooperation with affected or interested staff members or lay persons.

d) The central office staff shall provide overall leadership and assistance in planning and research.

e) A reasonable limit shall be placed upon the number of persons with whom an administrator shall be expected to work effectively.

f) Areas of responsibility for each individual shall be clearly defined.

g) There shall be full opportunity for complete freedom of communication between all levels in the school staff.
SUBJECT: LINE RESPONSIBILITY

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

The lines of responsibility/reporting shall be as depicted on the organizational chart.
SUBJECT: ADMINISTRATIVE AUTHORITY DURING ABSENCE OF THE SUPERINTENDENT OF SCHOOLS

The Superintendent of Schools shall delegate to the School Business Administrator the authority and responsibility for making decisions and taking such actions as may be required during the absence of the Superintendent.
SUBJECT: ADMINISTRATIVE LATITUDE IN THE ABSENCE OF BOARD POLICY

From time to time problems and new questions arise for which no specific policy has been prepared. Numbers of the administrative staff shall act in a manner consistent with the existing policies of the School District and shall alert the Superintendent of Schools to the possible need for additional policy development.
SUBJECT:  USE OF COMMITTEES

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

Superintendent

The Board of Education shall annually conduct a formal performance evaluation of the Superintendent. The formal procedures used to complete the evaluation are to be filed in the District office, and to be made available for review by any individual, no later than September 10 of each year.

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

Administrative Staff

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

The purposes of this evaluation are:

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

Commissioner's Regulations Section 100.2

Revised:  10/7/08
SUBJECT: SUPERINTENDENT OF SCHOOLS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted: 1989
Revised: 7/14/98
SUBJECT: SUPERINTENDENT - BOARD OF EDUCATION RELATIONS

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

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

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

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

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

When law or other authority calls for Board approval of decisions that the Board has delegated to the Superintendent, Board approval will be routinely given if those decisions have been made within the limits of Board policies.
SUBJECT: ADMINISTRATIVE STAFF

Business Administrator

The Business Administrator shall be responsible for all phases of the District's business activity, as set forth in Section 5000 of the Policy Manual, and shall report directly to the Superintendent of Schools.

Building Principals

The building principals are the educational executives of the school centers. They have the responsibility for executing Board of Education policies in the schools. They are directly responsible to the Superintendent of Schools.

Assistant High School Principal

The assistant high school principal may be employed in the high school and is responsible for all duties assigned to him/her by the building principal and shall report directly to the principal.

Coordinators/Directors

Coordinators and/or Directors are staff officers who shall have various ranges of responsibilities as indicated by their respective titles and job descriptions.

Commissioner's Regulations Sections 100.3 and 80.4
SUBJECT: PROFESSIONAL DEVELOPMENT OPPORTUNITIES

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

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

Participation shall be limited by available resources and reimbursement guidelines.

General Municipal Law Section 77-b
SUBJECT: COMPENSATION AND RELATED BENEFITS

The salaries and related benefits of administrators shall be set annually by the Board of Education upon the recommendation of the Superintendent and/or shall be in accordance with the terms and conditions of the applicable collective bargaining agreement/contract currently in effect.

Revised: 10/7/08
Salamanca City School District

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SUBJECT: BUDGET PLANNING AND DEVELOPMENT

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

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

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

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

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

The budget will be presented in three (3) components which are to be voted upon as one (1) proposition:

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

b) A capital component which shall include, but need not be limited to, all transportation capital, debt service, and lease expenditures; costs resulting from judgments and tax certiorari proceedings or the payment of awards from court judgments, administrative orders or settled or compromised claims; and all facilities costs of the School District, including facilities leases expenditures, the annual debt service and total debt for all facilities financed by bonds and notes of the School District, and the costs of construction,

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

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

c) An administrative component which shall include, but need not be limited to, office and central administrative expenses, traveling expenses and salaries and benefits of all certified school administrators and supervisors who spend a majority of their time performing administrative or supervisory duties, any and all expenditures associated with the operation of the Office of the School Board, the Office of the Superintendent of Schools, General Administration, the School Business Office, consulting costs not directly related to direct student services and programs, planning and all other administrative activities.

Each component must be separately delineated in accordance with Commissioner's Regulations.

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

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

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

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

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

The Board shall attest that unexpended surplus funds (i.e., operating funds in excess of the current school year budget, not including funds properly retained under other sections of law) have been applied in determining the amount of the school tax levy. For the 2007-2008 school year, surplus funds shall mean any operating funds in excess of three percent (3%); for 2008-2009 school year and thereafter, surplus funds shall mean any operating funds in excess of four percent (4%).

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

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

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

Property Tax Report Card

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

The Property Tax Report Card shall include:

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

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

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

d) The projected amount of the unappropriated unreserved fund balance that will be retained if the proposed budget is adopted; the projected amount of the reserved fund balance; the projected amount of the appropriated fund balance; the percentage of the proposed budget that the unappropriated unreserved fund balance represents; the actual unappropriated unreserved fund balance retained in the School District budget for the preceding school year; and the percentage of the School District budget for the preceding school year that the actual unappropriated unreserved fund balance represents.

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

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

The State Education Department shall compile such data for all school districts whose budgets are subject to a vote of the qualified voters, and shall make such compilation available electronically at least ten (10) days prior to the statewide uniform voting day.

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

Adopted: 4/8/97
Revised: 3/14/00; 7/11/00; 9/9/03; 10/7/08
SUBJECT: PREPARATION OF BUDGET DOCUMENT

As prescribed by law, the budget document is prepared by the business official of the Salamanca City School District under the direction of the Superintendant. It is his/her responsibility to prepare the document meeting all of the requirements of state law. This document will then be publicized in the appropriate newspaper in order to meet state specifications dealing with the advertisement of this document. The budget, as prescribed by state law, will be tentatively adopted no later than forty five days prior to the end of the fiscal year. The final budget will be adopted after a budget hearing held during the month of June no later than June 30th of any given school year. The budget is adopted by a majority vote of the Board of Education.

Education Law Section 2516(1)
SUBJECT: BUDGET ADOPTION

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

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

The School District budget will be presented in three separately delineated components which are to be voted upon as one proposition: a program component, an administrative component, and a capital component. Additionally, the Board shall attach to the proposed budget those documents mandated pursuant to law and/or Commissioner's Regulations.

All budget documents for distribution to the public shall be written in plain language and organized in a manner which best promotes public comprehension of the contents.

In the event the original proposed budget is not approved at the Annual District Meeting and Election, the Board may resubmit the original proposed budget or a revised budget for voter approval, or individual propositions may be placed before District voters, at a special meeting held on the third Tuesday of June. In the alternative, if the initial proposed budget is defeated, the Board may adopt a contingency budget and levy taxes as necessary for implementation of the contingency budget expenditures. If the voters fail to approve the second budget submittal, or budget proposition(s), the Board shall adopt a contingency budget in accordance with law.

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

The School District budget, once adopted, becomes the basis for the establishing the tax levy on real property within the District.

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

Revised: 5/13/97; 4/21/98; 10/7/08
SUBJECT: SCHOOL DISTRICT BUDGET HEARING

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

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

Copies of the proposed annual operating budget for the succeeding year may be obtained by any District resident, on request, in each District school building during certain designated hours on each day other than a Saturday, Sunday or holiday during the fourteen (14) days immediately preceding the Annual District Meeting and Election or Special District Meeting at which the budget vote will occur. The availability of this budget information shall be included in the legal notice of the Annual and/or Special District Meeting; and copies of the proposed budget will also be available to District residents at the time of the Annual and/or Special District Meeting. Additionally, the Board will include notice of the availability of copies of the budget at least once during the school year in any District-wide mailing.

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

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

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

All budget documents for distribution to the public will be written in plain language and organized in a manner which best promotes public comprehension of the contents.
SUBJECT: SCHOOL DISTRICT BUDGET HEARING (Cont'd.)

Budget Notice

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

The Budget Notice shall include a description of how total spending and the tax levy resulting from the proposed budget would compare with a projected contingency budget, assuming that such contingency budget is adopted on the same day as the vote on the proposed budget. Such comparison shall be in total and by component (i.e., program, capital and administrative), and shall include a statement of the assumptions made in estimating the projected contingency budget.

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

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

Notice of Budget Hearing/Availability of Budget Statement
Education Law Sections 1608(2), 1716(2), 2003(1), 2004(1), and 2601-a(2)

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

Budget Development and Attachments
Education Law Sections 1608(3), (4), (5), (6), and (7); 1716(3), (4), (5), (6), and (7); 2022(2-a); and 2601-a(3)
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(bb), 170.8 and 170.9

Adopted: 3/10/98
Revised: 9/9/03; 7/12/05
SUBJECT: DISSEMINATION OF BUDGET INFORMATION

The Board of Education and the administration will make every effort to keep District residents informed concerning fiscal needs of the school system. This may be accomplished by the following:

a) News releases to local papers, radio, and television;

b) District newsletters;

c) Large and small group meetings;

d) Wide dissemination of the popular budget;

e) Annual meeting or hearing.

A written statement of the proposed annual operating budget for the succeeding year shall be available, on request, to voters during the business hours of the District office for twenty (20) days preceding the Annual Budget Hearing. The availability of this budget information shall be included in a legal notice of the Annual Budget Hearing.

Education Law Sections 2517 and 2519

Revised: 7/12/94
SUBJECT: ADMINISTRATION OF THE BUDGET

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

a) He/she shall acquaint District employees with the final provisions of the program budget and guide them in planning to operate efficiently and economically within these provisions.

b) Under his/her direction the District shall maintain such records of accounting control as are required by the New York State Uniform System of Accounts, the Board of Education, and such other procedures as are deemed necessary and shall keep the various operational units informed as to the status of their individual budgets.
SUBJECT: CONTINGENCY BUDGET

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

If the original proposed budget is not approved by District voters at the Annual District Meeting and Election, the Board has the option of either resubmitting the original or revised budget for voter approval at a special meeting held at a later date; or the Board may, at that point, adopt a contingency budget and levy a tax for teachers' salaries and ordinary contingent expenses as enumerated in law. If the Board decides to submit either the original or a revised budget to the voters for a second time, and the voters do not approve the second budget submittal, the Board shall adopt a contingency budget and levy a tax for those expenditures mandated pursuant to law and/or for those services necessary to maintain the educational program.

The contingency budget will include the sum necessary for teachers' salaries (i.e., professional educator positions certificated by the State Education Department which include teachers, administrators, teaching assistants, and professional specialists in the various areas of pupil personnel services) and ordinary contingent expenses as determined by the Board in accordance with law including, but not limited to, the purchase of library books and other instructional materials associated with the school library; expenses for cafeteria or restaurant services; and expenses incurred for interscholastic athletics, field trips and other extracurricular activities. Ordinary contingent expenses include, but are not limited to, legal expenses incurred by the District; expenditures specifically authorized by statute; and other items necessary to maintain the educational program, preserve property, and assure the health and safety of students and staff. As deemed necessary, school counsel may be consulted for review as to those items considered to be ordinary contingent expenses prior to Board adoption of the contingency budget.

In accordance with law, the contingency budget will reflect the statutory expenditure limits imposed on the administrative component of the contingency budget as well as the total spending authorized in the overall contingency budget.

With regard to overall District spending, the contingency budget, as a whole, shall not result in a percentage increase in total spending over the District's total spending under the school district budget for the prior year that exceeds the lesser of:

a) The result when one hundred twenty percent is multiplied by the percentage increase in the Consumer Price Index (CPI), with the result rounded to two decimal places; or

b) Four percent.
SUBJECT: CONTINGENCY BUDGET (Cont'd.)

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

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

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

The Consumer Price Index to be used refers to the percentage that represents the average of the national consumer price indexes determined by the U.S. Department of Labor for the twelve month period preceding January first of the current year.

In determining the increase in total expenses when computing the contingency budget percentage increase, the following expenditures shall be disregarded:

a) Expenditures resulting from a tax certiorari proceeding;

b) Expenditures resulting from a court order or judgment against the School District;

c) Emergency expenditures that are certified by the Commissioner of Education as necessary as a result of damage to, or destruction of, a school building or school equipment;

d) Capital expenditures resulting from the construction, acquisition, reconstruction, rehabilitation or improvement of school facilities, including debt service and lease expenditures, subject to the approval of qualified voters;

e) Expenditures in the contingency budget attributable to projected increases in public school enrollment, which may include increases attributable to the enrollment of students attending a pre-kindergarten program established in accordance with Education Law Section 3602-e;

f) Non-recurring expenditures in the prior year’s School District budget; and

g) Expenditures for payments to charter schools; and

h) Expenditures for self-supporting programs (i.e., any programs that are entirely funded by private funds that cover all the costs of the program).

(Continued)
SUBJECT: CONTEMPENCY BUDGET (Cont'd.)

In addition, the Board of Education shall be authorized to add appropriations for the following:

a) The categories of expenditures listed in a) through h) above subject to the approval of qualified voters;

b) Expenditures resulting from an actual increase in enrollment over the projected enrollment used to develop the contingency budget; and

c) Expenditures of gifts, grants in aid for specific purposes or for general use or insurance proceeds in addition to that which has been previously budgeted.

Should the Board of Education adopt a contingency budget, it will officially pass a resolution reflecting such action; and that resolution shall incorporate by reference a statement specifying the projected percentage increase or decrease in total spending for the school year, and explain the reasons why the Board disregarded any portion of an increase in spending in formulating the contingency budget.

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

Adopted: 4/21/98
Revised: 7/11/06; 10/7/08
SUBJECT: SCHOOL DISTRICT REPORT CARDS

Each year the Board of Education shall prepare a School District Report Card, pursuant to the Regulations of the Commissioner of Education, and shall make it publicly available by transmitting it to local newspapers of general circulation, appending it to copies of the proposed budget made publicly available as required by law, making it available for distribution at the Annual Meeting and making it available to parents/guardians.

The School District Report Card shall include, at a minimum, the following information:

a) Measures of academic performance. The School District Report Card shall include, on a school-by-school basis, the student academic performance indicators applicable to each school as prescribed by the Commissioner for the school year. Such academic performance indicators shall include, but need not be limited to:
   1. The performance of students in the schools of the District on the State performance evaluation tests in reading, writing, mathematics, science and vocational courses; and
   2. The Regents examinations in English and languages other than English, mathematics, science and social studies, as designated by the Commissioner. The Report Card shall compare such measures of academic performance to statewide averages for all public schools and statewide averages for public school districts of comparable wealth and need, as developed and distributed by the Commissioner.

b) Measures of fiscal performance. The Report Card shall include expenditures per student on regular education and expenditures per student on special education. The Report Card shall compare such measures of fiscal performance to statewide averages for all public school districts and statewide averages for public school districts of comparable wealth and need, as developed and distributed by the Commissioner.

c) Special Education placements. Each year, the Report Card shall include the number and percentage of students in special education by placement, including both private and public school placements, and a comparison of such percentages to the statewide average in accordance with criteria as enumerated in Education Law and/or Commissioner's Regulations.

d) Other measures/information to be included in the Report:
   1. The Report Card shall also include graduation and college-going rates; and attendance, suspension and dropout rates.

   (Continued)
2. Any information regarding student performance and expenditure per student required to be included in the Annual Report by the Regents to the Governor and the Legislature in accordance with Education Law.

3. Any other information specified by the Commissioner.

Additional information may be added to the School District Report Card as determined by the Superintendent or his/her designee, and upon approval by the Board of Education, in order to provide a more comprehensive assessment of District achievements and the school population.

All budget documents for distribution to the public shall be in plain language and organized in a manner which best promotes public comprehension of the contents.

Education Law Sections 215-a, 1608, 1716, 2554(24), 2590-e(23), 2590-g(21), and 2601-a(7)
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(bb), 170.8 and 170.9

Adopted: 2/10/98
SUBJECT: REVENUES

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

Education Law Section 2523
Commissioner's Regulations Section 170.2
SUBJECT: DISTRICT INVESTMENTS

Whenever the District has funds (including operating funds, reserve funds and proceeds of obligations) that exceed those necessary to meet current expenses, the Board of Education shall authorize the School Business Official to invest such funds in accordance with all applicable laws and regulations and in conformity with the guidelines established by this policy.

Objective

The objectives of this investment policy are four-fold:

a) Investments shall be made in a manner so as to safeguard the funds of the School District; and

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

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

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

Authorization

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

The School Business Official may invest funds in the following eligible investments:

a) Obligations of the State of New York.

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

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

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

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

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

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

Implementation

Using the policy as a framework, regulations and procedures shall be developed which reflect:

   a) A list of authorized investments;

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

   c) Standards for written agreements consistent with legal requirements;

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

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

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

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

This policy shall be reviewed and re-adopted at least annually or whenever new investment legislation becomes law, as staff capabilities change, or whenever external or internal issues warrant modification.

General Municipal Law Section 39
Education Law Sections 1604-a and 1723(a)
Local Finance Law Section 165

Adopted: 4/20/93
SUBJECT: PROPERTY TAX EXEMPTION FOR THE ELDERLY

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

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

New York State Real Property Tax Law Section 467
SUBJECT: ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO THE SCHOOL DISTRICT

The Board may accept gifts, grants and/or bequests of money, real or personal property, as well as other merchandise which, in view of the Board, add to the overall welfare of the School District, provided that such acceptance is in accordance with existing laws and regulations. However, the Board is not required to accept any gift, grant or bequest and does so at its discretion, basing its judgment on the best interests of the District. Furthermore, the Board will not accept any gift, grant or bequest which constitutes a conflict of interest and/or gives an appearance of impropriety.

At the same time, the Board will safeguard the District, the staff and students from commercial exploitation, from special interest groups, and the like.

The Board will not accept any gifts or grants which will place encumbrances on future Boards, or result in unreasonable additional or hidden costs to the District.

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

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

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

All gifts, grants and/or bequests shall become School District property. A letter of appreciation, signed by the President of the Board and the Superintendent, may be sent to a donor/grantor in recognition of his/her contribution to the School District.

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

Adopted: 2/10/98
SUBJECT:  SCHOOL TAX ASSESSMENT AND COLLECTION

The Board of Education is authorized to levy and collect taxes for School District purposes and to contract indebtedness in its name pursuant to the State Local Finance Law.

The Board of Education designates the Salamanca Trust Company and the First Trust Union Banks to collect taxes.

The collector shall receive taxes as determined by the assessment roll for school taxes prepared by the city assessor and deposit such receipts with the School District treasurer.

The Board of Education shall appoint a School District treasurer.

Real Property Tax Law Section 1302
Education Law Section 2506
SUBJECT: SALE AND DISPOSAL OF SCHOOL PROPERTY

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

Equipment

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

In order to sell District equipment, a bona fide public sale must take place with adequate public notice of the sale. It cannot be sold ordinarily to any employee except at a public sale for a reasonable price.

Failure to produce monetary return to the School District after reasonable attempts to dispose of unnecessary equipment may result in disposal of equipment in any other appropriate manner, provided authorization is obtained from the Superintendent/designee. There is a general prohibition against giving School District equipment away to private citizens. Items can be given to other municipal corporations if the property has no resale value.

Textbooks

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

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

a) Sale of textbooks. If reasonable attempts to dispose of surplus textbooks fail to produce monetary return to the School District; then

b) Donation to charitable organizations; or

c) Disposal as trash.

*Any school property valued at less than $500 cannot be purchased by any employee of the school system or their relatives and will be bid or disposed of at auction or public sale. Items valued at over $500 should be advertised and bid.

Education Law Section 2511
Comptroller's Opinions 58-120 and 60-662

Adopted: 4/25/95
SUBJECT:  EXPENDITURES OF SCHOOL DISTRICT FUNDS

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

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

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

Arts and Cultural Affairs Law Section 57.19
Education Law Sections 1720 and 2523
8 New York Code of Rules and Regulations (NYCRR) Section 185

NOTE:  Refer also to Policies #5311 -- Use of the District Credit Card
       #5312 -- Use of the District Cell Phone
       #5313 -- Reimbursement for Meals/Refreshments
       #6170 – Travel, Meeting and Conferences

Revised: 7/11/06
SUBJECT: USE OF THE DISTRICT CELL PHONE

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

Additionally, the following rules shall apply regarding the use of a District-owned cell phone:

a) District cell phones are to be used exclusively for District purposes.

b) The cell phone may not be used by anyone other than the School District employee.
SUBJECT: REIMBURSEMENT FOR MEALS/REFRESHMENTS

Travel Outside of District/Emergency Meetings

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

Staff/Board Meetings and District Events

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

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

In no case will the costs for meals exceed the current Federal per diem meal rates for the geographic area.

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

Adopted: 7/11/06
SUBJECT:  BONDING OF EMPLOYEES AND SCHOOL BOARD MEMBERS

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

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

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

Revised: 11/12/96; 8/10/99
SUBJECT:  BUDGET TRANSFERS

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

Commissioner's Regulations Section 170.2
SUBJECT: BORROWING OF FUNDS

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

All obligations become those of the District and not of the city.

New York State Local Finance Law Section 20
Education Law Section 2612
SUBJECT: PURCHASING

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

Competitive Bids and Quotations

As required by law, the Superintendent will follow normal bidding procedures in all cases where needed quantities of like items will total the maximum level allowed by law during the fiscal year, (similarly for public works-construction, repair, etc.) and in such other cases that seem to be to the financial advantage of the School District.

A bid bond may be required if considered advisable.

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

Rules shall be developed by the administration for the competitive purchasing of goods and services.

The Superintendent may authorize purchases within the approved budget without bidding if required by emergencies and are legally permitted.

The Superintendent is authorized to enter into cooperative bidding for various needs of the School District.

Request for Proposal Process for the Independent Auditor

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

Procurement of Goods and Services

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

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

(Continued)
SUBJECT: PURCHASING (Cont’d.)

b) Facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and

c) Guard against favoritism, improvidence, extravagance, fraud and corruption.

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

a) Prescribe a process for determining whether a procurement of goods and services is subject to competitive bidding and if it is not, documenting the basis for such determination;

b) With certain exceptions (purchases pursuant to General Municipal Law, Article 5-A; State Finance Law, Section 162; State Correction Law, Section 184; or those circumstances or types of procurements set forth in (f) of this section), provide that alternative proposals or quotations for goods and services shall be secured by use of written request for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of Section 104-b of General Municipal Law;

c) Set forth when each method of procurement will be utilized;

d) Require adequate documentation of actions taken with each method of procurement;

e) Require justification and documentation of any contract awarded to other than the lowest responsible dollar offer, stating the reasons;

f) Set forth any circumstances when, or the types of procurement for which, the solicitation of alternative proposals or quotations will not be in the best interest of the District; and

g) Identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated biennially.

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

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

Alternative Formats for Instructional Materials

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

(Continued)
SUBJECT: PURCHASING (Cont’d.)

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

District Plan

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

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

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

Environmentally Sensitive Cleaning and Maintenance Products

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

Environmentally sensitive cleaning and maintenance products are those which minimize adverse impacts on health and the environment. Such products reduce as much as possible exposures of children and school staff to potentially harmful chemicals and substances used in the cleaning and maintenance of school facilities. The District shall identify and procure environmentally sensitive cleaning and maintenance products which are available in the form, function and utility generally used.

(Continued)
SUBJECT: PURCHASING (Cont’d.)

Coordinated procurement of such products as specified by the Office of General Services (OGS) may be done through central state purchasing contracts to ensure that the District can procure these products on a competitive basis.

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

Apparel and Sports Equipment Purchases

Competitive Bidding Purchases

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

a) The labor standards applicable to the manufacture of the apparel or sports equipment, including but not limited to employee compensation, working conditions, employee rights to form unions, and the use of child labor; or

b) The bidder's failure to provide information sufficient for the Board of Education to determine the labor standards applicable to the manufacture of the apparel or sports equipment.

Non-Competitive Bidding Purchases

The Board's internal policies and procedures governing procurement of apparel or sports equipment, where such procurement is not required to be made pursuant to competitive bidding requirements, shall prohibit the purchase of apparel or sports equipment from any vendor based upon either or both of the following considerations:

a) The labor standards applicable to the manufacture of the apparel or sports equipment, including but not limited to employee compensation, working conditions, employee rights to form unions, and the use of child labor; or

b) The bidder's failure to provide information sufficient for the Board of Education to determine the labor standards applicable to the manufacture of the apparel or sports equipment.

Contracts for Goods and Services

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

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

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

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

20 United States Code (USC) Section 1474(e)(3)(B)
Education Law Sections 305(14), 409-i, 701, 1604, 1709, 1950, 2503, 2554 and 3602
General Municipal Law Articles 5-A and 18
State Finance Law Sections 162 and 163-b
8 New York Code of Rules and Regulations (NYCRR) Sections 155, 170.2, 200.2(b)(10), 200.2(c)(2) and 200.2(i)

Adopted: 1998
Revised: 9/9/03; 7/12/05; 7/11/06; 10/7/08
SUBJECT: ACCOUNTING OF FUNDS

The Board of Education authorizes the Superintendent to plan for the proper handling of all District funds and fixed assets.

Accounting and reporting procedures shall be developed to facilitate analysis and evaluation of the District’s financial status and fixed assets.

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

There shall be an accounting system for the School District Funds for the following purposes:

a) To safeguard School District funds from loss, theft, waste, or misuse;

b) To promote budgetary control;

c) To provide information that is necessary in policy formulation;

d) To provide information necessary to the public and the School Board to evaluate the administration of the school system;

e) To provide necessary data for State Reports;

f) To show compliance with legal mandates.
SUBJECT: TYPES OF FUNDS

Reports shall be given on the following types of funds:

a) **General Funds** - The General Fund is the principal fund of the School District and includes all operations not required to be recorded in other funds;

b) **School Lunch Fund** - The School Lunch Fund shall be used to record transactions of the School District lunch and milk programs;

c) **Federal Aid Fund** - The Federal Aid Fund shall be used to account for special projects or programs supported in whole or in part with federal funds;

d) **Capital Funds** - Capital Funds are provided to account for capital projects. This establishes the capital character of expenditures and precludes the lapping of current appropriations transferred from the General Fund. Capital Funds will also be used to account for capital reserve funds and mandatory reserve funds;

e) **Trust and Agency Funds** - Trust and Agency Funds shall be used to account for all monies and other assets received by the School District Treasurer in his/her official capacity, to be held in trust or to be transmitted to others. The purpose of these funds is to separate trust monies from the other funds of the School District and to provide for their disbursement in accordance with the specific terms of the trust or other governing regulations;

f) **Internal Funds** - Internal Funds are designated by the Board of Education as those funds for which the Board is directly responsible such as revolving funds, including locker and book deposits, fees, cafeteria funds, etc.;

g) **Extra Classroom Activity Funds** - Include all funds raised for, by, as in the name of the school or a student body. The Board of Education shall appoint a treasurer who shall be responsible for proper records, for each designated fund.
SUBJECT: EXTRACLASSROOM ACTIVITY FUND

An extraclassroom activity fund shall be established for activities conducted by students whose financial support is raised other than by taxation or through charges of the Board of Education.

All extraclassroom activity funds shall be handled in accordance with the financial procedures illustrated by Finance Pamphlet No. 2, the Safeguarding, Accounting and Auditing of Extraclassroom Activity Funds, published by the New York State Education Department.

Proper books will be kept and all moneys deposited in appropriate accounts as set up by the Board of Education. These accounts shall be subject to audit. All transactions involving extraclassroom funds shall be on a cash basis and no accounts shall remain unpaid at the end of the school year. Funds shall be invested in accordance with the Board of Education's Fiscal Management Policy on the "Investment of District Funds".

Funds of discontinued extraclassroom activities and of graduating classes shall revert to the account of the general student organization or student council and shall be expended in accordance with the organization's constitution.

The Building Principals, with approval of the Superintendent of Schools, shall set up procedures for receipt and payment from the extraclassroom activity fund in their respective schools.

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

Revised: 10/7/08
SUBJECT: PETTY CASH FUND

A petty cash fund of one hundred dollars ($100) shall be maintained in the District Office and in each school building. At the time of reimbursement, an itemized statement of expenditures, together with substantiating receipts, shall be submitted. Such accounts shall be authorized by Board resolution at their annual meeting.

Commissioner's Regulations Section 170.4
SUBJECT: CASH IN SCHOOL BUILDINGS

A minimal amount of cash, whether District or extraclassroom funds, shall be held in the vault in the main office of each District school building. Under no circumstances shall cash be left in classroom areas or desks. The District will not be responsible for funds left unprotected.

All funds, whether District or extra-classroom funds, shall be deposited prior to close of school each week. Only authorized personnel designated by the building administrator shall be allowed in the main office vault.

Commissioner's Regulations Section 172(2)
SUBJECT: PUBLICATION OF THE DISTRICT'S FINANCIAL STATEMENT

In compliance with Education Law, as a Small City School District, the Board of Education is required to annually publish a financial report within three months of the close of the fiscal year. This financial report must include the specifics of all moneys received and expended and also include a full and complete statement of any bonds issued the preceding year for school purposes and the disposition made or to be made of the proceeds of such bonds.

The law requires that this statement be published in one newspaper, or two if available, having general circulation in the School District, or in pamphlet form for general distribution, as prescribed by the Commissioner. However, if the report is published in pamphlet form, then the Board is required to publish notice in a newspaper or newspapers having general circulation in the District, indicating when and where the pamphlets will be made available.

Education Law Sections 1610, 1721, 2117, 2528 and 2577
8 New York Code of Rules and Regulations (NYCRR) Section 170.2

Adopted: 1998
Revised: 7/12/05; 10/7/08
SUBJECT: USE OF THE DISTRICT CREDIT CARD

The School District may issue a credit card or cards in its name for the use of its officers and designated employees for authorized, reimbursable travel related expenses. The maximum credit limit on each card shall be as designated by the Board of Education. However, authorized personnel must submit purchase orders for those travel related expenses, such as tuition charges for attendance at conferences, travel expenses and lodging, where costs may be fairly and accurately estimated prior to actual incurring of expenses.

Expenses incurred on each credit card shall be paid in such a manner as to avoid interest charges.

The Superintendent of Schools and/or Assistant Superintendent for Business will ensure the safekeeping and proper use of all district credit cards and/or charge cards.

Adopted: 12/14/04
SUBJECT:  FINANCIAL ACCOUNTABILITY

School districts must have internal controls in place to ensure that the goals and objectives of the District are accomplished; laws, regulations, policies, and good business practices are complied with; operations are efficient and effective; assets are safeguarded; and accurate, timely and reliable data are maintained.

The Salamanca City School District's governance and control environment will include the following:

a) The District's code of ethics addresses conflict of interest transactions with Board members and employees. Transactions that are less-than-arm's length are prohibited. Less-than-arm's length is a relationship between the District and employees or vendors who are related to District officials or Board members.

b) The Board requires corrective action for issues reported in the CPA's management letter, audit reports, the Single Audit, and consultant reports.

c) The Board has established the required policies and procedures concerning District operations.

d) The Board routinely receives and discusses the necessary fiscal reports including the:
   1. Treasurer's cash reports,
   2. Budget status reports,
   3. Revenue status reports,
   4. Monthly extra-classroom activity fund reports, and
   5. Fund balance projections (usually starting in January).

e) The District has a long-term (three to five years) financial plan for both capital projects and operating expenses.

f) The District requires attendance at training programs for Board members, business officials, treasurers, claims auditors, and others to ensure they understand their duties and responsibilities and the data provided to them.

g) The Board has an audit committee to assist in carrying out its fiscal oversight responsibilities.

(Continued)
SUBJECT: FINANCIAL ACCOUNTABILITY (Cont'd.)

h) The District's information systems are economical, efficient, current, and up-to-date.

i) All computer files are secured with passwords or other controls, backed up on a regular basis, and stored at an off site location.

j) The District periodically verifies that its controls are working efficiently.

k) The District requires all staff to take vacations during which time another staff member performs the duties of the staff on vacation.

8 New York Code of Rules and Regulations (NYCRR) Section 170.12

Adopted: 7/11/06
SUBJECT: ALLEGATIONS OF FRAUD

Reporting and Investigations of Allegations of Fraud

All Board members and officers, District employees and third party consultants are required to abide by the District's policies, administrative regulations and procedures in the conduct of their duties. Further, all applicable federal and/or state laws and regulations must be adhered to in the course of District operations and practices. Any individual who has reason to believe that financial improprieties or wrongful conduct is occurring within the School System is to disclose such information according to the reporting procedures established by the District. The reporting procedures will follow the chain of command as established within the department or school building or as enumerated in the District's Organizational Chart. In the event that the allegations of financial improprieties/fraud and/or wrongful conduct concern the investigating official, the report shall be made to the next level of supervisory authority. If the chain of supervisory command is not sufficient to ensure impartial, independent investigation, allegations of financial improprieties/fraud and/or wrongful conduct will be reported as applicable, to the Internal Auditor (if available), or the Independent (External) Auditor, or the School Attorney, or the Board of Education. The District's prohibition of wrongful conduct, including fraud, will be publicized within the District as deemed appropriate; and written notification will be provided to all employees with fiscal accounting/oversight and/or financial duties including the handling of money.

Upon receipt of an allegation of financial improprieties/fraud and/or wrongful conduct, the Board or designated employee(s) will conduct a thorough investigation of the charges. However, even in the absence of a report of suspected wrongful conduct, if the District has knowledge of, or reason to know of, any occurrence of financial improprieties/fraud and/or wrongful conduct, the District will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all reports will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. Written records of the allegation, and resulting investigation and outcome will be maintained in accordance with law.

Based upon the results of this investigation, if the District determines that a school official has engaged in financial improprieties/fraudulent and/or wrongful actions, appropriate disciplinary measures will be applied, up to and including termination of employment, in accordance with legal guidelines, District policy and regulation, and any applicable collective bargaining agreement. Third parties who are found to have engaged in financial improprieties/fraud and/or wrongful conduct will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted. Rather, when school officials receive a complaint or report of alleged financial improprieties/fraud and/or wrongful conduct that may be criminal in nature, law authorities should be immediately notified.

An appeal procedure will also be provided, as applicable, to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable investigating officer(s).

(Continued)
SUBJECT: ALLEGATIONS OF FRAUD (Cont'd.)

Protection of School Employees who Report Information Regarding Illegal or Inappropriate Financial Practices

Any employee of the School District who has reasonable cause to believe that the fiscal practices or actions of an employee or officer of the District violates any local, state, federal law or rule and regulation relating to the financial practices of the District, and who in good faith reports such information to an official of the District, or to the Office of the State Comptroller, the Commissioner of Education, or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report. Further, neither the School District, nor employee or officer thereof, shall take, request, or cause a retaliatory action against any such employee who makes such a report.

The Board also prohibits any retaliatory behavior directed against any witnesses and/or any other individuals who participate in the investigation of an allegation of illegal or inappropriate fiscal practices or actions. Follow-up inquiries shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the District.

Knowingly Makes False Accusations

Any individual who knowingly makes false accusations against another individual as to allegations of financial improprieties/fraud may also face appropriate disciplinary action.
SUBJECT: AUDIT COMMITTEE

An Audit Committee has been established by Board resolution. The Audit Committee may consist of:

a) The Board of Education as a whole;

b) A subcommittee of the Board of Education; or

c) An Advisory Committee that may include, or be composed entirely of persons other than Board members if, in the opinion of the Board, such membership is advisable to provide accounting and auditing expertise.

Persons other than Board members who serve on the advisory committee shall be independent and shall not:

1. Be employed by the District;

2. Be an individual who within the last two years provided, or currently provides, services or goods to the District;

3. Be the owner of or have a direct and material interest in a company providing goods or services to the District; or

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

The Audit Committee shall consist of at least three (3) members who should collectively possess knowledge in accounting, auditing, financial reporting, and School District finances. They shall serve without compensation, but shall be reimbursed for any actual and necessary expenditure incurred in relation to attendance at meetings. Employees of the District are prohibited from serving on the Audit Committee. Members of the Audit Committee shall be deemed School District Officers, but shall not be required to be residents of the School District.

The role of the Audit Committee shall be advisory unless the Audit Committee consists of at least a quorum of Board members, and any recommendations it provides to the Board shall not substitute for any required review and acceptance by the Board of Education.

The Audit Committee shall develop and submit to the Board for approval a formal, written charter which includes, but is not limited to, provisions regarding the committee's purpose, mission, duties, responsibilities and membership requirements.

(Continued)
SUBJECT:  AUDIT COMMITTEE (Cont'd.)

The Audit Committee shall hold regularly scheduled meetings and report to the Board on the activities of the Committee on an as needed basis, but not less than annually. The report will address or include at a minimum:

a) The activities of the Audit Committee;
b) A summary of the minutes of the meeting;
c) Significant findings brought to the attention of the Audit Committee;
d) Any indications of suspected fraud, waste, or abuse;
e) Significant internal control findings; and
f) Activities of the internal audit function.

The responsibilities of the Audit Committee include the following:

a) Provide recommendations regarding the appointment of the External (Independent) Auditor for the District;
b) Meet with the External (Independent) Auditor prior to commencement of the audit;
c) Review and discuss with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable;
d) Receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board of Education in interpreting such documents;
e) Make a recommendation to the Board on accepting the annual audit report; and
f) Review every corrective action plan developed by the School District and assist the Board in its implementation.

Corrective Action Plan

Within ninety days of receipt of the report or management letter, the Superintendent shall prepare a corrective action plan approved by the Board in response to any findings contained in:

a) The annual external audit report or management letter;

(Continued)
SUBJECT:  AUDIT COMMITTEE (Cont'd.)

b) A final audit report issued by the District's internal auditor;

c) A final report issued by the State Comptroller;

d) A final audit report issued by the State Education Department; or

e) A final audit report issued by the United States or an office, agency or department thereof.

The corrective action plan must be filed with the State Education Department, and if appropriate, must include the expected date(s) of implementation. To the extent practicable, implementation of the corrective action plan should begin no later that the end of the next fiscal year.

Additional responsibilities of the Audit Committee include: assisting in the oversight of the Internal Audit Function including, but not limited to, providing recommendations regarding the appointment of the Internal Auditor; reviewing significant findings and recommendations of the Internal Auditor; monitoring the School District's implementation of such recommendations; and participating in the evaluation of the performance of the Internal Audit Function.

The Audit Committee may conduct an Executive Session pursuant to Public Officers Law Section 105 pertaining to the following matters:

a) To meet with the External (Independent) Auditor prior to commencement of the audit;

b) To review and discuss with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable; and

c) To receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board of Education in interpreting such documents.

Any Board member who is not a member of the Audit Committee may be allowed to attend an Audit Committee meeting, including an executive session if authorized by a Board resolution. However, if such Board member's attendance results in a meeting of a quorum of the full Board, any action taken by formal vote may constitute official Board action.

Education Law Sections 2116-c, and 3811-3813
Public Officers Law Sections 105(b), 105(c) and 105(d)
8 New York Code of Rules and Regulations (NYCRR) Section 170.12(d)

Adopted: 1/10/06
Revised: 5/9/06; 7/11/06; 10/7/08
SUBJECT: INTERNAL AUDIT FUNCTION

The District has established an Internal Audit Function which includes:

a) Development of a risk assessment of District operations including, but not limited to, a review of financial policies, procedures and practices;

b) An annual review and update of such risk assessment;

c) Annual testing and evaluation of one or more of the District's internal controls, taking into account risk, control weaknesses, size, and complexity of operations;

d) Preparation of reports, at least annually or more frequently as the Board may direct, which analyze significant risk assessment findings, recommend changes for strengthening controls and reducing identified risks, and specify timeframes for implementation of such recommendations.

The District is permitted to utilize existing District personnel to fulfill the Internal Audit Function, but such persons shall not have any responsibility for other business operations of the District while performing Internal Audit Functions. The District shall also be permitted to use inter-municipal cooperative agreements, shared services to the extent authorized by Education Law Section 1950 or independent contractors to fulfill the Internal Audit Function as long as the personnel or entities performing this Function comply with any Regulations issued by the Commissioner of Education and meet professional auditing standards for independence between the auditor and the District.

Personnel or entities serving as the Internal Auditor and performing the Internal Audit Function shall report directly to the Board of Education. The Audit Committee shall assist in the oversight of the Internal Audit Function on behalf of the Board.

Education Law Sections 1950, 2116-b and 2116-c
8 New York Code of Rules and Regulations (NYCRR) Section 170.12(d)

NOTE: Refer also to Policy #1339 -- Duties of the Internal Auditor

Adopted: 1/10/06
Revised: 7/11/06; 10/7/08
SUBJECT: INSURANCE

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

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

The Board may also purchase liability insurance to pay damages assessed against Board members and District employees acting in the discharge of their respective duties, within the scope of their employment and under the direction of the Board.

All insurance policies shall be kept in a fireproof depository along with an inventory of the contents of the building. The Superintendent may review the District's insurance program annually and make recommendations to the Board if more suitable coverage is required.

General Municipal Law Section 6-n
Education Law Section 2503(10)(a)
SUBJECT: INVENTORIES

The Superintendent or his/her designee shall be responsible for maintaining a continuous and accurate inventory of equipment owned by the District.

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

Education Law Section 2503
SUBJECT: ACCOUNTING OF FIXED ASSETS

The School Business Official shall be responsible for accounting for general fixed assets according to the procedures outlined by the Uniform System of Accounts for School Districts and GASB Statement 34 Regulations.

These accounts will serve to:

a) Maintain a physical inventory of assets;

b) Establish accountability;

c) Determine replacement costs; and

d) Provide appropriate insurance coverage.

Fixed assets with a minimum value established by the Board that have a useful life of one (1) year or more and physical characteristics not appreciably affected by use or consumption shall be inventoried and recorded on an annual basis. Fixed assets shall include land, buildings, equipment and materials.

The Board established $2500 as the capitalization threshold as the basis for considering which fixed assets are to be depreciated.

Fixed assets acquired having a value equal to or greater than the established threshold are considered depreciable assets and shall be inventoried for the purposes of GASB 34 accounting practices and placed on a depreciation schedule according to its asset class and estimated useful life as stipulated by the NY State Comptroller's Office or the IRS.

Assets shall be recorded at initial cost or, if not available, at estimated initial cost; gifts of fixed assets shall be recorded at estimated fair value at the time of the gift. A property record will be maintained for each asset and will contain, where possible, the following information:

a) Date of acquisition;

b) Description;

c) Cost or value;

d) Location;

e) Asset type;

(Continued)
SUBJECT: ACCOUNTING OF FIXED ASSETS (Cont’d.)

f) Estimated useful life;

g) Replacement cost;

h) Current value;

i) Salvage value;

j) Date and method of disposition; and

k) Responsible official.

The School Business Official shall arrange for the annual inventory and appraisal of School District property, equipment and material. Any discrepancies between an inventory and the District's property records on file should be traced and explained.

Adopted: 2/9/93
Revised: 9/9/03; 2/16/06
SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE

Operation and Maintenance

The Superintendent is charged with the responsibility for administering plant operations in the most efficient and economical manner possible, while placing high priority on health and safety of students and conservation of natural resources.

The Board of Education has the responsibility to provide equipment, supplies and contractual services of high quality.

The Board, through the Superintendent and his/her staff, has the responsibility of protecting the District investment in plant and facilities through a systematic maintenance program.

It is expected that the program shall include periodic preventive maintenance activities, long-range maintenance schedules and emergency repair procedures. It is further expected that all maintenance work will be carried out in a manner that will cause the least interference with the educational program.

Construction and Remodeling of School Facilities

All capital projects and maintenance must assure compliance with the requirements of the New York State Uniform Fire Prevention and Building Code, the Manual of Planning Standards and the Regulations of the Commissioner of Education. All new buildings must be formally submitted no matter the size or cost. The New York State Education Department Office of Facilities Planning has provided an Instruction Guide at website: http://www.emsc.nysed.gov/facplan/ProjMgmt.htm

Plans and specifications for the erection, enlargement, repair or remodeling of facilities of the School District shall be submitted to the Commissioner when the contemplated construction costs of such work are $10,000 or more, and for all projects affecting the health and safety of pupils.

Plans and specifications submitted to the Commissioner shall bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications shall also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code (19 NYCRR Parts 1220 through 1226) and the State Energy Conservation Construction Code (19 NYCRR Parts 1240).

For remodeling or construction projects costing less than $5,000, the District shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (19 NYCRR Parts 1200 through 1226) Commissioner's Regulations Part 155.

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

Inspections

The administration of the School System shall cooperate with officials conducting health, fire, asbestos, bus, and boiler inspections. The administration shall keep the Board of Education informed of the results of such inspections in a timely fashion.

In accordance with law, local building inspectors may not enter District premises at any time they wish. Only the Fire Safety Inspector conducting the Annual Fire Safety Inspection may enter District premises for inspections.

In addition, per the requirements of the Asbestos Hazard Emergency Response Act (AHERA), the District will at least once each school year inform all employees and building occupants (or their legal guardians) 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. Written notice will be provided in the District newsletter and will be filed in the District asbestos management plan.

Structural Safety Inspections

It shall be the duty of the Board of Education to ensure that each facility owned by the District which is used for instructional purposes shall be inspected annually for structural deficiencies.

Every annual structural safety inspection shall be a visual inspection which will examine the structural elements of each building, and may also include inspection of building systems such as heating, plumbing and electrical systems.

If a visual inspection results in a determination that a building may have a structural deficiency, then the building shall be inspected by a licensed architect or a licensed professional engineer.

The annual structural safety inspection shall be made prior to June thirtieth of every school year, and reports of the inspections shall be made available to the public.

Fire Inspection: Commissioner's Regulations Section 155.4
Education Law Section 807-a
Health Inspection: Education Law Section 906
Asbestos Inspection: Education Law, Article 9-A

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

Plans and Specifications: Education Law Sections 408, 408-a and 409
8 New York Code of Rules and Regulations (NYCRR) Sections 155.1 and 155.2
Structural Safety Inspections:
Education Law Sections 409-d and 3602(6)(d)

Revised: 4/20/93; 7/12/94; 10/7/08
SUBJECT: HAZARDOUS WASTE

The Board of Education recognizes the need to protect human health and the environment from damage resulting from the improper handling of hazardous wastes.

The management of hazardous waste from its point of generation to the ultimate disposal is regulated through specific federal and state laws.

The Board directs the Superintendent to adopt rules and regulations to insure District implementation of applicable federal and state laws pertaining to the identification, transportation, treatment, storage, and disposal of hazardous wastes.

Environmental Protection Agency
40 Code of Federal Regulations (CFR) 261 and 262
6 New York State Code of Rules and Regulations (NYCRR) Part 371
SUBJECT: SMOKING/TOBACCO USE

School Grounds

Tobacco use shall not be permitted and no person shall use tobacco on school grounds at any time. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds contained within the District's preschool, nursery school, elementary or secondary school's legally defined property boundaries as registered in the County Clerk's Office; as well as all District vehicles, including vehicles used to transport children or school personnel.

For purposes of this policy, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, and any other smoking product, and spit tobacco (smokeless, dip, chew and/or snuff) in any form.

Posting/Notification of Policy

In compliance with the New York State Clean Indoor Air Act, the District will prominently post its Smoking/Tobacco Use policy and signs prohibiting all forms of tobacco products in District buildings and other appropriate locations; and will supply a copy upon request to any current or prospective employee. The District will also designate a school official to tell individuals who smoke in a non-smoking area that they are in violation of the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994 and District policy.

The District shall also ensure that this policy is communicated to staff, students, parents/guardians, volunteers, and visitors as deemed appropriate in order to orient all persons to the District's "No Smoking" Policy and environment.

Prohibition of Tobacco Promotional Items/Tobacco Advertising

Tobacco promotional items (e.g., brand names, logos and other identifiers) are prohibited:

a) On school grounds;
b) In school vehicles;
c) At school-sponsored events;
d) In school publications;
e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District Code of Conduct and applicable collective bargaining agreements.

(Continued)
SUBJECT: SMOKING/TOBACCO USE (Cont'd.)

This prohibition of tobacco promotional items shall be implemented in accordance with the Code of Conduct and applicable collective bargaining agreements.

In addition, tobacco advertising is also prohibited in all school-sponsored publications and at all school sponsored events.

Safe and Drug-Free Schools and Communities Act
20 United States Code (USC) Section 7101 et seq.
Pro-Children Act of 2001 and
20 United States Code (USC) Sections 7181-7184,
as amended by the No Child Left Behind Act of 2001
Public Health Law Article 13-E
Education Law Sections 409 and 3020-a

NOTE: Refer also to Policies #3260 -- Community Use of School Facilities
#3410 -- Code of Conduct on School Property
#7410 -- School Conduct and Discipline
#7430 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
#8211 -- Prevention Instruction
District Code of Conduct on School Property

Revised: 5/9/95; 9/9/03
SUBJECT: ENERGY/WATER CONSERVATION AND RECYCLING OF SOLID WASTE

Energy/Water Conservation

The Salamanca City School District Board of Education recognizes the importance of energy and water conservation and is committed to the analysis, development, and initiation of conservation measures throughout the District for the purpose of reducing energy consumption, particularly in these times of declining levels of natural energy resources and increasing cost of these resources. The Board will maintain an aggressive and responsible program to reduce consumption of energy by its facilities and to provide education on the conservation of energy.

The District will comply with the Property Maintenance Code of New York State, part of the New York State Uniform Fire Prevention and Building Code, which requires that indoor occupiable work spaces be maintained at a minimum temperature of 65 degrees from September 14 to May 31 during the period the spaces are occupied. There are exceptions for areas of vigorous physical activities such as gymnasiums as well as processing spaces such as coolers or freezers. However, by law, code or regulation there is no maximum temperature specified. Ventilation requirements only require fresh air, not cool air-conditioning.

Recycling

The Superintendent will develop a program for the source separation and segregation of recyclable or reusable materials in the District. This District-wide recycling plan shall include:

a) A conservation education program to teach students about their social responsibility for preserving our resources, and involvement of all students and personnel in a comprehensive effort to reduce, and reuse and recycle waste materials;

b) A concerted effort to purchase recycled items and biodegradable rather than non-biodegradable products;

c) Separation of waste into appropriate categories for the purpose of recycling, including mercury-added consumer products; and

d) A cooperative effort with community recycling programs.

Environmental Conservation Law Sections 27-2101-27-2115
General Municipal Law Section 120-aa
19 New York State Code of Rules and Regulations (NYCRR) Sections 1220-1226

Revised: 4/9/91; 7/12/05; 7/11/06
SUBJECT:  SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)

The Board has entered into an agreement with the New York State Education Department to participate in the National School Lunch Program, Breakfast Program and/or Special Milk to receive commodities donated by the Department of Agriculture and to accept responsibility for providing free and reduced price meals to elementary and secondary students in the schools of the District.

The Superintendent or his/her designee shall have the responsibility to carry out the rules of the School Lunch and Breakfast Programs. The determination of which students are eligible is the responsibility of the Reviewing Official and Verification Official. Appeals regarding eligibility should be submitted to the Hearing Official of the District.

Free or reduced price "Lunch Meal Patterns" may be allowed for qualifying students attending Salamanca City School District schools upon receipt of a written application from the student's parent or guardian or a "Direct Certification" letter from the New York State Office of Temporary and Disability Assistance (OTDA). Applications will be provided by the School District to all families.

Procedures for the administration of the free and reduced price meal program of this School District will be the same as those prescribed in current state and federal laws and regulations.

Child Nutrition Program/Charging Meals

Although not required by law, because of the District's participation in the Child Nutrition Program, the Board of Education approves the establishment of a system to allow a student to charge a meal. The Board authorizes the Superintendent to develop rules which address:

a) What can be charged;
b) The limit on the number of charges per student;
c) The system used for identifying and recording charged meals;
d) The system used for collection of repayments; and
e) Ongoing communication of the policy to parents and students.

The District will allow no more than three (3) outstanding charges per student.

Restriction of Sweetened Foods in School

The sale of sweetened foods will be prohibited from the beginning of the school day until the end of the last scheduled meal period.

(Continued)
SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd)

Sweetened foods consist of sweetened soda water, chewing gum, candy, including hard candy, jellies, gum, marshmallow candies, fondant, licorice, spun candy, candy coated popcorn, and water ices except those which contain fruit or fruit juices.

Restrictions on Sale of Milk Prohibited

Schools that participate in the National School Lunch Program may not directly or indirectly restrict the sale or marketing of fluid milk products at any time or in any place on school premises or at school-sponsored events.

Food Substitutions for Children with Disabilities

Federal regulations governing the operation of Child Nutrition Programs, Part B of the Individuals with Disabilities Education Act, and Section 504 of the Rehabilitation Act of 1973 require that children with disabilities be offered the opportunity to participate in all academic and nonacademic activities including the school nutrition programs. The District will make reasonable accommodations to those children with disabilities whose disabilities restrict their diets, such as providing substitutions and/or modifications in the regular meal patterns. Such meal substitutions for students with disabilities will be offered at no extra charge. A student with a disability must be provided substitutions in food when that need is supported by a statement signed by a physician attesting to the need for the substitutions and recommending alternate foods.

However, the school food service is not required to provide meal services (for example, School Breakfast Program) to students with disabilities when the meal service is not normally available to the general student body, unless a meal service is required under the student's individualized education program (IEP) or Section 504 Accommodation Plan as mandated by a physician's written instructions.

Food Substitutions for Nondisabled Children

Though not required, the District will also allow substitutions for non-disabled children who are unable to consume the regular meal because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority.

The District may also allow substitutions for fluid milk with a non-dairy beverage that is nutritionally equivalent (as established by the Secretary of Agriculture) to fluid milk and meets nutritional standards for students who are unable to consume fluid milk because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority or by the student's parent/legal guardian.

Prohibition Against Adults Charging Meals

Adults should pay for their meals at the time of service or set up pre-paid accounts.

(Continued)
SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont’d)

HACCP-Based Food Safety Program

Schools participating in the National School Lunch and/or School Breakfast programs are required to implement a food safety program based on Hazard Analysis and Critical Control Point (HACCP) principles. The District will ensure that a written school food safety plan is in place which: includes methods for documenting menu items in the appropriate HACCP process category; documenting critical control points of food production; monitoring; establishing and documenting corrective actions; recordkeeping; and reviewing and revising the overall food safety program.

Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265
Child Nutrition Act 1966, 42 United States Code (USC) Section 1771 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400-1485
7 Code of Federal Regulations (CFR) Parts 15B, 210 and 220
Education Law Sections 902(b), 915, 918, 1604(28), 1709(22), 1709(23) and 2503(9)(a)
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(1) and 200.2(b)(2)

Adopted: 1989
Revised: 7/14/98; 9/9/03; 7/12/05; 7/11/06; 10/7/08; 9/8/09
SUBJECT: DISTRICT WELLNESS POLICY

The District is committed to providing a school environment that promotes and protects children's health, well-being, and the ability to learn by fostering healthy eating and physical activity. The District has established a wellness committee to develop the District's proposed local wellness policy, making such policy recommendations for review and adoption by the Board of Education. The District's wellness committee includes, but is not limited to, representatives from each of the following groups:

a) Parents;
b) Students;
c) The District's food service program;
d) The School Board;
e) School administrators; and
f) Members of the public.

The District Wellness Committee will assess current activities, programs and policies available in the District; identify specific areas of need within the District; develop the policy; and provide mechanisms for implementation, evaluation, revision and updating of the policy. The Wellness Committee is established to represent the local community's perspective in developing the wellness policy for the District.

Goals to Promote Student Wellness

Taking into account the parameters of the School District (academic programs, annual budget, staffing issues, and available facilities) as well as the community in which the District is located (the general economy; socioeconomic status; local tax bases; social cultural and religious influences; geography; and legal, political and social institutions) the Wellness Committee recommends the following District goals relating to nutrition education, physical activity and other school-based activities:

Nutrition Education

The District will provide nutrition education to facilitate the voluntary adoption of healthy eating habits and other nutrition-related behaviors conducive to health and well-being by establishing the following standards for:

(Continued)
SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

a) Classroom teaching:

*What do we want to be taught in the classroom; what standards should be followed; what specific learning outcomes do we expect?

*In addition to specifics relating to nutrition content of foods, will we recommend incorporation of instruction on healthy body image, weight management and eating disorders?

b) Education, marketing and promotion links outside the classroom:

*What nutrition education do we want to occur outside the classroom that links the classroom nutrition education program to the larger school community (e.g., school gardens, cafeteria-based nutrition programs)?

c) Fundraising activities:

*What food-related fundraising activities, if any, are appropriate for the District?

d) Teacher training:

*What initial training and ongoing professional development do we want in place to aid staff in teaching nutrition?

Physical Activity

The District will provide opportunities for every student to develop the knowledge and skills for specific physical activities, to maintain physical fitness, to regularly participate in physical activity, and to understand the short-term and long-term benefits of a physically active and healthy lifestyle.

The Wellness Committee has determined that the following standards are necessary to achieve this goal:

a) Physical education graduation requirements:

*What amount of physical education instruction will be required for graduation?

b) Physical education class requirements:

*How many minutes per day/week? How many days per week? What intensity of physical activity?

(Continued)

*Italicized wording is included to assist the Wellness Committee in developing standards for the District.
SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

*Are appropriate physical activities provided for special populations?

*What should be the teacher-to-student ratio for physical education class at specific grade levels?

*Should we use national or state-developed standards for physical education?

c) Staff training/certification for physical education:

*What requirements should we have for professional preparation and/or ongoing professional development for classroom teachers, physical education teachers, coaches, etc.?

d) Physical activity outside physical education classes:

*How many minutes per day/week, how many days per week and at what level of intensity should classroom-based physical activities occur?

*How many minutes per day/week, how many days per week and at what level of intensity should recess or free-time activities be scheduled?

*Should we encourage walking or biking to school, and if so, how?

Other School-based Activities

The District wishes to establish a school environment that presents consistent wellness messages and is conducive to healthy eating and physical activity for all. In order to present a coordinated school approach where District decision-making related to nutrition and physical activity encompasses all aspects of the school, the Wellness Committee has determined that the following standards are necessary to achieve this goal:

a) Federal School Meal Programs:

The District will participate to the maximum extent practicable in available federal school meal programs [School Breakfast Program, National School Lunch Program (including after-school snacks), Summer Food Service Program, Fruit and Vegetable Snack Program, and the Child and Adult Care Food Program (including suppers)].

(Continued)
SUBJECT:  DISTRICT WELLNESS POLICY (Cont'd.)

b) Access to school nutrition programs:

*How can we ensure that all eligible children have access to free/reduced price meals in a non-stigmatizing manner?

*Do we offer meal options that are culturally sensitive and address special dietary needs?

c) Meal environment:

*Does meal timing and scheduling encourage participation in the school nutrition programs?

*Is the physical environment conducive to proper eating habits?

*Are staff encouraged to eat with students?

d) After-school programs for students:

*Do our after-school programs incorporate nutrition related components and/or physical activity in line with our school-based philosophy?

e) Community access to District facilities for physical activities:

*Do we provide facility access to students, families, staff, and the community for physical activity?

*How do we support staff wellness activities?

*Does our adult education program offer classes relating to the District's wellness philosophy?

f) Community involvement:

*How do we involve family and/or community members in wellness planning beyond the required participation on the Wellness Committee and/or School Health Committee?

*How will we publicize our Wellness Policy?

(Continued)
SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

g) Sustainable food practices:

*Do we have standards for environmentally-friendly practices relating to food service in the schools?

*Do we encourage a school garden as well as use of locally grown and seasonal foods?

Nutrition Guidelines

The District Wellness Committee will recommend which nutrition standards will be established for all foods available on school campus during the school day based upon the unique needs of the student body and the community. The goal is to encourage healthy lifelong eating habits by providing foods that are high in nutrients, low in fat and added sugars, and of moderate portion size.

Nutritional Values of Foods and Beverages

a) Reimbursable school meals served at school will minimally meet the program requirements and nutrition standards of the National School Lunch Program. http://www.access.gpo.gov/nara/cfr/waisidx_05/7cfr210_05.html

b) Food of minimal nutritional value on the school campus will be replaced with more nutritional options by adhering to the following standards for nutritional value of foods and beverages:

1) Calories from total fat --- *level to be specified by Committee
2) Calories from saturated fat - *level to be specified by Committee
3) Total sugar -- *level to be specified by Committee
4) Whole grain -- *level to be specified by Committee
5) Portion size -- *level to be specified by Committee
6) Fruits and vegetables -- a choice of at least (*insert #) fruits and non-fried vegetables will be offered for sale at any location where foods are sold on campus. Such items could include, but are not limited to: (*Committee to specify).
7) Beverages -- *Committee to specify what is allowed and what is prohibited.

c) Nutrition information for products sold on campus will be readily available near the point of purchase.

A la carte, vending machines, student stores, snack bars, concession stands, parties, celebrations, food-related fundraising, and food rewards/punishments

(Continued)
SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)

*Does the Committee want the standards established in subheading a) of Nutritional Values of Foods and Beverages applied to all of these? If not, what standards should apply to each category?

*Should we limit celebrations that involve food during the school day to a certain number per month?

*Should we specify a list of approved healthy party foods?

*Do we allow food-related fund raising (see "Goals to Promote Student Wellness Nutrition Education c) Fundraising activities" above).

*Should food rewards/punishments be allowed under any circumstances?

Food or beverage contracts

*Does the committee recommend participating in, or continuation of food or vending company contracts? What nutritional standards should apply?

Vending machines, snack bars, school stores, concession stands, and other food outlets

Access to vending machines, snack bars, school stores, concession stands, and other food outlets on school property will be limited to the following times: *(Committee to specify) and the following items: *(Committee to specify).

Assurance

Guidelines for reimbursable school meals shall not be less restrictive than applicable federal regulations and guidance issued pursuant to the Child Nutrition Act and the Richard B. Russell National School Lunch Act, as those regulations and guidance apply to schools.

Implementation and Evaluation of the Wellness Policy

In accordance with law, the District's wellness policy must be established by July 1, 2006; and the District will ensure school and community awareness of this policy through various means such as publication in District newsletters and/or the District calendar. Further, professional development activities for staff and student awareness training will be provided, as appropriate, on the goals of the District's wellness program, including activities/programs for the development of healthy eating habits and the incorporation of physical activity as part of a comprehensive healthy lifestyle.

(Continued)
SUBJECT:  DISTRICT WELLNESS POLICY (Cont'd.)

The District shall establish an implementation and evaluation plan for the wellness policy in order to monitor the effectiveness of the policy and the possible need for further modification over time. Accordingly, the Superintendent shall designate one or more staff members within the District or at each school as appropriate to have operational responsibility for ensuring that the District meets the goals and mandates of its local wellness policy. Designated staff members may include, but are not limited to, the following personnel:

a) Administrators;

b) School health personnel including the school nurse and the health and/or physical education teacher; and

c) School Food Service Director.

These designated staff members shall periodically report to the Superintendent on the District's compliance with the wellness policy (or, if done at the building level, to the School Principal) and the Superintendent shall inform the Board of such findings. The Superintendent/designee shall prepare a summary report on District-wide compliance with the District's wellness policy based on input from schools within the District. That report will be provided to the School Board and also distributed to the wellness committee, parent-teacher organizations, Building Principals, and school health services personnel within the District. The report shall also be available to community residents upon request.

These designated school officials will also serve as a liaison with community agencies in providing outside resources to help in the development of nutrition education programs and physical activities.

Evaluation and feedback from interested parties, including an assessment of student, parent, teacher, and administration satisfaction with the wellness policy, is essential to the District's evaluation program. Further, the District shall document the financial impact, if any, to the school food service program, school stores, or vending machine revenues based on the implementation of the wellness policy.

District schools will provide nutrition education and physical education, with an emphasis on establishing lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services. Communication with and training for teachers, parents, students, and food service personnel will be an integral part of the District's implementation plan.

(Continued)
SUBJECT:  DISTRICT WELLNESS POLICY (Cont'd.)

To the extent practicable, students and parents shall be involved in the development of strategies designed to promote healthy food choices in the school environment; and the school cafeteria will provide a variety of nutritionally sound meal and beverage choices. The school will encourage students' active, age appropriate participation in decisions regarding healthy lifestyles and choices. Positive reinforcement such as letters of recognition and acknowledgment will be utilized as a means to encourage healthy eating patterns among the student population. In addition, the school will share information about the nutritional content of meals with parents and students; such information may be made available on menus, a web site, or such other "point-of-purchase" materials.

Assessments of the District's wellness policy and implementation efforts may be repeated on an annual basis, but it is recommended that such assessment occur no later than every three (3) years, to help review policy compliance, assess progress, and determine areas in need of improvement. The District, and individual schools within the District, will, as necessary, revise the wellness policy and develop work plans to facilitate its implementation.

Child Nutrition and WIC Reauthorization Act of 2004
Public Law Section 108-265 Section 204
Richard B. Russell National School Lunch Act
42 United States Code (USC) Section 1751 et seq.
Child Nutrition Act of 1966
42 United States Code (USC) Section 1771 et seq.
7 Code of Federal Regulations (CFR) Section 210.10

Adopted: 5/9/06
SUBJECT: RECORDS MANAGEMENT

A records management officer shall be designated by the Superintendent, subject to the approval of the Board of Education. Such records management officer shall coordinate the development of and oversee a program for the orderly and efficient management of records, including the legal disposition or destruction of obsolete records, and be given the authority and responsibility to work with other local officials at all levels in the development and maintenance of the records management program.

In addition, a Records Advisory Board may be created to assist in establishing and supporting the records management program. The District's legal counsel, the fiscal officer, and the Superintendent/designee may comprise the Advisory Board.

The Superintendent shall develop appropriate regulations and procedures.

Retention and Disposition of Records

The Superintendent/designee shall retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule ED-I, established pursuant to Part 185, Title VIII of the Official Compilation of Codes, Rules and Regulations of the State of New York and Article 57-A of the Arts and Cultural Affairs Law.

Commissioner’s Regulations Section 185
Local Government Records Act of 1987
Public Officers Law Section 65-b
SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS

In accordance with the Federal Trade Commission's (FTC) "Disposal Rule," and in an effort to protect the privacy of consumer information, reduce the risk of fraud and identity theft, and guard against unauthorized access to or use of the information, the School District will take appropriate measures to properly dispose of sensitive information (i.e., personal identifiers) contained in or derived from consumer reports and records. Any employer who uses or possesses consumer information for a business purpose is subject to the Disposal Rule. According to the FTC, the standard for proper disposal of information derived from a consumer report is flexible, and allows the District to determine what measures are reasonable based on the sensitivity of the information, the costs and benefits of different disposal methods, and changes in technology.

The term "consumer report" shall include information obtained from a consumer reporting company that is used - or expected to be used - in establishing a consumer's eligibility for employment or insurance, among other purposes. The term "employment purposes" when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

The FTC Disposal Rule defines "consumer information" as "any record about an individual, whether in paper, electronic, or other form, that is a consumer report or is derived from a consumer report. Consumer information also means a compilation of such records. Consumer information does not include information that does not identify individuals, such as aggregate information or blind data."

Information Covered by the Disposal Rule

The FTC has not included a rigid definition of the kinds of information that would be considered to identify particular individuals. In accordance with FTC guidance, there are a variety of personal identifiers beyond simply a person's name that would bring information within the scope of the Disposal Rule, including, but not limited to, a social security number, driver's license number, phone number, physical address, and e-mail address. Depending upon the circumstances, data elements that are not inherently identifying can, in combination, identify particular individuals.

"Proper" Disposal

The FTC Disposal Rule defines "dispose," "disposing," or "disposal," as:

a) "The discarding or abandonment of consumer information," or

b) "The sale, donation, or transfer of any medium, including computer equipment, upon which consumer information is stored."

(Continued)
SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS (Cont’d.)

The District will utilize disposal practices that are reasonable and appropriate to prevent the unauthorized access to or use of information contained in or derived from consumer reports and records. Reasonable measures to protect against unauthorized access to or use of consumer information in connection with District disposal include the following examples. These examples are not exclusive or exhaustive methods for complying with the Disposal Rule.

a) Burning, pulverizing, or shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed.

b) Destroying or erasing electronic media containing consumer information so that the information cannot practicably be read or reconstructed.

c) After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material, specifically identified as consumer information, in a manner consistent with the Disposal Rule. In this context, due diligence could include:

1. Reviewing an independent audit of the disposal company's operations and/or its compliance with the Disposal Rule;

2. Obtaining information about the disposal company from several references or other reliable sources;

3. Requiring that the disposal company be certified by a recognized trade association or similar third party;

4. Reviewing and evaluating the disposal company's information security policies or procedures;

5. Taking other appropriate measures to determine the competency and integrity of the potential disposal company; or

6. Requiring that the disposal company have a certificate of registration from the New York Department of State issued on or after October 1, 2008.

d) For persons (as defined in accordance with the Fair Credit Reporting Act) or entities who maintain or otherwise possess consumer information through their provision of services directly to a person subject to the Disposal Rule, monitoring compliance with policies and procedures that protect against unauthorized or unintentional disposal of consumer information, and disposing of such information in accordance with examples a) and b) above.

(Continued)
SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS
(Cont’d.)

Implementation of Practices and Procedures

The Board delegates to the Superintendent/designee(s) the authority and responsibility to review current practices regarding the disposal of consumer information; and to implement such further reasonable and appropriate procedures, including staff training as necessary, to ensure compliance with the FTC’s Disposal Rule.

The Fair Credit Reporting Act, 15 United States Code (USC) Section 1681 et seq.
The Fair and Accurate Credit Transactions Act of 2003, Public Law 108-159
General Business Law Article 39-G

Adopted: 7/11/06
Revised: 10/7/08
SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

The School District values the protection of private information of individuals in accordance with applicable law and regulations. Further, the District is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the Information Security Breach and Notification Act and Board policy.

a) "Private information" shall mean **personal information** in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

1. Social security number;
2. Driver's license number or non-driver identification card number; or
3. Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.

**"Personal information"** shall mean any information concerning a person which, because of name, number, symbol, mark or other identifier, can be used to identify that person.

b) "Breach of the security of the system," shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the District. Good faith acquisition of personal information by an employee or agent of the District for the purposes of the District is not a breach of the security of the system, provided that private information is not used or subject to unauthorized disclosure.

Examples of Determining Factors

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or person without valid authorization, the District may consider the following factors, among others:

a) Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or

(Continued)
SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

b) Indications that the information has been downloaded or copied; or

c) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

Notification Requirements

a) For any computerized data owned or licensed by the School District that includes private information, the District shall disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure to affected individuals shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The District shall consult with the State Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures.

b) For any computerized data maintained by the District that includes private information which the District does not own, the District shall notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

The notification requirement may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The required notification shall be made after the law enforcement agency determines that such notification does not compromise the investigation.

Methods of Notification

The required notice shall be directly provided to the affected persons by one of the following methods:

a) Written notice;

b) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form; and a log of each such notification is kept by the District when notifying affected persons in electronic form. However, in no case shall the District require a person to consent to accepting such notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;

(Continued)
SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

c) Telephone notification, provided that a log of each such notification is kept by the District when notifying affected persons by phone; or

d) Substitute notice, if the District demonstrates to the State Attorney General that the cost of providing notice would exceed $250,000, or that the affected class of subject persons to be notified exceeds 500,000, or that the District does not have sufficient contact information. Substitute notice shall consist of all of the following:

1. E-mail notice when the District has an e-mail address for the subject persons;

2. Conspicuous posting of the notice on the District's website page, if the District maintains one; and

3. Notification to major statewide media.

Regardless of the method by which notice is provided, the notice shall include contact information for the notifying District and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

In the event that any New York State residents are to be notified, the District shall notify the State Attorney General, the Consumer Protection Board, and the State Office of Cyber Security and Critical Infrastructure Coordination as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents.

In the event that more than 5,000 New York State residents are to be notified at one time, the District shall also notify consumer reporting agencies, as defined pursuant to State Technology Law Section 208, as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents. A list of consumer reporting agencies shall be compiled by the State Attorney General and furnished upon request to school districts required to make a notification in accordance with Section 208(2) of the State Technology Law, regarding notification of breach of security of the system for any computerized data owned or licensed by the District that includes private information.
SUBJECT: SAFETY AND SECURITY

The Board of Education of the Salamanca City School District hereby declares that it is the policy of this School District to provide a safe and secure environment to all those persons, students, staff and visitors, who lawfully enter upon District property or who travel in District vehicles for the purposes of the District.

It shall be the responsibility to establish and carry out written regulations that will:

a) Identify those staff members who will be responsible for the effective administration of the regulations;

b) Provide staff time and other necessary resources for the effective administration of the regulations;

c) Establish periodic written review of the activities of the staff to insure compliance with applicable laws and regulations;

d) Provide an on-going mechanism for the effective review of safety and security concerns of the staff, students and affected public;

e) Provide for reports to the Board of Education regarding the significant aspects of safety and security of the District.

Labor Law Section 27-a

Student Safety

All staff who are made aware of physical and/or verbal threats to students must immediately report these threats against students to the next level of supervisory authority for prompt action. The immediate supervisor must then inform the Superintendent/designee, including any action taken, after learning of such threats to students.

The District shall disseminate this policy to all employees in order to ensure staff awareness.

Hazard Communication Standard

All personnel shall be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard.

(Continued)
SUBJECT: SAFETY AND SECURITY (Cont'd.)

The Superintendent/designee shall maintain a current record of the name, address and social security numbers of every employee who handles or uses toxic substances and which substance(s) were handled or used by the employee.

The Board directs the Superintendent to develop rules and regulations to insure District implementation of this policy which shall include awareness information, employee training and record keeping.

New York State Labor Law Sections 27-a and 879
12 New York Code of Rules and Regulations
(NYCRR) Part 820 Article 28
Occupational Safety and Health Administration
(OSHA)

Revised: 5/9/95; 11/12/02; 7/12/05
SUBJECT: DRUG-FREE WORKPLACE

It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) 1308.11-1308.15. An acknowledgment form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

"Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the School District.

The Board of Education directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

Drug-Free Workplace Act (Public Law 100-690)
34 Code of Federal Regulations (CFR) Part 85

Revised: 11/12/02
SUBJECT: SCHOOL SAFETY PLANS

The District-wide and building-level school safety plans have been adopted by the School Board only after at least one (1) public hearing that provided for the participation of school personnel, parents, students, and any other interested parties. Each plan shall be reviewed by the appropriate school safety team on at least an annual basis, updated as needed by July 1 and recommended to the Board of Education for approval. These plans will be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the coordination of schools and the School District with local and county resources in the event of such incidents or emergencies.

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 School District, that addresses prevention and intervention strategies, emergency response and management at the District level and has the contents as prescribed in Education Law and Commissioner's Regulations.

The District-wide school safety plan shall be developed by the District-wide school safety team appointed by the Board of Education. The District-wide team shall include, but not be limited to, representatives of the School Board, student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Building-Level School Safety Plans

Building-level school safety plan means a building-specific school emergency response plan that addresses prevention and intervention strategies, 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).

The building-level plan shall be developed by the building-level school safety team. The building-level school safety team means a building-specific team appointed by the Building Principal, in accordance with regulations or guidelines prescribed by the Board of Education. The building-level team shall include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel, other school personnel, community members, local law enforcement officials, local ambulance or other emergency response agencies, and any other representatives the School Board deems appropriate.

If the District receives federal preparedness funds, the District requires appropriate personnel to complete the IS-700 NIMS (National Incident Management System) introductory course.

(Continued)
SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

Filing/Disclosure Requirements

The District shall file a copy of its comprehensive District-wide school safety plan and any amendments thereto with the Commissioner of Education no later than thirty (30) days after their adoption. A copy of each building-level school safety plan and any amendments thereto shall be filed with the appropriate local law enforcement agency and with the state police within thirty (30) days of its adoption. Building-level emergency response plans shall be confidential and shall not be subject to disclosure under the Freedom of Information Law or any other provision of law.

Homeland Security Presidential Directives - HSPD-5, HSPD-8
Education Law Section 2801-a
Public Officers Law Article 6
8 New York Code of Rules and Regulations (NYCRR) Section 155.17

Adopted: 4/9/91
Revised: 9/9/03; 10/7/08
SUBJECT:  COMPREHENSIVE PUBLIC SCHOOL BUILDING PROGRAM (RESCUE)

To ensure that all school facilities are properly maintained and preserved and provide suitable educational settings, the Board of Education requires that all occupied school facilities which are owned, operated or leased by the District comply with the provisions of the Comprehensive Public School Safety Program and the Uniform Code of Public School Building Inspections, Safety Rating and Monitoring as prescribed in Commissioner’s Regulations. For this reason, the School District shall develop a Comprehensive Public School Building Safety Program in accordance with Commissioner's Regulations.

The program shall be reevaluated and made current at least annually, and shall include the following:

a) A five (5) year capital facilities plan which will include a priority listing of current and proposed construction and renovation projects and major repairs and replacement of building systems and their costs.

b) A District-wide building inventory, to which will include information pertaining to each building including, but not limited to:
1. Type of building, age of building, size of building;
2. Rated capacity, current enrollment;
3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and
4. Summary of triennial Asbestos Inspection reports.

c) Annual Visual Inspections:
1. An annual visual inspection of each occupied building and assignment of a safety rating score. The inspection committee must include a state certified code enforcement official, the District's Facility Director or designee, and a member of the District's Health and Safety Committee.

2. The Commissioner shall require a re-inspection of school buildings where a report of inspection identified violations that, if uncorrected, would cause the department to deny an annual Certificate of Occupancy to such school building, and shall require additional re-inspections until it is demonstrated to the satisfaction of the Commissioner that said violations have been corrected.

d) A building condition survey shall be conducted for all occupied school buildings once every five (5) years by a team that includes at least one (1) licensed architect or engineer.

(Continued)
SUBJECT: COMPREHENSIVE PUBLIC SCHOOL BUILDING PROGRAM (RESCUE) (Cont’d.)

e) A District-wide monitoring system which includes:

1. Establishing a Health and Safety Committee;
2. Development of detailed plans and a review process of all inspections;
3. Procedures for a response in writing to all inquires about building health and safety concerns, a copy of which will be sent to the District's Health and Safety Committee for oversight, and a copy kept on permanent file.

f) Procedures to ensure the safety of the building occupants while a construction/renovation project is taking place. These procedures will include:

1. Notification to parents, staff and the community at least two (2) months in advance of a construction project of $10,000 or more to be conducted in a school building while the building is occupied; provided, however, that in the case of emergency construction projects, such notice shall be provided as far in advance of the start of construction as is practicable;
2. A plan to ensure that all contractors comply with all health and safety issues and regulations, and wear photo ID badges;
3. An opportunity for the District's Health and Safety Committee to conduct a walk-through inspection of newly renovated or constructed areas to confirm that the area is ready to be reopened for use; and
4. An emergency plan which will address potential concerns with the capital project including, but not limited to, evacuation procedures, fire drills, and structural failures.

School Facility Report Cards

Commencing January 1, 2001 and each year thereafter, the School District shall prepare a School Facility Report Card for each occupied school building, including a description of the activities of the District's Health and safety Committee.

The School Facility Report Card for each building shall be reviewed annually by the Board of Education. The Board shall report in a public meeting on the status of each item set forth in Commissioner's Regulations for each facility located in the District.

Education Law Sections 409-d, 409-e, 3502, and 3641(4)
8 New York Code of Rules and Regulations (NYCRR) Sections 155.1, 155.3, 155.4, and 155.6

Adopted: 2/14/01
Revised: 10/7/08
SUBJECT: PEST MANAGEMENT

Statement

Structural and landscape pests can pose significant problems to people, property, and the environment; however, the pesticides used to solve these problems carry their own risks. It is therefore the policy of this School District to use Integrated Pest Management (IPM) programs and procedures for control of structural and landscape pests.

Pests

Pests are living organisms (animals, plants, or microorganisms) that interfere with human purposes for the school site. Strategies for managing pest populations will be influenced by the pest species and the degree to which that population poses a threat to people, property, or the environment.

Pest Management

Pests will be managed to:

a) Reduce any potential human health hazard or to protect against a significant threat to public safety.

b) Prevent loss or damage to school resources, structures or property.

c) Prevent pests from spreading in the community, or to plant and animal populations beyond the school site.

d) Enhance the quality of life for students, staff, and others.

Pest management strategies must be included in an approved pest management plan for the site.

Procedures

IPM procedures will determine when to control pests, and whether to use physical, horticultural, or biological means. Chemical controls are used as a last resort. IPM practitioners depend on current, comprehensive information on the pest and its environment, and the best available pest control methods. Applying IPM principles prevents unacceptable levels of pest activity and damage. These principles are implemented by the most economical means and with the least possible hazard to people, property, and the environment.

(Continued)
SUBJECT: PEST MANAGEMENT (Cont'd.)

It is the Policy of this School District to utilize IPM principles to manage pest populations adequately. While the goal of this IPM program is to reduce and ultimately eliminate use of toxic chemicals, toxic chemicals may become necessary in certain situations. The choice of using a pesticide will be based on a review of all other available options and a determination that these options are unacceptable or are infeasible, alone or in combination. Cost or staffing considerations alone will not be adequate justification for use of chemical control agents. The full range of alternatives, including no action, will be considered.

When it is determined that a pesticide must be used in order to prevent pest levels from exceeding action thresholds, the least hazardous (see Box A) material will be chosen. The application of such pesticides is subject to the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136 et seq.), School District policies and procedures, Environment Protection Agency regulations in 40 CFR Occupational Safety and Health Administration regulations, and state and local regulations.

Education

Staff, students, administrative personnel, custodial staff, pest managers, and the public will be educated about potential school pest problems and the integrated pest management policies and procedures to be used to achieve the desired pest management objectives.

Record Keeping

Records will be kept on the number of pests or other indicators of pest population both before and after any treatments. Records must be current and accurate if IPM is to work. Records of pesticide use shall be maintained on site to meet the requirements of the state regulatory agency and School Board, and records will also document any non-toxic treatment methods being used. The objective is to create records from which programs and practices can be evaluated in order to improve the system and to eliminate ineffective unnecessary treatments.

Notifications

This School District takes the responsibility to notify students' parents or guardians and the school staff of upcoming treatments which will involve a pesticide. Notices will be posted in designated areas at school and sent home with students.

(Continued)
SUBJECT:  PEST MANAGEMENT (Cont'd.)

Pesticide Storage and Purchase

Pesticide purchases will be limited to the amount authorized for use during the year. Pesticides will be stored and disposed of in accordance with the EPA-registered label directions and State or Local regulations. Pesticides must be stored in an appropriate, secure site not accessible to students or unauthorized personnel. A cabinet in a non-student area with a locked and labeled door is advised. The door label should include a skull and crossbones, Mr. Ugh, or other visual signals for non-English reading adults or children.

Pesticide Applicators

Pesticide applicators must be educated and trained in the principles and practices of IPM and the use of pesticides approved by this School District, and they must follow regulations and label precautions. Applicators must be certified and comply with this School District IMP Policy and Pest Management Plan. Under no circumstances should applications be made while school or school activities are in progress.

Cautionary Labeling for Pesticides

Law required that precautionary statements and signal words be included on all pesticides labels. The signal words (see below) indicate the level of acute (immediate) toxicity of the pesticide to humans. The chronic (long-term) toxicity is not indicated on the label. Note that chronic toxicity may be important for materials used frequently or extensively, or used in areas where children may receive regular whole-body exposure (for example, lawns on which young children play, sit, and lie). Chronic toxicity information must be obtained from scientific papers that are published in scientific journals. Every label bears the child hazard warning "Keep Out of Reach of Children."

Signal Words

If none of these warnings are provided do not use the pesticide.

- **DANGER** - A taste to a teaspoon taken by mouth could kill an average-sized adult.
- **WARNING** - A teaspoon to an ounce taken by mouth could kill an average-sized adult.
- **CAUTION** - An ounce to over a pint taken by mouth could kill an average-sized adult.

Note that these warnings are expressed as amounts taken by mouth; however, most actual exposure is through skin and lungs. Thus, this system is not sufficient to guarantee safety; it is only one indicator. No materials with DANGER indication should be used near children. It also follows that WARNING materials should be used only rarely on pests for which no CAUTION materials are registered. Whenever additional information is available about chronic toxicity it should be used to compare different materials to chose the least toxic pesticides.

Adopted: 3/14/01
SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES

The Salamanca City School District shall provide and maintain on-site in each instructional school facility functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each such facility shall have sufficient automated external defibrillator equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors enumerated in Commissioner's Regulations.

Whenever an instructional School District facility is used for a school-sponsored or school-approved curricular or extracurricular event or activity and whenever a school-sponsored athletic contest is held at any location, the public school officials and administrators responsible for such school facility or athletic contest shall ensure that AED equipment is provided on-site and that there is present during such event, activity or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of AED. School-sponsored or school-approved curricular or extracurricular events or activities mean events or activities of the School District that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an extraclass intramural athletic activity of instruction, practice and competition for students in grades 4 through 12 consistent with Commissioner's Regulations Section 135.4.

Where a school-sponsored competitive athletic event is held at a site other than a School District facility, School District officials shall assure that AED equipment is provided on site by the sponsoring or host district and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED, is present during such athletic event. A school-sponsored competitive athletic event means an extraclass interscholastic athletic activity of instruction, practice and competition for students in grades 7 through 12 consistent with Commissioner's Regulations Section 135.4.

School District facilities and District staff responsible for carrying out the duties enumerated in Education Law Section 917 are deemed a "public access defibrillation provider" as defined pursuant to Public Health Law Section 3000-b and subject to the Public Health Law requirements and limitations.

Therefore, it is the policy of our School District to provide proper training requirements for District AED users, to ensure the immediate calling of 911 and/or the community equivalent ambulance dispatch entity whenever the AED is used, to insure ready identification of the location of the AED units as enumerated in the District's Public Access Defibrillation Collaborative Agreement.

The District will provide for regular maintenance and checkout procedures of the AED unit(s) which meet or extend manufacturer's recommendations. Appropriate documentation will be maintained in accordance with law and/or regulation. Further, the District will participate in the required Quality Improvement Program as determined by the Regional Emergency Medical Services Council.

(Continued)
SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES (Cont’d.)

The District shall post a sign or notice at the main entrance to the facility or building in which the AED unit(s) is stored, indicating the exact location where the unit(s) is stored or maintained on a regular basis.

Pursuant to Public Health Law Section 3000-a and 3000-b, the School District (as a public defibrillation provider), or any employee or other agent of the School District who, in accordance with the provisions of law, voluntary and without expectation of monetary compensation, renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured shall not be liable for damages for injury or death unless caused by gross negligence.

Education Law Section 917
Public Health Law Sections 3000-a and 3000-b
8 New York Code of Rules and Regulations (NYCRR) Section 136.4
SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE SCHOOL DISTRICT

The Board of Education recognizes its responsibility to promote and foster school safety and ensure a safe and effective learning environment. After having carefully considered and balanced the rights of privacy with the District's duty to promote discipline, health, welfare and safety of staff and students, as well as that of the general public who has occasion to use school facilities, the Board supports the use of surveillance cameras when necessary in its schools, its buses and/or on school grounds. District surveillance cameras will only be utilized in public areas where there is no "reasonable expectation of privacy." Audio recordings shall not be utilized by the School District officials; such prohibition does not preclude the use of audio recordings by law enforcement officials in accordance with their official duties and/or as otherwise authorized by law.

To further the Board's objective, the School District's District-wide Safety Team shall meet as appropriate and/or deemed necessary to develop, implement and review District and building level safety practices. The Team shall also make recommendations to the Superintendent regarding the implementation and use of surveillance cameras as authorized by the Board of Education. The Superintendent shall retain final decision-making authority regarding the recommendations of the Safety Team; and he/she shall notify the Board as to the procedures to be implemented with regard to the use of surveillance cameras by the School District.

In determining the most appropriate use and implementation of surveillance cameras in the schools, school buses and/or on school grounds, the District-wide Safety Team's recommendation will be guided by, at a minimum, the following considerations:

a) Demonstrated need for the device at designated locations;

b) Appropriateness and effectiveness of proposed protocol;

c) The use of additional, less intrusive, means to further address the issue of school safety (e.g., restricted access to buildings, use of pass cards or identification badges, increased lighting, alarms);

d) Right to privacy and other legal considerations (which should be referred to the School Attorney for review and compliance with applicable laws and regulations); and

e) Expense involved to install and maintain the use of surveillance cameras at designated locations, including school buses and/or on school grounds.

Any camera recording used for surveillance purposes in school buildings, school buses and/or on school property, shall be the sole property of the District; and the Superintendent or his/her designee will be the custodian of such recordings. All camera surveillance recordings will be stored in their original form and secured to avoid tampering and ensure confidentiality in accordance with applicable laws and regulations.

(Continued)
SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE SCHOOL DISTRICT (Cont'd.)

Requests for viewing a camera surveillance recording must be made in writing to the Superintendent or his/her designee and, if the request is granted, such viewing must occur in the presence of the District's designated custodian of the recording. Under no circumstances will the District's camera surveillance recording be duplicated and/or removed from District premises unless in accordance with a court order and/or subpoena.

Signage/Notification Regarding Use of Surveillance Cameras in School Buildings, School Buses and/or on School Grounds

Appropriate signage will be posted at entrances to the school campus and/or at major entrances into school buildings notifying students, staff and the general public of the District's use of surveillance cameras.

Students and staff will receive additional notification, as appropriate, regarding the use of surveillance cameras in the schools, school buses and/or on school grounds. Such notification may include, but is not limited to, publication in the District calendar, employee handbook, and student handbook. Such notification does not preclude, as deemed appropriate by administration, the discussion of the use of surveillance cameras with staff and students to heighten awareness and help foster a sense of security.

Adopted: 8/10/04
SUBJECT:  EXPOSURE CONTROL PROGRAM

The District shall establish an exposure control program designed to prevent and control exposure to infectious disease. According to the New York State Department of Labor's Division of Safety and Health and OSHA standards, the program shall consist of:

a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike.

b) Written standard operating procedures for blood/body fluid clean-up.

c) Appropriate staff education/training.

d) Evaluation of training objectives.

e) Documentation of training and any incident of exposure to blood/body fluids.

f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV.

g) Written procedures for the disposal of medical waste.

h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids or tissues.

U.S. Department of Labor
OSHA Instructional CPL 2-244B

Adopted: 4/7/92
SUBJECT: COMMUNICABLE DISEASES

Whenever, upon investigation and evaluation by the director of school health services or other health professionals acting upon direction or referral of the director, a student in the public schools shows symptoms of any communicable or infectious disease reportable under the public health law that imposes a significant risk of infection of others in the school, he/she shall be excluded from the school and sent home immediately, in a safe and proper conveyance. The director of school health services shall immediately notify a local public health agency of any disease reportable under the public health law.

Following absence on account of illness or from unknown cause, the director of school health services may examine each student returning to a school without a certificate from a local public health officer, a duly licensed physician, physician assistant, or nurse practitioner.

The director of school health services, or other health professionals acting upon direction or referral of the director, may make evaluations of teachers and any other school employees, school buildings and premises as, in their discretion, they may deem necessary to protect the health of the students and staff.

The Board of Education directs the Superintendent or his/her designee to establish regulations and procedures for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

Adopted: 4/7/92
Revised: 7/11/06
SUBJECT: ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) AND/OR POSITIVE BLOOD TESTS TO THE HUMAN IMMUNODEFICIENCY VIRUS (HIV)

The Board of Education contends that a student shall not be denied the right to attend school or continue his/her education nor shall an employee be denied the right to continue his/her employment who has been diagnosed or identified as having Acquired Immune Deficiency Syndrome (AIDS) and/or positive blood tests for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential AIDS and/or HIV-related information shall be strictly limited.

Administrative regulations and procedures shall be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff in the District.

The Superintendent shall also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

Confidentiality: Public Health Law, Article 27-F

Adopted: 4/7/92
SUBJECT:  TRANSPORTATION PROGRAM

The City School District of the City of Salamanca provides transportation for pupils to and from school on a daily basis. The responsibility is great, but does not cease with the provisions of adequate facilities. It is the responsibility of the Board of Education to safeguard in every possible way the welfare of the school children who use school vehicles for transportation to and from school and on extra-curricular trips. As long as Boards of Education must compel regular school attendance and provide transportation for such attendance, they must accept responsibility for the safety of transportees while en route.

The Board of Education of the City School District of the City of Salamanca has established policies in regard to the operation of their school buses and has granted the Superintendent of Schools authority to administer such policies as the Board may prescribe. The business manager of the Board of Education is delegated the supervision of the transportation system except the discipline of pupils. All discipline cases are to be reported, in writing, on the violation report form.

The primary objective of school bus transportation is to transport children safely to and from school. The final responsibility rests with each driver. Let's keep up our good record with no serious accidents and be at all times cautious bus drivers.

Education Law Sections 2503(12)(13) and 3635
SUBJECT: SCHEDULING AND ROUTING

Bus routes are authorized by the Board of Education and any requests for a change must be submitted to the Superintendent or his/her designee.

Transportation services shall be provided to meet the needs of the students of the District within specified limits and areas established by the Board of Education.

Posting of School Bus Schedules

While posting of school bus schedules online is certainly convenient, the Transportation Security Administration (TSA) warns that doing so can pose risks of child abductions, terrorist attacks and other unwanted scenarios. Online school bus schedules are accessible to anyone, thus raising the following risks:

a) Enabling a non-custodial parent to illegally take custody of a child once they have easy access to the child's unsupervised whereabouts;

b) Enabling a sexual predator to take advantage of the same situation. Also, such information would reduce the need for predators to target victims at schools, where they are more likely to be noticed; and

c) Enabling an act of terrorism or school assault by allowing for multiple targets and optimal hostage situations.

The District shall either mail schedules directly to parents or have parents pick up schedules at school. Should the District wish to post school bus schedules online, access to the schedules shall be password protected.

Education Law Sections 3621 and 3635

Revised: 10/7/08
SUBJECT:  TRANSPORTATION OF STUDENTS

Requests for Transportation to and from Nonpublic Schools

The parent or guardian of a parochial or private school child residing in the School District who desires that the child be transported to a parochial or private school outside of the School District during the next school year should submit a written request to the Board of Education no later than April 1 of the preceding year, or within thirty (30) days of moving into the District. No late request of a parent or guardian shall be denied where a reasonable explanation is provided for the delay.

Transportation to Nonpublic Schools on Holidays

When a holiday falls on a Saturday or Sunday, the Board of Education may choose to close on Friday or Monday in observance of the holiday. Schools that close may provide pupil transportation. However, if the District has not shared its calendar and informed nonpublic schools that it will not transport on the optional holiday, the District is required to provide pupil transportation services on that day to nonpublic schools that are open.

Transportation for Nonpublic School Students with Disabilities who are Parentally Placed

For students with disabilities (ages 5 through 21) who are parentally placed in nonpublic schools outside their district of residency, if special education services are to be provided to a student at a site other than the nonpublic school, the school district of location is responsible for providing the special education services, including, as applicable, arranging and providing transportation necessary for the student to receive special education services. The proportionate share of IDEA Part B dollars could be used for such purpose.

The school district of residence remains responsible to provide transportation to parentally placed nonpublic school students from the student's home to the nonpublic school.

Transportation of Students with Disabilities

Students with disabilities in the District shall be transported up to fifty (50) miles (one way) from their home to the appropriate special service or program, unless the Commissioner certifies that no appropriate nonresidential special service or program is available within fifty (50) miles. The Commissioner may then establish transportation arrangements.

Student Information

Any mode of transportation used on a regular basis to transport students with a disability on a regularly scheduled route shall, upon written consent of the parent or person in parental relation, have maintained on such mode of transportation the following information about each student being transported:

a) Student's name;

(Continued)
SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)

b) Nature of the student's disability;

c) Name of the student's parent, guardian or person in a position of loco parentis (person in parental relation) and one or more telephone numbers where such person can be reached in an emergency; and/or

d) Name and telephone number of any other person designated by such parent, guardian or person in a position of loco parentis as a person who can be contacted in an emergency.

Such information shall be used solely for the purpose of contacting such student's parent, guardian, person in a position of loco parentis, or designee in the event of an emergency involving the student, shall be kept in a manner which retains the privacy of the student, and shall not be accessible to any person other than the driver or a teacher acting in a supervisory capacity. In the event that the driver or teacher is incapacitated, such information may be accessed by any emergency service provider for such purpose.

Such information shall be updated as needed, but at least once each school year and shall be destroyed if parental consent is revoked, the student no longer attends such school, or the disability no longer exists.

Herein the term "disability" shall mean a physical or mental impairment that substantially limits one or more of the major life activities of the student, whether of a temporary or permanent nature.

Fire Extinguishers

School buses manufactured on or after January 1, 1990 fueled with other than diesel fuel and used to transport three (3) or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight (8) passengers and used to transport such students shall be equipped with an automatic engine fire extinguishing system.

School buses manufactured on or after September 1, 2007 fueled with diesel fuel and used to transport three (3) or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight (8) passengers used to transport such students shall be equipped with an automatic engine fire extinguishing system.

The purchase of automatic engine fire extinguishing systems for school buses used to transport such students shall be deemed a proper school district expense.

Transportation of Non-Resident Students

The District shall not extend its bus routes outside of the District to pick up non-resident students.

(Continued)
SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)

Transportation to School Sponsored Events

Where the District has provided transportation to students enrolled in the District to a school sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the District unless the parent or legal guardian of a student participating in such event has provided the District with written notice, consistent with District policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical, a representative of the School District shall remain with the student until such student's parent or legal guardian has been contacted and informed of the intervening circumstances which make such transportation impractical; and the student has been delivered to his/her parent or legal guardian.

Transportation in Personal Vehicles

Personal cars of teachers and staff shall not be used to transport students except in the event of extenuating circumstances and authorized by the administration.

Education Law Sections 1604, 1709, 1804, 1903, 1950, 2503, 2554, 2590-e, 3242, 3602-c, 3621(15), 3623-a(2c), 3635, 4401(4), 4402, 4404, 4405, and 4410-6
Vehicle and Traffic Law Section 375(20)(1) and 375(21-i)

NOTE: Refer also to Policies #5731 -- Transportation to School Sponsored Events
#7233 -- Education of Homeless Children and Youth

Revised: 4/7/92; 9/9/03; 7/11/06; 7/8/08
SUBJECT: TRANSPORTATION TO SCHOOL SPONSORED EVENTS

The Board of Education recognizes that field trips are an educationally sound and important ingredient in the instructional program.

Where the District has provided transportation to students enrolled in the District to a school sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the District unless the parent or legal guardian of a student participating in such an event has provided a District with written notice, consistent with District policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical.

For example, if a parent or legal guardian personally contacts the coach and submits a written note, the Coach has the authority to permit them to transport the student. In addition, if we receive a Transportation Waiver from the parent or guardian one day in advance of the event, stating that their child can ride with an adult designee, the Athletic Director has the authority to approve such requests and will notify the coach.

In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical, a representative of the School District shall remain with the student until such student's parent or legal guardian has been contacted and informed of the intervening circumstances which make such transportation impractical; and the student has been delivered to his or her parent or legal guardian.

For purpose of this policy, a field trip shall be defined as any journey by a group of students away from the school premises, under the supervision of a teacher, which is an integral part of an approved course of study and conducted for the purpose of affording a first-hand educational experience not available in the classroom. For field trips or educational experiences scheduled during the regular instructional day or after school hours, parents may transport their child to and from school scheduled field trips and extracurricular activities with prior administrative approval.

Field Trips are a part of the curriculum of the school and attendance on field trips is governed by the same rules as attendance at regular classroom activities.

The Superintendent shall prepare procedures for the operation of a field trip activity. The Board shall determine field trip support annually during its budget deliberations. Regardless of the fiscal support for field trips, the rules of the School District for approval and conduct of such trips shall apply.

(Continued)
SUBJECT: TRANSPORTATION TO SCHOOL SPONSORED EVENTS (Cont'd.)

Parental Permission for Field Trips

The school system shall obtain written parental permission for students going on school-sponsored field trips. All students' grades 7 through 12 will also be required to obtain releases from individual teachers before going on any field trip.

The Board of Education reserves the right to cancel any field trip without notice based on the safety conditions and concerns for students and chaperones.

Education Law Sections 1604, 1709, 1804, 1903, 1950, 2503, 2554, and 2590-e

Adopted: 12/10/02
SUBJECT: USE OF BUSES BY COMMUNITY GROUPS

Upon formal application to and approval by the Board of Education buses may be rented or leased to a municipal corporation; to any senior citizen center recognized and funded by the office for the aging; to any not-for-profit organization serving those with disabilities; or, to any not-for-profit organization which provides recreational youth services or neighborhood recreation centers. Such rentals/leases can be made only for times when vehicles are not needed for student transport and must be made for a consideration acceptable to the Board which shall not be less than the full amount of the costs and expenses resulting from the lease or rental.

Education Law Section 1502

Revised: 5/12/92; 10/7/08
SUBJECT: SCHOOL BUS SAFETY PROGRAM

The safe transportation of students to and from school is of primary concern in the administration of the school bus program. All state laws and regulations pertaining to the safe use of school buses shall be observed by drivers, students and school personnel.

The Transportation Supervisor, in cooperation with the principals, has the responsibility of developing and publishing safety rules to be followed by drivers and passengers, including rules of student conduct. In order to ensure maximum safety to those riding school buses, it is necessary that students and drivers cooperate in this effort. There is no substitute for training to develop safe habits in pedestrian and vehicular traffic.

All buses and other vehicles owned and operated by the School District will have frequent safety inspections, and will be serviced regularly. The transportation supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

Every bus driver is required to report promptly any school bus accident involving death, injury, or property damage. All accidents, regardless of damage involved, must be reported at once to the Transportation Supervisor.

Education Law Section 3623
Commissioner's Regulations Section 156.3
Vehicle and Traffic Law
Section 1174, subdivisions a and b
SUBJECT: QUALIFICATIONS OF BUS DRIVERS

A person shall be qualified to operate a bus only if such person:

a) Is at least twenty-one years of age;

b) Has been issued a currently valid operator's or commercial driver's license or permit which is valid for the operation of a bus in New York State;

c) Has passed the annual bus driver physical examination administered pursuant to Regulations of the Commissioner of Education and the Commissioner of Motor Vehicles. In no case shall the interval between physical examinations exceed a 12-month period;

d) Is not disqualified to drive a motor vehicle under Sections 509-c and 509-cc and any other provisions of Article 19-A of the Vehicle and Traffic Law;

e) Has on file at least three statements from three different persons who are not related to the driver/applicant pertaining to the moral character and to the reliability of such driver/applicant;

f) Has completed, or is scheduled to complete, State Education Department safety programs as required by law;

g) Is in compliance with federal law and regulations, as well as District policy and/or regulations, as it pertains to meeting the standards governing alcohol and control substance testing of bus drivers if and when applicable;

*h) Has taken and passed a physical performance test at least once every two (2) years and/or following an absence from service of sixty (60) or more consecutive days from his/her scheduled work duties;

i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

(Continued)

*Drivers hired prior to September 1, 1997 have until July 1, 2000 to take and pass the physical performance test.
SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)

Special Requirements for New Bus Drivers

Before employing a new bus driver, the Superintendent or his/her designee shall:

a) Require such person to pass a physical examination within four (4) weeks prior to the beginning of service;

b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three years;

c) Investigate the person's employment record during the preceding three years;

d) Require such person to submit to the mandated fingerprinting procedures/criminal history background check;

e) Request the Department of Motor Vehicles to initiate a driving record abstract check;

f) Require that bus drivers hired after September 1, 1997 take and pass the physical performance test, as mandated by Commissioner's Regulations, before they transport students.

Implementation

Administrative regulations will be developed to implement the provisions of drug and alcohol testing for school bus drivers, as well as to address bus driver physical performance test guidelines.

Sections 509-c, 509-cc, and Article 19-A of the Vehicle and Traffic Law
Education Law Section 3624
15 New York Code of Rules and Regulations (NYCRR) Part 6
8 New York Code of Rules and Regulations (NYCRR) Section 156.3
Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143)
49 United States Code (USC) Section 521(b)

*Both "d" and "e" are requirements for all current bus drivers hired on or before September 14, 1985; and also applies to drivers hired on or after September 15, 1985.

Adopted: 11/12/97
Revised: 10/7/08
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES

In accordance with federal regulations, employees in safety-sensitive positions as defined in regulations, including school bus drivers who are required to have and use a commercial drivers license (CDL), are now subject to random testing for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). The District shall adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for such employees in safety-sensitive positions.

The District shall either establish and manage its own program, by contract, or through a consortium for the provision of alcohol and drug testing of employees in safety-sensitive positions. Safety-sensitive employees (SSE), including school bus drivers who drive a vehicle which is designed to transport 16 or more passengers (including the driver), shall be subject to this requirement.

Federal regulations require that the District test school bus drivers and other SSEs for alcohol and drugs at the following times:

a) Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. Such pre-employment testing will also be required when employees transfer to a safety-sensitive position.

b) Safety-sensitive employees are also subject to a random drug and/or alcohol test on an unannounced basis just before, during or just after performance of safety-sensitive functions.

c) In addition, testing will be ordered if a trained Supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drug and/or alcohol.

d) There will also be post accident testing conducted after accidents on employees whose performance could have contributed to the accidents.

e) Finally, return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol and/or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return-to-duty.

All employee drug and alcohol testing will be kept confidential and shall only be revealed without the driver's consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer and any other individual designated by law.

(Continued)
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)

The following alcohol and controlled substance-related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles and other SSEs:

a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive activities for twenty-four (24) hours, but no punitive action will be taken by the employer.

b) Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.

c) Using alcohol while performing safety-sensitive functions.

d) Using alcohol 4 hours or less before duty. (New York State law prohibits use six (6) hours or less before duty.)

e) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.

f) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.

g) Reporting for duty, remaining on duty or performing a safety-sensitive function, if the SSE tests positive for controlled substances.

h) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.

Drivers and other SSEs who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties pursuant to District policy and collective bargaining agreements, as well as the sanctions provided for in federal law. SSEs who have engaged in such prohibited behavior shall not be allowed to perform safety-sensitive functions until they are:

a) Evaluated by a substance abuse professional (SAP).

(Continued)
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES  (Cont'd.)

b) Complete any requirements for rehabilitation as set by the District and the SAP.

c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.

d) The SSE shall also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be as directed by the SAP, and consist of at least 6 tests in the first 12 months.

The Superintendent of Schools shall ensure that each SSE receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or his/her designee shall ensure that a copy of these materials is distributed to each SSE, who shall sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any safety-sensitive employees. Representatives of applicable collective bargaining units shall be notified of the availability of this information.

The Superintendent or his/her designee shall arrange for training of all supervisors who may be utilized to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use/abuse.

Any violation of this policy, administration regulations and/or procedures, and applicable federal and state laws by a covered employee shall be grounds for disciplinary action including, but not limited to, fines, suspension, and/or discharge in a manner consistent with District policy, collective bargaining agreements and applicable law.

The Superintendent or his/her designee shall establish regulations necessary to implement this policy.

Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143) 49 United States Code (USC) Sections 31136 and 31306
Vehicle and Traffic Law Section 509-L

Revised: 9/12/95; 10/7/08
Salamanca City School District

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SUBJECT:  CODE OF ETHICS FOR ALL DISTRICT PERSONNEL

General Provisions

Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Education of the Salamanca City School District recognizes that there are rules of ethical conduct for members of the Board and employees of the District that must be observed if a high degree of moral conduct is to be obtained in our unit of local government. It is the purpose of this resolution to promulgate these rules of ethical conduct for the Board members and employees of the District. These rules shall serve as a guide for official conduct of the Board members and employees of the District. The rules of ethical conduct of this resolution, as adopted, shall not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of Board members and employees.

Standards of Conduct

Every Board member or employee of the Salamanca City School District shall be subject to and abide by the following standards of conduct:

Gifts

Pursuant to Section 805-a of the General Municipal Law, he/she shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of seventy-five dollars ($75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence him/her in the performance of official duties or was intended as a reward for any official action on his/her part.

Confidential Information

He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.

Disclosure of Interest in Contracts

Any District officer or employee, as well as his/her spouse, who has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the District shall publicly disclose the nature and extent of such interest in writing to his/her immediate supervisor and to the Board of Education as soon as he/she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the Board minutes.

(Continued)
SUBJECT:  CODE OF ETHICS FOR ALL DISTRICT PERSONNEL  (Cont'd.)

Representation before one's own agency

He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.

Representation before any agency for a contingent fee

He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.

Disclosure of interest in resolution

To the extent that he/she knows thereof, a member of the Board of Education or employee of the Salamanca City School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Education on any resolution before the Board of Education shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such resolution.

Investments in conflict with official duties

He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his/her official duties.

Private employment

He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

Future employment

He/she shall not, after the termination of service or employment with the School District, appear before any board or agency of the Salamanca City School District in relation to any case, proceeding, or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

(Continued)
SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL (Cont'd.)

Legal Remedies

District Officers

  In accordance with the Penal Law 60.27(5), if a District officer is convicted of a violation against the District under Penal Law Article 155 relating to larceny, the courts may require an amount of restitution up to the full amount of the offense or reparation up to the full amount of the actual out-of-pocket loss suffered by the District.

Board Members and Employees

  Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Board member or employee of any claim, account, demand or suit against the Salamanca City School District, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Distribution/Posting of Code of Ethics

  The Superintendent of the Salamanca City School District shall cause a copy of this code of ethics to be distributed to every Board member and employee of the School District within thirty (30) days after the effective date of this resolution. Each Board member and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The Superintendent shall also cause a copy of Article 18 of the General Municipal Law to be kept posted in each building in the District in a place conspicuous to its Board members and employees. Failure to distribute any such copy of this code of ethics or failure of any Board member or employee to receive such copy, as well as failure to post any such copy of General Municipal Law, Article 18, shall have no effect on the duty of compliance with such code or Article 18, nor with the enforcement of provisions thereof.

Penalties

  In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Effective Date

  This resolution shall take effect immediately.

  Education Law Section 410
  General Municipal Law Article 18 and Section 803
  Labor Law 201-d
  Penal Law Article 155 and Section 60.27(5)

Revised: 4/20/93; 7/11/06
SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of this District to provide, through a positive and effective program, equal opportunities for employment, retention and advancement of all people regardless of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, veteran status or disability, predisposing genetic characteristics, or use of a recognized guide dog, hearing dog or service dog.

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

The term "military status" means a person's participation in the military service of the United States or the military service of the state, including but not limited to, the armed forces of the United States, the army national guard, the air national guard, the New York naval militia, the New York guard, and such additional forces as may be created by the federal or state government as authorized by law.

The goal of this affirmative action program shall be to:

a) Achieve a staffing pattern which is reflective of our community.

b) Provide job training and educational opportunities to help all employees grow in their jobs and prepare for advancement assuring protected groups every opportunity to participate in such activity to prepare them for positions at all levels.

c) Assist all employees employed by and trained by the District to secure positions commensurate with their skills and knowledge, assuring protected groups equal access to promotion or advancement.

d) Resolve efficiently concerns to all employees and prospective employees which may arise in connection with the affirmative action program.

e) Review all decisions and action in light of their potential for strengthening interpersonal relationships.

f) Join with other agencies and groups in promoting the dignity and self respect of employees as these individuals strive to improve their socio-economic status in our society.

This Board encourages all personnel in the District to assist in the accomplishment of these goals through their personal commitment to the concept of equal opportunity for all people regardless of race, creed, religion, color, national origin, political affiliation, sex, sexual orientation, age, veteran, marital status, military status or disability.

(Continued)
SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont’d.)

Therefore, this Board establishes a program of affirmative action in order to insure that all personnel policies relevant to recruitment, employment and promotions of employees of the District will provide equal opportunities for all persons in order to achieve these goals.

The Superintendent will assure that all persons nominated for employment meet the requirements and the qualifications established for the particular position.

Interviewing and selection procedures will assure that the Principal or other administrator directly responsible for the work of a staff member has, to the extent possible, an opportunity to aid in his/her selection. However, the final recommendation will be made or approved by the Superintendent.

Provisions will be provided for the publication and dissemination, internally and externally, of this policy to insure its availability to interested citizens and groups.

Job descriptions for all District positions shall be developed and maintained by administration. Additionally, administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination. Those intending to file a grievance due to alleged discrimination must follow the grievance procedure as established by the District.

Prohibition of Retaliatory Behavior

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

Those intending to file a grievance due to alleged discrimination must follow the grievance procedure as established by the District.

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621
Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
   Prohibits discrimination on the basis of disability.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.
   Prohibits discrimination on the basis of race, color or national origin.
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
   Prohibits discrimination on the basis of race, color, religion, sex or national origin.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
   Prohibits discrimination on the basis of sex.

(Continued)
SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)

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

Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, predisposing genetic characteristics, marital status, or use of a recognized guide dog, hearing dog or service dog.

Military Law Sections 242 and 243

Revised: 4/9/91; 4/7/92; 4/20/93; 8/10/99; 7/11/00; 9/9/03; 7/11/06; 10/7/08
SUBJECT: EVALUATION OF PERSONNEL: PURPOSES

Evaluation of Professional Staff is an essential component of supervision and aids in making determinations about tenure and promotion.

A formal evaluation process for both teachers and administrators is essential to ensure the highest quality professional staff to serve the District's schools. While the Board of Education does not conduct evaluations of the professional staff other than the Superintendent, it is responsible for developing evaluation criteria, ensuring a meaningful evaluation procedure is in place, defining clear goals for the evaluation process, making certain all who are involved in the process know what is expected of them and that the process is being regularly and consistently administered. The Superintendent of Schools is responsible for ensuring that staff evaluations are conducted by school district administrators who are properly trained to conduct thorough and meaningful evaluations.

The establishment of a formal evaluation procedure is required by the Regulations of the Commissioner. The evaluation procedure must be developed by the Superintendent in consultation with teachers, administrators and other school service professionals selected by the Superintendent with the advice of their respective peers. Such procedures are subject to the Board's approval. Once approved, the formal evaluation procedure must be filed in the district office and be available for review by August 1 of each year. The formal procedure must contain provisions relating to the criteria, number and frequency of observations, follow-up meetings, methods used to record review results and an opportunity for a written response to the review by the individual being evaluated. According to the Commissioner's regulations, evaluation of the performance of all professional personnel must be conducted at least annually.

Procedures should establish a process for comprehensive evaluation of staff performance, including observation reports and an opportunity for constructive criticism designed to seek improvement of staff skills and performance. Evaluation procedures may provide a process for appeal of unsatisfactory ratings, alleged procedural violations and other adverse employment determinations.

In addition to the requirements contained in the Commissioner's regulations relating to the establishment of a professional staff evaluation process, the Taylor Law requires school districts to negotiate most aspects of evaluation procedures, including the frequency and minimum number of evaluations, pre-and post-observation conferences, notice of evaluation results, whether an evaluator is required to prepare a written summary of an observation, whether a teacher has an opportunity to submit written comments on an evaluation, and whether an evaluator is required to make recommendations for improvement.

In contrast to evaluation procedures, school districts are not required to negotiate over issues related to evaluation criteria such as whether employees may determine their own evaluation system, the formality of evaluation, and the identities of evaluators.

(Continued)
SUBJECT: EVALUATION OF PERSONNEL: PURPOSES (Cont'd.)

The evaluation procedures contained in Board policy, collective bargaining agreements and contracts with individuals should be scrupulously observed by the school district. A school district's failure to abide by the exact terms of its evaluation procedure may result in a grievance or a lawsuit. However, both the Commissioner and the courts have held that a failure to evaluate a probationary teacher as required by the applicable evaluation procedure is not a basis for annulling the decision of a Board not to grant tenure.

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

Adopted: 1989
Revised: 4/16/02
SUBJECT: SAFETY OF PERSONNEL

The Salamanca City Central School District's pledge for more than thirty years has been, and is, to provide a safe and healthful school environment for the well-being of all.

This concern is a continuing responsibility of all administrative, teaching, and service staff personnel. Our Board of Education is fully committed and consistently dedicated to the District Safety Program.

The key elements of the program are eliminating hazards and providing all employees and students with proper training in safe work and recreation practices.

The maintenance of a safe and healthful School District is our obligation. We must all be alert and act to minimize accidents and injuries. Together we will continue to achieve these goals.

Public Law 91-596
SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES

Unless otherwise authorized in accordance with law and regulation, the District shall not employ or utilize a prospective school employee, as defined below, unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The School District shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. For purposes of this provision of law, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI).

Prior to initiating the fingerprinting process, the District shall furnish the applicant with written notice on a form prepared by the Commissioner of Education addressing the fingerprinting requirements and the applicant's right to obtain, review and seek correction of his/her criminal history information. Additionally, where the prospective school employee is not already in the SED criminal history file, the District shall obtain the signed, informed consent of the applicant to perform the criminal history check. Every set of fingerprints taken shall be promptly submitted to the Commissioner of Education for purposes of clearance for employment.

Where the prospective school employee is already in the SED criminal history file, the District shall request the clearance for employment on forms or an equivalent manner prescribed by SED. Furthermore, the District shall notify SED, in a manner prescribed by the Department, of a prospective school employee who has commenced employment with or began providing services for the District, the date of the commencement of such employment or service, and the position held by such individual. Similarly, the District shall notify SED, in a manner prescribed by the Department, of a fingerprinted employee who has been separated from employment with the District or ceased providing services for the School District, and the date of such separation from employment or cessation of services. All criminal history records processed by DCJS and the FBI and sent to the Commissioner of Education are confidential. The records may not be published or in any way disclosed to persons other than the Commissioner unless otherwise authorized by law.

Unless otherwise exempted pursuant to law, the applicant shall be responsible for the payment of fees to SED for a criminal history record check. However, if approved by Board resolution, the District may authorize the payment of such fees on behalf of prospective employees. The Board is also authorized to waive the payment of such fees in cases of unreasonable financial hardship to the applicant or his/her family. If the Board decides to waive payment of the fees for the prospective employee, payment of the fees becomes the District's responsibility.

Who Must Be Fingerprinted

All "prospective school employees" of the School District must be fingerprinted. For purposes of this policy and the applicable provisions in law and Commissioner's Regulations, "prospective school

(Continued)
SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont’d.)

Employee" shall mean any individual who will reasonably be expected by the School District to provide services which involve direct contact, meaning in person, face-to-face communication or interaction, with students under the age of twenty-one (21) and who is either:

a) Seeking a compensated position with the District and is not currently employed by the District or a student enrolled in the instructional program of a grade level in the School District; or

b) An employee of a provider of contracted services to the School District who is to be placed within the District; or

c) A worker who is to be placed within the District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law, directly or through contract; or

d) Any individual who is employed by or associated with a supplemental educational services provider and who will provide supplemental educational services through direct contact with eligible children, regardless of the location in which such services are delivered.

Individuals who are Specifically Excluded

Individuals excluded from a criminal history record check/fingerprinting pursuant to this provision of law and regulation are those individuals who:

a) Are seeking a position as a school bus driver or school bus attendant and are cleared for employment pursuant to the Vehicle and Traffic Law; or

b) Have provided services to the District in the previous school year either in a compensated position, or as an employee of a provider of contracted services to the District, or as a worker placed within the School District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law directly or through contract; or

c) Will reasonably be expected by the School District to provide services for the District on no more than five (5) days in the school year in which services are to be performed, provided that the District provides in-person supervision of such individual by one (1) or more employees of the District while that individual is providing such services. Individuals providing such time-limited and supervised services may include but shall not be limited to artists, guest lecturers and speakers, and sports officials.

Any prospective employee who previously has been fingerprinted in order to obtain certification, and whose fingerprints remain on file with the Division of Criminal Justice Services (DCJS), will not be required to be fingerprinted again for purposes of a criminal history record check.

(Continued)
SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

Removal from the SED Criminal History File

Where individuals have been separated from employment at the School District and have not become employed in this District or another school district, BOCES or charter school within twelve (12) months of such separation, SED shall notify DCJS of such separation for the purpose of destroying the fingerprints of that individual. Further, upon request of such individual, SED shall notify DCJS prior to the expiration of such twelve-month period for the purpose of destroying his/her fingerprints. Such individuals shall be removed from the SED criminal history file.

Conditional Appointments/Emergency Conditional Appointments

Conditional Appointments

Whenever possible, a "full" clearance will be received for all new employees requiring such clearance before they begin work for the District. However, upon the recommendation of the Superintendent of Schools, the Board of Education may conditionally appoint a prospective employee. A request for conditional clearance shall be forwarded to the Commissioner of Education along with the prospective employee's fingerprints as mandated pursuant to law. Such conditional appointment shall not commence until notification by the Commissioner that the prospective employee has been conditionally cleared for employment, and such conditional employment shall terminate when the School District is notified of the determination by the Commissioner to grant or deny full clearance; however, if full clearance is granted, the appointment shall continue and the conditional status shall be removed.

Prior to commencement of such conditional appointment, the District must obtain a signed statement for conditional employment from the prospective employee indicating whether, to the best of his/her knowledge, the prospective employee has a pending criminal charge or criminal conviction in any jurisdiction outside the state.

Emergency Conditional Appointments

Upon the recommendation of the Superintendent of Schools, the Board may make an emergency conditional appointment when an unforeseen emergency vacancy has occurred. When such an appointment is made, the process for conditional appointment as enumerated above must also be initiated.

Emergency conditional appointment may commence prior to notification from the Commissioner of Education on conditional clearance but shall terminate twenty (20) business days from the date such appointment commences or when the District is notified by the Commissioner that conditional clearance is either granted or denied, whichever occurs earlier; however, if conditional clearance is granted, the appointment shall continue as a conditional appointment.

(Continued)
SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

Prior to the commencement of such appointment, the District must obtain a signed statement for emergency conditional appointment from the prospective employee indicating whether, to the best of his/her knowledge, the prospective employee has a pending criminal charge or criminal conviction in any jurisdiction.

An unforeseen emergency vacancy shall be defined as:

a) A vacancy that occurred less than ten (10) business days before the start of any school session including summer school, or during any school session including summer school, without sufficient notice to allow for clearance or conditional clearance (however, this ten (10) business day timeframe provision shall not apply if the Board of Education finds that the School District has been unable to fill the vacancy despite good faith efforts to fill the vacancy in a manner that would have allowed sufficient time for full clearance or conditional clearance); and

b) When no other qualified person is available to fill the vacancy temporarily; and

c) When the emergency conditional appointment is necessary to maintain services which the District is legally required to provide or services necessary to protect the health, education or safety of students or staff.

Safety of Students

The District will develop internal building and/or program procedures to help ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. Such procedures will address the safety of students in the classroom, students attending off-campus activities under the supervision of the School District, and students participating in extracurricular and/or co-curricular activities (including sports and athletic activities).

Safety procedures to be addressed include, but are not limited to, the following: supervision of the employee holding conditional appointment/emergency conditional appointment as determined appropriate by the applicable building/program administrator; and periodic visitations by the building/program administrator to the classroom, program and/or activity assigned to the employee holding conditional appointment/emergency conditional appointment.

"Sunset" Provision for Conditional Appointments/Emergency Conditional Appointments

The provisions in law which permit the conditional appointment and/or emergency conditional appointment of employees pending full clearance from SED shall terminate, in accordance with legislation, on July 1, 2009; and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

(Continued)
SUBJECT:  FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

Education Law Sections 305(30), 1604, 1709, 1804, 1950, 2503, 2554, 2854, 3004-b and -c, and 3035
Correction Law Article 23-A
Executive Law Section 296(16)
Social Services Law Article 5, Title 9-B
8 New York Code of Rules and Regulations (NYCRR) Sections 80-1.11 and Part 87

Adopted:  11/13/01
Revised:  9/9/03; 7/12/05; 10/7/08
SUBJECT: FINGERPRINTING OF SPORTS OFFICIALS

Project SAVE requires that all "prospective school district employees," as that term is defined in the law, be fingerprinted and receive clearance from the State Education Department to work in the Salamanca City School District. Project SAVE further provides that certain individuals are not considered "prospective employees" who would need to be fingerprinted; e.g., those who are "grandfathered" because they provided services to the district in the previous school year, or, those who will provide services for no more than five days during the school year.

However, with respect to the sports officials, the Salamanca City School District has determined that it is too cumbersome to ascertain whether the "grandfather" provision indicated in the legislation applies to each individual sports official, prior to him/her providing services on-site. The District also cannot provide in-person supervision for sports officials when they are officiating sports contests, and, therefore, the "5-days rule" included in the legislation does not apply in our school district.

It is the responsibility of this school district to comply fully with the provisions of the Project SAVE legislation. The Salamanca City School District will not hire any sports official who refuses to comply with the policy by being fingerprinted and receiving clearance.

Education Law Sections 305(30), 1604, 1709, 1804 2503, 2554 and 2854 8 New York Code of Rules and Regulations (NYCRR) Part 87

Adopted: 8/12/03
SUBJECT: HEALTH EXAMINATIONS

All teachers initially appointed to probationary positions shall obtain a physical examination. When such examination is made by the school physician/nurse practitioner the cost of such examination shall be borne by the District. A teacher, however, may elect to have a health examination at his/her own expense by a physician of his/her own choice.

The Board reserves the right to request a health examination at any time during employment, at School District expense, in order to determine whether any employee can perform the essential functions of the position with or without reasonable accommodation.

Support staff personnel initially appointed to positions may be requested to obtain physical examinations at the expense of the School District. The physical examination is to be obtained from the school physician/nurse practitioner.

All bus drivers and substitute bus drivers shall have yearly physical examinations. Each bus driver initially employed by the School District shall have a physical examination within the four (4) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a thirteen-month period.

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician/nurse practitioner and the Superintendent, such procedure is deemed necessary.

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician shall take precedent over all other medical advice.

All medical and health related information will be kept in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
45 Code of Federal Regulations (CFR) Parts 160 and 164
Education Law Sections 913 and 3624
8 New York Code of Rules and Regulations (NYCRR) Section 156.3(2)
10 New York Code of Rules and Regulations (NYCRR) Part 14
15 New York Code of Rules and Regulations (NYCRR) Part 6

Revised: 4/20/93; 7/12/05; 7/11/06
SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)

The Board of Education, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

The Board will therefore not permit the consumption, sharing and/or selling, use and/or possession of illegal drugs, counterfeit and designer drugs or alcoholic beverages in the workplace, or when the effects of such drugs may impair an employee's job performance. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed.

Information about any drug and alcohol counseling and/or rehabilitation programs shall be made available to employees. Data will also include the range of penalties, (consistent with local, state and federal law), up to and including termination of employment and referral for prosecution that will be imposed on employees who have transgressed the terms of this policy.

Additionally, confidentiality shall be insured as required by state and federal law.

Education Law Sections 913, 2508(5) and 3020-a
Civil Service Law Section 75
Drug-Free Schools and Communities Act Amendment of 1989
(Public Law 101-226)

Revised: 4/9/91
SUBJECT:  LOYALTY OATH

All teaching personnel shall be required to take an Oath of Allegiance to the Constitution of the United States and the Constitution of the State of New York before the effective date of their appointment or employment.

Education Law Section 3002
Civil Service Law Section 62
SUBJECT: TRAVEL, MEETINGS AND CONFERENCES

Divisions of the District

For the purpose of all policy matters regarding trips and travel, the District is divided into the following divisions, with the position named to be responsible for the coordination of the policy as it affects that division:

a) Administration - Superintendent;
b) Secondary Education and Guidance - High School Principal;
c) Elementary Education - Building Principal;
d) Athletics - Director of Athletics and Building Principal;
e) Service Staff Persons - Business Administrator.

Trips requiring overnight stay are classified as conferences while those not requiring overnight stay are classified as meetings.

All travel requires prior approval from the Superintendent and a subsequent written report.

Conference/Travel Expense Reimbursement

Conference travel shall be for official business and shall be made utilizing a cost-effective and reasonable method of travel.

All conference travel must have a completed Travel Conference Request Form on file which has been approved by the appropriate supervisor. The Superintendent/designee approves those Travel Conference Requests which have reimbursable employee expenses greater than one hundred dollars ($100). Travel Conference Request Forms are only to be used by District employees.

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

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

New York State sales taxes for lodging and meals cannot be reimbursed. A Sales Tax-Exempt Form can be obtained prior to travel for hotel accommodations.

(Continued)
SUBJECT: TRAVEL, MEETINGS AND CONFERENCES (Cont'd.)

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

Voluntary Travel

Voluntary travel consists of those trips requested by the employee during which, as determined in advance by the Superintendent, the official business of the District is not conducted.

Regardless of any other provision of this policy, transportation expenses for any and all purpose for voluntary trips are limited to a maximum of $100 with prior administrative approval.

The District will pay the actual and necessary expenses of employees on voluntary trips up to the maximum per item allowances permitted.

No employee may be absent for more than a total of five school days per year for any and all voluntary trips.

No voluntary trips will be approved after the budgetary appropriation for such trips has been exhausted.

Work Assigned Travel

Official work assigned travel, as determined in advance by the Superintendent, are those trips during which official business of the District is conducted.

The District will pay the actual and necessary expenses of any employee who is on official District business.

The District will only pay mileage to those employees using their own cars during the school day while engaged in their regular duties which require transportation (e.g., nurses, special teachers, psychologists) except that mileage will not be paid to and from the employee's home.

Meetings and Conferences

Each division of the District is limited to not more than one voluntary meeting of any kind per month with not more than one employee in attendance as such meeting.

Each division of the District is limited to not more than three conferences per year with not more than one employee in attendance at such conference, provided that no one conference will require more than three days of non-transportation expense.

(Continued)
SUBJECT:  TRAVEL, MEETINGS AND CONFERENCES (Cont'd.)

Professional Growth/Staff Development

It is the policy of the District that attention be given to in-service and pre-service staff development programs. The Superintendent is directed to arrange in-service education programs which will help teachers master new methods which will be acceptable to the schools, or to help teachers to improve techniques which are already being used in the schools, with the object of improving their professional competencies as instructors.

The Board of Education will provide the means necessary to make staff in-service opportunities possible.

Members of the staff shall be encouraged to continue their formal education as well as to attend their respective work-related workshops, conferences and meetings, and to take an active part in organizations.

Correction Law Article 23-A  
Education Law Sections 305(30), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c and 3035  
Executive Law Section 296(16)  
Social Services Law Article 5, Title 9-B  
8 New York Code of Rules and Regulations (NYCRR) Sections 80-1.11 and Part 87

NOTE:  Refer also to Policy #5312 -- Reimbursement for Meals/Refreshments

Revised:  7/11/06; 10/7/08
SUBJECT: MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS

Effective February 2, 2004, all new teachers in the School District/BOCES holding an initial certificate must complete a mentored teaching experience within their first year of employment as a teacher. Also effective February 2, 2004, the District/BOCES must incorporate the design and planning of such mentored experiences for all first-year teachers in its employ into the District/BOCES Professional Development Plans.

The purpose of the mentoring program is to provide support for new teachers in order to ease the transition from teacher preparation to practice, thereby increasing the retention of teachers, and to increase the skills of new teachers in order to improve student achievement in accordance with the New York State learning standards. The Professional Development Plan shall describe how the District/BOCES will provide a mentoring program for teachers who must participate in a mentoring program to meet the teaching experience requirement for the professional certificate as prescribed by Commissioner's Regulations.

The mentoring program shall be developed and implemented consistent with any collective bargaining obligation required by Article 14 of the Civil Service Law (i.e., the Taylor Law); however, Commissioner's Regulation does not impose a collective bargaining obligation that is not required by the Taylor Law.

In accordance with Commissioner's Regulations, the Professional Development Plan shall describe the following elements of the mentoring program:

a) The procedure for selecting mentors, which shall be published and made available to staff of the District/BOCES and, upon request, to members of the public;

b) The role of mentors, which shall include but not be limited to providing guidance and support to the new teacher;

c) The preparation of mentors, which may include but shall not be limited to the study of the theory of adult learning, the theory of teacher development, the elements of the mentoring relationship, peer coaching techniques, and time management methodology;

d) Types of mentoring activities, which may include but shall not be limited to modeling instruction for the new teacher, observing instruction, instructional planning with the new teacher, peer coaching, team teaching, and orienting the new teacher to the school culture; and

(Continued)
SUBJECT: MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS (Cont’d.)

e) Time allotted for mentoring, which may include but shall not be limited to scheduling common planning sessions; releasing the mentor and the new teacher from a portion of their instructional and/or non-instructional duties; and providing time for mentoring during Superintendent conference days, before and after the school day, and during summer orientation sessions.

Confidentiality of Mentor-New Teacher Interaction

The information obtained by a mentor through interaction with the new teacher while engaged in the mentoring activities of the program shall not be used for evaluating or disciplining the new teacher unless:

a) Withholding such information poses a danger to the life, health, or safety of an individual including, but not limited to, students and staff of the school; or

b) Such information indicates that the new teacher has been convicted of a crime, or has committed an act which raises a reasonable question as to the new teacher's moral character; or

c) The District/BOCES has entered into an agreement, negotiated pursuant to Article 14 of the Civil Service Law whose terms are in effect, that provides that the information obtained by the mentor through interaction with the new teacher while engaged in the mentoring activities of the program may be used for evaluating or disciplining the new teacher.

Exemptions to above Mentoring Requirements

Pursuant to Commissioner's Regulations, teachers holding initial certificates who have two (2) or more prior years of teaching experience do not need to be provided a mentored experience as enumerated in this policy.

Recordkeeping Requirements

The School District/BOCES shall maintain documentation of the implementation of the mentoring program described in the Professional Development Plan for at least seven (7) years from the date of completion of the mentoring activity; and it shall be available for review by the State Education Department. Such documentation will include the information enumerated in Commissioner's Regulations.

Education Law Sections 3004 and 3006
8 New York Code of Rules and Regulations (NYCRR) Sections 52.21(b)(3)(xvi) and (xvii), 80-3.4(b)(2), 80-5.13, 80-5.14, and 100.2(dd)

Adopted: 6/08/04
SUBJECT: SAFE MENTORING ACT

In accordance with the Safe Mentoring Act, to ensure the safety of students involved in the District's mentoring program, the District will obtain a criminal history record check from the Division of Criminal Justice Services (DCJS) for each prospective employee as well as prospective volunteer mentors who are involved in any District mentoring program and who may engage in unsupervised activities with youth or in activities with youth in a setting without constant District or parental/guardian oversight.

Definitions

a) "Prospective employee" shall mean a person being considered for employment by a mentoring program.

b) "Prospective mentor" shall mean an individual who is currently applying to volunteer to help a child or a group of children in a mentoring program for a period of time. Such help shall include, but not be limited to, being a positive role model for youth, building relationships with youth, and providing youth with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of children to become responsible adults.

c) A "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the DCJS and the Federal Bureau of Investigation (FBI).

d) "Mentoring program" shall mean a formalized program operated by an educational institution or school district that matches youth with adult volunteers with the purpose of providing such youth with positive role models to enhance their development.

Prospective School Employees

All prospective school employees (as enumerated pursuant to Commissioner's Regulations, 8 New York Code of Rules and Regulations Section 80-1.11 and Part 87) must already receive clearance from the State Education Department (SED) in accordance with existing procedures. However, all other requirements of the Safe Mentoring Act apply to prospective school employees who are being considered for employment by a mentoring program.

The District shall require that a criminal history record check be conducted for any "prospective employee" not otherwise defined as a "prospective school employee" per Commissioner's Regulations in accordance with Social Services Law Section 390-e and District procedures.

Prospective Volunteer Mentors

Volunteers, however, are not "covered" by such regulations, and "prospective mentors" (i.e., defined as applicants for volunteer work in a mentoring role/program) will be subject to the requirements of Social Services Law Section 390-e and District procedures.

(Continued)
SUBJECT: SAFE MENTORING ACT (Cont'd.)

Fees for Fingerprinting

Both the DCJS and the FBI impose a processing fee. The fees for the criminal history record search shall be an amount equal to the fees established by DCJS and the FBI for processing the criminal history information request. In addition, the entity that actually takes the fingerprints may impose a fee. The fees shall be payable to Office of Children and Family Services (OCFS) and paid by money order, check or certified check by the District.

Unless otherwise authorized by the Board of Education, the prospective employee and/or prospective volunteer mentor shall pay such fees.

Waiver by Custodial Parent/Guardian

A custodial parent/guardian may sign a waiver authorizing a mentor to work with his/her child regardless of a criminal charge or crime related to a mentor, unless the crime is a sex offense or a crime against a child. No waiver is permitted in the case of a sex offense or a crime against a child. This waiver process may only be initiated upon the consent of the prospective mentor, and be on a form developed by the OCFS. Where applicable, the District may notify a custodial parent/guardian of his/her waiver right, but a waiver shall only be authorized by a custodial parent or guardian.

Confidentiality

The criminal history record shall be confidential pursuant to applicable federal and state laws, rules and regulations, and shall not be published or in any way disclosed to persons other than authorized personnel, unless otherwise authorized by law.

Parental Disclosure

The District will provide each custodial parent/guardian of every child participating in its mentoring program a description of the kind of criminal background checks conducted on prospective employees and prospective volunteer mentors in accordance with law.

Social Services Law Section 390-e
Correction Law Sections 752 and 755
Executive Law Section 837(8-a)
8 New York Code of Rules and Regulations (NYCRR) Section 80-1.11 and Part 87

Adopted: 10/7/08
SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District employees an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises and in another state. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;

b) Submission to or rejection of such conduct by an individual as used is a basis for employment decisions affecting such individuals; and

c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances should be evaluated. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from co-workers as well as supervisors, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. The District will designate, at a minimum, two (2) Complaint Officers, one of each gender.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee who believes he/she has been a victim of sexual harassment in the work environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment to the District's designated Complaint Officer(s) through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the Complaint Officer is the alleged offender, the employee should report his/her complaint to the next level of supervisory authority.

Upon receipt of an informal/formal complaint, (even an anonymous complaint), the District will conduct a thorough investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly and thoroughly.

(Continued)
SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont’d.)

To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis.

Based upon the results of the investigation, if the District determines that an employee has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken, as warranted, up to and including termination of the offender's employment in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

Prohibition of Retaliatory Behavior

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

Finding That Harassment Did Not Occur

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Complaint Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that harassment did not occur.

Knowingly Makes False Accusations

Employees and/or students who knowingly make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

(Continued)
SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont’d.)

Privacy Rights

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

Development and Dissemination of Administrative Regulations

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Complaint Officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

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

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

Civil Rights Act of 1991
42 United States Code (USC) Section 1981(a)
29 Code of Federal Regulations (CFR) Section 1604.11(a)
Education Law Section 2801(1)
Executive Law Sections 296 and 297

Adopted: 4/7/92
Revised: 7/12/94; 3/9/99; 7/11/06; 10/7/08
SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)

The Board of Education requires that all School District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District up to and including termination of employment.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student (via phone, e-mail, letters, notes, etc.) unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations.

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against District policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

Any student who believes that he/she has been subjected to inappropriate staff behavior as enumerated in this policy, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to any staff member or either the employee's supervisor, the student's principal or the District's designated complaint officer. In all events such reports shall be forwarded to the designated complaint officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students shall also be investigated by the District. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)
SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont’d.)

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, child abuse in an educational setting) must also follow the District's reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to his/her building principal or supervisor.

The District shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

Prohibition of Retaliation

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

District Responsibility/Training

The principal of each school and/or program supervisor shall be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students shall be provided such training in an age appropriate manner.

The District's policy (or a summary thereof) shall be disseminated as appropriate to staff, students and parents. Further, this topic shall be addressed in the District Code of Conduct.

Disciplinary Sanctions

Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

(Continued)
SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont’d.)

Title IX of the Education Amendments of 1972,
20 United States Code (USC) Section 1681 et seq.
Education Law Article 23-B
Social Services Law Sections 411-428
8 New York Code of Rules and Regulations (NYCRR)

Adopted: 7/11/06
SUBJECT: CERTIFIED PERSONNEL

The Board of Education shall, upon the recommendation of the Superintendent, create, abolish, maintain and/or consolidate positions involving certified persons as necessary for the proper and efficient achievement of its goals.

All assignments and transfers shall be made in accordance with the provisions of law, Board of Education policies, and the employee's negotiated agreements.

Commissioner's Regulations
Sections 30(9) and 30(13)
Education Law Section 2510
SUBJECT: RECRUITMENT AND SELECTION

a) All professional employees of the Board of Education shall be selected on recommendation of the Superintendent;

b) The Superintendent shall determine that persons nominated by him/her for employment by the Board of Education shall meet all qualifications established by law or by the Board of Education for the position for which the nomination is made;

c) Recommendations for members of the professional staff shall be formulated by the Superintendent and he/she shall utilize the services of principals and members of the teaching staff, insofar as possible;

d) Applicants for positions shall be presented to the Superintendent. Interviews with applicants shall be conducted by the Superintendent, Building Principal, and other persons selected by the Superintendent;

e) The Superintendent shall utilize the services of Building Principals in recruiting and selecting staff members.

f) The field of candidates shall be developed as a result of advertising for applicants from both within and outside of the School District.

g) At the request of the Superintendent of Schools, the Board of Education's Personnel Committee can waive the external advertising requirements of Section "f" of this policy. An adequate field of candidates must exist for this provision to be applied. This field of candidates will be chosen from recent applications on file, applications that have been kept on file for a period of two years, and certified substitutes.

Revised: 9/14/93
SUBJECT: CERTIFICATION AND QUALIFICATIONS

a) In accordance with applicable statutes, Rules of the Board of Regents, and Regulations of the Commissioner of Education, each employee whose employment requires certification or other licensure shall inform the Superintendent of School immediately of any change in the status of his/her certification or licensure. The changes shall include, but not be limited to, the granting, revocation, upgrading, expiration, conversion and/or extension of these documents as to their periods of validity or their titles.

b) The original certificates and/or licenses must be presented for examination and copying in the office of the Superintendent of Schools as soon as they are available to the employee. The copies will be maintained in the employee's personnel file in support of the legitimate employment of each affected employee. The failure of any such employee to possess the required certification or other licensure may result in the discharge of that employee.

c) Whether or not the District verifies an individual's certification or licensure does not waive the responsibility of the employee to maintain what is required for his/her assignment.

Qualifications of Teachers

a) The District must ensure that all newly hired teachers in Title I programs who teach core academic subjects are highly qualified per Regulations of the Commissioner of Education. The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. A "highly qualified" teacher is one who has obtained full state certification as a teacher, or has passed the state teacher licensing examination, holds a license to teach in the state and has at least a bachelor's degree, and also must show subject matter competency in the subjects they teach.

b) The District is also required to provide to teachers who are not new to the profession the opportunity to meet the NCLB requirement to be highly qualified, in part, through passing a High Objective Uniform State Standard of Evaluation (HOUSSE). The HOUSSE shall be an evaluation, prescribed by the New York State Education Department and conducted locally either during a pre-employment review or at the time of an Annual Professional Performance Review (APPR), that enables a teacher who is beyond the first year of teaching to demonstrate subject matter competency in all core academic subjects that the teacher teaches. The evaluation shall be based upon objective, coherent information as prescribed by the department, and shall include, but not be limited to, information on the teacher's education, credentials, professional experience, and professional development.

c) The District must ensure that all persons applying for a teaching certificate or license as a special education teacher or instructor or a school administrator who works in special education, shall, in addition to all the other certification or licensing requirements, have completed course work or training in area of children with autism. The course work or training shall be obtained from an
SUBJECT: CERTIFICATION AND QUALIFICATIONS (Cont’d.)

institutions or providers which have been approved by the State Education Department to provide such course work or training in the needs of autistic children. The Commissioner of Education is authorized and empowered to certify all teachers, administrators and instructors in the area of autistic needs.

Parent Notification

In accordance with the federal No Child Left Behind Act, the District is required to provide parents, upon request, with specific information about the professional qualifications of their children’s classroom teachers. The following shall be provided by the District upon such requests:

a) If the teacher has met New York State qualifications and licensing criteria for the grade levels and subject areas he/she teaches;

b) Whether the teacher is teaching under emergency or other provisional status through which the State qualification or licensing criteria have been waived;

c) The teacher’s college major; whether the teacher has any advanced degrees and, if so, the subject of the degrees; and

d) If the child is provided services by any instructional aides or similar paraprofessionals and, if so, their qualifications.

All requests shall be honored in a timely manner.

Education Law Sections 3001, 3001-a, 3004, 3006 and 3008
8 New York Code of Rules and Regulations (NYCRR) Subparts 80-1, 80-2, 80-3, 100.2(dd) and 100.2(o)
34 Code of Federal Regulations (CFR) Sections 200.55 and 200.56
20 United States Code (USC) Section 7801(23)

Adopted: 7/11/06
Revised: 10/7/08
SUBJECT: INCIDENTAL TEACHING

The Superintendent may assign a teacher to teach a subject not covered by such a teacher's certification 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, and provided that approval of the Commissioner of Education is obtained in accordance with the requirements as enumerated in Commissioner's Regulations.

Not later than twenty (20) business days after such an assignment, the Superintendent shall submit for approval an application, in a form satisfactory to the Commissioner, containing the following information:

a) Evidence of extensive recruitment of a teacher certified in the appropriate area;
b) The name and certification status of the teacher given such assignment;
c) The subject which the teacher is being assigned to teach on an incidental basis and the total number of classes in such subject being taught on an incidental basis;
d) The qualification of the teacher to teach such subject on an incidental basis;
e) The specific reasons why an incidental assignment is necessary;
f) The anticipated duration of the incidental teaching assignment; and
g) The number of applications, approved or pending, for authorization to make incidental teaching assignments in the same certification area for which the current authorization is being sought.

To be approved, such application shall demonstrate to the satisfaction of the Commissioner that an incidental teaching assignment is necessary, that the teacher assigned is the best qualified to teach the subject on an incidental basis, and that the requirements of the Commissioner's Regulations have been met.

The Commissioner will issue a determination within twenty (20) business days of receipt of the District's application.

In the event that the application is disapproved, the Superintendent, within seven (7) business days of receipt of the notice of disapproval, shall terminate the incidental assignment. In the event that the application is approved, such approval shall be deemed to have commenced on the date of the incidental teaching assignment and shall terminate on the last day of the school year for which it is granted.

(Continued)
SUBJECT:  INCIDENTAL TEACHING (Cont'd.)

The Superintendent may renew an incidental teaching assignment, in accordance with the requirements of Commissioner's Regulations, for any subsequent school year. In addition to submitting to the Commissioner the information noted above for initial approval of an incidental teaching assignment, a renewal application must provide a number of assurances, including that the teacher assigned a course on an incidental basis has completed, or has agreed to complete, within the prescribed time period, at least three (3) semester hours of credit or the equivalent leading to certification in the subject area of the incidental assignment.

8 New York Code of Rules and Regulations (NYCRR) Section 80-5.3

Adopted: 4/7/92
Revised: 7/12/94; 7/11/00; 2/12/02
SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT

All District employees who hold professional teaching certificates for classroom teaching are required to complete professional development hours to maintain the validity of their certificates. Professional certificate holders must complete 175 hours every five (5) years. The five-year professional development period commences on July 1 after the effective date of the triggering certificate, and each subsequent five-year period thereafter. Each professional development year of the five-year cycle of professional development begins on July 1 and ends the following June 30. The professional development requirement may be completed at any time during the five-year professional development period.

Decisions regarding content, delivery and providers of such professional development are within the purview of the School District and shall be made within the context of the District Professional Development Plan. The Professional Development Plan shall describe how the School District will provide teachers it employs holding a professional certificate with opportunities to maintain such certificates in good standing based upon successfully completing 175 hours of professional development every five (5) years in accordance with Commissioner's Regulations.

If the professional certificate holder wishes to maintain the validity of his/her New York State professional certificate, he/she must satisfy the professional development requirement. If the certificate holder teaches less than ninety (90) days in a given school year for any reason, including an approved leave, the required hours are reduced by ten percent (10%) for each school year during which this is the case.

District Recordkeeping Responsibilities

If the School District provides professional development to teachers in its schools, or professional development is provided by other entities on behalf of the District, the District must maintain a record of professional development completed by its teachers who are required to complete this requirement. Such records shall include those items enumerated in Commissioner's Regulations Section 100.2(dd)(5):

a) The name of the professional certificate holder;
b) His/her teacher certification identification number;
c) The title of the program;
d) The number of hours completed; and

e) The date and location of the program.

These records shall be retained by the District for at least seven (7) years from the date of completion of the professional development by the professional certificate holder and shall be available for review by the State Education Department (SED).

(Continued)
SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT (Cont'd.)

District Reporting Responsibilities

Annually, the School District must report to the New York State Education Department (SED) Office of Higher Education's Office of Teaching Initiatives (OTI) the number of all approved professional development hours completed by each teacher who is employed by the District and subject to the professional development requirement, regardless of the professional development provider.

All hours of completed professional development reported by Districts will become part of the certificate holder's certification record maintained by OTI. Teachers with professional certificates must complete the required number of hours of professional development every five (5) years for their certificates to remain valid.

The School District is required to report professional development hours for its employees online directly via the Web-based computer system TEACH (Teacher Education and Certification Help).

Certificate Holder Responsibilities

All professional certificate holders must keep records of all of their approved professional development activities/programs/coursework, regardless of the provider, for at least seven (7) years from the date of completion of the program and shall be available for review by SED. Such records shall include those items enumerated in Commissioner's Regulations Section 80-3.6(f):

a) The title of the program;
b) The number of hours completed;
c) The sponsor's name and any identifying number;
d) Attendance verification; and

e) The date and location of the program.

While it is the responsibility of the District to report hours, it is in the interest of every professional certificate holder to verify that their professional development hours are reported and that their individual record is complete. It is recommended that professional certificate holders develop their personal professional development plan in consultation with the District, and obtain District approval before commencing any professional development activities.

8 New York Code of Rules and Regulations (NYCRR) Subpart 80-3 and Section 100.2(dd)

Adopted: 12/13/07
SUBJECT: PROBATION AND TENURE

Probation

Certified staff members shall be appointed to a probationary period by a majority vote of the Board of Education upon recommendation of the Superintendent of Schools.

Full-time certified staff members shall be appointed to a probationary period of three (3) years. However, the probationary period shall not exceed two (2) years for a teacher previously appointed to tenure in this or another school district or BOCES within the state, provided the teacher was not dismissed from the former district. Additionally, up to two (2) years of service as a regular substitute teacher may be applied towards probationary service. This is sometimes referred to as Jarema Credit.

During the probationary period, a member shall be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance shall be assumed because of the possession by the member of the required certification or license.

Tenure

Certified staff members successfully completing a probationary period in the Salamanca City School District may be recommended (by the Superintendent of Schools) to the Board of Education for tenure appointment.

The Board will follow all applicable statutes regarding tenure.

Education Law Sections 3012 and 3031

Revised: 7/11/00
SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL

Tenured teachers and certain certified personnel may be subject to disciplinary charges that are set forth in Section 3012 of the Education Law.

Procedures for a hearing regarding these disciplinary measures will be in accordance with Section 3020-a of the Education Law and/or in accordance with applicable contractual provisions.
SUBJECT: ASSIGNMENT AND TRANSFER

It is the responsibility of the Superintendent to recommend assignment and transfer of personnel within the District in accordance with the contractual agreements of the Board. Due consideration shall be given to requests for changes in assignment by staff, but all transfers shall be based upon the best interests and needs of the School District. All transfers between and within buildings shall be reported immediately by the Superintendent to the Board for consideration.

No tenured employee shall be transferred to a new tenure area without his/her consent, the recommendation of the Superintendent, and the approval of the Board.

Education Law 2508(5)
SUBJECT:  PROFESSIONAL STAFF: SEPARATION

A probationary professional staff member may be discontinued at any time during his/her probationary period on the recommendation of the Superintendent and by a majority vote of the Board of Education.

If the Superintendent will be submitting to the Board a negative recommendation for tenure or a recommendation to discontinue the services of a probationary professional staff member, the Superintendent must give the probationary employee written notice thirty (30) days prior to the Board meeting at which such recommendation will be considered. If a majority of the Board accepts the recommendation and votes to dismiss, the professional staff member must then be given a written notice at least thirty (30) days prior to the effective date of termination of services. The District will adhere to all other statutory timeframes.

The Board shall expect any teacher desiring to terminate his/her services to provide the Board with a minimum of thirty (30) days' notice before the effective termination date.

When possible, a teacher shall make every effort to terminate employment at the end of the school year. Resignations must be in writing and include the effective date.

Education Law Sections 2509, 3012, 3019(a) and 3031

Revised: 7/12/94; 7/12/05; 7/11/06
SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS

A probationary or permanent appointment of a teacher who is related by blood or marriage to any member of the Board of Education shall be subject to the consent of two-thirds of the members of the Board of Education to be determined at a Board meeting and to be entered upon the proceedings of the Board.

The Board shall take the same stance in the hiring of professional staff other than teachers.

Education Law Section 3016
General Municipal Law Sections 800-809

Revised: 7/12/94
SUBJECT: TEMPORARY PERSONNEL

District's needs may sometimes require temporary appointments. The terms of these appointments shall be defined by the Board of Education on a case by case basis.

Student Teachers

The Salamanca City School District shall cooperate with teacher training institutions in the placement of student teachers in order to provide beginning teachers with the best possible student teaching experience.

Student teachers shall be protected from liability for negligence or other acts resulting in accidental injury to any person by the School District, as provided by law.

Substitute Teachers

A substitute teacher qualified to teach in the Salamanca City School District shall be employed, whenever possible, by the Superintendent of Schools in the absence of a regular teacher.

Except in emergency situations, persons to be employed as substitute teachers shall be recommended by the Superintendent for the approval of the Board of Education. It is recognized that fully certified persons will not always be available for employment as substitute teachers.

Eligibility for Service

Per Commissioner's Regulations Section 80-5.4, there shall be three (3) categories of substitutes as follows:

a) Substitutes with valid teaching certificates or certificates of qualification. Service may be rendered in any capacity, for any number of days. If employed on more than an "itinerant" basis, such persons will be employed in an area for which they are certified.

b) Substitutes without a valid certificate, but who are completing collegiate study towards certification at the rate of not less than six (6) semester hours per year. Service may be rendered in any capacity, for any number of days, in any number of school districts. If employed on more than an "itinerant" basis, such persons will be employed in the area for which they are seeking certification.

c) Substitutes without a valid certificate and who are not working towards certification. Service may be rendered for no more than forty (40) days per school year.

(Continued)
SUBJECT:  TEMPORARY PERSONNEL (Cont’d.)

The Board of Education shall annually establish the ordinary rate for per diem substitute teachers.

Education Law Section 3023
8 New York Code of Rules and Regulations (NYCRR) Section 80-5.4

Revised: 10/7/08
SUBJECT: ATHLETIC TRAINERS

Every individual serving as an athletic trainer in the School District shall possess a valid license as a Certified Athletic Trainer from the State of New York issued pursuant to Education Law Article 162. In addition, candidates must have successfully completed training in the operation and use of an automated external defibrillator (AED) pursuant to Public Health Law Section 3000-b(3)(a). Persons already serving as athletic trainers on July 10, 2003 have until December 31, 2003 to complete AED training.

The practice of the profession of athletic training shall be as defined in, and consistent with, Education Law. The services provided by an athletic trainer shall include, but not be limited to, the following:

a. Prevention of athletic injuries, including assessment of an athlete's physical readiness to participate;

b. Reconditioning to minimize the risk of re-injury and to return the athlete to activity as soon as possible, excluding the reconditioning of neurological injuries, conditions or disease;

c. Health care administration, including medical record keeping, documentation and reporting of injuries, and referral of injured athletes to appropriate authorized health care professionals when indicated;

d. Education and counseling of coaches, parents, student athletic trainers and athletes;

e. Risk management and injury prevention as enumerated in Commissioner's Regulations;

f. Management of athletic injuries as enumerated in Commissioner's Regulations;

g. Immediate care of athletic injury and physical conditions as enumerated in Commissioner's Regulations;

h. Treatment and reconditioning of athletic injuries as enumerated in Commissioner's Regulations;

i. Organization and administration as enumerated in Commissioner's Regulations; and

j. Other professional development and responsibilities, including those enumerated in Commissioner's Regulations.

Education Law Article 162
Public Health Law Section 3000-b(3)(a)
8 New York Code of Rules and Regulations
(NYCRR) Section 135.4(c)(7)(i)(d)

Adopted: 1/13/04
Revised: 4/20/04
SUBJECT: APPOINTMENT - SUPPORT STAFF

The minimum qualification for all support staff positions in the district shall be a high school diploma or General Education Diploma (GED) at the time of appointment.

The probationary period for all new civil service employees shall be for the maximum period established by the local Civil Service Commission.

The time, place and conditions of employment shall be assigned by the Superintendent of Schools.

The position duties for all Civil Service employees shall be clearly defined.

Civil Service Law Section 63

Revised: 12/13/05
SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL

Teacher Aides

In accordance with the Regulations of the Commissioner, the Board of Education may employ teacher aides to assist in the daily operation of the school through non-teaching duties.

The duties and responsibilities to be assumed by teacher aides shall be outlined by the Superintendent in accordance with Civil Service guidelines. Teacher aides shall be responsible to the Building Principal/designee.

A teacher aide may be assigned to assist teachers in such non-teaching duties as:

a) Managing records, materials and equipment;
b) Attending to the physical needs of children; and
c) Supervising students and performing such other services as support teaching duties when such services are determined and supervised by a teacher.

Teaching Assistants

In accordance with the Regulations of the Commissioner, the Board of Education may employ teaching assistants to provide, under the general supervision of a licensed or certified teacher, direct instructional service to students.

Teaching assistants assist teachers by performing duties such as:

a) Working with individual students or groups of students on special instructional projects;
b) Providing the teacher with information about students that will assist the teacher in the development of appropriate learning aspects;
c) Assisting students in the use of available instructional resources and assisting in the development of instructional materials;
d) Utilizing their own special skills and abilities by assisting in instructional programs in such areas as foreign language, arts, crafts, music, and similar subjects; and
e) Assisting in related instructional work as required.

(Continued)
Teaching assistants who hold a pre-professional teaching assistant certificate shall have the same scope of duties as enumerated above for other teaching assistants. Within that scope of duties, teaching assistants holding a pre-professional teaching assistant certificate may, at the discretion of the District, and while under the general supervision of a teacher, perform such duties as:

a) Working with small groups of students so that the teacher can work with a large group or individual students;

b) Helping a teacher to construct a lesson plan;

c) Presenting segments of lesson plans, as directed by the teacher;

d) Communicating with parents of students at a school site or as otherwise directed by a teacher; and

e) Helping a teacher to train other teaching assistants.

Licensure and certification requirements shall be as mandated pursuant to Commissioner's Regulations.

8 New York Code of Rules and Regulations (NYCRR)
Section 80-5.6

Revised: 7/11/06
SUBJECT: SCHOOL BUS MONITORS AND ATTENDANTS

School Bus Monitors and Attendants

In accordance with Education Law and Commissioner's Regulations, the employment of each school bus monitor and school bus attendant shall be approved by the Superintendent of Schools for each school bus operated within the School District. Approval for employment as a school bus monitor or attendant shall be in writing on a form prescribed by the Commissioner of Education.

As defined in Commissioner's Regulations:

a) A school bus monitor shall mean any person employed for the purpose of assisting children to safely embark and disembark from a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services, and for the purpose of assisting the school bus driver with maintaining proper student behavior on such bus.

b) A school bus attendant shall mean any person who is employed for the purpose of serving pupils with a disabling condition on a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services.

All school bus monitors and attendants shall be at least nineteen (19) years of age; and shall have the physical and mental ability to satisfactorily perform his/her duties.

On order of the Superintendent of Schools, each monitor or attendant may be examined by a duly licensed physician within two (2) weeks prior to the beginning of such monitor's or attendant's service in each school year. The written report of the physician shall be considered by the Superintendent in determining the fitness of the monitor or attendant to carry out his/her functions. The examining physician shall require the monitor or attendant to undergo any diagnostic tests that are necessary to determine the physical and mental ability of the monitor or attendant to perform his/her duties.

Each school bus monitor or attendant of a school bus owned, leased or contracted for by a school district or board of cooperative educational services shall pass a physical performance test approved by the Commissioner. Individuals employed by a school district, board of cooperative educational services or contractor as a monitor or attendant on July 1, 2003 shall have until July 1, 2004 to take and pass a physical performance test. Individuals hired as a monitor or attendant after July 1, 2003, must take and pass a physical performance test before they may assume their duties.
A school bus monitor or attendant who fails any portion of the physical performance test shall be deemed unqualified to perform the duties of that position. The monitor or attendant may request a re-examination. The cost of such re-examination shall be borne by the employer if the monitor/attendant passes the re-examination, or by the monitor/attendant if he/she fails the re-examination.

All school bus monitors and attendants shall meet the qualifications and/or certification requirements as enumerated in law and/or Commissioner's Regulations. Further, pursuant to Commissioner's Regulations, school bus monitors and attendants shall receive pre-service instruction, safety training, specialized training, and refresher training.

In addition to such instruction, any person employed on January 1, 2004 as a school bus monitor, or as a school bus attendant serving students with a disabling condition, shall, by July 1, 2004, receive instruction as prescribed by the Commissioner upon recommendation of the Commissioner's School Bus Driver Instructor Advisory Committee relating to special needs transportation, including, but not limited to, the proper techniques for assisting disabled students in entering and exiting the school bus. Any person hired after January 1, 2004 shall complete such special needs instruction prior to assuming their duties as a school bus monitor or as a school bus attendant.

School Bus Attendants - Special Requirements

Every school bus attendant serving students with a disabling condition shall receive school bus safety training and instruction relating to the special needs of such students. Such training shall include guidance on the proper techniques for assisting disabled students in entering and exiting the school bus, and shall include instruction in cardiopulmonary resuscitation (CPR) where such skills are required as part of the individualized education plan (IEP) prepared for the student. Such training and instruction shall also include any additional first aid or health emergency skills that the Commissioner of Education deems appropriate and necessary for school bus attendants to possess. In addition, school bus attendants shall demonstrate the ability to perform procedures necessary in emergency situations as deemed appropriate by the Commissioner of Education.

Any person employed as a school bus attendant serving students with a disabling condition on January 1, 2004 shall comply with the requirements of Education Law and Commissioner's Regulations by July 1, 2004. Any person hired after January 1, 2004 shall comply with such prior to assuming their duties.

Education Law Section 3624
Vehicle and Traffic Law Section 1229-d
8 New York Code of Rules and Regulations (NYCRR) Section 156.3

Adopted: 11/12/03
SUBJECT: MAINTAINING DISCIPLINE AND CONDUCT

All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours and at extracurricular events on and off school property.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Education Law Section 2801(1)

Revised: 7/11/06
SUBJECT: EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION

Personnel Records

The Board of Education directs the Superintendent to maintain a personnel file for each teacher, administrator and support staff member employed by the District.

The Board also directs the Superintendent to maintain regulations and procedures governing the inspection by District employees of their personnel files.

Release of Personnel Information

All steps should be taken to protect the privacy of the employees of the Board of Education. To ensure the individual's privacy, directory or confidential information should not be shared with a third party except in the following situations:

a) When members of the Board of Education need information from the employee's personnel record to aid them in performing their legal responsibilities such as matters regarding appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies.

b) When the employee grants permission.

c) When the third party would need to contact a particular staff member in case of an emergency during non-school hours.

Procedures for obtaining consent for release of records to third parties shall be developed by the administration.

Release of Personnel Information Concerning Former Employees

The District shall not release information concerning the employment records, personnel file or past performance of a former employee, unless such information is required to be disclosed by law. Only the initial and final dates of employment and the position held shall be provided through a written response to a written request. The former employee shall authorize the release of information.

Commissioner’s Regulations Section 84
Public Officers Law Section 87
SUBJECT: EMPLOYEE ACTIVITIES

Political Activities

The Board of Education recognizes the right of its employees, as citizens, to engage in political activities. However, the Board of Education also recognizes that school property and school time shall not be used for political purposes.

Solicitations by Staff Personnel

Staff members shall not be engaged in advertising or commercial solicitations on school time, except as authorized by the Superintendent and/or designee.
SUBJECT: NEGOTIATIONS

Legal Status

The legal status for negotiations is the Public Employees’ Fair Employment Law (Taylor Law), Article 14 of the Civil Service Law.

Organizations recognized for the purposes of collective bargaining include:

a) Salamanca City Teachers’ Association;

b) Salamanca City Unit of the Service Staff Organization;

c) Salamanca City Administrative and Supervisory Association;

d) Salamanca City Unit of Consolidated Services.
SUBJECT: THEFT OF SERVICES OR PROPERTY

The theft of services or property from the District by an employee will result in immediate disciplinary action which can lead to dismissal or other penalty, and shall not preclude the filing of criminal or civil charges by the District.
SUBJECT: JURY DUTY

A District employee called for jury duty shall receive his/her full day's pay from the School District plus mileage from the State. No employee shall be entitled to receive the per diem allowance for any regularly scheduled workday on which jury duty is rendered if on such a day his/her wages are not withheld on account of such service.

Judiciary Law Section 521-b

Revised: 4/20/93
SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

The District's computer system (DCS hereafter) is provided for staff to enhance the educational programs of the District, to further District goals and objectives; and to conduct research and communicate with others.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall apply to use of the DCS. The standards of acceptable use as well as prohibited conduct by staff accessing the DCS, as outlined in District policy and regulation, are not intended to be all-inclusive. The staff member who commits an act of misconduct which is not specifically addressed in District policy and/or regulation may also be subject to disciplinary action, including loss of access to the DCS as well as the imposition of discipline under the law and/or the applicable collective, bargaining agreement. Legal action may also be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

Staff are encouraged to utilize electronic communications in their roles as employees of the District. Staff are also encouraged to utilize electronic means to exchange communications with parents/guardians or homebound students, subject to appropriate consideration for student privacy. Such usage shall be limited to school related issues or activities. Communications over the DCS are often public in nature; therefore, general rules and standards for professional behavior and communications will apply.

The District's policies and accompanying regulations on staff and student use of computerized information resources establish guidelines for staff to follow in instruction and in working with students on acceptable student use of the DSC, including access to external computer networks.

Privacy Rights

Staff data files, E-mail and electronic storage areas shall remain District property, subject to District control and inspection. The Director of Information Technology may access all such files and communications to insure system integrity and that users are complying with requirements of District policy and accompanying regulations. Staff should NOT expect that information stored on the DCS will be private as it becomes and is considered to be property of the DCS.

As much as possible, access to the District's computerized information resources will be filtered to screen out content based on the following criteria:

a) Violence/Profanity

Violence: Pictures exposing, text or audio describing extreme cruelty, physical or emotional acts against any animal or person, or physical or verbal bullying that are primarily intended to hurt or inflict pain.

Profanity: is defined as obscene words or phrases, either audio, text or pictures.

(Continued)
SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont’d.)

b) Partial Nudity

Pictures exposing the female breast or full exposure of either male or female buttocks except when exposing genitalia. The Partial Nudity category does not include swimsuits (including thongs).

c) Full Nudity

Pictures exposing any or all of the human genitalia.

Please note: The Partial Nudity and Full Nudity categories do not include sites containing nudity or partial nudity of a non-prurient nature. For example: web sites for publications such as National Geographic or Smithsonian Magazine or sites hosted by museums such as the Guggenheim, the Louvre or the Museum of Modern Art.

d) Sexual Acts

Pictures, descriptive text or audio of anyone or anything involved in explicit sexual acts and/or lewd and lascivious behavior, including masturbation, copulation, pedophilia, intimacy involving nude or partially nude people in heterosexual, bisexual, lesbian or homosexual encounters. Also includes phone sex ads, dating services, adult personal ads, CD-ROMs and videos.

e) Gross Depictions

Pictures, descriptive text or audio or anyone or anything which are crudely vulgar or grossly deficient in civility or which show scatological impropriety. Includes such depictions as maiming, bloody figures, autopsy photos or indecent depiction of bodily functions.

f) Intolerance

Pictures or text advocating prejudice or discrimination against any race, color, national origin, religion, disability or handicap, gender, or sexual orientation. Any picture or text that elevates one group over another. Also includes intolerant jokes or slurs.

g) Cults

A cult is defined as: a closed society, often headed by a single individual, where loyalty is demanded, leaving may be punishable, and in some instances, harm to self or others is advocated. Common elements may include: encouragement to join, recruiting promises and influences that tend to compromise the personal exercise of free will and critical thinking.

(Continued)
SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont’d.)

h) Drugs/Drug Culture

Pictures or text advocating the illegal use of drugs for entertainment. Includes substances used for other than their primary purpose to alter the individual's state of mind, such as glue sniffing. This category does not include material about the use of illegal drugs when they are legally prescribed for medicinal purposes (e.g., drugs used to treat glaucoma or cancer).

i) Militant/Extremist

Pictures or text advocating extremely aggressive and combative behaviors or advocacy of unlawful political measures. Topics include groups that advocate violence as a means to achieve their goals. Includes "how to" information on the making of weapons or ammunition or the making or use of pyrotechnics materials. Also includes the use of weapons for unlawful reasons.

j) Sex Education

Pictures or text advocating the proper use of contraceptives. This topic would include condom use, the correct way to wear a condom and how to put a condom in place. Also included are sites relating to discussion about the use of the Pill, IUDs and other types of contraceptives. In addition to the above, this category will include discussion sites on how to talk to your partner about diseases, pregnancy and respecting boundaries. The Sex Education category is uniquely assigned; sites classified as Sex Education are not classified in any other category. This permits the user to block or allow the Sex Education category as appropriate; for example, allow the material for an older child while restricting it for a younger child.

Note: Not included in the category are commercial sites that sell sexual paraphernalia. These sites are typically found in the Sex Acts category.

k) Questionable/Illegal Gambling

Pictures or text advocating materials or activities of a dubious nature which may be illegal in any or all jurisdictions, such as illegal business schemes, chain letters, copyright infringement, computer hacking, phreaking (using someone's phone lines without permission) and software privacy. Also includes text advocating gambling relating to lotteries, casinos, betting, numbers games, on-line sports or financial betting, including non-monetary dares and "1-900" type numbers.

(Continued)
SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)

1) Alcohol and Tobacco

Pictures or text advocating the sale, consumption or production of alcoholic beverages or tobacco products, including commercial sites in which alcohol or tobacco products are then primary focus. Pub and restaurant sites featuring social or culinary emphasis, where alcohol consumption is incidental are not in this category.

Sanctions

The Director of Information Technology will report inappropriate behavior to the staff member's supervisor who will take appropriate disciplinary action. Any other reports of inappropriate behavior, violations or complaints will be routed to the staff member's supervisor for appropriate action. Violations may result in a loss of access to the DCS and/or disciplinary action. When applicable, law enforcement agencies may be involved.

Notification

All staff will be given a copy of the District's policies on staff and student use of computerized information resources and the regulations established in connection with those policies. Each staff member will sign an acceptable use agreement (Refer to Form #6470F) before establishing an account or continuing their use of the DCS.

Prohibitions

It is not the intention of this regulation to define all inappropriate usage. However, in addition to the general requirements of acceptable staff behavior, activities which shall be prohibited by staff members using the DCS include, but are not limited to, the following:

a) Disclosing an individual password to others or using others' passwords, including logging on for students and/or substitute staff.

b) Assisting a student to violate District policy and/or regulation, or failing to report knowledge of any student violations of the District's policy and regulation on student use of computerized information resources.

c) Damaging, disabling or otherwise interfering with the operation of computers, computer systems, software or related equipment through physical action or by electronic means.

d) Using the DCS which in any way results in unauthorized charges or expense to the District.

e) Using unauthorized software on the DCS.

(Continued)
SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)

f) Changing, copying, renaming, deleting, reading or otherwise accessing files or software not created by the staff member without express permission from the Director of Information Technology.

g) Violating copyright law.

h) Employing the DCS for personal or commercial purposes, product advertisement or political lobbying.

i) Sharing confidential information on students and employees.

j) Sending or displaying offensive messages or pictures.

k) Using obscene language.

l) Harassing, insulting or attacking others.

m) Engaging in practices that threaten the DCS (e.g., loading files that may introduce a virus).

n) Violating regulations prescribed by the network provider.

o) Use of the DSC for other than school related work or activities.

p) Use which violates any other aspect of School District policy and/or regulations, as well as local, state or federal laws or regulations.

q) Chain letters that do not contain work related content will not be allowed.

Any user of the DCS that accesses another network or other computer resources shall be subject to that network's acceptable use policy.

*Amendments to future policies will be covered by this policy and published to staff. This document serves as an agreement to adhere to the policy and the regulations and to any changes or additions later adopted by the District. This document also serves as an agreement to adhere to related policies published in the Student Handbook.
SUBJECT:  HEALTH INSURANCE

Health insurance for certified and support staffs shall be in accordance with their respective negotiated agreements.

a) Any full time employee who is on an unpaid leave of absence may choose to continue his/her health insurance coverage by paying to the District, the current premium in advance;

b) If any full time employee who is on an unpaid leave of absence and chooses not to continue his/her health insurance coverage with the District during that period of time, and returns to work before the anniversary date (July 1st of each year) of our health insurance policy, the following policy will apply:

Any full time employee may not resume his/her health insurance coverage, after discontinuing same, until the anniversary date following the leave of absence.

When both husband and wife have been employed by the Salamanca City Central School District, one spouse retires and there is no need for a family coverage, the District will pay full premium for two single coverage policies, rather than full premium for one family coverage. When the other spouse also retires, then the policy adopted April 25, 1977 and effective July 1, 1977, will be the governing policy and each will assume the appropriate premium payment of two single coverage policies.

Continuation of Medical Insurance Coverage at Termination of Employment

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage for up to eighteen (18) months when termination of their insurance is due to a reduction in their hours worked, or upon termination of their employment.

Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one of the following events:

a) Death of the covered employee; or

b) Divorce or legal separation from the covered employee; or

c) An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan; or

d) The dependents of a covered employee reach the maximum age for dependent coverage.

(Continued)
SUBJECT: HEALTH INSURANCE (Cont'd.)

Those who are eligible to continue ground coverage have up to sixty (60) days to complete the Continuation of Coverage Election Form. They must pay the full cost of their premium plus administrative costs incurred by the District.

Consolidate Omnibus Budget Reconciliation Act of 1985
SUBJECT: WORKERS' COMPENSATION

Employees injured in the performance of their duties are covered by Workers' Compensation Insurance. Employees shall report work-related injuries immediately to their immediate supervisor. Delay in reporting, if necessary, must be justified to the satisfaction of the Board of Education and/or the insurance agency.

Reimbursement for Workers' Compensation Insurance benefits shall be in accordance with their respective negotiated agreements.

Education Law Sections 1604, 1709 and 2503
SUBJECT: PAYROLL DEDUCTIONS

Payroll deductions may be made when authorized by employees or when required by law or negotiated agreements.

Education Law Section 1709
SUBJECT:  TAX SHELTERED ANNUITIES

The Board of Education authorizes staff participation in tax sheltered annuities and shall provide for payroll deductions for such participation. Any company selected by members of the staff must be approved by the Board of Education.

The Board of Education shall determine criteria which shall serve as the minimal requirements which a firm must comply with in order to solicit participation among the staff. Any firm soliciting participation in such tax sheltered annuities among the staff of the School District must comply with the provisions of Section 403(b) of the Internal Revenue Code of 1954, as amended. Additionally, such firms must also abide by all other relevant laws and regulations set forth by the State of New York and its relevant agencies, and must be licensed to provide tax sheltered annuities in New York State.

The Superintendent and/or the School Business Official are authorized to approve, on behalf of the Board of Education, applications from employees for agreements with the School District for reductions in contract salary, the amount of such deduction to be remitted to the company specified by the employee in the agreement for the purpose of purchasing a tax sheltered annuity which qualifies for purposes of Section 403(b).

All companies which sell tax sheltered annuities to employees through the School District must be approved by the Superintendent and/or School Business Official; and all vendors servicing the 403(b) tax sheltered annuity plan must complete all District created forms.

Every deduction from the employee's salary must be made through the proper salary reduction authorization card signed by the employee, the agent, and the plan administrator. The plan administrator must sign and complete this deduction card prior to processing. The deduction will become effective, as soon as possible, based on the current payroll schedule.

All tax sheltered annuity agreements, and any changes thereafter, under Section 403(b) of the Internal Revenue Code must be filed using a District generated form or equivalent form that includes a hold-harmless agreement acceptable to the District.

Failure on the part of any vendor and/or agent to comply with this policy will be sufficient grounds for denying further sales to school district employees.

Section 403(b) of the Internal Revenue Code of 1954, as amended
Education Law Sections 1604(31-a), 1709(34-a), 1709(35), and 3109
General Municipal Law Sections 93-b and 93-c

Adopted: 7/14/98
SUBJECT:  DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

Liability Protection Pursuant to Education Law

The Board of Education recognizes its statutory obligation to indemnify School District employees (and in certain circumstances, Board of Education members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).

The District shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board of Education.

a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board of Education; however, submission of relevant legal documents by the employee to the Board is also encouraged.

b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

The District will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, the District will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board of Education.

Public Officers Law Section 18

The Board of Education hereby also confers the benefits of Section 18 of the New York State Public Officers Law upon the "employees" of the District, as defined in Section 18 of the Public Officers Law; and the District assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to District employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactments or provisions of law.

(Continued)
SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES (Cont'd.)

The term "employees" shall include members of the Board of Education; the Superintendent; District officers; District employees; volunteers expressly authorized to participate in a District sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of the District, whether or not compensated. The term "employee" shall also include a former employee, his/her estate or judicially appointed representative.

Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, the District shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties. Furthermore, the District shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Education.

The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the School District attorney or to the Superintendent a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the District based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the District's duty to defend and/or indemnify and save harmless to exist.

Exceptions to Liability Coverage

Indemnification coverage and/or provision of legal defense by the District will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the School District.

Public Officers Law Section 18
Education Law Sections 1709(26) and (34-b), 2560, 3023, 3028, and 3811
General Municipal Law Sections 6-n and 52

Adopted: 11/12/97
SUBJECT: LEAVES OF ABSENCE

a) In general, leaves of absence:
   1. Shall be administered by the Superintendent.
   2. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement.
   3. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used.
   4. Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.

b) Leaves of absence, contractual, et al:
   1. Employees who are members of a negotiating unit:
      Authorization is granted to approve requests for leaves of absence submitted pursuant to provisions of contracts in effect between the District and each bargaining unit.
   2. Employees who are not members of a negotiating unit:
      Authorization is granted to approve requests for leaves of absence submitted by such employees where such requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.
   3. Employees who are under contract to the District:
      Authorization is granted to implement provisions for leaves of absence contained in each such contract.

c) Leaves of absence, unpaid, not covered in b) 1. above:
   1. Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence:
      (a) For a period of time not to exceed one (1) school year for approved graduate study, such leave to include any required internship experience.

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

(b)  At the expiration of a paid sick leave of absence, to extend such a leave of absence for a period of time not to exceed the end of the school year next succeeding the school year in which the paid leave of absence commenced.

2.  Unpaid leaves of absence shall not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent shall have discretion, where circumstances warrant, to approve leaves of absence for such purposes.

3.  Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.

4.  Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.

(d)  Other leaves of absence:

1.  Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers shall be granted leave from work with pay for up to twenty (20) days in any calendar year to participate in specialized disaster relief operations. This leave shall be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.

2.  Screenings for Breast Cancer and Prostate Cancer

Employees shall be granted up to four (4) hours of leave on an annual basis to undertake a screening for breast cancer; employees shall be granted up to four (4) hours of leave on an annual basis to undertake a screening for prostate cancer (i.e., male employees are entitled to a total of eight (8) hours for both screenings). This leave shall be excused leave and shall not be charged against any other leave to which the employee is entitled.

3.  Blood donation

The School District must either, at its option:

(a)  Grant three (3) hours of leave of absence in any twelve (12) month period to an employee who seeks to donate blood. The leave may not exceed three (3) hours unless agreed to by the Superintendent/designee; or

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

(b) Allow its employees without use of accumulated leave time to donate blood during work hours at least two (2) times per year at a convenient time and place set by the Superintendent/designee, including allowing an employee to participate in a blood drive at the District.

The District shall 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 shall not be prevented.

4. Bone Marrow donation

Employees seeking to undergo a medical procedure to donate bone marrow shall be granted leaves to do so, the combined length of the leaves to be determined by the physician, but may not exceed twenty-four (24) work hours unless agreed to by the Superintendent/designee. The District shall require verification for the purpose and length of each leave requested by the employee for this purpose.

e) Other Leaves

1. Nursing Mothers

The District shall provide reasonable unpaid break time or permit the use of paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three (3) years following child birth. The District shall make reasonable efforts to provide a room or other location in close proximity to the work area where the nursing mother can express milk in privacy.

2. Military Leave

The District will comply with state and federal laws regarding military leave and re-employment.

Leaves of absence for military spouses are granted in accordance with law and are unpaid.

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 United States Code (USC) Sections 4301-4333
Civil Service Law Sections 71-73, 159-b and 159-c
Education Law Sections 1709(16), 3005, 3005-a and 3005-b
General Municipal Law Section 92-c
Labor Law Sections 202-a, 202-c, 202-i and 202-j
Military Law Sections 242 and 243

Adopted: 1998
Revised: 9/9/03; 7/11/06; 10/7/08
SUBJECT: FAMILY AND MEDICAL LEAVE ACT

The Board of Education, in accordance with the Family and Medical Leave Act of 1993 (FMLA), gives "eligible" employees of the District the right to take unpaid leave for a period of up to twelve (12) workweeks in a twelve-month period as determined by the District. The District will compute the twelve-month period according to the following time frame: a "rolling" twelve-month period will be used that is measured backward from the date an employee uses any FMLA leave.

Employees are "eligible" if they have been employed by the District for at least twelve (12) months and for at least 1,250 hours of service during the previous twelve-month period. Full-time teachers are deemed to meet the 1,250 hour test. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one (1) or more of the following reasons:

a) The birth of a child and care for the infant;
b) Adoption of a child and care for the infant;
c) The placement with the employee of a child in foster care;
d) To care for a spouse, child or parent who has a serious health condition as defined by the FMLA;
e) A serious health condition of the employee, as defined by the FMLA, that prevents the employee from performing his/her job;
f) Because of "any qualifying exigency" (such term to be defined by regulations issued by the Secretary of Labor) arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. In the interim, the Department of Labor is encouraging employers to provide this type of leave to qualifying employees.

Service Member Family Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative of that individual) of a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

(Continued)
SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

The term "covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves.

Implementation/Benefits

At the Board of Education's or employee's option, certain types of paid leave may be substituted for unpaid leave.

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The Board of Education has a right to thirty (30) days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member. Failure to comply with these requirements may result in the denial of FMLA leave. The Board may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition. The Board of Education has the right to deny restoration to employment if the employee does not furnish the certificate of fitness.

Notice for Leave Due to Active Duty of Family Member

In any case in which the necessity for leave due to any qualifying exigency is foreseeable, whether because the spouse, or a son, daughter, or parent of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.

FMLA Notice

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA shall be posted in each school building.

Administration is directed to develop regulations to implement this policy, informing employees of their rights and responsibilities under the FMLA.

Family and Medical Leave Act of 1993, Public Law 103-3

Adopted: 7/12/94
Revised: 7/8/08
SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE

In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and State Law, the School District, upon advance notice by the employee, shall grant leaves of absence for service in the uniformed services and/or military duty (hereinafter referred to as "military service" or "military duty") to its employees who are ordered to duty or volunteer for qualifying military service. The employee's notice may be either verbal or written. No advance notice is required if military necessity prevents the giving of notice, or the giving of notice is otherwise impossible or unreasonable under all the circumstances.

Employment Rights

Time during which an employee is absent pursuant to military leave shall not constitute an interruption of continuous employment in the School District and no such employee shall be subjected, directly or indirectly, to any loss or diminution of time service, increment, vacation or holiday privileges, or any other right or privilege, by reason of such absence; nor shall any employee be prejudiced by reason of such absence with reference to continuance in employment, reemployment, reinstatement, transfer or promotion.

Salary/Compensation

Every employee shall be paid his/her salary or other compensation for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty. This payment of salary/compensation shall not exceed a total of thirty (30) days or twenty two (22) working days, whichever is greater, in any one calendar year; and shall not exceed thirty (30) days or twenty two (22) working days, whichever is greater, in any one continuous period of such absence.

The employee must be permitted, upon request, to use any accrued vacation, annual, or similar leave with pay during the period of military service in order to continue his/her civilian pay. The School District may not require the employee to use accrued leave.

The employee is not entitled to use accrued sick leave during the period of military service, unless the District allows employees to use sick leave for any reason or allows other similarly situated employees on comparable furlough or leave of absence to use accrued paid sick leave.

Employee Benefits

Health Plan Coverage

If the employee has coverage under a health plan in connection with his/her employment with the District, the employee must be permitted to elect to continue the coverage for a certain period of time as designated in law.

(Continued)
SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

When the employee is performing military service, he/she is entitled to continuing coverage for himself/herself (and dependents if the plan offers dependent coverage) under a health plan in connection with the employment. The plan must allow the employee an opportunity to continue coverage for a period of time that is the lesser of:

a) The 24-month period beginning on the date on which the employee's absence for the purpose of performing military service begins; or

b) The period beginning on the date on which the employee's absence for the purpose of performing military service begins, and ending on the date on which the employee fails to return from service or apply for a position of reemployment.

Health plan administrators may develop reasonable requirements addressing how continuing coverage may be elected, consistent with the terms of the plan and USERRA's exceptions to the requirement that the employee give advance notice of military service. Further, health plan administrators may develop reasonable procedures for employee payment to continue coverage, consistent with USERRA and the terms of the plan.

Pension/Retirement Plans

While on military duty, any School District employee who is a member of any pension or retirement system may elect to contribute to such pension or retirement system the amount which he/she would have contributed had such employment been continuous. Upon making such contribution, the employee shall have the same rights in respect to membership in the retirement system as he/she would have had if the employee had been present and continuously engaged in the performance of his/her position. To the extent that such contributions are paid, absence while engaged in the performance of military duty shall be counted in determining the length of total service under such pension or retirement system.

Alternatively, employees will have an opportunity to make up contributions to the pension or retirement system upon return to employment in the District in accordance with law and the individual employee's pension/retirement system.

The payment of member contributions required under law to obtain military service credit is waived for members called to active military duty on or after September 11, 2001 and prior to January 1, 2006, as the result of Non-Contributory Military Service Credit legislation signed as Chapter 326 of the Laws of 2005.

Time during which an employee is absent on military duty shall not constitute an interruption of continuous employment, but such time shall not be counted or included in determining the length of total service in the pension or retirement system unless the employee contributes to the pension or

(Continued)
SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

retirement system the amount he/she would have been required to contribute if the employee had been continuously employed during the period of military duty.

Leaves of Absence for Military Spouses

The spouse of a member of the armed forces of the United States, national guard or reserves who has been deployed during a period of military conflict (defined as a period of war declared by the United States Congress, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to the United States Code), to a combat theater or combat zone of operations shall be allowed up to ten (10) days unpaid leave by their employer. Such leave shall only be used when such person's spouse is on leave from the armed forces of the United States, National Guard or reserve while deployed during a period of military conflict to a combat theater or combat zone of operations.

In accordance with law, an employee means a person who performs services for hire for the District for an average of twenty (20) or more hours per week, and includes all individuals employed at any District site having twenty (20) or more District employees, but shall not include independent contractors.

An employer shall not retaliate against an employee for requesting or obtaining a leave of absence as provided above. The provisions of this section shall not affect or prevent an employer from providing leave for military spouses in addition to leave allowed under any other provision of law. The provisions of this section shall not affect an employee's rights with respect to any other employee benefit provided by law.

Reemployment/Restoration Rights ("Escalator Principle")

Per USERRA, as a general rule, the employee is entitled to reemployment in the job position that he/she would have attained with reasonable certainty if not for the absence due to military service. The position to which the returning service member should be restored has become known as the "escalator position." The escalator principle requires that the employee be reemployed in a position that reflects with reasonable certainty the pay, benefits, seniority, and other job benefits that he/she would have attained if not for the period of military service.

Depending on the circumstances/intervening events, the escalator principle may cause an employee to be reemployed in a higher or lower position, transferred, laid off, or even terminated.

The employee must be qualified for the reemployment position. The District shall make reasonable efforts to help the employee become qualified to perform the duties of this position. The District is not required to reemploy the employee on his/her return from military service if the employee cannot, after reasonable efforts by the District, qualify for the appropriate reemployment position.

(Continued)
SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

Per State law, an employee restored to his/her position after the termination of military duty shall be entitled to the rate of compensation he/she would have received had the employee remained in his/her position continuously during the period of military duty; and the employee shall be deemed to have rendered satisfactory and efficient service in the job position during the period of military leave of absence. Further, the employee shall not be subjected directly or indirectly to any loss of time service, increment, or any other right or privilege; nor shall an employee be prejudiced in any way with reference to promotion, transfer, reinstatement or continuance in employment.

All other rights, benefits, and responsibilities of a District employee serving in the military shall be in accordance with law, regulations, and/or the applicable contract/collective bargaining agreement.

Probationary Service

Public Employees in General

If a public employee (with the exception of the probationary service of "teachers" as described below) enters military duty before the expiration of the probationary period in any position to which he/she may have been appointed, or to which he/she may thereafter be appointed or promoted, the time such employee is absent on military duty shall be credited as satisfactory service during this probationary period.

Teachers/Supervisory Staff

In any case where a "teacher" (as defined in State Education Law Section 3101, the term "teacher" encompasses a broad category of full-time members of the teaching and supervisory staff of the District, and is not limited to "instructional" employees) enters military duty before the expiration of the probationary period to which he/she may have been appointed, the time the "teacher" is absent on military duty shall be credited as satisfactory service during this probationary period. If the end of such probationary service occurs while the "teacher" is on military duty or within one year following the termination of military duty, the period of the probationary service may be extended by the Board of Education for a period not to exceed one year from the date of termination of military duty. However, in no event shall the period of probationary service in the actual performance of teaching services extend beyond that required by the School District at the time of the "teacher's" entry into military service.

Collective Bargaining Agreements/Contracts/Plans/Practices

In accordance with USERRA, any State or local law, contract, agreement, policy, plan, or practice that establishes an employment right or benefit that is more beneficial than, or is in addition to, a right or benefit under USERRA, such greater employment right or benefit will supersede this Federal Law.

(Continued)
SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

Notice of Rights and Duties

The District shall provide a notice of the rights, benefits and obligations of employees and the District under USERRA. The District may provide the notice by posting it where employee notices are customarily placed. The District may also provide such notice to its employees in other ways that will minimize costs while ensuring that the full text of the notice is provided (e.g., by handing or mailing out the notice, or distributing the notice via electronic mail).

The U.S. Department of Labor has developed and made available on its website (http://www.dol.gov/vets/programs/userra/poster.htm) a poster for use by private and State employers (including school districts) that can be posted in order to comply with the notification mandate.

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), Public Law 108-454
38 United States Code (USC) Sections 4301-4333
Education Law Section 3101
Military Law Sections 242 and 243

Adopted: 10/7/08
SUBJECT:  EMPLOYEE ASSISTANCE PROGRAM (EAP)

The District will provide an Employee Assistance Program for employees who are experiencing personal difficulties. The purpose of the program is to assist employees in obtaining help to resolve such problems in an effective and confidential manner. This program recognizes that the primary obligation to seek assistance and to resolve the problem rests with the employee.

The Board recognizes that a wide range of problems that are not directly associated with an employee's job function may have an effect on an employee's job performance. The problems may involve physical illness, mental or emotional illness, alcohol abuse or alcoholism, drug abuse or dependency, or personal problems such as those of a marital, family, or financial nature.

A joint District/employee organization committee will be established to assist in the implementation of this policy.
Salamanca City School District

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SUBJECT: PARENT INVOLVEMENT POLICY

The Board of Education recognized that a child's education is a responsibility shared by the school and family during the entire period the child spends in school. To support the goal of the school district, to educate all students effectively, the schools and parents must work together.

Salamanca is a diverse community in culture, language, and needs, with a commitment to the educational success of our children. This school district shall establish programs and practices that enhance parent involvement, reflecting the specific needs of students.

The Board supports the development, implementation, and regular evaluation of a parent involvement program in each school, which will involve parents at all grade levels in a variety of roles.

Goals

a) Foster open communication regarding school policy and student achievement to create a positive learning environment.

b) To maintain active parent involvement in their child's education.

c) Support school policy to increase attendance/performance levels.

d) Incorporate community resources to strengthen school and family connections.

e) Every child has a gift—schools and parents must work as knowledge partners to discover, nurture, and develop it.

f) Set significant expectations to achieve significant learning.

g) The school seeks family/community support and assistance to increase student success.

Objectives

a) Enhance academic and social development.

b) Reduce student/parent frustration in school.

c) Celebrate success.

Adopted: 1/15/03
SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY

Statement of Overall Objectives

School attendance is both a right and a responsibility. The School District is an active partner with students and parents in the task of ensuring that all students meet or exceed the New York State Learning Standards. The School District recognizes that consistent school attendance; academic success and school completion have a positive correlation. The School District will develop a Comprehensive Student Attendance Policy to meet the following objectives:

a) To improve District-wide attendance rates;
b) To raise student achievement and increase student performance;
c) To identify attendance patterns in order to design attendance improvement efforts;
d) To know the whereabouts of every student for safety and other reasons;
e) To create a nurturing and caring school environment, conducive to regular school attendance, where students want to be.

Description of Strategies to Meet Objectives

The School District will:

a) Foster, improve and encourage parent involvement within the school so that the school and family are partners in the child's education.
b) Develop a Comprehensive Student Attendance Policy based upon the recommendations of a multifaceted District Policy Development Team that includes representation from the Board of Education, administrators, teachers, students, parents and the community. The District will hold at least one public hearing prior to the adoption of this collaboratively developed Comprehensive Student Attendance Policy.
c) Maintain accurate record keeping via a Register of Attendance to record attendance, absence, tardiness or early departure of each student.
d) Create and maintain a positive school culture where the presence of strong role models encourages respectful and nurturing interactions in the school community.
e) Develop early intervention strategies to improve school attendance for all students.
f) Utilize data analysis systems for tracking individual student attendance and trends in student attendance patterns.

(Continued)
SUBJECT:  COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd)

Determination of Excused and Unexcused Absences, Tardiness and Early Departures

Based upon our District's education and community needs, values and priorities, the School District has determined that absences, tardiness and early departures will be considered excused or unexcused according to the following standards:

a) **Excused:** pre-approved school sponsored activities, death in the immediate family, religious observance, quarantine, required court appearances, doctor or health clinic visits, pre-approved college visits, approved cooperative work programs, military obligations, in-school suspension.

   **Out-of School Suspension:** Student's suspended from school who accept and receive instruction will be considered "excused" for attendance purposes (Alternative instruction as per state regulation will be one hour per day for K through 6 and 2 hours per day 7 through 12).

b) **Unexcused:** all other absences are considered to be unexcused.

   **Out-of School Suspension:** A student's attendance will be considered "unexcused" when they are suspended from school and refuse to accept and attend alternative instruction.

Student Attendance Record Keeping/Data Collection

The record of each student's presence, absence, tardiness and early departure shall be kept in a register of attendance in a manner consistent with Commissioner's Regulations. An absence, tardiness or early departure will be entered as "excused" or "unexcused" along with the District code for the reason.

*Commencing July 1, 2003, attendance shall be taken and recorded in accordance with the following:*

a) For students in non-departmentalized kindergarten through grade six (i.e., self-contained classrooms and supervised group movement to other scheduled school activities such as physical education in the gym, assembly, etc.), such student's presence or absence shall be recorded after the taking of attendance once per school day.

b) For students in grades 7 through 12, each student's presence or absence shall be recorded after the taking of attendance in each period of scheduled instruction.

c) Any absence for a school day or portion thereof shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.

(Continued)
SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd)

d) In the event that a student at any instructional level from kindergarten through grade twelve arrives late for or departs early from scheduled instruction, such tardiness or early departure shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.

A record shall be kept of each scheduled day of instruction during which the school is closed for all or part of the day because of extraordinary circumstances including adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of or damage to a school building, or such other cause as may be found satisfactory to the Commissioner of Education.

Attendance records shall also indicate the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Education Law Section 3202 (1-a).

At the conclusion of each class period or school day, all attendance information shall be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness or early departure shall be coded on a student's record in accordance with the established District/building procedures.

Student Attendance/Course Credit (Grades 6 through 12)

The District believes that classroom participation is related to and affects a student's performance and grasp of the subject matter and, as such, is properly reflected in a student's final grade. For purposes of this policy, classroom participation means that a student is in class and prepared to work.

Consequently, for each marking period up to twenty percent (20%) of a student's quarterly grade will be based on homework, class participation and attendance. The remaining eighty percent (80%) will be based on tests, quizzes, papers, reports and special projects, in accordance with district policy.

Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused student absences, tardiness, and early departures will affect a student's grade, including credit for classroom participation, for the marking period.

At the middle school/senior high school level, any student with more than fifteen (15) days of unexcused absences in a course may not receive credit for the course. District procedures will specify how student absences, tardiness and early departures will be calculated and factored into the District's minimum attendance standard.

For summer school and courses meeting 1/2 year or 1/4 year, the same policy will apply and a calculation of the absences will be prorated accordingly.

(Continued)
SUBJECT:  COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd)

Transfer students and students re-enrolling will be expected to attend a prorated minimum number of the scheduled classes.

Students will be considered in attendance if the student is:

a) Physically present in the classroom or working under the direction of the classroom teacher during the class scheduled meeting time; or

b) Working pursuant to an approved independent study program; or

c) Receiving approved alternative instruction.

Students who are absent from class due to their participation in a school-sponsored activity are to arrange with their teachers to make up any work missed in a timely manner as determined by the student's teacher.

Upon returning to school following an absence, tardiness or early departure, it shall be the responsibility of the student to consult with his/her teacher(s) regarding arrangements to make up missed work, assignments and/or tests in accordance with the time schedule specified by the teacher.

Notice of Minimum Attendance Standard/Intervention Strategies Prior to the Denial of Course Credit

In order to ensure that parents/persons in parental relation and students are informed of the District's policy regarding minimum attendance and course credit, and the implementation of specific intervention strategies to be employed prior to the denial of course credit to the student for insufficient attendance, the following guidelines shall be followed:

a) The District's Comprehensive Student Attendance Policy will be published in the District Calendar and mailed to parents/persons in parental relation and provided to students at the beginning of each school year or at the time of enrollment in the District.

b) School newsletters and publications will include periodic reminders of the components of the District's Comprehensive Student Attendance Policy. Copies of the Attendance Policy will also be included in student handbooks (Agendas).

c) At periodic intervals, a designated staff member(s) will notify, by telephone and or letter or certified mail the parent/person in parental relation of the student's absence, tardiness, or early departure and explain the relationship of the student's attendance to his/her ability to receive course credit. If the parent/person in parental relation cannot be reached by telephone, a letter or certified letter shall be sent detailing this information.

(Continued)
SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd)

d) The Attendance Committee will review the District's Attendance Policy with students who have excessive and/or unexcused absences, tardiness or early departures. This review may lead to denial of course credit for insufficient attendance by the student.

Notice of Students who are Absent, Tardy or Depart Early Without Proper Excuse

A designated staff member shall attempt notify by telephone the parent/person in parental relation to a student who is absent, tardy or departs early without proper excuse. If the parent/person in parental relation cannot be reached by telephone, the staff member will provide such notification by mail. Further, the District's Attendance Policy will be mailed to the parent/person in parental relation to promote awareness and help ensure compliance with the policy.

If deemed necessary by appropriate school officials, or if requested by the parent/person in parental relation, a school conference shall be scheduled between the parent/person in parental relation and appropriate staff members in order to address the student's attendance. The student may also be requested to attend this conference in order to address appropriate intervention strategies that best meet the needs of the student.

Attendance Incentives

In order to encourage student attendance, the District will develop and implement grade appropriate/building level strategies and programs including, but not limited to:

a) Attendance honor rolls to be posted in prominent places in District buildings and included in District newsletters, Channel 30, local newspapers and, with parent/person in parental relation consent, in community publications;

b) Drawings for prizes, gift certificates from local businesses, certificates, pins may be incorporated into a District Award Program;

c) Special events (e.g., assemblies, guest speakers, breakfast, evening dessert program) may be used to recognize outstanding attendance);

d) Buildings will be encouraged through the use of their BLT (Building Level Teams) to develop their own building and grade-level rewards for outstanding attendance or improvement in attendance;

e) Specific privileges tied to outstanding attendance (e.g., early dismissal, educational field trips, special educational opportunities and related experiences);

f) Assemblies collaboratively developed and promoted by student council, administration, PTA/PTO and other community groups to promote good attendance;

(Continued)
g) The District Leadership Team (DLT) can be used as a resource in helping to support and improve student attendance, which has a direct impact on student performance.

Disciplinary Consequences

Unexcused absences, tardiness and early departures will result in disciplinary sanctions as described in the District's Code of Conduct. Consequences may include, but are not limited to, in-school suspension, detention and denial of participation in interscholastic and extracurricular activities. Parents/persons in parental relation will be notified by designated District personnel at periodic intervals to discuss their child's absences, tardiness or early departures and the importance of class attendance and appropriate interventions. Individual buildings/grade levels will address procedures to implement the notification process to the parent/person in parental relation.

Intervention Strategy Process

In order to effectively intervene when an identified pattern of unexcused absences, tardiness or early departures occur, designated District personnel will pursue the following:

a) Identify specific element(s) of the pattern (e.g., grade level, building, time frame, type of unexcused absences, tardiness or early departures);

b) Contact the District staff most closely associated with the element. In specific cases where the pattern involves an individual student, the student and parent/person in parental relation will be contacted;

c) Discuss strategies to directly intervene with specific element;

d) Recommend intervention to Superintendent or his/her designee if it related to change in District policy or procedure;

e) Implement changes, as approved by appropriate administration;

f) Utilize appropriate District and/or community resources to address and help with the remediation of student unexcused absences, tardiness or early departures;

g) Monitor and report short and long term effects of intervention.

Appeal Process

A parent/person in parental relation may request a building level review of their child's attendance record. The Appeal Process may also include the Superintendent, Board of Education and the Commissioner of Education.

(Continued)
SUBJECT:  COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd)

Building Review of Attendance Records

Commencing with the 2003-04 school year, the Building Principal will work in conjunction with the building attendance clerk and other designated staff in reviewing attendance records at the end of each term. This review is conducted to identify individual and group attendance patterns and to initiate appropriate action to address the problem of unexcused absences, tardiness and early departures.

Annual Review by the Board of Education

The Board of Education shall annually review the building level student attendance records and if such records show a decline in student attendance, the Board shall make any revisions to the Policy and plan deemed necessary to improve student attendance.

Community Awareness

The Board of Education shall promote necessary community awareness of the District's Comprehensive Student Attendance Policy by:

a) Providing a plain language summary of the policy to parents or persons in parental relation to students at the beginning of each school year and promoting the request understanding of such a policy to students and their parents/persons in parental relation;

b) Providing each teacher, at the beginning of the school year or upon employment, with a copy of the policy; and

c) Providing copies of the policy to any other member of the community upon request.

Education Law Section 3024, 3025, 3202, 3205, 3206,3210,3211, and 3213
8 New York Codes of Rules and Regulations (NYCRR) Sections 104.1, 109.2 and 175.6

Adopted: 1989
Revised: 6/26/02; 10/16/07
SUBJECT: RELEASE TIME OF STUDENTS

Written requests from the parent/legal guardian for the release of students generally will be honored. The appropriate time and reason for absence shall be recorded on the attendance record, using the procedures mandated by the state.

The building principal shall assume this responsibility or shall designate or individual to review and approve all requests.

Commissioner's Regulations Section 109.2
SUBJECT: AGE OF ENTRANCE

Kindergarten

Students who are legal residents of the School District and who reside with parents or guardians within the School District at the time of the opening day of school must be five (5) years or more of age on December 1st in order to register for Kindergarten.

A child who transfers into the School District at any time during the school year may be considered for admission to Kindergarten by the Superintendent provided:

a) The parents were not legal residents of the School District on the opening day of school, and

b) The child has been registered and enrolled in kindergarten in the district in which his/her parents were legal residents.

Other Grades

Admission of children to other grades shall involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

Proof of Age

A student's birth certificate or other satisfactory evidence of age shall be presented at the initial registration. The child shall be entered under his/her legal name.

Education Law Sections 3202 and 3212
SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS

The School District has developed a plan for the diagnostic screening of all new entrants and students with low test scores.

A new entrant means a student entering the New York State public school system, pre-kindergarten through grade 12, for the first time, or re-entering a New York State public school with no available record of a prior screening.

Students with low test scores are students who score below level two on either the third grade English language arts or mathematics assessment for New York State elementary schools.

Such diagnostic screening will be utilized to determine which students:

a) Have or are suspected of having a disability;

b) Are possibly gifted; or

c) Are possibly limited English proficient.

Such diagnostic screening shall be conducted:

a) By persons appropriately trained or qualified;

b) By persons appropriately trained or qualified in the student's native language if the language of the home is other than English;

c) In the case of new entrants, prior to the school year, if possible, but no later than December 1 of the school year of entry or within fifteen (15) days of transfer of a student into a New York State public school should the entry take place after December 1 of the school year;

d) In the case of students with low test scores, within thirty (30) days of the availability of the test scores.

New Entrants

For new entrants, diagnostic screening shall include, but not be limited to the following:

a) A health examination by a physician/physician's assistant or nurse practitioner or submission of a health certificate in accordance with Education Law Sections 901, 903, and 904;
SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)

b) Certificates of immunization or referral for immunization in accordance with Section 2164 of the Public Health Law;

c) Vision, hearing and scoliosis screenings as required by Section 136.3 of Commissioner's Regulations;

d) A determination of development in oral expression, listening comprehension, written expression, basic reading skills and reading fluency and comprehension, mathematical calculation and problem solving, motor development, articulation skills, and cognitive development using recognized and validated screening tools; and

e) A determination whether the student is of foreign birth or ancestry and comes from a home where a language other than English is spoken as determined by the results of a home language questionnaire and an informal interview in English and the native language.

Students with Low Test Scores

For students with low test scores, diagnostic screening shall include, but not be limited to:

a) Vision and hearing screenings to determine whether a vision or hearing impairment is impacting the student's ability to learn; and

b) A review of the instructional programs in reading and mathematics to ensure that explicit and research validated instruction is being provided in reading and mathematics.

No screening examination for vision, hearing or scoliosis condition is required where a student, parent, or person in parental relation objects on the grounds that such examination conflicts with their genuine and sincere religious beliefs.

Results and Reports

The results of the diagnostic screening shall be reviewed and a written report of each student screened shall be prepared by appropriately qualified School District staff. The report shall include a description of diagnostic screening devices used, the student's performance on those devices and, if required, the appropriate referral.

If such screening indicates a possible disability, a referral, with a report of the screening, shall be made to the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE) no later than fifteen (15) calendar days after completion of such diagnostic screening.
SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)

If such screening indicates a possibly gifted child, the name and finding shall be reported to the Superintendent of Schools and to the parents/legal guardians no later than fifteen (15) calendar days after completion of such screening. The term gifted child is defined as a child who shows evidence of high performance capability and exceptional potential in areas such as general intellectual ability, special academic aptitude and outstanding ability in visual and performing arts. Such definition shall include those children who require educational programs or services beyond those normally provided by the regular school program in order to realize their full potential.

If such screening indicates a child identified as possibly being of limited English proficiency, such child shall be referred for further evaluation in accordance with Part 154 of the Regulations of the Commissioner of Education to determine eligibility for appropriate transitional bilingual or free-standing English as a Second Language (ESL) programs.

Reporting to Parents

Parents/guardians of children to be screened shall receive information in advance regarding the purpose of screening, the areas to be screened and the referral process. The information shall be communicated either orally or in writing in the parents' primary language(s). This information will be provided during the registration interview.

Parents/guardians have the right to request information regarding their child's performance during screening. They shall have access to the screening results and obtain copies upon request.

Confidentiality of Information

The Board of Education's policy and administrative regulations in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) shall apply to all information collected about a child through the screening program. In accordance with the policy and regulations, parents shall be informed of their right to privacy, their right to access to the records and their right to challenge those records should they be inaccurate, misleading or otherwise inappropriate.

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232(g)
Education Law Sections 901, 903, 904, 905, 914 and 3208(5)
Public Health Law Section 2164
8 New York Code of Rules and Regulations (NYCRR) Parts 117, 136, 142.2 and 154

NOTE: Refer also to Policies #7131 -- Education of Homeless Children and Youth
      #7512 -- Student Physicals
      #8240 -- Instructional Programs: Driver Education, Gifted and Talented Education and Physical Education

Adopted: 1989
Revised: 4/9/91; 4/7/92; 4/20/93; 7/14/98; 9/9/03; 7/12/05; 7/11/06; 3/11/08
SUBJECT: STUDENT HANDBOOKS

During the registration period on the first day of school, each student of the Junior-Senior High School is issued a handbook that serves a three-fold purpose. First, it contains many of the rules and regulations that govern the student's enrollment; second, it serves as a convenient handbook for the student to use during the school year; third, it may be used to acquaint parents with these regulations and procedures.
SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY

Ages of Attendance/Compulsory Attendance Age

According to Education Law, a student who becomes six (6) years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six (6) years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen (16) years of age.

However, in accordance with Education Law Section 3205(3), the Board of Education in any school district shall have the power to require minors from sixteen to seventeen years of age who are not employed to attend full-time instruction until the end of the school year in which the student turns seventeen (17) years of age.

All persons dwelling within the District who are between the ages of five (5) years and twenty-one (21) years and who have not received a high school diploma shall be entitled to enroll in the District.

Determination of Student Residency

The residence of children dwelling within the District boundaries shall be established in a manner consistent with State Law and the Regulations of the Commissioner. The Board of Education or its designee shall determine whether a child is entitled to attend a District school. Any adverse residency decision by a school official, other than the Board or its designee, shall include written notice to the parent/guardian of the procedures for obtaining review of the decision within the District.

Regulations will be developed to implement the terms of this policy.

Children Living With Noncustodial Parents

A child's residence is usually determined by the residence of the custodial parent. However, a noncustodial parent who resides in the District may enroll his/her child in a District school if he/she shares the day-to-day responsibilities for the child and the custodial parent designates the child's residence with the noncustodial parent.
SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)

Homeless Children

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

Emancipated Minors

A determination of whether a student is to be designated as an emancipated minor in The Salamanca City School District will be based on evidence that the student is no longer under custody, control and support of his/her parents. To establish emancipation, a minor may submit documentation of his/her means of support, proof of residency and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with his/her parents.

These statements are renewable each school year. If at any time the above information is changed without prompt notification or proven to be false, the parent/guardian and/or student may be subject to legal action.

McKinney-Vento Homeless Assistance Act, Section 722, as reauthorized by the No Child Left Behind Act of 2001.
Education Law Sections 2045, 3202, 3205, 3209 and 3212(4)
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(x) and (y)

NOTE: Refer also to Policy #7233 -- Education of Homeless Children and Youth

Revised: 2/9/93; 7/12/94; 9/9/03; 7/12/05
SUBJECT: ADMISSION OF NON-RESIDENT STUDENTS

The Board of Education affirms that its primary responsibility is to provide the best possible educational opportunities for the children who are legal District residents and who are of legal age to attend school.

However, a non-resident student may be admitted to district schools for academic reasons upon receipt of a request in writing to the Superintendent and payment to the district of the Board-adopted tuition charge, if and only if, in the judgment of the Superintendent of Schools:

a) There is a sufficient space to accommodate the non-resident student;

b) No increase in the size of faculty or staff will be necessary to accommodate them;

c) The non-resident student meets the district's academic criteria for admission and is a student in good standing in former district;

d) The admission of such non-resident students is and continues during the enrollment period to be in the best interests of the district.

Tuition

School tax payments of non-residents who own assessable property in the District will be deducted from the tuition charges levied against such non-resident. Otherwise, tuition shall be charged to families of non-resident students as determined annually by the Board of Education. First semester tuition is due in the Business Office by September 15 and must be paid in full by January 31 to remain in good standing. Second semester tuition is due in the Business Office February 1 and must be paid in full by June 30 to remain in good standing. Non-residents not in good standing will not be allowed to return the following semester.

Future Residents

The children of families who have signed a contract to buy or build a residence in the School District may be enrolled during the semester in which they expect to become residents, without payment of tuition.

Transportation

Transportation will be provided for non-residents if and only if existing bus routing is used, and there is sufficient room on the bus.

Revised: 5/14/91; 10/12/99; 10/16/07; 10/13/09
SUBJECT: TRANSFER STUDENTS/CREDIT

A student who enters a District school from another state, another country, or another New York State school is considered to be a transfer student. Students who have been receiving home instruction and enroll in the School District are also considered to be transfer students.

It is the responsibility of the high school principal to evaluate the transcript or other records of a transfer student enrolling in a District high school, and award the appropriate units of transfer credit towards a high school diploma. However, when a student transfers from a registered New York State high school to a (registered) District high school, the principal must transfer credit for all credit awarded by such registered New York State high school.

Additionally, the principal, after consulting with relevant faculty, may award transfer credit for work done at other educational and cultural institutions and for work done through independent study. The decision should be based on whether the student's record indicates that the work is consistent with New York State commencement level learning standards and is of comparable scope and quality to that which would have been done in the school awarding the credit.

Transfer students must meet all the units of credit requirements for a diploma. While principals have considerable discretion in reviewing a student's record, they cannot waive the units of credit requirements for a diploma. The assessment requirements a student must meet to earn a diploma are based on the year in which the student entered grade 9 for the first time in New York State or in an out-of-state or out-of-country school. Transfer students who are exempted from taking specific State assessments must have their transcripts and permanent records so annotated.

Interscholastic athletic eligibility requirements for transfer students shall be in accordance with the rules enumerated in the most recent New York State Public High School Athletic Association (NYSPHSAA) Handbook.

8 New York Code of Rules and Regulations (NYCRR) Part 100

Adopted: 8/13/02
SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH

Identification of Homeless Students

It will be the policy of this local educational agency (LEA - inter-changeable with School District) to determine whether there are homeless students within the LEA by contacting our local department of social services:

http://www.health.state.ny.us/health_care/medicaid/ldss.htm

the local runaway/homeless youth shelter:

http://www.ocfs.state.ny.us/main/youth/runaway_homeless_services.pdt

and any other shelters located in the LEA. It is understood that not all homeless students can be identified through agencies as they may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. For this reason, the LEA will have an enrollment form/residency questionnaire that asks for a description of the current living arrangements of the child or youth in order to determine whether the child or youth meets the definition of a homeless child under the McKinney-Vento Homeless Education Assistance Act (42 USC Section 11434a[2]) ("McKinney-Vento") and New York Education Law Section 3209(1)(a). The use of an enrollment form/residency questionnaire is a requirement of all Title I schools (see "Coordination with Title I"). A sample enrollment form/residency questionnaire may be found at the following website: http://www.nysteachs.org/info-forms/nysed/.

Definition of Homeless Child and Unaccompanied Youth

Pursuant to McKinney-Vento 42 USC Section 11434a[2], Education Law Section 3209(1)(a), and 8 NYCRR Section 100.2(x)(1)(i) a homeless child is defined as:

a) A child who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:

1. Sharing the housing of other persons due to loss of housing, economic hardship or similar reason (sometimes referred to as "doubled-up");

2. Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

3. Abandoned in hospitals;

4. Awaiting foster care placement;

5. A migratory child who qualifies as homeless because he/she is living in circumstances described above; or

(Continued)
SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

b) A child or youth who has primary nighttime location that is:

1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth; or

2. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train stations or similar setting.

An unaccompanied youth is defined as a homeless youth who is not in the physical custody of a parent or guardian.

42 United States Code (USC) Section 11434a(6)
8 New York Code of Rules and Regulations (NYCRR) Section 100. 2(x)(1)(vi)

Duties of the Mandated Local Liaison for Homeless Children and Youth

Every LEA, regardless of whether it receives a McKinney-Vento sub grant, is required to designate a local liaison for homeless children and youth ("homeless liaison"). The homeless liaison at this LEA serves as one of the primary contacts between homeless families and school staff, district personnel, shelter workers, and other service providers. The homeless liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed academically.

This LEA understands that its homeless liaison must ensure that:

a) Homeless children and youth are identified by school personnel and through coordination activities with other entities and agencies;

b) Homeless students enroll in, and have full and equal opportunity to succeed in, the schools of the LEA;

c) Homeless children and youth and their families receive educational services for which they are eligible, including Head Start, Even Start, and preschool programs administered by the LEA, and referrals to health, mental health, dental, and other appropriate services;

d) Parents or guardians of homeless children and youth are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;

(Continued)
SUBJECT:  EDUCATION OF HOMELESS CHILDREN AND YOUTH  (Cont’d.)

e)  Parents and guardians and unaccompanied youth are fully informed of all transportation
services, including transportation to and from the school district of origin, and are assisted
in accessing transportation services;

f)  Disputes regarding school selection, enrollment and/or transportation are mediated in
accordance with the requirements of McKinney-Vento;

g)  Assistance in commencing an appeal pursuant to Education Law Section 310 of a final
determination regarding enrollment, school selection and/or transportation is provided to
the homeless child's or youth's parent or guardian or the unaccompanied youth in
accordance with the provisions of 8 NYCRR Section 100.2(x)(7)(iii);

h)  Public notice of the educational rights of homeless students is posted in locations where
such students receive services, such as schools, shelters, and soup kitchens;

i)  A record is maintained of all appeals of enrollment, school selection and transportation;

j)  School personnel, service providers and advocates working with homeless families are
informed of the duties of the homeless liaison.

42 United States Code (USC) Section 11432(g) (6)(A)
8 New York Code of Rules and Regulations (NYCRR) Section l00.2(x)(7)(iii)

School of Origin

The McKinney-Vento Act defines school of origin as "the school that the child or youth attended
when permanently housed or the school in which the child or youth last enrolled."

42 United States Code (USC) Section 11432 (g) (3)(G)

The Designator has Right to Choose the School District the Homeless Child or Youth will
Attend

This LEA understands that the "designator" decides which school district a homeless child or
youth will attend. A designator is:

a)  The parent or person in parental relation (guardian) to a homeless child; or

b)  The homeless child, in the case of an unaccompanied youth; or

(Continued)
SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont’d.)

c) The director of a residential program for runaway and homeless youth, in consultation with the homeless child, where such homeless child is living in such program.

NY Education Law Section 3209(1)(b)
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)(1)(ii)

The designator has the right to designate one of the following as the school district within which a homeless child shall be entitled to attend upon instruction:

a) School district of current location - the public school district within the State of New York in which the hotel, motel, shelter or other temporary housing arrangement of a homeless child, or the residential program for runaway and homeless youth is located;

b) School district of origin - the public school district within the State of New York in which the homeless child was attending a public school on a tuition-free basis or was entitled to attend when circumstances arose which caused such child to become homeless. If the school district of origin is designated, the homeless child is entitled to return to the school building where previously enrolled;

c) School district participating in a regional placement plan - a regional placement plan is a comprehensive regional approach to the provision of educational placements for homeless children, which must be approved by the Commissioner of Education. It currently exists only in Westchester County.

Please note: students who have designated the district of current location and move to another temporary housing location outside of such district or to a different attendance zone may continue the prior designation to enable the student to remain in the same school building.

42 United States Code (USC) Section 11432(g)(3)(A)
NY Education Law Sections 3209(1)(c-e) and (2)
8 New York Code of Rules and Regulations (NYCRR) Section l00.2 (x)(l)(iii)-(v) and (2)

DESIGNATION/STAC 202 FORM

This LEA understands it must identify all students who are homeless and that a designation form must be completed for all such students and any other student who claims homelessness. Designations must be made on STAC 202 forms available at http://www.nysteachs.org/media/INF_SED_STAC202_Form.pdf.

a) The appropriate designator must complete the designation form. All school districts, temporary housing facilities operated or approved by a local social services district, and residential facilities for runaway and homeless youth must make designation forms available to a homeless

(Continued)
SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

child who seeks admission to school or to the parent or person in parental relation who seeks to enroll such child in school.

b) Where the homeless child is located in a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth, the director of the facility or a person designated by the social services district, must, within two (2) business days of the child's or family's entry into such facilities, assist the designator to ensure that the form is properly completed and assist the child, where necessary, to enroll in the designated school district.

c) Where a parent or person in parental relation to a child who is neither placed in a temporary housing facility by the local department of social services nor housed in a residential program for runaway homeless youth designates the school district of current location, the school district of current location must forward to the New York State Education Department (the "Department") a completed designation form and a statement of the basis for its determination that the child is a homeless child entitled to attend the schools of the district.

NY Education Law Section 3209(2)(d)
8 New York Code of Rules and Regulations (NYCRR) Section l00.2(x)(3)

LEA's Duties Upon Receipt of the Designation/STAC 202 Form

Upon identification of a child who is homeless and/or receipt of a completed designation form, the designated school district must:

a) Immediately review the designation form to assure that it has been completed and admit the homeless child even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation;

b) Provide the child with access to all of its programs, activities and services to the same extent as they are provided to resident students;

c) Immediately contact the school district where the child's records are located in order to obtain a copy of such records;

d) If the child or youth needs to obtain immunizations or immunization or medical records, the school admitting such child or youth must immediately refer the parent or guardian of the homeless child or youth to the homeless liaison who must assist in obtaining necessary immunizations or immunization or medical records;

e) Forward the STAC 202 form to the Commissioner and the school district of origin, where applicable. In all cases, the district must give a copy of the completed STAC 202 to the
SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

designator and keep a copy of the STAC 202 form for the LEA's records.

Lea's Duties Upon Receipt of a Request for Records

Within five (5) days of receipt of a request for school records, the LEA must forward, in a manner consistent with state and federal law, a complete copy of the homeless child's records, including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable.

NY Education Law Section 3209(2)(f)
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)(5)

Tuition Reimbursement

Where either the school district of current location or a school district participating in a regional placement plan is designated as the school district which the homeless child will attend and such homeless child's school district of origin is within New York State, the school district providing instruction will be eligible for reimbursement by the Department for the direct cost of educational services, not otherwise reimbursed under special federal programs, calculated pursuant to regulations of the Commissioner for the period of time for which such services are provided. The claim for reimbursement must be on the STAC 202 form prescribed by the Commissioner.

NY Education Law Section 3209(3)(a)

Transportation Responsibilities

a) A social services district is responsible for providing transportation to homeless children who are eligible for benefits under Social Services Law Section 350-j and placed in temporary housing arrangements outside their designated districts.

b) To the extent funds are provided for such purpose, the Office of Children and Family Services ("OCFS") must provide transportation for each homeless child who lives in a residential program for runaway youth and homeless youth located outside of the designated school district. The social services district or OCFS may contract with a school district or Board of Cooperative Educational Services ("BOCES") to provide such transportation. The costs for transportation will be reimbursed by the Department with the submission of a Runaway and Homeless Youth Act Transportation Program Form, which is available from the Homeless Education Program Office (518-473-0295).

42 United States Code (USC) Section 11432(g)(3) (C) and (g)(4)
NY Education Law Section 3209(2) and(2-a)
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)(3) and (4)

(Continued)
SUBJECT:  EDUCATION OF HOMELESS CHILDREN AND YOUTH  (Cont’d.)

c) Any homeless child not entitled to receive transportation from the Department of Social Services or OCFS must be transported by the designated school district.

NY Education Law Section 3209(4)
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)(6)

d) When the school district of the current location is designated as the school district the homeless child will attend, that school district must provide transportation to the homeless child on the same basis as it is provided to resident students.

NY Education Law Section 3209(4)(d)
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)(6)(iii)

e) If the homeless child designates the school district of origin or a school district participating in a regional placement plan, then that school district must provide transportation to and from the homeless child's temporary housing and school. Such transportation cannot exceed fifty (50) miles one way, unless the Commissioner determines that it is in the best interest of the child.

NY Education Law Section 3209(4)(c)
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)(6)(ii)

f) Homeless children are entitled to transportation during any disputes regarding school selection and enrollment.

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)(7)(ii)(c)

Transportation Expenses

a) A school district may receive State aid to offset expenditures incurred by the school district for the transportation of homeless children under certain circumstances.

b) To the extent funds are provided for such purpose, OCFS must provide transportation for each homeless child who lives in a residential program for runaway youth and homeless youth located outside of the designated school district. If the runaway and homeless youth shelter is not capable of transporting or contracting for transportation, the school district must provide transportation. The costs for transportation will be reimbursed by the Department with the submission of a Runaway and Homeless Youth Act Transportation Program Form, which is available from the Homeless Education Program Office (518-4730295).

NY Education Law Section 3209(4) (b)

(Continued)
Dispute Resolution Process

This School District has established the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

a) Provide a written explanation, including a statement regarding the right to appeal to the homeless child's or youth's parent or guardian, if the School District declines to either enroll and/or transport such child or youth to the school of origin or a school requested by the parent or guardian.

b) Delay for thirty (30) days the implementation of a final determination to decline to either enroll in and/or transport the homeless child or youth or unaccompanied youth to the school of origin or a school requested by the parent or guardian of a homeless child or youth or unaccompanied youth.

c) If the parent or guardian of a homeless child or youth or unaccompanied youth commences an appeal to the Commissioner with a stay application within thirty (30) days of such final determination, the homeless child or youth will be permitted to continue to attend the school he/she is enrolled in at the time of the appeal and/or receive transportation to that school until the Commissioner renders a decision on the stay application.

d) If the Commissioner grants the stay request and issues a stay order, the homeless child or youth or unaccompanied youth can continue attending the school until the Commissioner issues an appeal decision. However, if the Commissioner denies the stay request, the homeless child or youth or unaccompanied youth can be asked to leave the school immediately.

e) If the Commissioner sustains the appeal, the homeless child or youth or unaccompanied youth can continue attending the school at issue. However, if the Commissioner dismisses the appeal, the homeless child or youth or unaccompanied youth can be asked to leave the school immediately.

42 USC Section 11432(g)(3)(E)
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)(7)(ii)
US. Department of Education, Education for Homeless Children and Youth Program,
Non-Regulatory Guidance (July 2004)

Homeless Liaison's Dispute Resolution Responsibilities

a) The homeless liaison must assist the homeless child's or youth's parent or guardian or unaccompanied youth in bringing an appeal to the Commissioner under Education Law Section 310 of a final school district decision regarding enrollment, school selection and/or transportation.

(Continued)
SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

b) The homeless liaison must provide the parent or guardian or unaccompanied youth with a copy of the form petition, which is available at: http://www.counsel.nysed.gov/appeals/petition.htm.

c) The homeless liaison must assist the parent or guardian or unaccompanied youth in completing the form petition, including the section requesting interim relief (stay provision).

d) The homeless liaison must arrange for the copying of the form petition and supporting documents for the parent or guardian or unaccompanied youth, without cost to the parent or guardian or unaccompanied youth.

e) The homeless liaison must accept service of the form petition and supporting papers on behalf of any school district employee or officer named as a party or the school district if it is named as a party or arrange for service by mail by mailing the form petition and supporting documents to any school district employee or officer named as a party and, if the school district is named as a party, to a person in the office of the Superintendent who has been designated by the Board of Education to accept service on behalf of the school district.

f) The homeless liaison must provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that the homeless liaison has received the form petition and supporting documents and will either accept service of these documents on behalf of the school district employee or officer or school district or effect service by mail by mailing the form petition and supporting documents to any school district employee or officer named as a party and, if the school district is named as a party, to a person in the office of the Superintendent who has been designated by the Board of Education to accept service on behalf of the school district.

g) The homeless liaison must transmit on behalf of the parent or guardian or unaccompanied youth, within five days after the service of, the form petition or any pleading or paper to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234.

h) The homeless liaison must provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that the homeless liaison has received the form petition and supporting documents and will transmit these documents on behalf of the parent, guardian or unaccompanied youth to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234.

i) The homeless liaison must accept service of any subsequent pleadings or papers, including any correspondence related to the appeal, if the parent or guardian or unaccompanied youth so elects. The liaison must also make such correspondence available to the parent or guardian or unaccompanied youth.

(Continued)
SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont’d.)

j) The homeless liaison must maintain a record of all appeals of enrollment, school selection, and transportation determinations.

42 United States Code (USC) Section 11432(g)(3)(E) (iii)
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)(7)(iii)(c)

Additional Homeless Liaison Responsibilities

The homeless liaison must maintain a record of all appeals of enrollment, school selection and transportation determinations. The homeless liaison must also keep a record of all homeless students, their grade level, and their nighttime residence for the year and report this data annually to NYSED. The homeless liaison must inform school personnel, service providers and advocates working with homeless families of the duties of the homeless liaison.

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)(7)(iii)(d) and (e)

Coordination

a) The school district must coordinate the provision of services provided with local social services agencies and other agencies or programs providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act.

b) The school district must coordinate with other school districts on interdistrict issues, such as transportation or transfer of school records.

42 United States Code (USC) Section 11432(g)(5)
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)(7)(vi)

Coordination with Title I

The school district acknowledges that homeless children and youth are eligible for services under Title I, Part A, whether or not they live in a Title I school attendance area or meet the academic requirements required of other children. The school district will ensure that:

a) Title I, Part A funds are set aside as are necessary to provide homeless children who do not attend participating schools with services comparable to those provided to children in Title I, Part A funded schools, including providing educationally related support services to children in shelters and other locations where homeless children may live.

b) An LEA receiving Title I, Part A funds must include in its local plan a description of how the plan is coordinated with McKinney-Vento.

(Continued)
SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont’d.)

c) The local plan must describe services provided to homeless children.

d) If an LEA states that there are no homeless children or unaccompanied youth in non-Title I schools, the LEA must describe the efforts it made to identify homeless children and unaccompanied youth. Such efforts must include contacting the local department of social services or OCFS to verify that there are no homeless children or unaccompanied youth in the LEA.

e) The LEA must also document that their enrollment form/residency questionnaire asks the living arrangements of the child or unaccompanied youth, including asking if he/she is living in a shelter; with relatives or others due to loss of housing or economic hardship; in an abandoned apartment/building; in a motel/hotel, camping ground, car, train/bus station or other similar situation due to the lack of alternative, adequate housing; or awaiting an OCFS permanent foster care placement. Documentation of the LEA’s efforts to identify homeless children and unaccompanied youth must be maintained on file and a copy of the LEA’s enrollment form/residency questionnaire which asks the above questions must also be kept on file.

A sample enrollment form/residency questionnaire may be found at the website: http://www.nysteachs.org/info-forms/nysed/.

Reporting

Each school district must collect and transmit to the Commissioner, at such time and in such manner as the Commissioner may require, a report containing such information as the Commissioner determines is necessary, including the numbers of homeless students, their grade, and their nighttime residence.

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)(7)(vii)

Access to Free Meals (only for districts participating in the federal free/reduced meal program)

All children identified as homeless are eligible for free meals if offered in the district. They do not have to complete an application. When a liaison or a shelter director provides a child’s name to the local school food service office, free school meals should commence immediately.

42 United States Code (USC) Section 1758(b)(12)(A)
SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

McKinney-Vento Homeless Education Assistance Act, as reauthorized by the No Child Left Behind Act of 2001
42 United States Code (USC) Section 11431 et seq.
Education Law Section 3209
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)

Adopted: 10/14/03
Revised: 3/8/05; 12/9/08
SUBJECT: IN VOLUNTARY TRANSFER OF STUDENTS

Involuntary transfer of a student from regular classroom instruction to an appropriate educational setting in another school shall be in accordance with Education Law.

Education Law Sections 3214.5 and 1709.3
SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS

U.S. Department of Education-Funded Surveys

In compliance with the Protection of Pupil Rights Amendment (PPRA), the School District is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

The District shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the School District shall obtain prior written parental/guardian consent before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning:

a) Political affiliations or beliefs of the student or the student's parent/guardian;
b) Mental or psychological problems of the student or the student's family;  
c) Sex behavior or attitudes;  
d) Illegal, anti-social, self-incriminating, or demeaning behavior;  
e) Critical appraisals of other individuals with whom respondents have close family relationships;  
f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;  
g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or  
h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Surveys Funded by Sources Other than U.S. Department of Education

The School District has developed and adopted this Board policy, in consultation with parents/guardians, regarding the following:

a) The right of the parent/guardian to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents/guardians to inspect such surveys are to be submitted to, in writing, to the Building Principal at least 10 days prior to the administration or distribution of any survey. Further, the District shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District.

(Continued)
SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont’d.)

b) Arrangements shall be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the following items (including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of such items):

1. Political affiliations or beliefs of student toward the student's parent/guardian;
2. Mental or psychological problems of the student or the student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian;
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents/guardians have the right to inspect, upon request, any survey containing one or more of such items. Such requests must be submitted by the parent/guardian, in writing, to the Building Principal at least 10 days prior to the administration or distribution of any survey.

c) Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (defined by the School District, for the purposes of this policy, as 30 days) after such request is received by the District. Requests shall be submitted by parents/guardians, in writing, to the Building Principal. The term "instructional material" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

(Continued)
d) The administration of physical examinations or screenings that the School District may administer to a student.

Further, this law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the School District incorporates by reference Board policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.

e) Unless mandated/authorized in accordance with Federal or State law and/or regulation, it is policy of the Board of Education, to not permit the collection, disclosure, or use of personal information (the term "personal information" is defined as individually identifiable information including a student's or parent/guardian's first and last name; home address; telephone number; or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), unless otherwise exempted pursuant to law as noted below. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the Superintendent/designee.

These requirements do not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

a) College or other postsecondary education recruitment, or *military recruitment*;

b) Book clubs, magazines, and programs providing access to low-cost literary products;

c) Curriculum and instructional materials used by elementary schools and secondary schools;

d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate others statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;

(Continued)
SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont’d.)

e) The sale by students of products or services to raise funds for school-related or education-related activities;

f) Student recognition programs.


This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.


The School District shall provide for reasonable notice of the adoption or continued use of this policy directly to the parents/guardians of students enrolled in the District. At a minimum, the District shall provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the District shall offer an opportunity for parents/guardians to provide written consent to opt their child out of participation in the following activities in accordance with law and the surveys conducted:

a) The administration of any survey containing one or more of the eight protected areas.

1. U.S. Department of Education-Funded Surveys: Prior written consent from parents must be obtained before students are required to submit to the survey.

2. Surveys funded by sources other than U.S. Department of Education: Notification may indicate the specific or approximate dates during the school year when surveys will be administered and provide an opportunity for the parent to opt his/her child out of participating upon receipt of the notification.

b) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "invasive physical examination" means any medical examination

(Continued)
SUBJECT:  STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS  (Cont’d.)

that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening.

Specific Notification

In the event that the District does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it shall "directly" notify, such as through U.S. Mail or e-mail, the parents of students who are scheduled to participate in the specific activities or surveys prior to participation and provide an opportunity for the parent to provide written consent or opt his/her child out of participation in accordance with law and the surveys conducted.

Notification of Specific Events

In the notification, the School District shall directly notify parents/guardians, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the above activities are scheduled or expected to be scheduled.

General Provisions

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of FERPA.

The rights provided to parents/guardians under PPRA transfer from the parent/guardian to the student when the student turns 18 years old or is an emancipated minor under applicable State law.

The School District may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian involvement in areas affecting the in-school privacy of students.

20 United States Code (USC) Section 1232h(b) and (c), as amended by the No Child Left Behind Act of 2001

NOTE:  Refer also to Policies #7221 -- Diagnostic Screening Students
#7353 -- Military Recruiters’ Access to Secondary School Students and Information on Students
#7611 -- Immunization of Students
#7612 -- Student Physicals
#7613 -- Administration of Medication

Adopted:  9/9/03
Revised:  10/7/08
SUBJECT: SCHOOL CENSUS

In small city school districts, the Board of Education shall constitute a permanent census board in each such city. The Board shall, under its regulations, cause a census of the children in its city to be taken and to be amended from day to day, as changes of residence shall occur among children within the prescribed census age ranges and as other children come within such prescribed age ranges. The census will also account for other children within the prescribed age ranges as they become residents of the city, so that there shall always be on file with the Board of Education a complete census giving the facts and information required pursuant to law.

With the exception of the cities of New York, Buffalo and Rochester, all other school districts are authorized, rather than obligated, to take a census of all children from birth to 18 years of age.

The census must indicate the names of all children between birth and 18 years of age, and of children with disabilities between birth and 21 years of age; their respective residences by street and number; the day of the month and the year of their birth; the names of the persons in parental relation to them; such information relating to physical or mental disabilities, to illiteracy, to employment and to the enforcement of the law relating to child labor and compulsory education as the State Education Department and the Board of Education shall require; and also such further information as the Board shall require.

On written request and in such form as prescribed by the Commissioner of Education, the Board shall provide to the Commissioner a report containing the names, ages and addresses of those children who are blind or deaf, and those children having serious physical or mental disabilities. Additionally, such report shall further indicate whether such children are being educated within the public schools of the District or, if they are not, where such education is being furnished to them.

Persons in parental relation to those children within the prescribed census age ranges are to make such reports as the Board of Education shall require, including, but not limited to, providing two weeks before the child reaches compulsory school age, the name of the child; the child's residence; the name of the person or persons in parental relation to the child; the name and location of the school to which the child shall have been or shall be sent as a student; and such other information as required by law or as the Board may require.

A parent, guardian or other person having under his/her control or charge a child between birth and 18 years of age who withholds or refuses to give information in his/her possession relating to such census data as required by law pertaining to the child; or, in the alternative, gives false information in relation to such census data, shall be liable to and punished by a fine or imprisonment as established by law.

(Continued)
SUBJECT: SCHOOL CENSUS (Cont'd.)

Count of Immigrant Children and Youth

As a provision of the federal Title III Part A - English Language Acquisition, Language Enhancement, and Academic Achievement Act under the No Child Left Behind Act of 2001, the U.S. Secretary of Education requires that all local agencies (LEAs) count the number of "immigrant children and youth" enrolled in the public and nonpublic schools in the geographic area under the jurisdiction of, or served by, the LEA. The results of this count have important implications for the receipt of supplemental federal funds to eligible LEAs in New York State for services to recently arrived immigrant children and youth.

For purposes of this count, the term "immigrant children and youth" shall include those individuals who:

a) Are ages three (3) through twenty-one (21);

b) Were NOT born in any state or from the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands; and

c) Have NOT been attending schools in any one or more States for more than three (3) full academic years.

Each nonpublic school shall report its data to the public school district in which it is located. It is the responsibility of each public school district to report its immigrant count as well as the counts for all nonpublic schools within its jurisdiction.

In accordance with law, the District shall conduct its survey and submit the information electronically to the New York State Education Department by the specified deadline date. LEAs must also maintain on file a list of the immigrant students counted, their countries of origin, dates of arrival, and the public or nonpublic school in which they are registered as well as copies of the letter to each of the nonpublic schools in its jurisdiction regarding the count.

Education Law Sections 3240-3243 and 4402(1)(a)
8 New York Code of Rules and Regulations (NYCRR) Section 200.2(a)
20 United States Code (USC) Section 6811

Adopted: 7/14/98
Revised: 7/11/06; 10/7/08
SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS

The Board of Education will comply with state law in reference to married students attending school.

Educational Services for Students who Become Pregnant

According to New York State Education Law, a student who becomes six years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen years of age. The Education Law further provides that resident students over five (5) and under twenty-one (21) are entitled to attend school in the district in which they reside. The law further requires that a school district provide for this instruction and also to provide for home instruction for those students of legal age who are unable to profit from instruction in school.

In view of the above, the Board of Education directs the Superintendent of Schools to provide instruction as required by the New York State Education law for students who become pregnant. The Superintendent, or his/her designee, is directed to consult with the school physician and the student's personal physician in determining the form of instruction.

The form of instruction may be any of the following or a combination of the following:

a) Remain in school with provisions for special instruction, scheduling, and counseling where needed.

b) Receive home instruction.

c) Attend BOCES programs.

Education Law Sections 1604(20), 3202-1, 3205-1, 4401-1 and 4402-2

Revised: 4/20/93; 7/12/94
SUBJECT: STUDENT EVALUATION AND GRADING

Placement

Placement within the system, with respect to building, teacher, and grade or special class, shall be at the discretion of the school administration and shall be subject to review and change at any time. In making such decisions, the administrator will be guided by performance in class, past records, parent/legal guardian and teacher recommendations, standardized test scores, and any other appropriate sources of information, but the final decision shall rest with the school administration.

Promotion and Retention

The procedures to be followed by the staff regarding promotion and retention will be developed by the Superintendent and will be continually evaluated in the light of School District policy. Building Principals may establish written standards for promotion or retention within the school units to which they are assigned, subject to the guidelines of the Superintendent and the approval of the Board of Education.

6th, 7th, and 8th Grade Promotion/Retention

In general, students in seventh and eighth grades are expected to pass all four basic core academic subjects (English, math, science and social studies) in order to be promoted to the next grade level.

In the event a student fails one (1) or two (2) core subjects they must attend and successfully complete summer school in order to proceed to the next grade level. If the student fails summer school or does not attend he/she will be retained.

If a student fails three (3) or more core academic subjects they will be retained at the present grade level.

A student may be promoted to the next grade level, at the discretion of the Building Principal, if extenuating circumstances exist.

Testing Program

The Board of Education endorses and supports the use of ability, achievement, diagnostic, readiness, interest and guidance tests as part of the total educational process to the degree to which tests help the District to serve its students.

(Continued)
SUBJECT: STUDENT EVALUATION AND GRADING (Cont'd.)

Alternative Testing Procedures

The use of alternative testing procedures shall be limited to:

a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures shall be specified in a student's Individualized Education Program or Section 504 Accommodation Plan; and

b) Students whose native language is other than English (i.e., English language learners) in accordance with State Education Department Guidelines.

The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

Reporting to Parents/Legal Guardians

Parents/guardians shall receive an appropriate report of student progress at regular intervals. Report cards shall be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Report cards, however, are not intended to exclude other means of reporting progress, such as conferences, phone conversations, other typical correspondence such as letters or other types of reports, etc.

When necessary, attempts will be made to provide interpreters for non-English speaking parents/guardians.

Grading Policy for Grades 6-12

A student's marking period grade will be computed on the basis of academic work (80% tests, quizzes, projects, homework) and participation (20% attendance and classroom effort).

Midterm examinations are given to examine the academic progress of students when appropriate. We believe that students and parents should use midterm examination grades along with marking period course grades to evaluate how well students are doing.

Final exams or alternative learning evaluations will be given near the end of the 4th quarter when appropriate.

(Continued)
Final course grades will be determined on the following basis:

The average of all quarters of instruction will equal 75% of the final average. The midterm and final exam will equal 25% of the final mark. (midterm 10%, Final 15%).

Should a student earn a class average of less than 50% during the 1st, 2nd, or 3rd marking period, they will be given one (and only one per academic year per class) opportunity to raise their grade through a teacher devised remedial plan.

A student's marking period grade will be reported as "U" until a remedial plan to earn a minimum average of 50% or greater is completed. They must complete their remedial plan by the midpoint of the following marking period. Failure to satisfy their remedial plan within the time allowed will result in their actual earned grade being posted.

In other instances where a teacher has given a student an incomplete "I" grade in anticipation of making up back work, the "I" grade must be replaced by a numeric grade within the 5 weeks of the start of the following marking period.

No incomplete "I" grades or "U" grades will be given during the 4th marking period.

An "I" (incomplete) shall be marked if the course requirements have not been completed during a particular marking period. The "incomplete" must be removed prior to the next mid-quarter performance report period.

In no case will a final mark be an incomplete unless it can be completed in summer school with permission of the Principal.

A final of at least 65% and the attendance requirement are required to obtain credit for the course.

**Summer School**

Students who fail a high school course during the school year (final average less than 65%) may be eligible to attend summer school if they are in good standing and have a failing average greater than 55%.

A student's summer school grade will be computed on the basis of academic work (80% tests, quizzes, projects, homework) and participation (20% attendance and classroom effort). Their final average will be weighted on a basis of 15% for their final examination grade and 85% academic work as defined above.

(Continued)
SUBJECT: STUDENT EVALUATION AND GRADING (Cont'd.)

If a student attends summer school their final summer school average (as described above) will be added to their final average of the course they failed in the preceding school year. If the combined average of the two grades is at least 65%, credit shall be awarded and the average will become their new grade for the course they had failed. The average of the two (2) grades will become their certified credit.

Course Failure and Denial of Credit

If a student is eligible but does not attend summer school they must repeat the course for the full term of the course.

Students who were denied credit during the year for violation of the attendance policy may attend summer school if they are in good standing. Upon successful completion of a summer school course, credit may be awarded and the final certified credit grade shall replace the grade earned during the year and it may not exceed 75%.

Good Standing for Summer School Participation

In order to attend summer school a student must be in good standing. Good standing is defined as:

a) Not presently serving a long term suspension or having any pending disciplinary issues at the end of the school year.

b) In those instances where credit was denied for excessive unexcused absences, a student must have made a reasonable attempt to improve their attendance and demonstrate participation in the class as they audit the course for the remainder of the school year.

Education Law Section 3230
Commissioner's Regulations Section 100.2(g)
SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED

The Board of Education assures parents or persons in parental relationship who are hearing impaired the right to meaningful access to school initiated meetings or activities pertaining to the academic and/or disciplinary aspects of their children's education. School initiated meetings or activities are defined to include, but are not limited to, parent-teacher conferences, child study or building-level team meetings, planning meetings with school counselors regarding educational progress and career planning, suspension hearings or any conferences with school officials relating to disciplinary actions. The term "hearing impaired" shall include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in School District meetings or activities.

Parents or persons in parental relationship shall be notified of the availability of interpreter services to be provided at no charge, provided that a written request is made to the School District within seven (7) days. Exceptions to the time frame request may be made for unanticipated circumstances as determined by the principal/designee. The District shall also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the District shall appoint an interpreter for the hearing impaired to interpret during the meeting or activity. The District will arrange for interpreters through a District-created list or through an interpreter referral service. The District shall also develop interagency agreements, as appropriate, to ensure that sign language interpreters are provided for eligible parents or persons in parental relationship when District students attend out-of-District schools or programs.

In the event that an interpreter is unavailable, the School District shall make other reasonable accommodations which are satisfactory to the parents or persons in parental relationship. Examples of what constitutes reasonable accommodations in the event an interpreter cannot be located may include, but are not limited to, the use of:

a) Written communications, transcripts, notetakers, etc; and

b) Technology, such as: a decoder or telecommunication device for the deaf, assistive listening devices, and closed or open captioning.

Education Law Section 3230
Commissioner's Regulations Section 100.2(aa)

Adopted: 4/20/93
Revised: 5/11/93
SUBJECT: CLASS RANK

The Board of Education wishes to recognize outstanding academic achievement and shall use a system of computing grade average to inform graduating students of their class standing. Such information may also be sent to prospect employers, scholarship organizations, and post-secondary institutions.

Class Rank Computation

Grades for all classes taken would be computed to determine Class Rank.

Class Rank will be computed on the basis of an Index System. The philosophy behind the Index System is to give the student an incentive and reward for taking challenging subjects during his/her high school career. We identify our Valedictorian and Salutatorian and establish rank in class and honor roll where advanced courses are scheduled with this Index System.

The Index for each subject is calculated by multiplying the final grade in a particular subject by the weighted index assigned to that subject:

Part I. The index

a. Courses to be weighted 1.2
   1. AP Calculus
   2. AP Spanish
   3. College courses taught by our staff

b. Courses to be weighted 1.1
   1. Physics
   2. Chemistry
   3. Mathematics Course III
   4. Pre-calculus
   5. LOTE (Languages other than English) Regents Year
   6. LOTE - subsequent years.

c. Courses to be weighted 1.0
   1. All other courses

Part II. The notes

a) This index begins with the Class of 2006.

b) There is no longer a factor for taking additional courses beyond a normal load.

(Continued)
SUBJECT: CLASS RANK (Cont'd.)

c) College courses which are not part of the SHS course listing are not included in the ranking system.

d) Courses delivered by electronic (internet or Distance Learning) means will not be recorded on the report card or transcript and will have no bearing on class rank or average unless it is from an accredited NYS secondary school. Courses will be evaluated by the High School Principal and appropriate weighting will be applied.

e) Articulation agreements where students may earn local and college and credit must have Board approval. Where articulation agreements are in place, courses will receive a 1.2 weight factor in the calculation of class rank.

Honors

Class rank will be available in September of the tenth (10th) and eleventh (11th) grade. Ranking for Valedictorian, Salutatorian and top ten students of the Senior Class will be determined at the end of the third (3rd) marking period.

Transfer Students

To be considered for first and second honors, i.e., valedictorian and salutatorian, a transfer student must have been in attendance two consecutive years prior to graduation. A grade conversion chart shall be applied to grades of students who transfer from a school which uses an alternate marking method.

Early Graduation

The cumulative grade point average of those students who satisfy their graduation requirements in less than eight semesters of high school study will be computed and assigned a class rank designation in accordance with this policy. Students who elect to pursue an accelerated program of studies shall not be discriminated against in the assignment of a rank in class, and in the corresponding selection of valedictorian and salutatorian.

Dissemination/Notification

The policy on Class Rank will be disseminated to appropriate school officials and will also be published in the annual district calendar as well as the student handbook.

Adopted: 2/12/02
Revised: 2/10/04
SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES

Program Implementation

The School District recognizes that effective use of technology is important to our students and will be essential to them as adults. Consequently, the School System will provide access to various computerized information resources through the District’s computer system (DCS hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to district electronic mail, digital services and Internet. The District shall provide personnel support for such usage.

The DCS is for educational and/or research use only and must be consistent with the goals and purposes of the School District. The standards of acceptable use as well as prohibited conduct by students accessing the DCS, as outlined in District policy and regulation, are not intended to be all-inclusive. Students are responsible for good behavior on school computer networks just as they are in a classroom or a school hallway. In addition to the specific standards of student conduct delineated in this regulation, the general requirements of acceptable student behavior expected under the District's school conduct and discipline policy and the Student Discipline Code of Conduct also apply to student access to the DCS. Communications on the network are often public in nature. General school rules for behavior and communications apply.

Legal and ethical implications of software use will be taught to students of all levels where there is such software use. In addition, the building principal or his/her designee and/or classroom teacher will be responsible for informing District students of rules and regulations governing student access to the DCS.

In order to match electronic resources as closely as possible to the approved District curriculum, District personnel will review and evaluate resources in order to offer "home pages" and menus of materials which comply with Board guidelines governing the selection of instructional materials. In this manner, staff will provide developmentally appropriate guides to students as they made use of telecommunications and electronic information resources to conduct research and other studies related to the District curriculum.

As mush as possible, access to the District's computerized information resources will be filtered to screen out content based on the following criteria:

a) Violence/Profanity

Violence: pictures exposing, text or audio describing extreme cruelty, physical or emotional acts against any animal or person, or physical or verbal bullying that are primarily intended to hurt or inflict pain.

(Continued)
SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(Cont'd.)

Profanity: is defined as obscene words or phrases, either audio, text or pictures.

b) Partial Nudity

Pictures exposing the female breast or full exposure of either male or female buttocks except when exposing genitalia. The Partial Nudity category does not include swimsuits (including thongs).

c) Full Nudity

Pictures exposing any or all of the human genitalia.

Please note: The Partial Nudity and Full Nudity categories do not include sites containing nudity or partial nudity of a non-prurient nature. For example: web sites for publications such as National Geographic or Smithsonian Magazine or sites hosted by museums such as the Guggenheim, the Louvre, or the Museum of Modern Art.

d) Sexual Acts

Pictures, descriptive text or audio of anyone or anything involved in explicit sexual acts and/or lewd and lascivious behavior, including masturbation, copulation, pedophilia, intimacy involving nude or partially nude people in heterosexual, bisexual, lesbian or homosexual encounters. Also includes phone sex ads, dating services, adult personal ads, CE-ROM's and videos.

e) Gross Depictions

Pictures, descriptive text or audio or anyone or anything which are crudely vulgar or grossly deficient in civility or which show scatological impropriety. Includes such depictions as maiming, bloody figures, autopsy photos or indecent depiction of bodily functions.

f) Intolerance

Pictures or text advocating prejudice or discrimination against any race, color, national origin, religion, disability or handicap, gender, or sexual orientation. Any picture or text that elevates one group over another. Also includes intolerant jokes or slurs.

(Continued)
g) **Cults**

A cult is defined as: a closed society, often headed by a single individual, where loyalty is demanded, leaving may be punishable, and in some instances, harm to self or others is advocated. Common elements may include: encouragement to join, recruiting promises, and influences that tend to compromise the personal exercise of free will and critical thinking.

h) **Drugs/Drug Culture**

Pictures or text advocating the illegal use of drugs for entertainment. Includes substances use for other than their primary purpose to alter the individual's state of mind, such as glue sniffing. This category does not include material about the use of illegal drugs when they are legally prescribed for medicinal purposes (e.g., drugs used to treat glaucoma or cancer).

i) **Militant/Extremist**

Pictures or text advocating extremely aggressive and combative behaviors, or advocacy of unlawful political measures. Topics include groups that advocate violence as a means to achieve their goals. Includes "how to" information on weapons making, ammunition making or the making or use of pyrotechnics materials. Also includes the use of weapons for unlawful reasons.

j) **Sex Education**

Pictures or text advocating the proper use of contraceptives. This topic would include condom use, the correct way to wear a condom and how to put a condom in place. Also included are sites relating to discussion about the use of the Pill, IUDs and other types of contraceptives. In addition to the above, this category will include discussion sites on how to talk to your partner about diseases, pregnancy and respecting boundaries. The Sex Education category is uniquely assigned; sites classified as Sex Education are not classified in any other category. This permits the user to block or allow the Sex Education category as appropriate, for example, allow the material for an older child while restricting it for a younger child.

**Note:** Not included in the category are commercial sites that sell sexual paraphernalia. These sites are typically found in the Sex Act category.
SUBJECT:  STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(Cont'd.)

k) Questionable/Illegal and Gambling

Pictures or text advocating materials or activities of a dubious nature which may be illegal in any or all jurisdictions, such as illegal business schemes, chain letters, copyright infringement, computer hacking, phreaking (using someone's phone lines without permission) and software privacy. Also includes text advocating gambling relating to lotteries, casinos, betting, numbers games, on-line sports or financial betting, including non-monetary dares and "1-900" type numbers.

l) Alcohol and Tobacco

Pictures or text advocating the sale, consumption, or production of alcoholic beverages or tobacco products, including commercial sites in which alcohol or tobacco products are the primary focus. Pub and restaurant sites featuring social or culinary emphasis, where alcohol consumption is incidental are not in this category.

While students may be able to move beyond those resources to others which have not been evaluated by staff, students shall be provided with guidelines and lists of resources particularly suited to the learning objectives.

Authorization

Students will not be permitted to use the DCS without specific authorization from the appropriate administrator and/or instructor. Furthermore, only those students who have signed an agreement form and provided written permission from parents/guardians may access the DCS, including potential student access to external computer networks not controlled by the School District. (Refer to Forms #7314F and #7314F.1.) Permission is not transferable and may not be shared. New agreement forms will be completed each time a student transfers or progresses in grade to another building within the district. All required forms must be kept on file in the Technology Office.

Standards of Conduct Governing Student Access to the DCS

Inappropriate use of the DCS may result in disciplinary action, including suspension or cancellation of access. Prior to suspension or revocation of access to the DCS, students will be afforded applicable due process rights. Each student who is granted access will be responsible for that usage. The DCS is provided for students in support of their educational program and to conduct research and communicate with others. Student access to external computer networks not controlled by the District is provided to students who act in a considerate and responsible manner. Individual users

(Continued)
of the District's computerized information resources are responsible for their behavior and communications over the District computer network. It is presumed that users will comply with District standards and will honor the agreements they have signed.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property and subject to control and inspection. The computer coordinator may access all such files and communications to insure system integrity and that users are complying with the requirements of District policy and regulations regarding student access to the DCS. Students should NOT expect that information stored on the DCS will be private as it becomes and is considered to be the property of the DCS.

During school, staff will guide students toward appropriate materials. Outside of school, parents/guardians bear responsibility for such guidance as they do with information sources such as television, telephones, movies, radio and other potentially offensive/controversial media.

Prohibitions

Use of the DCS which violates any aspect of School District policy; the Student Discipline Code of Conduct; and federal, state or local laws or regulations is strictly prohibited and may result in disciplinary action in compliance with applicable District guidelines and/or federal, state and local law including, but not limited to, suspension and/or revocation of access to the DCS. In addition to the District's general requirements governing student behavior, the following specific activities shall be prohibited by student users of the DCS.

a) Disclosing an individual password to others or using others' passwords.

b) Using the DCS to obtain, view, download, send, print, display or otherwise gain access to or to transmit materials that are unlawful, obscene, pornographic or abusive.

c) Use of obscene or vulgar language.

d) Harassing, insulting, bullying, threatening or attacking others.

e) Damaging, disabling or otherwise interfering with the operation of computers, computer systems, software or related equipment through physical action or by electronic means.

f) Using unauthorized software on the DCS.
SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(Cont'd.)

g) Changing, copying, renaming, deleting, reading or otherwise accessing files or software not created by the student without express permission from the computer coordinator.

h) Violating copyright law.

i) Employing the DCS for personal or commercial purposes, product advertisement or political lobbying that is not school related.

j) Transmitting material, information or software in violation of any District policy or regulation, the school behavior code, and/or federal, state and local law or regulation.

k) The use of digital devices and electronic technology to facilitate cheating, plagiarism, etc.

Network accounts are to be used only by the authorized owner of the account. Any user of the DCS that accesses another network or computer resources shall be subject to that networks acceptable use policy.

If a student or a student's parent/guardian has a District network account, a non-district network account, or any other account or program which will enable direct or indirect access to a District computer, any access to the DCS in violation of District policy and/or regulation may result in student discipline. Indirect access to a District computer shall mean using a non-district computer in a manner which results in the user gaining access to a District computer, including access to any and all information, records or other material contained or stored in District computer.

Sanctions

a) Violations may result in suspension and/or revocation of student access to the DCS as determined in accordance with appropriate due process procedures.

b) Additional disciplinary action may be determined at the building level in accordance with existing practices and procedures regarding inappropriate language or behavior, as well as federal, state and local law.

c) When applicable, law enforcement agencies may be involved.

(Continued)
SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(Cont'd.)

Security

Security on any computer system is a high priority, especially when the system involves many users. Users of the DCS identifying a security problem on the District's system must notify the teacher in charge. A student is not to demonstrate the problem to other users. Attempts to log on to the DCS as a computer coordinator will result in cancellation of user privileges. Any user identified as a security risk or having a history of problems with other computer systems may be denied access to the DCS. Further, any violations regarding the use and application of the DCS shall be reported by the student to the teacher in charge.
SUBJECT: GRADUATION REQUIREMENTS

In order to graduate from the Salamanca City School District, a student must complete or may exceed the requirements set forth in Part 100 of the Commissioner's Regulations. The Board of Education reserves the right to establish requirements for graduation which exceed the minimum standards as defined by the New York State Regents.

Reduce the District requirement from twenty-six (26) to twenty-three (23) which is one unit above New York State requirement.

The District will mandate that every Salamanca graduate have an equivalent of one course in Information Technology credit in order to graduate from Salamanca City School District.

Regents Diploma with Honors

The District may award a Regents diploma with honors or a Regents diploma with advanced designation with honors to students who receive an average of ninety percent (90%) in all Regents examinations. This "honors" diploma may also be given to a student who has substituted no more than two (2) alternative assessments for a Regents examination as approved by Commissioner's Regulations Section 100.2(f). However, the student's actual score on the substituted alternative assessment will not be factored into the ninety percent (90%) calculation.

8 New York Code of Rules and Regulations (NYCRR) Sections 100.1(i) and 100.5

Revised: 4/7/92; 7/11/00; 8/15/00; 8/10/04; 10/7/08
SUBJECT: EARLY GRADUATION

A student shall be eligible for early graduation following the completion of all requirements for graduation. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements. The District, upon request from the student's parent/legal guardian, shall grant the student a high school diploma prior to his/her completion of the eighth semester in accordance with Commissioner’s Regulations. Seniors may graduate early to begin a college program or to work because of a personal problem in the family.

The District shall implement the following guidelines for seniors who plan to graduate in less than eight semesters:

a) Student conference with Guidance Counselor. A tentative educational plan set up. (Spring of Junior year).

b) A letter to Superintendent of Schools regarding permission to graduate early. (Spring of Junior year).

c) Parent(s), Counselor, High School Principal and Student conference to discuss whole educational plan and future objectives. (Prior to September 1 of the Senior school year).

d) Prior to the start of the school year, the High School Principal makes a recommendation to the Superintendent.

8 New York Code of Rules and Regulations (NYCRR) Sections 100.5(a) and 100.5(e)

Adopted: 1998
Revised: 8/12/03; 7/11/06
SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

The Board of Education is committed to ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with the provisions of Commissioner's Regulations Section 100.5. However, when necessary, the District may award high school individualized education program (IEP) diplomas to students with disabilities.

High School Diplomas

Students pursuing either a Regents or a local high school diploma must acquire a certain number of units of credit in specified courses and also meet subject sequence requirements. It is critical that students with disabilities be provided access to the required courses and testing programs needed for graduation with these awards.

High School Individualized Program (IEP) Diplomas

Each individualized education program (IEP) diploma awarded shall be accompanied by a written statement of assurance that the student named as its recipient shall continue to be eligible to attend school until the student has earned a high school diploma or until the end of the school year of such student's twenty-first (21st) birthday, whichever is earlier.

The Superintendent shall report to the State Education Department, within fifteen (15) days after the June graduation, the total number and the names of the students awarded IEP diplomas that school year.

Regents Competency Test (RCT) Safety Net and 55-64 Passing Score Option for Students with Disabilities

In October 2003, the Board of Regents approved an extension of the Regents Competency Test (RCT) "safety net" for students with disabilities who pursue a Regents or local high school diploma.

The following students qualify for the RCT safety net and the 55-64 passing score:

a) Students with disabilities identified through a Committee on Special Education (CSE). Specific language regarding the availability of the safety net does not have to be indicated on the student's IEP.

b) Students with disabilities identified through the Section 504 Multidisciplinary Team (MDT) if recommended and documented by the MDT on the student's Accommodation Plan.

c) Students with disabilities declassified while in grades 8 through 12 if recommended and documented by the CSE on the student's IEP.

(Continued)
SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont’d.)

Students with disabilities entering grade 9 from the 1996-97 school year through the 2009-10 school year must take each Regents course and examination required for their entering class.

RCT Safety Net

In order to earn a high school Regents diploma, all students need to take and pass five (5) specific Regents examinations with a score of 65 or higher. Vocational and Educational Services for Individuals with Disabilities (VESID) has developed a chart on the “Diploma Requirements Based on June 2005 Board of Regents Action to Phase in the 65 Graduation Standard on Required Regents Exams” which is available at: http://vesid.nysed.gov/specialed/publications/policy/chart-diploma.htm

The safety net allows students with disabilities who fail a required Regents exam to instead meet the requirements for a local diploma by passing the RCT in that subject or the Department approved alternative. The safety net is available to all eligible students with disabilities entering grade 9 through the 2009-10 school year. The school may administer the RCT before or after the Regents examination, but in all cases the student must take the required Regents examination in order to earn the local diploma. The RCT exams will be available until the student graduates or reaches the age of twenty-one (21).

55-64 Passing Score

For students with disabilities who first enter grade 9 in September 2005 and thereafter, a score by the student of 55-64 may also be met by achieving a passing score on any Regents examination (English, Mathematics, Science, Global History and U.S. History) required for graduation; and, in such event, the District may issue a local diploma to such student. The 55-64 passing score must be made available to students with disabilities and is no longer a district option. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law Sections 3202 or 4402(5).

The safety net allows students with disabilities who fail a required Regents exam to meet the requirements for a local diploma by passing the RCT in that subject or the Department approved alternative. The safety net is available to all eligible students with disabilities entering Grade 9 through the 2009-10 school year. The school may administer the RCT before or after the Regents examination, but in all cases the student must take the required Regents examination in order to earn the local diploma. The RCT exams will be available until the student graduates or reaches the age of twenty-one (21).

For students with disabilities who first enter grade 9 in September 2005 and thereafter, a score by the student of 55-64 may also be met by achieving a passing score on any Regents examination (English, Mathematics, Science, Global History and U.S. History) required for graduation; and, in such event, the District may issue a local diploma to such student. The 55-64 passing score must be made

(Continued)
SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)

available to students with disabilities and is no longer a district option. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law Sections 3202 or 4402(5).

Education Law Sections 3202 and 4402(5)
8 New York Code of Rules and Regulations (NYCRR) Sections 100.5(a-f) and 100.9

Revised: 4/7/92; 7/11/06; 10/7/08
SUBJECT: PHASE IN GRADUATION STANDARD OF 65 ON REQUIRED REGENTS EXAMINATIONS

The Board of Education supports the higher academic achievement standards established in accordance with Commissioner's Regulations that sets 65 as the passing grade on all five Regents examinations required for high school graduation (i.e., the Regents comprehensive examination in English, a Regents examination in mathematics, the Regents examination in United States history and government, a Regents examination in science, and the Regents examination in global studies). However, the Board recognizes that additional time may be necessary for students to transition to these higher standards. Therefore, it is the policy of this District that the following phase in schedule of the 65 graduation standard on required Regents exams is established.

In order to obtain a local diploma, students who first enter grade 9 in September 2005, 2006 and 2007 must attain the following scores on the five required Regents examinations:

**Students Entering Grade 9 in September 2005**

Unless otherwise authorized pursuant to law and/or regulations, students who first enter grade 9 in September 2005 must attain a score of 65 or above on two of the five required Regents examinations and a score of 55 or above on the remaining three required Regents examinations.

**Students Entering Grade 9 in September 2006**

Unless otherwise authorized pursuant to law and/or regulations, students who first enter grade 9 in September 2006 must attain a score of 65 or above on three of the five required Regents examinations and a score of 55 or above on the remaining two required Regents examinations.

**Students Entering Grade 9 in September 2007**

Unless otherwise authorized pursuant to law and/or regulations, students who first enter grade 9 in September 2007 must attain a score of 65 or above on four of the five required Regents examinations and a score of 55 or above on the one remaining required Regents examination.

**Students entering Grade 9 in 2008**

Unless otherwise authorized pursuant to law and/or regulations, students must pass all five required Regents examinations at a score of 65 or above.

**Regents Diplomas**

Students who score 65 or above on all five required Regents examinations receive a Regents-endorsed diploma. Students who score 65 or above on eight Regents examinations will receive an Advanced Regents diploma.
SUBJECT: PHASE IN GRADUATION STANDARD OF 65 ON REQUIRED REGENTS EXAMINATIONS (Cont'd.)

Students with Disabilities

Students with disabilities will still have the safety net option of taking and passing the Regents Competency Test if they have not been successful on the corresponding Regents exam in order to earn a local diploma. This provision will continue for students with disabilities entering grade 9 prior to September 2010.

For students with disabilities who first enter grade 9 in September 2005 and thereafter, a score by the student of 55-64 may be considered as a passing score on any Regents examination required for graduation; and, in such event, the District may issue a local diploma to such student. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law Section 3202 or 4402(5).

Appeals Process on Regents Examinations Passing Score to Meet Regents Diploma Requirements

The District has established an appeals process in which students who score within three points of 65 and have met other criteria enumerated in Commissioner's Regulations that demonstrate they have achieved the State learning standards would be eligible to appeal.

Education Law Sections 3202 and 4402(5)
8 New York Code of Rules and Regulations (NYCRR)
Section 100.5

Adopted: 9/13/05
SUBJECT: MATRICULATION POLICY

All senior students who have successfully fulfilled the requirements to enter into their senior year and have demonstrated intellectual and social maturity, may choose to matriculate at any one of the colleges that have a cooperative agreement with our School District. These opportunities might include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. Review and approval by school officials is necessary before any college courses may be taken during the school day.
SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

Student Records

The Salamanca City School District will comply with the provisions of the "Family Educational Rights and Privacy Act of 1974." Under its provisions, "parents/legal guardians and non-custodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student eighteen (18) or older, have a right to inspect and review any and all official records, files, and data, including all material that is incorporated into each student's cumulative record folder and intended for school use or to be available to parties outside the school or school system and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns."

Education Records

The term "education records" is defined as all records, files, documents and other materials containing information directly related to a student; and maintained by the education agency or institution, or by a person acting for such agency or institution (34 Code of Federal Regulations (CFR) Section 99.3). This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

In addition, for students who attend a public school district, all records pertaining to services provided under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA. As such, they are subject to the confidentiality provisions of both Acts.

Personal notes made by teachers or other staff, on the other hand, are not considered education records if they are:

a) Kept in the sole possession of the maker;

b) Not accessible or revealed to any other person except a temporary substitute; and

c) Use only as a memory aid.

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded.

(Continued)
SUBJECT:  STUDENT RECORDS: ACCESS AND CHALLENGE (Cont’d.)

Access to Student Records

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of Federal Law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/legal guardians of students and non-custodial parent(s) whose rights are not limited by court order or formal agreement, or students eighteen (18) or older, student records, and files on students, and to insure the confidentiality of such records with respect to third parties.

Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information contained in student records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature:

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

Challenge to Student Records

Under the law, parents/legal guardians of a student under the age of 18, or a student 18 years or older, "shall have an opportunity for a hearing to challenge the content of the school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein."

Release of Information to Another Educational Institution

The District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll. Parental consent is not required for transferring education records; however, the school's annual FERPA notification should indicate that such disclosures have been made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, schools must provide a copy of the information disclosed and an opportunity for a hearing.

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232(g)

Revised:  7/11/06;  10/7/08
SUBJECT: STUDENT DIRECTORY INFORMATION

The District shall publish an annual public notice informing parents or eligible students (i.e., a student eighteen (18) years of age or older or who is attending an institution of post-secondary education) the District’s definition of directory information, the parent/eligible student's right to refuse the release of student directory information and indication of the time period for their response. Following such public notice and a reasonable response period, the District may release such information to an outside group without individual consent.

The Family Educational Rights and Privacy Act (FERPA), the District defines student directory information as any of the following: name; address; telephone listing; date and place of birth, enrollment status (e.g., undergraduate or graduate, full time or part time); major field of study; grade level; participation in officially recognized activities and sports; weight and height (if members of athletic teams); dates of attendance; honors, degrees and awards received; electronic mail address; photograph; and the name of the educational agency or institution most recently previously attended by the student. The District will release only the following defined directory information:* 

The release of student directory information is not to be confused with the release of names, addresses and telephone listings of eligible students (i.e., a student seventeen (17) years of age or older or in the eleventh grade (or its equivalent) or higher to Military Recruiters. In compliance with the Elementary and Secondary Education Act of 1965 (ESEA) as amended by the No Child Left Behind Act of 2001 (NCLB) and the National Defense Authorization Act, the School District shall notify parents that by law it routinely releases this information to Military Recruiters upon request subject to a parents/eligible students' request not to disclose such information with written parental verification of such request.

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) 1232(g) 

*District must specify
Adopted: 10/14/03
Revised: 7/11/06;
SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS

In compliance with the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB); and the National Defense Authorization Act, and in accordance with the Family Educational Rights and Privacy Act (FERPA), the School District shall comply with a request by a Military Recruiter for names, addresses, and telephone listings of eligible students. Eligible student under ESEA and the National Defense Authorization Act is defined as a secondary student who is seventeen (17) years of age or older or in the eleventh grade (or its equivalent) or higher. Under ESEA and the National Defense Authorization Act, parents must be notified that the School District by law routinely discloses students' names, addresses, and telephone listings to Military Recruiters upon request, subject to a parent's/eligible student's request not to disclose such information with written parental verification of such request.

Under FERPA, the School District must provide notice to parents/eligible students of the types of student information that it releases publicly. This type of information, commonly referred to as "directory information," which is released by the District includes - but is not limited to - such items as students’ names, addresses, and telephone listings. The notice must include an explanation of a parent's/eligible student's right to request that "directory information" not be disclosed without prior written consent of the parent/eligible student. Eligible student under FERPA is defined as a student eighteen (18) years of age or older or who is attending an institution of post-secondary education.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents/eligible students of the above information is sufficient to satisfy the notification requirements of both FERPA, ESEA and the National Defense Authorization Act. The notification shall advise the parent/eligible student of how to opt out of the public, nonconsensual disclosure of directory information and the disclosure of name, address and telephone listing to Military Recruiters; and shall state the method and timeline within which to do so.

Further, in compliance with the ESEA and the National Defense Authorization Act, the District shall give Military Recruiters the same access to secondary school students as they provide to postsecondary institutions or to prospective employers.

If a parent/eligible student opts out of providing directory information (or any subset of such information) to third parties, the opt-out relating to the student's name, address, or telephone listing applies to requests from Military Recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, the District may not disclose telephone numbers to Military Recruiters.

The Superintendent/designee shall ensure that appropriate notification is provided regarding the opt-out rights prohibiting release of directory information and/or release of name, address and telephone listing to Military Recruiters.

(Continued)
SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS (Cont'd.)

Elementary and Secondary Education Act of 1965, Section 9528, 20 United States Code (USC) Section 7908 as amended by the No Child Left Behind Act of 2001
Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232(g)
National Defense Authorization Act Section 544, 10 United States Code (USC) Section 503
34 Code of Federal Regulations (CFR) Section 300.571
Education Law Section 2-a
8 New York Code of Rules and Regulations (NYCRR) Section 3.33

Adopted: 10/14/03
Revised: 10/7/08
SUBJECT: UNIVERSAL PRE-KINDERGARTEN PROGRAM

The purpose of the Universal Pre-Kindergarten (UPK) Program is to provide four-year old children with universal opportunity to access pre-kindergarten programs.

The UPK Program shall include developmentally appropriate early childhood activities that address the stages of each child's cognitive linguistic, physical, cultural, emotional and social development and are designed to promote each state of development.

The District shall work in conjunction with and eligible agency, to be designated at the beginning of each school year in compliance with UPK Regulations.

Students who are legal residents of the School District and who reside with parents or guardian within the School District at the time of the opening day of school must be four (4) years of age on December 1st of the year in which he/she is enrolled or who will otherwise be first eligible to enter public school kindergarten commencing with the following school year in order to register for the Universal Pre-Kindergarten Program.

Students who are legal residents of the School District and who reside with parents or guardians within the School District at the time of the opening day of school who will be five (5) before December 1st will be funded by the Salamanca City Central School District for inclusion within the Pre-K in a multi-age half-day program.

Families with children currently attending the Salamanca City Central School District will be eligible to attend the UPK Program.

Students of all District employees are eligible to attend the multi-age Pre-K Program.

Proof of Age

A student's birth certificate or other satisfactory evidence of age shall be presented at the initial registration. The child shall be entered under his/her legal name.

Program

The Universal Pre-K offers a 180-day program and follows the District calendar with minor variations.

The District will provide transportation for the students who attend the morning and afternoon programs.

The morning and afternoon sessions will involve 2-1/2 hours.
SUBJECT: UNIVERSAL PRE-KINDERGARTEN PROGRAM (Cont'd.)

The first and most important teachers in a child's life are the parents or guardians. Parent involvement is a fundamental belief of the UPK Program and it is an expectation that we have developed and embraced.

The Universal Pre-K classroom and curriculum are based on the knowledge of how young children grow, learn, and develop. Classroom activities are learning-center based and use both individual and small group instruction by New York State certified teachers and assisted by a full-time teacher aide in each classroom.

It is the goal of our pre-school program to support and nurture the cognitive, social, emotional, and physical development of young children.

Adopted: 3/11/03
SUBJECT: PARENTAL DELEGATION OF AUTHORITY TO CAREGIVER OF MINOR CHILD

In accordance with General Obligations Law Section 5-1801, parents may delegate authority to a caregiver for specified education and health care decisions relating to their minor child. Specifically, this law allows a parent to authorize an adult person in whose care a minor has been entrusted to:

a) Consent to any health care developmental screening or mental health examination or treatment, including immunization, to be rendered to such minor in accordance with law for which the parent has authority to consent;

b) Enroll the minor in health plans;

c) Review school records of the minor child;

d) Enroll the minor in a school;

e) Consent to the minor's absence from school; and/or

f) Consent to the participation of the minor in a school program or school-sponsored activity.

However, such parental authorization of designated powers to a caregiver is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from himself/herself exercising such authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding their child, an authorization pursuant to this law shall not be valid unless both parents have given their consent.

An authorization conferred upon a caregiver pursuant to this law shall not be construed to satisfy requirements governing residence for purposes of enrollment in a school as set forth in Education Law Section 3202, unless such requirements have otherwise been fulfilled.

Authorization for a caregiver's consent shall be in writing and shall include:

a) The name of the caregiver to whom authorization is given;

b) The name of each minor with respect to whom such authorization is granted;

c) The parent's or parents' signature(s) and the date of such signature(s).

The authorization may specify a period of time less than a year for which such authorization shall be valid unless earlier revoked by the parent as enumerated below. However, if no such time period is specified, the authorization shall be valid until the earlier of revocation or one year from the date the authorization was signed by the parent. The authorization may:

(Continued)
SUBJECT: PARENTAL DELEGATION OF AUTHORITY TO CAREGIVER OF MINOR CHILD (Cont’d.)

a) Authorize any or all consents set forth above;

b) Specify the treatment, diagnosis or activities for which consent is authorized; or

c) Specify any treatment, diagnosis or activity for which consent is not authorized.

However, the decision of a caregiver to consent to or to refuse health care or mental health diagnosis or treatment for a minor shall be superseded by a contravening decision of the custodial parent of the minor.

No provision of this law shall be construed to require formal authorization to a caregiver as provided within the statute where such authorization is not otherwise required by law, rule or regulation.

Revocation of Authorization

Revocation by one parent shall be deemed effective and complete revocation of an authorization pursuant to this law. A caregiver who receives notification from a parent of any such revocation shall immediately notify any school, health care provider or health plan to which an authorization has been presented. Failure by the caregiver to notify recipients of the revocation shall not make notification of revocation by the parent ineffective.

Liability Provisions

A person who provides health care or mental health care or who permits enrollment or participation in a government sponsored health plan, a school program or school-sponsored activity upon a caretaker's consent, and who does so reasonably and in the good faith belief that the parent has in fact authorized the caretaker to do so pursuant to the provisions of this law, may not be deemed to have acted negligently, unreasonably or improperly in accepting and acting upon such authorization. However, any such person may be deemed to have acted negligently, unreasonably or improperly if he/she has knowledge of facts indicating that the authorization was never given, or did not extend to the care or treatment given, or was revoked.

Pursuant to law, the above provision (i.e., actions not deemed negligent, unreasonable or improper) shall apply even if health care or mental health care is provided to a minor or consent is given to enrollment or participation in a school program or school-sponsored activity in contravention of the wishes of the parent except where the health care provider, health plan official or school official has knowledge of facts indicating that the authorization was not given, or did not extend to the care or treatment in issue, or was revoked.

(Continued)
SUBJECT: PARENTAL DELEGATION OF AUTHORITY TO CAREGIVER OF MINOR CHILD (Cont’d.)

However, General Obligations Law Section 5-1801 does not alter any liability that would otherwise exist in the absence of this law, if a health care provider provides care that was not medically warranted even with legal consent, or fails to provide care that should have been provided, or provides care in a negligent or unacceptable manner.

General Obligations Law Section 5-1801
Education Law Section 3202

Adopted: 6/28/05
SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

The Board of Education acknowledges its responsibility to protect the educational climate of the District and to promote responsible student behavior. Accordingly, the Board delegates to the Superintendent the responsibility for assuring the implementation of a Code of Conduct for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students as well as teachers, other school personnel, and visitors.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

The Board shall further provide for the enforcement of such Code of Conduct, which shall be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other personnel and shall incorporate, at a minimum, those components addressed in law and enumerated in Policy #3410 -- Code of Conduct on School Property. Specific components may vary as appropriate to student age, building levels, and educational needs.

In accordance with the Code of Conduct on School Property, areas addressing student conduct and behavior will further utilize the following strategies in promoting acceptable student behavior:

a) A bill of rights and responsibilities of students which focuses upon positive student behavior, and is publicized and explained to all students on an annual basis;

b) A discipline code for student behavior setting forth prohibited student conduct and the range of penalties which may be imposed for violation of such code, which is publicized and explained to all students and provided in writing to all parents/legal guardians on an annual basis. Such code shall describe the roles of teachers, administrators, Board of Education members and parents/legal guardians;

c) Strategies and procedures for the maintenance and enforcement of public order on school property which shall govern the conduct of all persons on school premises, in accordance with section 2801 of the Education Law and accepted principles of due process of law;

a) Procedures within each building to involve student service personnel, administrators, teachers, parents/legal guardians and students in the early identification and resolution of discipline problems. For students identified as having disabilities, the policy includes procedures for determining when a student's conduct shall constitute a reason for referral to the Committee on Special Education for review and modification, if appropriate, of the student's individualized education program;

(Continued)
SUBJECT: SCHOOL CONDUCT AND DISCIPLINE (Cont’d.)

e) Alternative educational programs appropriate to individual student needs;

f) Disciplinary measures for violation of the school policies developed in accordance with subparagraphs b) and c) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student. Any suspension from attendance upon instruction may be imposed only in accordance with section 3214 of the Education Law; and

g) Guidelines and programs for staff education to ensure effective implementation of school policy on school conduct and discipline.

The Board of Education will annually review this policy on school conduct and discipline and amend it when appropriate. The policy shall be filed in each school building, and shall be available for review by any individual.

Education Law Sections 2801 and 3214
8 New York Code of Rules and Regulations (NYCRR)
Section 100.2(l)(2)

NOTE: Refer also to Policy #3410 -- Code of Conduct on School Property

District Code of Conduct on School Property

Revised: 4/7/92; 7/11/06
SUBJECT: STUDENT BEHAVIOR

In order to maintain an atmosphere in the Salamanca City schools that is conducive to the educational process, all people involved with the school system are required to demonstrate respect for other persons and their property. When a person's rights are violated, disciplinary procedures become necessary. The ultimate aim of discipline must always be to teach and encourage self-discipline.

To protect the rights of individuals and foster self-discipline, it is necessary that there be established regulations governing behavior. To be effective, all behavior regulations must be clearly understood and consistently enforced. Positive behavior is a responsibility of the total school system: parents/legal guardians, students, staff members, teachers, administrators, Superintendent of Schools, and the Board of Education.

All persons are expected to foster self-discipline and be responsible for the communication and interpersonal relations that are essential for the positive direction of behavior.
SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of the District; or

b) Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

In instances where the District has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed $5,000. Under certain circumstances, prior to the entering of a judgment in the sum total of $500 or more, a court may consider the parent's or guardian's financial inability to pay any portion or all of the amount of damages which are in excess of $500, and enter a judgment in an amount within the financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than $500.

False Reporting of an Incident and/or Placing a False Bomb

A School District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

a) Has falsely reported an incident; or

b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the School District in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, the School District shall file with the court, district attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

General Obligations Law Section 3-112
Penal Law Section 60.27

Revised: 12/14/99
SUBJECT: STUDENT DRESS CODE

The responsibility for the dress and appearance of students shall rest with individual students and parents. They have the right to determine how the student shall dress providing that such attire is not destructive to school property, complies with requirements for health and safety, and does not interfere with the educational process. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

While the school administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, white socks, shorts, tee shirts, they may not prescribe a specific brand which students must buy.

This policy does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements.
SUBJECT: SUSPENSION OF STUDENTS

The Superintendent and/or the Principal may suspend the following students from required attendance upon instruction:

a) A student who is insubordinate or disorderly; or
b) A student who is violent or disruptive; or
c) A student whose conduct otherwise endangers the safety, morals, health or welfare of others.

Suspension

Five (5) School Days or Less

The Superintendent and/or the Principal of the school where the student attends shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the Principal, the designated "Acting Principal" may then suspend a student for a period of five (5) school days or less.

When the Superintendent or the Principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with notice of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an explanation of the basis for the suspension.

When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student may be suspended from school.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the Principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

(Continued)
SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

The notice and opportunity for informal conference shall take place prior to suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

Teachers shall immediately report or refer a violent student to the Principal or Superintendent for a violation of the District's Code of Conduct and a minimum suspension period.

More Than Five (5) School Days

In situations where the Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

Minimum Periods of Suspension

Pursuant to law, Commissioner's Regulations and the District's Code of Conduct, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a firearm to school or possessed a firearm on school premises shall be suspended for a period of not less than one (1) calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.

b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" shall be determined in accordance with the Regulations of the Commissioner.

(Continued)
SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

c) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

Suspension of Students with Disabilities

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the District's Code of Conduct and in conjunction with applicable law and the determination of the Committee on Special Education (CSE).

For suspensions or removals up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern, a manifestation determination must be made. The District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

Manifestation Determinations

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten (10) school days after a decision is made:

a) By the Superintendent to change the placement to an interim alternative educational setting (IAES);

b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or

c) By the Board, District Superintendent, Superintendent or Building Principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

(Continued)
SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

The manifestation team shall review all relevant information in the student's file including the student's individualized education program (IEP), any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the IEP. If the team determines the conduct in question was the direct result of failure to implement the IEP, the District must take immediate steps to remedy those deficiencies.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability the CSE shall conduct a functional behavioral assessment, if one has not yet been conducted, and implement or modify a behavioral intervention plan.

Functional behavioral assessment (FBA) means the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. FBA must be developed consistent with the requirements of Commissioner's Regulations Section 200.22(a) and shall include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

Behavioral intervention plan (BIP) means a plan that is based on the results of a functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent/person in parental relation to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to such student.

(Continued)
SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, students with a disability shall be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP. They must also receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications designed to address the behavior violation so it does not recur:

a) For subsequent suspensions or removals for ten (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change of placement school personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed;

b) For suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement the IAES and services will be determined by the CSE.

Interim Alternative Educational Setting (IAES)

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) school days may be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

Additionally, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the students or others.

There are three (3) specific instances when a student with a disability may be placed in an IAES for up to forty-five (45) school days without regard to a manifestation determination:

a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or

b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or

(Continued)
SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:

1. Substantial risk of death;

2. Extreme physical pain; or

3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES shall:

a) Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP, and

b) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

Suspension From BOCES

The BOCES Principal may suspend School District students from BOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

In-School Suspension

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.
SUBJECT:  SUSPENSION OF STUDENTS (Cont'd.)

BOCES Activities

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES is to be considered as an act within the School District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or his/her designee.

Exhaustion of Administrative Remedies

If a parent/person in parental relation wishes to appeal the decision of the Building Principal and/or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board of Education prior to commencing an appeal to the Commissioner of Education.

Procedure After Suspension

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

When a student has been suspended, the suspension may be revoked by the Board of Education whenever it appears to be for the best interest of the school and the student to do so. The Board of Education may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 615(k)(l)]
18 United States Code (USC) Section 921
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
20 United States Code (USC) Section 7151, as reauthorized by the No Child Left Behind Act of 2001
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 2801(1), 3214 and 4402
Penal Law Section 265.01

NOTE:  Refer also to Policies #7470 -- Weapons in School
       #7471 -- Gun-Free Schools

Revised:  4/7/92; 2/9/93; 4/20/93; 7/12/94; 7/11/00; 9/9/03; 6/28/05; 7/11/06; 10/10/06; 10/7/08
SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES

The parent of a student who has violated any rule or code of conduct of the School District and who was not identified as a student with a disability at the time of such behavior may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and State regulations if the School District is deemed to have had knowledge (as determined in accordance with law and/or regulations and referenced below) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

Basis of Knowledge

The School District shall be deemed to have knowledge that the student had a disability if prior to the time the behavior occurred:

a) The parent of the student has expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services. However, expressions of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;

b) The parent of the student has requested an evaluation of the student; or

c) A teacher of the student, or other District personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel in accordance with the District's established child find or special education referral system.

Exception

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above (i.e., subheading "Basis of Knowledge"):

a) The parent of the student has not allowed an evaluation of the student pursuant to law and/or regulations;

b) The parent of the student has refused services under law and/or regulations; or

c) The student has been evaluated and it was determined that the student is not a student with a disability.

(Continued)
SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES (Cont'd.)

Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability

If it is claimed by the parent of the student or by School District personnel that the District had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the Superintendent of Schools, Building Principal or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

Conditions That Apply if There is No Basis of Knowledge

If it is determined that there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made during the time period in which such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the District shall provide special education and related services in accordance with law and/or regulations.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446, Section 615(k)(5)]
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
8 New York Code of Rules and Regulations (NYCRR) Section 201.5

Adopted: 6/28/05
SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES

Program Implementation

The School District recognizes that effective use of technology is important to our students and will be essential to them as adults. Consequently, the School System will provide access to various computerized information resources through the District's computer system (DCS hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to district electronic mail, digital services and Internet. The District shall provide personnel support for such usage.

The DCS is for educational and/or research use only and must be consistent with the goals and purposes of the School District. The standards of acceptable use as well as prohibited conduct by students accessing the DCS, as outlined in District policy and regulation, are not intended to be all-inclusive. Students are responsible for good behavior on school computer networks just as they are in a classroom or a school hallway. In addition to the specific standards of student conduct delineated in this regulation, the general requirements of acceptable student behavior expected under the District's school conduct and discipline policy and the Student Discipline Code of Conduct also apply to student access to the DCS. Communications on the network are often public in nature. General school rules for behavior and communications apply.

Legal and ethical implications of software use will be taught to students of all levels where there is such software use. In addition, the Building Principal or his/her designee and/or classroom teacher will be responsible for informing District students of rules and regulations governing student access to the DCS.

In order to match electronic resources as closely as possible to the approved District curriculum, District personnel will review and evaluate resources in order to offer "home pages" and menus of materials which comply with Board guidelines governing the selection of instructional materials. In this manner, staff will provide developmentally appropriate guides to students as they made use of telecommunications and electronic information resources to conduct research and other studies related to the District curriculum.

As much as possible, access to the District's computerized information resources will be filtered to screen out content based on the following criteria:

a) **Violence/Profanity**

   Violence: pictures exposing, text or audio describing extreme cruelty, physical or emotional acts against any animal or person, or physical or verbal bullying that are primarily intended to hurt or inflict pain. Profanity: is defined as obscene words or phrases, either audio, text or pictures.

(Continued)
SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(Cont'd.)

b) Partial Nudity

Pictures exposing the female breast or full exposure of either male or female buttocks except when exposing genitalia. The Partial Nudity category does not include swimsuits (including thongs).

c) Full Nudity

Pictures exposing any or all of the human genitalia.

Please note: The Partial Nudity and Full Nudity categories do not include sites containing nudity or partial nudity of a non-prurient nature. For example: web sites for publications such as National Geographic or Smithsonian Magazine or sites hosted by museums such as the Guggenheim, the Louvre, or the Museum of Modern Art.

d) Sexual Acts

Pictures, descriptive text or audio of anyone or anything involved in explicit sexual acts and/or lewd and lascivious behavior, including masturbation, copulation, pedophilia, intimacy involving nude or partially nude people in heterosexual, bisexual, lesbian or homosexual encounters. Also includes phone sex ads, dating services, adult personal ads, CD-ROMs and videos.

e) Gross Depictions

Pictures, descriptive text or audio or anyone or anything which are crudely vulgar or grossly deficient in civility or which show scatological impropriety. Includes such depictions as maiming, bloody figures, autopsy photos or indecent depiction of bodily functions.

f) Intolerance

Pictures or text advocating prejudice or discrimination against any race, color, national origin, religion, disability or handicap, gender, or sexual orientation. Any picture or text that elevates one group over another. Also includes intolerant jokes or slurs.

g) Cults

A cult is defined as: a closed society, often headed by a single individual, where loyalty is demanded, leaving may be punishable, and in some instances, harm to self or others is advocated. Common elements may include: encouragement to join, recruiting promises, and influences that tend to compromise the personal exercise of free will and critical thinking.

(Continued)
SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(Cont'd.)

h) **Drugs/Drug Culture**

Pictures or text advocating the illegal use of drugs for entertainment. Includes substances use for other than their primary purpose to alter the individual's state of mind, such as glue sniffing. This category does not include material about the use of illegal drugs when they are legally prescribed for medicinal purposes (e.g., drugs used to treat glaucoma or cancer).

i) **Militant/Extremist**

Pictures or text advocating extremely aggressive and combative behaviors, or advocacy of unlawful political measures. Topics include groups that advocate violence as a means to achieve their goals. Includes "how to" information on weapons making, ammunition making or the making or use of pyrotechnics materials. Also includes the use of weapons for unlawful reasons.

j) **Sex Education**

Pictures or text advocating the proper use of contraceptives. This topic would include condom use, the correct way to wear a condom and how to put a condom in place. Also included are sites relating to discussion about the use of the Pill, IUDs and other types of contraceptives. In addition to the above, this category will include discussion sites on how to talk to your partner about diseases, pregnancy and respecting boundaries. The Sex Education category is uniquely assigned; sites classified as Sex Education are not classified in any other category. This permits the user to block or allow the Sex Education category as appropriate, for example, allow the material for an older child while restricting it for a younger child.

**Note:** Not included in the category are commercial sites that sell sexual paraphernalia. These sites are typically found in the Sex Act category.

k) **Questionable/Illegal and Gambling**

Pictures or text advocating materials or activities of a dubious nature which may be illegal in any or all jurisdictions, such as illegal business schemes, chain letters, copyright infringement, computer hacking, phreaking (using someone's phone lines without permission) and software privacy. Also includes text advocating gambling relating to lotteries, casinos, betting, numbers games, on-line sports or financial betting, including non-monetary dares and "1-900" type numbers.

(Continued)
SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(Cont'd.)

1) Alcohol and Tobacco

Pictures or text advocating the sale, consumption, or production of alcoholic beverages or tobacco products, including commercial sites in which alcohol or tobacco products are the primary focus. Pub and restaurant sites featuring social or culinary emphasis, where alcohol consumption is incidental are not in this category.

While students may be able to move beyond those resources to others which have not been evaluated by staff, students shall be provided with guidelines and lists of resources particularly suited to the learning objectives.

Authorization

Students will not be permitted to use the DCS without specific authorization from the appropriate administrator and/or instructor. Furthermore, only those students who have signed an agreement form and provided written permission from parents/guardians may access the DCS, including potential student access to external computer networks not controlled by the School District. (Refer to Forms #7314F and #7314F.1) Permission is not transferable and may not be shared. New agreement forms will be completed each time a student transfers or progresses in grade to another building within the district. All required forms must be kept on file in the Technology Office.

Standards of Conduct Governing Student Access to the DCS

Inappropriate use of the DCS may result in disciplinary action, including suspension or cancellation of access. Prior to suspension or revocation of access to the DCS, students will be afforded applicable due process rights. Each student who is granted access will be responsible for that usage. The DCS is provided for students in support of their educational program and to conduct research and communicate with others. Student access to external computer networks not controlled by the District is provided to students who act in a considerate and responsible manner. Individual users of the District's computerized information resources are responsible for their behavior and communications over the District computer network. It is presumed that users will comply with District standards and will honor the agreements they have signed.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property and subject to control and inspection. The District Technology Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of District policy and regulations regarding student access to the DCS. Students should NOT expect that information stored on the DCS will be private as it becomes and is considered to be the property of the DCS.

(Continued)
SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(Cont'd.)

During school, staff will guide students toward appropriate materials. Outside of school, parents/guardians bear responsibility for such guidance as they do with information sources such as television, telephones, movies, radio and other potentially offensive/controversial media.

Prohibitions

Use of the DCS which violates any aspect of School District policy; the Student Discipline Code of Conduct; and federal, state or local laws or regulations is strictly prohibited and may result in disciplinary action in compliance with applicable District guidelines and/or federal, state and local law including, but not limited to, suspension and/or revocation of access to the DCS. In addition to the District's general requirements governing student behavior, the following specific activities shall be prohibited by student users of the DCS.

a) Disclosing an individual password to others or using others' passwords.

b) Using the DCS to obtain, view, download, send, print, display or otherwise gain access to or to transmit materials that are unlawful, obscene, pornographic or abusive.

c) Use of obscene or vulgar language.

d) Harassing, insulting, bullying, threatening or attacking others.

e) Damaging, disabling or otherwise interfering with the operation of computers, computer systems, software or related equipment through physical action or by electronic means.

f) Using unauthorized software on the DCS.

g) Changing, copying, renaming, deleting, reading or otherwise accessing files or software not created by the student without express permission from the District Technology Coordinator.

h) Violating copyright law.

i) Employing the DCS for personal or commercial purposes, product advertisement or political lobbying that is not school related.

j) Transmitting material, information or software in violation of any District policy or regulation, the school behavior code, and/or federal, state and local law or regulation.

k) The use of digital devices and electronic technology to facilitate cheating, plagiarism, etc.

(Continued)
SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(Cont'd.)

Network accounts are to be used only by the authorized owner of the account. Any user of the DCS that accesses another network or computer resources shall be subject to that networks acceptable use policy.

If a student or a student’s parent/guardian has a District network account, a non-district network account, or any other account or program which will enable direct or indirect access to a District computer, any access to the DCS in violation of District policy and/or regulation may result in student discipline. Indirect access to a District computer shall mean using a non-district computer in a manner which results in the user gaining access to a District computer, including access to any and all information, records or other material contained or stored in District computer.

Sanctions

a) Violations may result in suspension and/or revocation of student access to the DCS as determined in accordance with appropriate due process procedures.

b) Additional disciplinary action may be determined at the building level in accordance with existing practices and procedures regarding inappropriate language or behavior, as well as federal, state and local law.

c) When applicable, law enforcement agencies may be involved.

Security

Security on any computer system is a high priority, especially when the system involves many users. Users of the DCS identifying a security problem on the District's system must notify the teacher in charge. A student is not to demonstrate the problem to other users. Attempts to log on to the DCS as a District Technology Coordinator will result in cancellation of user privileges. Any user identified as a security risk or having a history of problems with other computer systems may be denied access to the DCS. Further, any violations regarding the use and application of the DCS shall be reported by the student to the teacher in charge.

Revised: 2/12/02; 12/13/05; 7/10/07
SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)

The Board of Education recognizes that the misuse of drugs, alcohol and/or tobacco is a serious problem with legal, physical, emotional and social implications for the entire community. Therefore, the consumption, sharing and/or selling, use and/or possession of alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any school-sponsored function or on school grounds and on school buses at all times. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed.

Persons shall be banned from entering school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances. A school-sponsored function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

In accordance with Penal Law Section 220.00 for purposes of controlled substances offenses:

a) "School grounds" means (a) in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of the District's schools, or (b) any area accessible to the public located within one thousand (1,000) feet of the real property boundary line comprising any such school or any parked automobile or other parked vehicle located within one thousand (1,000) feet of the real property boundary line comprising any District school. An "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

b) "School bus" means every motor vehicle owned by the District and operated for the transportation of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

Through the collaborative efforts of staff, students, parents/guardians and the community as a whole, a comprehensive program shall be developed addressing alcohol, tobacco, drugs, and other substances to include the following elements:

Primary Prevention

Preventing or delaying alcohol, tobacco, drugs, and other substance use/abuse by students shall be the major focus of a comprehensive K through 12 program in which proactive measures of prevention and early intervention are emphasized. This program shall include:

a) A sequential K through 12 curriculum based on recognized principles of effectiveness that is developed and incorporated into the total educational process. This curriculum shall be concerned with education and prevention in all areas of alcohol, tobacco, drugs, and other substances use/abuse;
b) Training school personnel and parents/guardians to reinforce the components of the policy through in-service and community education programs with up-to-date factual information and materials;

c) An effort to provide positive alternatives to alcohol, tobacco, drugs, and other substances use/abuse through the promotion of drug/tobacco/alcohol-free special events, service projects and extracurricular activities that will develop and support a positive peer influence.

Intervention

School-based intervention services shall be made available to all students, grades K through 12, and provided by prevention professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol, tobacco, drugs, and other substances and to identify students considered to be at risk for use/abuse. Intervention programming shall include:

a) Counseling of students in groups and as individuals on alcohol, tobacco, drugs, and other substance use/abuse. Counselors shall be appropriately trained and skilled school staff assigned for this purpose;

b) Referring students to community or other outside agencies when their use/abuse of alcohol, tobacco, drugs, and other substances requires additional counseling or treatment. Referral is a key link in school and community efforts and the process is basic to the dissemination of information regarding available counseling and health services;

c) Providing a supportive school environment designed to continue the recovery process for students returning from treatment. A re-entry program may include continuing student and/or family counseling and emphasizing positive alternatives to alcohol, tobacco, drugs, and other substance use/abuse;

d) Developing a parent network to serve as a support group and provide a vehicle of communication for parent education;

e) Ensuring confidentiality as required by state and federal law.

Disciplinary Measures

Disciplinary measures for students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs shall be outlined in the District's Code of Conduct on School Property.

(Continued)
SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS) (Cont’d.)

Staff Development

There shall be ongoing training of District staff about the components of an effective alcohol, tobacco and other substances program. Training shall include, but not be limited to, District policies and regulations and the staff's role in implementing such policies and regulations. Teachers shall be trained to implement the District's K through 12 alcohol, tobacco, drugs and other substance prevention curricula; intervention staff shall be suitably trained to carry out appropriate services.

Implementation, Dissemination and Monitoring

It shall be the responsibility of the Superintendent to implement the alcohol, tobacco, drugs, and other substances Board policy by collaboration with school personnel, students, parents/guardians and the community at large.

Additionally, copies of Board policy shall be disseminated to District staff, parents/guardians and community members. The Superintendent/designee shall periodically review the tobacco, drugs and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Safe and Drug-Free Schools and Communities Act, as reauthorized by the No Child Left Behind Act of 2001
20 United States Code (USC) Section 7101 et seq.
Education Law Section 2801(1)
Penal Law Sections 70.70(2)(a)(i) and 220.00(17)
Vehicle and Traffic Law Section 142

NOTE: Refer also to Policies #3260 -- Community Use of School Facilities
#3410 -- Code of Conduct on School Property
#5640 -- Smoking/Tobacco Use
#7410 -- School Conduct and Discipline
#8211 -- Prevention Instruction
District Code of Conduct on School Property

Revised: 4/9/91; 4/20/93; 9/9/03; 7/11/06; 10/7/08
SUBJECT: SEARCHES AND INTERROGATIONS

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband seized on school grounds or in a school building by a School District employee only when the School District employee has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

a) The age of the student;

b) The student's record and past history;

c) The predominance and seriousness of the problem in the school where the search is directed; and

d) The urgency to conduct the search without delay.

If reasonable suspicion exists to believe that a student possesses a weapon, it is permissible for a School District employee to search that student.

Lockers

Lockers are provided by the school for student use and the administration has the right to search lockers. A student may have exclusive use of a locker as far as other students are concerned but he/she does not have such exclusivity over the locker as it relates to the school authorities.

Questioning of Students by School Officials

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

(Continued)
SUBJECT: SEARCHES AND INTERROGATIONS (Cont’d.)

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

Law Enforcement Officials

It shall be the policy of the Salamanca City School District that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. The School District's administrators shall at all times act in a manner that protects and guarantees the rights of students and parents.

Interrogation of Students by Law Enforcement Officials

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations, general questions regarding crimes committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the student's parent/guardian.

(Continued)
SUBJECT: SEARCHES AND INTERROGATIONS (Cont'd.)

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/guardian.

If possible, questioning of a student by police should take place in private and in the presence of the Building Principal/designee.

Child Protective Services' Investigations

From time to time, Child Protective Services may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The Board encourages cooperation with Child Protective Services in accordance with applicable Social Services Law.

Education Law Sections 1604(9), 1604(30), 1709(2), 1709(33) and 2801
Family Court Act Section 1024
Social Services Law Sections 411-428
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)

Revised: 4/20/93; 7/12/94; 10/7/08
SUBJECT: LAW ENFORCEMENT OFFICIALS AND STUDENT INTERROGATIONS

It shall be the policy of the Salamanca City School District that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises, or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. The School District's administrators shall at all times act in a manner which protects and guarantees the rights of students and parents.

Interrogations

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations, general questions regarding crimes committed on school property.

If the student's parents cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

a) They must be informed of their legal rights.
b) They may remain silent if they so desire.
c) They may request the presence of an attorney.

Family Court Act Section 1024

Revised: 4/20/73; 7/12/94; 9/14/04
SUBJECT: QUESTIONING OF STUDENTS BY SCHOOL OFFICIALS

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of any attorney, either retained or appointed) prior to the questioning of students. If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

Education Law Sections 1709(2) and (33) and 2801
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(l)

Adopted: 9/9/97
SUBJECT: BUS RULES AND REGULATIONS

The Salamanca City School District furnishes transportation to those students whose disabilities or distance from the school make the service essential. Except as otherwise mandated in a student’s Individualized Education Program (IEP), riding these buses is a privilege and may be withdrawn if the student does not comply with the rules and regulations set forth in this District.

Bus drivers shall be held responsible for reasonable and acceptable behavior of students while riding the school bus. Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely.

The Board of Education and/or the Superintendent has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. Generally, parent(s)/guardian(s) will be required to make alternative transportation arrangements for their children who have been suspended from riding the bus. However, the effect of a suspension from transportation on the student's ability to attend school will be considered. If a suspension from transportation effectively results in a suspension from attendance because of the distance between the home and the school and the absence of alternative public or private means of transportation, the District shall make appropriate arrangements to provide for the student's education.

If a student with a disability who receives transportation as a related service as part of his/her Individualized Education Program is being considered for suspension from transportation, and that suspension would effectively result in a change in placement, the student shall be referred to the Committee on Special Education.

The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from Transportation privileges. These rules and regulations shall be promulgated to all concerned, including the non-public schools to which students are transported.

Individuals With Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400-1485
8 New York Code of Rules and Regulations (NYCRR)
Section 156

Revised: 5/9/95; 7/11/06
SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS

Corporal Punishment

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this School District.

Whenever a school employee uses physical force against a student, the school employee shall, immediately report the situation to his/her Principal/Supervisor. The Principal/Supervisor shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent of Schools shall submit a written semi-annual report to the Commissioner of Education, with copies to the Board of Education, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Salamanca City School authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Emergency Interventions

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

a) Self-protection;
b) Protection of others;
c) Protection of property; or
d) Restraining/removing a disruptive student.

Such emergency interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

Staff who may be called upon to implement emergency interventions will be provided appropriate training in safe and effective restraint procedures. The parent(s) of the student shall be notified whenever an emergency intervention is utilized.

The District will maintain documentation on the use of emergency interventions for each student including:

a) Name and date of birth of student;
SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS (Cont'd.)

b) Setting and location of the incident;

c) Name of staff or other persons involved;

d) Description of the incident and emergency intervention used, including duration;

e) A statement as to whether the student has a current behavioral intervention plan; and

f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by District supervisory personnel and, if necessary, by the school nurse or other medical personnel.

8 New York Code of Rules and Regulations (NYCRR) Sections 19.5, 100.2(l)(3), 200.15(f)(1) and 200.22(d)

NOTE: Refer also to Policy #7313 -- Suspension of Students

Revised: 10/7/08
SUBJECT: WEAPONS IN SCHOOL

The possession of a weapon on school property, in District vehicles, in school buildings, or at school sponsored activities or settings under the control and supervision of the District regardless of location, is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any school building must have written authorization of the Superintendent of Schools or his/her designee.

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

Penal Law Section 265.01

NOTE: Refer also to Policies #3211 -- Unlawful Possession of a Weapon Upon School Grounds #7471 -- Gun-Free Schools

Adopted: 1998
Revised: 9/9/03; 7/12/05
SUBJECT: GUN-FREE SCHOOLS

No student shall bring or possess any "firearm" as defined in federal law on school premises (including school buildings and grounds, District vehicles, school settings and/or school sponsored activities under the control and supervision of the District regardless of location). For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices). The term does not include a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks.

In accordance with the Gun-Free Schools Act Education Law Section 3214(3)(d), any student who brings or possesses a dangerous weapon or firearm, as defined in federal law, on school property, will be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Family Court Act Article 3 when the student is under the age of sixteen (16) except for a student fourteen (14) or fifteen (15) years of age who qualifies for juvenile offender status under the Criminal Procedure Law, and will be referred by the Superintendent to the appropriate law enforcement officials when the student is sixteen (16) years of age or older or when the student is fourteen (14) or fifteen (15) years of age and qualifies for juvenile offender status under the Criminal Procedure Law. For purposes of this policy, the term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches (2 1/2") in length.

In addition, any student attending a District school who has been found guilty of bringing a firearm to or possessing a firearm on school property, after a hearing has been provided pursuant to Education Law, Section 3214 shall be suspended for a period of not less than one (1) calendar year and any student attending a non-district school who participates in a program operated by the School District using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to or possessed a firearm at a District school or on other premises used by the School District to provide such programs shall be suspended for a period of not less than one (1) calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-district school. Further, after the imposition of the one (1) year penalty has been determined, the Superintendent of Schools has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one (1) year suspension penalty, the Superintendent may modify the penalty based on factors as set forth in Regulations of the Commissioner of Education Section 100.2 and in Commissioner's Decisions. The determination of the Superintendent shall be subject to review by the Board of Education in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 310.

(Continued)
SUBJECT:  GUN-FREE SCHOOLS (Cont'd.)

Student with a Disability

Pursuant to Commissioners Regulations a student with a disability who is determined to have brought a weapon (including a firearm) to school or possessed a firearm at school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than forty-five (45) calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement. For more information regarding Interim Alternative Educational Settings (IAES), refer to Policy #7313 -- Suspension of Students.

However, a student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the Individuals with Disabilities Act (IDEA), determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the Superintendent must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

The District may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.

The District may also seek a court order to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

Students with disabilities continue to be entitled to all rights enumerated in the Individuals With Disabilities Education Act and Education Law Article 89; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

This policy does not prohibit the District from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of five days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school. Additionally, this policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.
SUBJECT:  GUN-FREE SCHOOLS  (Cont'd.)

The District will continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001
18 United States Code (USC) Sections 921(a) and 930
Individuals With Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400-1485 and 7151
Criminal Procedure Law Section 1.20(42)
Education Law Sections 310, 809-a, 3214, and Article 89
Family Court Act Article 3
8 New York Code of Rules and Regulations (NYCRR) Section 100.2 and Part 200

NOTE: Refer also to Policies #3211 -- Unlawful Possession of a Weapon Upon School Grounds
#7470 -- Weapons in School

Adopted: 5/9/95
Revised: 9/9/03; 10/7/08
SUBJECT:  EXTRACURRICULAR ACTIVITIES

The Board of Education considers extracurricular activities to be a valuable part of the program of the school and shall support these activities within the financial means of the District.

Students Organizations: Limited Open Forum

The Board of Education maintains a limited open forum where secondary students may meet for voluntary student-initiated activities unrelated directly to the instructional program, regardless of religious, political or philosophical content.

To provide "a fair opportunity" to students who wish to conduct a meeting, the Board of Education, in accordance with the provisions of the Equal Access Act, shall ensure that:

a) The meeting is voluntary and student-initiated;

b) There is no sponsorship of the meeting by the school, the government, or its agents or employees;

c) Employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;

d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and

e) Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups (20 USC Section 4071[c]).

The Board may prohibit student organizations, including fraternities and sororities or any other secret society, whose activities may be unlawful or may cause disruption or interference with the orderly conduct of the educational process.

Administration is responsible for establishing regulations governing the use of school facilities by student organizations.

Eligibility for Attendance

g) Students who are suspended from school on a day of an athletic game or practice session, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.

(Continued)
SUBJECT: EXTRACURRICULAR ACTIVITIES (Cont’d.)

b) In order for students to attend a school-sponsored function, it is necessary that students attend classes for at least half of the school day on the day of the activity. One-half of the school day is defined as follows: from 7:40 a.m. until 10:45 a.m. or from 10:45 a.m. until the end of the school day.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Commissioner's Regulations Section 172.2

Revised: 7/11/06
SUBJECT: 2008-2009 SHS STUDENT/EXTRACURRICULAR BEHAVIORAL CODE

Extracurricular School Activities represent Salamanca Central School District in a positive way. One goal of extracurricular activities is to develop the entire individual. The Salamanca School District is concerned with the physical, mental and emotional health of all students. The use of tobacco, alcohol and other drugs, have a long lasting negative effect on the health of individuals. The following consequences are set forth for infractions dealing with use, suspected use and/or possession of tobacco products, alcohol and other chemicals that are classified as drugs.

These consequences have the full support of the Salamanca Board of Education and apply to all extracurricular activities as named below*. This policy attempts to outline the infractions and disciplinary measures that may be encountered.

Use of/or Possession of Alcohol, Illegal Drugs, and Tobacco Products

The following rules are in effect for all student participants in the extracurricular programs from the first practice or signing of this code, whichever comes first, until the last event and/or practice of the year:

a) No smoking, possession or use of smokeless tobacco products.

b) No use or possession of controlled and/or illegal drugs, except as prescribed by a licensed physician.

c) No consumption or possession of alcoholic beverages.

When a student has been given a suspension from the above it will be recommended that the student attend optional counseling sessions.

1st Offense: Parent and/or police notification. If the offense occurs during a school-sponsored event and/or on a school bus, or on school premises, the student will be disciplined in accordance with the student Code of Conduct. The student will be suspended for twenty-five percent (25%) of the current activity. A Parental Conference and/or Superintendent's Hearing maybe held in order to make final disciplinary determination.

2nd Offense: If the offense occurs during a school-sponsored event and/or on a school bus, or on school premises, the student will be disciplined in accordance with the student Code of Conduct. The student will be suspended for one hundred percent (100%) of the activities in the current school year. A Parental Conference and/or Superintendent's Hearing may be held in order to make final disciplinary determination.

3rd Offense: If the offense occurs during a school-sponsored event and/or on a school bus, the student will be disciplined in accordance with the student Code of Conduct. The student is suspended from extracurricular activities for one (1) calendar year from the date of the third offense. A Parental

(Continued)
SUBJECT: 2008-2009 SHS STUDENT/EXTRACURRICULAR BEHAVIORAL CODE
(Cont'd.)

Conference and/or Superintendent's Hearing may be held in order to make final disciplinary determination.

The number of offenses is calculated annually not seasonally.

Informational Note: Students not yet under student contracts found violating this policy on school premises or at school-sponsored events will be counted toward the student contract.

The student and parent have the right to an appeal process with the appeals committee at any point during this process consisting of the Building Principal and extracurricular advisors.

a) Student must be in attendance by 9 a.m. in order to participate in practice and/or activity for that day. Student must also be in attendance at the close of the school day, unless medically excused. (Note from physician or clinic required) The Principal or his/her designee must approve exceptions to this rule.

b) Student will ride school provided transportation to and from away contests. Only exception will be a written and verbal agreement between the advisor and parent/guardian. Student will only be permitted to ride with their parent/guardian. If the student violates the transportation agreement (i.e., does not get proper parental signature for permission for riding home) they will be subject to disciplinary actions by the administration. This may include activity suspensions and/or bus suspensions.

c) It must be made clear that if there are overlapping seasons, the disciplinary action will carry over into the next activity that the student participates.

d) If an advisor has rules that have been clearly communicated to his/her students that have consequences greater then those outlined above the administration will support them.

The administration realizes the degree of infraction will have an effect on the determination to be made. Incidents that occur in a student's home under parental permission or supervision must be taken into consideration. Also how the incident is related to school authorities is an important factor. (Police reports, coach, advisor, teacher, administrator witnessing, etc.) Also the use of alcoholic beverages at religious services must be immune from this policy.

Our intent is to develop the whole individual during their school years. We realize that this policy is necessary to achieve the goals of the Salamanca School District.

I have read the information above and understand the responsibilities of my child while participating in the program and that there are risks of injury while participating in high school activities.

(Continued)
SUBJECT: 2008-2009 SHS STUDENT/EXTRACURRICULAR BEHAVIORAL CODE
(Cont'd.)

It should also be the responsibility of the student to be accountable to himself/herself, the parents and the school in representing to the best of his/her ability the ethics of honesty and integrity in upholding these rules and regulations.

Determination of Excused and Unexcused Absences, Tardiness and Early Departures

Based upon our District's education and community needs, values and priorities, the School District has determined that absences, tardiness and early departures will be considered excused or unexcused according to the following standards:

a) **Excused**: Pre-approved school sponsored activities, death in the immediate family, religious observance, quarantine, required court appearances, doctor or health clinic visits, pre-approved college visits, approved cooperative work programs, military obligations, in-school suspension.

b) **Out-of-School Suspension**: Student's suspended from school who accept and receive instruction will be considered "excused" for attendance purposes (alternative instruction as per state regulation will be one hour per day for grades K through 6 and two hours per day for grades 7 through 12).

c) **Unexcused**: all other absences are considered to be unexcused.

d) **Out-of-School Suspension**: a student's attendance will be considered "unexcused" when they are suspended from school and refuse to accept alternative instruction.

In School and Out of School Suspension

In school suspension still allows the student to participate in practice and competition at the discretion of the advisor.

Out of school suspension deems the student ineligible for practice and any competitions or school related activity.

The Principal will communicate to the parents of the appeal process of the suspension through a letter.

Note: If a student is to be dismissed from the activity by the advisor will notify and gain approval from the Principal prior to speaking to the student or parent. The advisor needs to individually speak to the student and will notify the parents of the suspension.

(Continued)
SUBJECT: 2008-2009 SHS STUDENT/EXTRACURRICULAR BEHAVIORAL CODE (Cont’d.)

* This policy applies to DECA, OM, both High School and Middle School Musicals and the One-Act Plays. Other extracurricular activities that are part of course requirements will be dealt with as per the school code of conduct and discipline matrix.

Student Signature: _______________________________ Date: ________________
Parent Signature: _______________________________ Date: ________________
Address: ____________________________________________
Home Phone: ___________________________ Emergency Phone: ___________________________
SUBJECT:  STUDENT SPECTATORS USING SCHOOL DISTRICT BUSES

The Board of Education approves the use of Salamanca City School District buses to transport student spectators to away school approved activities and events.

The buses will be provided only to students of the particular school involved and it will be the responsibility of that school's administration to provide appropriate supervision.
SUBJECT: CENSORSHIP OF SCHOOL-SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES

The District may exercise editorial control over the style and content of student speech in school-sponsored publications and activities that are part of the educational curriculum.
SUBJECT: SCHOOL DANCE POLICY

Salamanca High School dances may be sponsored by any class or school club which is established and recognized by the Salamanca High School Student Activities controller, provided that the regulations and procedure established by the administration are adhered to by all concerned.

Whenever a guest from outside the School District, or one not a student of Salamanca Central High School is to be in attendance at a dance, he/she must be pre-registered, by using the appropriate form, in the Senior High Office by the local student that will be accompanying said guest, one day prior to the dance. Upon entering the activity, the chaperone will verify guest's presence prior to admission. An administrator shall be assigned to all dances and/or selected activities.

Special considerations may be handled on an individual basis with the teacher or administrator In-charge.

Graduates of Salamanca High School will be admitted to Homecoming and Winter Weekend Dances without pre-registration on a determination of the Supervisor-in-charge.

Junior Prom and Senior Ball couples must be pre-registered. This list will be compiled and approved during the sale of tickets.
SUBJECT: ACADEMIC ELIGIBILITY POLICY

a) Programs affected:

Academic Eligibility applies to all school sponsored events (e.g., dances, athletic participation, trips, plays, etc.).

b) Programs not affected:

Programs whose participation results in credit toward an academic course.

c) Timeline:

All eligibility measures would apply for one (1) week - Monday through Sunday. They would automatically end after that unless renewed by the eligibility committee.

d) Failing one (1) course:

Students failing one (1) course will be notified by their coach/advisor on Monday or as soon after as possible. They may still participate in practices, contests and events, provided that they attend at three (3) hours of academic assistance during the week. If the school offered academic assistance program overlaps in time, the practice for that student will commence after the student has finished the Grade Assistance Program (GAP).

e) Failing two (2) or more courses:

Students failing two (2) or more courses may not participate in any school sponsored events for one (1) week. They may participate in practices after academic assistance sessions. they must attend at least three (3) hours of a Grade Assistance Program (GAP).

f) Failure to attend grade assistance sessions:

If an academically ineligible student fails to attend at least three (3) hours of a grade assistance program during a five (5) day week or two (2) hours in a four (4) day week, then his/her ineligibility is automatically extended to the next week.

g) Reporting:

Teachers will send a list of academically ineligible students to a committee representative before 3 p.m. each Thursday. Students are to be reported for failing averages or unsatisfactory progress during the week. **However, reporting unsatisfactory progress only holds the students accountable to attend the mandatory GAP sessions. Being reported for unsatisfactory progress**

(Continued)
**SUBJECT:** ACADEMIC ELIGIBILITY POLICY (Cont’d.)

*will not make a student ineligible to participate in extra-curricular activities. Students will only be ineligible to participate in extra-curriculars if they are failing two (2) or more subjects or if they fail to attend the mandatory Grade Assistance Sessions.*

*For purposes of this policy, "unsatisfactory progress" means not turning in required work.*

h) **Notification:**

Ineligible students will be posted, by their student numbers, on Monday morning outside of the Guidance office. A mailbox will be provided for and shared by coaches and advisors who are not regular District employees. Teacher will notify students that are to be placed on the ineligibility list by the last scheduled class day of each week.

i) **Scrimmages:**

For the purposes of this policy, scrimmages are considered to be practices not contests or events.

j) **Rescheduling of ineligibility:**

Enforcement of ineligibility may not be rescheduled to make ineligibility more convenient.

k) **Grievances:**

Any challenges to the enforcement of the policy will be heard by the Eligibility Committee and may be appealed to the Principal.

*A grievance by an ineligible student or their parent on the behalf of the student shall be presented in writing to the Eligibility Committee. The student and their parent may present their appeal in-person to the committee upon their request. The committee shall render their decision in writing by the end of the next school day from when the appeal was first presented.*

Adopted: 8/15/00
Revised: 8/12/03; 10/12/07
SUBJECT: SPORTS AND THE ATHLETIC PROGRAM

Athletics are an integral part of a well balanced educational program. Therefore, a broad sports program with equal access for both sexes, with emphasis on maximum participation, through interscholastic and intramural activity, should be provided. The District will comply with recommendations from the U.S. Department of Education's Office for Civil Rights (OCR) regarding Title IX equal opportunity for males and females in the District's total athletic program.

The Board of Education has tried to provide each student with the opportunity to participate in an activity of his/her choice and become an asset to the school and community, as well as fulfill a goal in his/her secondary career.

The Administration, staff, students, and parents must realize that many of our activities are of a competitive nature; therefore, not all students may be allowed to participate. This should not present a defeatist attitude, but should instill in each student the realization that projected goals cannot always be reached. Secondary education provides this opportunity to all concerned as a learning experience along the road to adulthood.

Eligibility for interscholastic athletic competition requires that the students:

a) Provide written parental/guardian consent;

b) Pass satisfactorily the medical examination administered by the school physician/nurse practitioner or the student's personal physician. The school physician/nurse practitioner retains final approval on all physicals performed by the student's personal physician; and

c) Meet the requirements for interscholastic competition as set forth by the Commissioner's Regulations and the New York State Public High School Athletic Association.

Selection/Classification Process

The Board approves the use of the selection/classification process for all secondary school interscholastic team members. The Board directs the Superintendent to implement the procedures and maintain a file of those students deemed eligible as a result of those procedures.

Student Athletic Injuries

No student should be allowed to practice or play in an athletic contest if he/she is suffering from an injury. The diagnosis of and prescription of treatment for injuries is strictly a medical matter and should under no circumstances be considered a province of the coach. A coach's responsibility is to see that injured players are given prompt and competent medical attention, and that all details of a doctor's instructions concerning the student's functioning as a team member are carried out. No student will be allowed to practice or compete if there is a question whether he/she is in adequate physical condition.

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

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

Athletic Program - Safety

The District will take reasonable steps to see that physical risks to students participating in the interscholastic athletic program shall be kept at a minimum by:

a) Requiring medical examinations of participants;

b) Obtaining appropriately certified and/or licensed officials to coach all varsity, junior varsity, and modified games; and

c) Ensuring that equipment is both safe and operative within approved guidelines.

The sports program will be reviewed by the Board annually.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
45 Code of Federal Regulations Part 86
8 New York Code of Rules and Regulations (NYCRR) Section 135

Adopted:  1998
Revised:  7/11/06; 10/7/08
SUBJECT: MIXED COMPETITION ON INTERSCHOOL ATHLETIC TEAMS

In accordance with Regulations of the Commissioner of Education, the Board of Education seeks to preserve the health and safety of students while assuring that students of both sexes have the opportunity to participate successfully in interschool athletic competition. Athletic opportunity in mixed competition will be allowed under the conditions set forth in Commissioner's Regulations and as enumerated in District policy and accompanying regulations.

Equal opportunity to participate in interschool competition, either on separate teams or in mixed competition on the same team, shall be provided to male and female students, except as enumerated in Commissioner's Regulations and as indicated below. Where separate competition is not provided for male and female students in a specific sport, no student shall be excluded from such competition solely by reason of sex, except in accordance with Commissioner's Regulations.

In the sports of baseball, basketball, boxing, field hockey, football, ice hockey, lacrosse, rugby, soccer, softball, speedball, team handball, power volleyball where the height of the net is set at less than eight feet, and wrestling, the fitness of a given student to participate in mixed competition shall be determined by a review panel consisting of the school physician, a physical education teacher designated by the building principal, and if requested by the parents/guardians of the student, a physician selected by such parents/guardians. Such review panel shall make its determination by majority vote of the members, and in accordance with standards and criteria issued by the State Education Department.

Where separate competition is provided for male and female students in interschool athletic competition in a specific sport, the Superintendent of Schools may permit females to participate on a team organized for males. However, where separate competition is provided, males may not participate on teams organized for females.

Where separate competition is not provided for male and female students in interschool athletic competition in a specific sport, the Superintendent of Schools may decline to permit males to participate on a team organized for females upon finding that such participation would have a significant adverse effect upon the opportunity of females to participate successfully in interschool competition in that sport.

In those instances where a student wishes to participate in mixed competition (e.g., a female athlete wishing to play on the male football team), the dates for filing an application shall be:

- June 1 for Fall Sports
- October 1 for Winter Sports
- February 1 for Spring Sports

(Continued)
SUBJECT: MIXED COMPETITION ON INTERSCHOOL ATHLETIC TEAMS (Cont’d.)

The above dates are established to provide sufficient time to review applications and assemble the review panel as may be necessary. The decision of the review panel shall be final.

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

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq. Executive Law Article 15 ("Human Rights Law") Education Law Section 3201-a 8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(k) and 135.4(c)(7)(ii)(c)

Adopted: 1/13/98
SUBJECT: SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN

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

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

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

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

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

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

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

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

Revised: 7/12/94
SUBJECT:  FUND RAISING BY STUDENTS

Fund raising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the express approval of the Building Principal. Any such plan shall have a clearly defined purpose and, in general, shall contribute to the educational experience of students and shall not conflict with instructional programs or state mandates. Fund raising activities away from school property shall be held to a minimum. All participation shall be voluntary.

Door to door sales projects undertaken by any organization using the Salamanca City School District name shall require previous approval of the Board of Education. Profits shall be used to enhance school programs by providing money for expenditures not normally funded by the District.

Employees are cautioned against giving the impression to students that the purpose of selling items (e.g., "scratch off" cards, holiday wrappings, etc.) or paying a fee is to defray a portion of the District's educational program. At no time should a student's participation in an educational activity include such sales or fees. In addition, it is imperative that employees not deposit the proceeds of any legitimate sales activity in their own personal accounts. These activities may jeopardize a student's right to participate in the educational program on a tuition and/or fee-free basis. Further, employees engaged in such activities may be held personally liable.

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

NOTE:  Refer also to Policy #3271 -- Solicitation of Charitable Donations From School Children

Adopted:  7/11/06
Revised:  10/7/08
SUBJECT: GIFTS TO TEACHERS

The giving of gifts to teachers by students is not encouraged. Parents/legal guardians are urged, in its place, to write letters of appreciation about the teacher to the Board of Education or to the teacher expressing this appreciation.
SUBJECT: CONTESTS FOR STUDENTS

Distribution of educational material, essay contests, and poster contests must be approved in advance by the building principals if the sponsoring organization wishes to involve students in the project on school time. Samples of informational material should accompany the request. Upon the judgment of the principal, the request may be forwarded to the Superintendent and the Board of Education for approval.
SUBJECT: STUDENT AWARDS AND SCHOLARSHIPS

The School District shall obtain and grant to its students awards and scholarships. The Board of Education, having been entrusted by law, will hold in trust gifts, grants, bequests and legacies given or bequeathed to the Salamanca City School District and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.
SUBJECT: SUPERVISION OF STUDENTS

Students working on any activity must be supervised by the teacher in charge of the activity. This applies to all activities and the permission to hold practices or meetings must not be granted unless a teacher is definitely in charge.

a) Physical education personnel in the School District will be fully responsible for the supervision of all students in either their class or their after school activities. The coaches will maintain supervision over the dressing rooms by personally being present during the dressing periods.

b) Coaches are responsible for the supervision of their athletes at the end of practice. This may entail bus duty, or making sure students have transportation home.

c) Teachers and/or assigned school personnel in the elementary grades will be responsible for the playground supervision of all the children under their jurisdiction during the recess periods and before the regular afternoon sessions. The principal will distribute the responsibility so that the playground situation will be properly controlled.

d) Students are not to be sent on any type of errand away from the building without the consent of the principal.
SUBJECT:  BAND INSTRUMENTS

a) All instrumental music students shall be expected to own or rent their instrument -- particularly the common and less expensive instruments (flute, clarinet, trumpet, saxophone etc.).

b) Students will not be required to own or rent the less common and more expensive instruments. Instruments in this category are as follows: oboe, bassoon, tuba, French horn, trombone, baritone horn, tenor and baritone saxophones, bass trombone and percussion instruments. School-owned instruments in this classification will be disbursed upon decisions by the instrumental music staff. Decisions will be dependent upon the individual student's talent and merit and the need for a balanced instrumentation at each grade level.

c) Students and parents/legal guardians, will assume responsibility for proper care of school-owned instruments and will pay for damages to same.

d) The District will only transport, on its vehicles, those instruments whose size conforms with all existing laws regulating District transportation.
SUBJECT: SCHOOL HEALTH SERVICES

All districts must provide and maintain a continuous program of health services which includes, but is not limited to:

a) Providing medical examinations, dental inspection and/or screening, scoliosis screening, vision screening and audiometer tests, designed to determine the health status of the student;

b) Informing parents or other persons in parental relation to the student, pupils and teachers of the individual student's health condition subject to federal and state confidentiality laws. The District will provide this notice in writing if the District becomes aware that the student has defective sight or hearing or a physical disability, including sickle cell anemia, or other condition which may require professional attention with regard to health;

c) Where the exigencies warrant (where the parents/persons in parental relation are unable or unwilling to provide the necessary relief and treatment), providing relief in situations where the student would otherwise be deprived of the full benefit of education through inability to follow the instruction offered;

d) Guiding parents, students and teachers in procedures for preventing and correcting defects and diseases and for the general improvement of the health of students;

e) Instructing school personnel in procedures to take in case of accident or illness;

f) Maintaining a program of education to inform school personnel, parents, non-school health agencies, welfare agencies and the general public regarding school health conditions, services and factors relating to the health of students;

g) Providing inspections and supervision of the health and safety aspects of the school plant;

h) Providing health examinations before participation in strenuous physical activity and periodically throughout the season as necessary;

i) Providing health examinations necessary for the issuance of employment certificates, vacation work permits, newspaper carrier certificates and street trades badges; and

j) Surveying and making necessary recommendations concerning the health and safety aspects of school facilities and the provision of health information.

Education Law Article 19
8 New York Code of Rules and Regulations (NYCRR)
Part 136

Adopted: 7/11/06
SUBJECT: IMMUNIZATION OF STUDENTS

Every child entering or attending a District school must present proof of immunization in accordance with Public Health Law Section 2164 unless:

a) A New York State licensed physician certifies that such immunization may be detrimental to the child's health; or

b) The student's parent, parents, or persons in parental relation hold genuine and sincere religious beliefs which are contrary to the requirement. In such cases, the Building Principal will make a case-by-case determination whether a parent/guardian is entitled to invoke this religious exemption from required immunizations after receiving a written and signed statement from the parent(s) or persons in parental relation to such child.

Except for the above two exemptions, the District may not permit a student lacking evidence of immunization to remain in school for more than fourteen (14) days, or more than thirty (30) days for an out-of-state or out-of-country transferee who can show a good faith effort to get the necessary certification or other evidence of immunization.

The administration will notify the local health authority of the name and address of excluded students and provide the parent/person in parental relation a statement of his/her duty regarding immunization as well as a consent form prescribed by the Commissioner of Health. The school shall cooperate with the local health authorities to provide a time and place for the immunization of these students.

Parents, guardians or other persons in parental relation may appeal to the Commissioner of Education if their child is denied school entrance or attendance for failing to meet health immunization standards.

The District will provide an annual summary of compliance with immunization requirements to the Commissioner of Health.

For current information regarding immunization requirements, refer to website: http://schoolhealthservices.org.

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Revised: 5/9/95; 9/9/03; 7/12/05; 7/11/06; 10/7/08
SUBJECT: STUDENT PHYSICALS

Health Examination

Each student enrolled in District schools must have a satisfactory health examination conducted by the student's physician, physician assistant or nurse practitioner within twelve months prior to the commencement of the school year of:

a) The student's entrance in a District school at any grade level;
b) Entrance to pre-kindergarten or kindergarten;
c) Entry into the 2nd, 4th, 7th and 10th 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.

In addition, the District requires a certificate of physical fitness for:

a) All athletes prior to their first sport of the school year, then only those who were injured or ill during their first sport before participating in a second sport during the school year; and
b) All students who need work permits.

Health Certificate

Each student must submit a health certificate attesting to the health examination within thirty (30) days after his/her entrance into school and within thirty (30) days after his/her entry into the 2nd, 4th, 7th and 10th grades. The health certificate shall be filed in the student's cumulative record. The health certificate must:

a) Describe the condition of the student when the examination was given;
b) State the results of any test conducted on the student for sickle cell anemia;
c) State whether the student is in a fit condition of health to permit his/her attendance at public school and, where applicable, whether the student has defective sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student;
SUBJECT: STUDENT PHYSICALS (Cont'd.)

d) Include a calculation of the student's body mass index (BMI) and weight status category. BMI is computed as the weight in kilograms divided by the square of height in meters or the weight in pounds divided by the square of height in inches multiplied by a conversion factor of 703. Weight status categories for children and adolescents shall be defined by the Commissioner of Health. BMI collection and reporting is voluntary for 2007-2008 becoming effective September 2008;

e) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is authorized by law to practice in New York State consistent with any applicable written practice agreement; or authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner of Health has determined that such jurisdiction has standards of licensure and practice comparable to those of New York. A certificate signed by a chiropractor is not acceptable except for a scoliosis evaluation;

f) At the same time a health certificate is required, a student is requested to furnish a dental health certificate signed by a duly licensed dentist authorized by law to practice in New York State describing the dental health condition of the student upon examination and stating whether such student is in fit condition of dental health to permit his/her attendance at the public schools. Such examination shall be made not more than twelve (12) months prior to the commencement of the school year in which the examination is requested. Dental certification becomes effective in September 2008.

Examination by Health Appraisal

The Principal or the Principal's designee will send a notice to the parents of, or person in parental relationship to, any student who does not present a health certificate, that if the required health certificate is not furnished within thirty (30) days from the date of such notice, an examination by health appraisal will be made of such student by the Director of School Health Services.

The Director of School Health Services shall cause such students to be separately and carefully examined and tested to ascertain whether any such student has defective sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student.

The physician, physician assistant or nurse practitioner administering such examination shall determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, shall conduct such test and include the results in the health certificate.

(Continued)
SUBJECT: STUDENT PHYSICALS (Cont'd.)

Unless otherwise prohibited by law, if it is ascertained that any students have defective sight or hearing, or a physical disability or other condition, including sickle cell anemia which may require professional attention with regard to health, the Principal or Principal's designee shall notify, in writing, the student's parents or persons in parental relation as to the existence of such disability. If the parents or persons in parental relation are unable or unwilling to provide the necessary relief and treatment for such students, such fact shall be reported by the Principal or Principal's designee to the Director of School Health Services, who then has the duty to provide relief for such students.

Health Screenings

The District will provide:

a) Scoliosis screening at least once each school year for all students in grades 5 through 9. The positive results of any such screening examinations for the presence of scoliosis shall be provided in writing to the student's parent or person in parental relation within ninety (90) days after such finding;

b) Vision screening to all students who enroll in school including at a minimum color perception, distance acuity, near vision and hyperopia within six (6) months of admission to the school. In addition, all students shall be screened for distance acuity in grades Kindergarten, 1, 2, 3, 5, 7 and 10 and at any other time deemed necessary. The results of all such vision screening examinations shall be provided in writing to the student's parent or person in parental relation and to any teacher of the student. The vision report will be kept in a permanent file of the school for at least as long as the minimum retention period for such records;

c) Hearing screening to all students within six months of admission to the school and in grades Kindergarten, 1, 3, 5, 7 and 10, as well as at any other time deemed necessary. Screening shall include, but not be limited to, pure tone and threshold air conduction screening. The results of any such hearing tests shall be provided in writing to the student's parent or person in parental relation and to any teacher of the student.

The results of all health screenings (dental, hearing, vision and scoliosis) shall be recorded on appropriate forms signed by the health professional making the examination, include appropriate recommendations, and be kept on file in the school. 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.
SUBJECT: STUDENT PHYSICALS (Cont'd.)

Accommodation for Religious Beliefs

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

Family Educational Rights and Privacy Act of 1974 (FERPA)
20 United States Code (USC) Section 1232(g)
Education Law Sections 901-905, 912 and 3217
8 New York Code of Rules and Regulations (NYCRR) Part 136

NOTE: Refer also to Policies #5690 -- Exposure Control Program
#5691 -- Communicable Diseases
#5692 -- Human Immunodeficiency Virus (HIV) Related Illnesses
#7221 -- Diagnostic Screening of Students
#7233 -- Education of Homeless Children and Youth
#7611 -- Immunization of Students

Revised: 7/12/94; 9/9/03; 7/12/05; 7/11/06; 10/7/08
SUBJECT: ADMINISTRATION OF MEDICATION

Under certain circumstances, when it is necessary for a student to take medication (prescription and non-prescription) during school hours, the school's registered professional nurse may administer the medication of the parent or guardian submits a written request accompanied by a written request from a physician indicating the frequency and dosage of prescribed medication. The parent must assume responsibility to have the medication delivered directly to the health office in a properly labeled original container.

Procedures for receipt, storage and disposal of medications as well as procedures for taking medications off school grounds or after school hours while participating in a school-sponsored activity will be in accordance with State Education Department Guidelines.

Emergency Medication

The administration of emergency medication (injectable, including "epi-pens," and/or oral) to a student for extreme hypersensitivity may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a registered professional nurse/nurse practitioner/physician/physician's assistant must have trained the staff member to administer the emergency medication for that particular emergency situation (e.g., "epi-pen") and given him/her approval to assist the student in the event of an emergency anaphylactic reaction. Such a response would fall under the Good Samaritan exemption for rendering emergency care during a life threatening situation.

Use of Inhalers in School

In accordance with law, the School District must permit students who have been diagnosed by a physician or other duly authorized health care provider as having a severe asthmatic condition to carry and use a prescribed inhaler during the school day. Prior to permitting such use, the School Health Office must receive the written permission of the prescribing physician or other duly authorized health care provider, and parental consent, based on such physician's or provider's determination that the student is subject to sudden asthmatic attacks severe enough to debilitating that student. In addition, upon the written request of a parent or person in parental relation, the Board shall allow such pupils to maintain an extra inhaler in the care and custody of the school's registered professional nurse employed by the District. However, the law does not require the District to retain a school nurse solely for the purpose of taking custody of a spare inhaler, or require that a school nurse be available at all times in a school building for such purpose.

A record of such physician or health care provider/parental permission shall be maintained in the School Health Office.

(Continued)
SUBJECT: ADMINISTRATION OF MEDICATION (Cont'd.)

Health office personnel will maintain regular parental contact in order to monitor the effectiveness of such self-medication procedures and to clarify parental responsibility as to the daily monitoring of their child to ensure that the medication is being utilized in accordance with the physician's or provider's instructions. Additionally, the student will be required to report to the health office on a periodic basis as determined by health office personnel so as to maintain an ongoing evaluation of the student's management of such self-medication techniques, and to work cooperatively with the parents and the student regarding such self-care management.

Students who self-administer medication without proper authorization, under any circumstances, will be referred for counseling by school nursing personnel. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and school administration may also be involved in determining the proper resolution of such student behavior.

Education Law Sections 902(b), 916, 6527(4)(a) and 6908(1)(a)(iv)
Public Health Law Section 3000-a
SUBJECT: HEALTH RECORDS

The school shall keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or filings, they shall be kept confidential.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy interests of students. For Pre-K through grade 12 students, health records maintained by the School District, including immunization records and school nurse records, generally are considered "education records" and subject to FERPA because they are:

a) Directly related to the student;

b) Maintained by an education agency or institution, or a party acting for the agency or institution; and

c) Not excluded from the definition of education records as treatment or sole-possession records, or on some other basis.

Health records and immunization records that are considered "education records" under FERPA are not subject to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy requirements. In addition, school nurse or other health records maintained on students receiving services under the Individuals with Disabilities Act (IDEA) are considered "education records" and also subject to that Act's Confidentiality provisions. Consequently, these records are subject to FERPA and not the HIPAA Privacy Rule.

Individual records may be interpreted by the school's registered professional nurse to administrators, teachers, and counselors, consistent with law.

Education Law Sections 902(b) and 905
8 New York Code of Rules and Regulations (NYCRR) Part 136
34 Code of Federal Regulation (CFR) Section 99

Adopted: 7/17/07
SUBJECT: PEDICULOSIS (HEAD LICE)

Few conditions seem to cause as much concern and anxiety in schools and homes as an infestation of lice in the hair of children. All socioeconomic groups are affected. Individuals become infected by coming into direct contact with an infected person, and to a lesser extent, indirect contact with personal articles of an infected person (i.e., comb, hat). For survival, head lice require frequent meals of human blood and without such a meal, lice that have fallen off or been brushed off the host will die at room temperature in less than 48 hours. Thus, they can be transmitted by such objects as hair brushes, stuffed animals, caps, scarves, and coats for only a short period of time. Early treatment of infected individuals coupled with environmental precautions is the key to interrupting transmission. The infected individual should be treated and personal articles (i.e., car upholstery, caps, combs, brushes, towels, clothing, and bedding) should be disinfected by appropriate laundering, vacuuming or dry cleaning.

Exclusion and Re-Admission

Once head lice infection has been identified, the student should be isolated until appropriately treated. Communication with the parent should include an explanation of the problem, possible methods of treatment, and the importance of examining and treating other family members simultaneously if found to be infected.

The Salamanca City Central School District endorses a nit-free or no-nit policy for re-admission to school. This policy has been instituted because no pediculicide guarantees 100% effectiveness. Also unless applied precisely according to directions, a pediculicide will not be effective. While a "no-nit" policy assures a treatment compliance and eliminates erroneous diagnosis based on the presence of nonviable nits, the judgment of the school nurse examining a child for re-admission will be respected when a decision for re-admission is reached.

Parents should understand that the child will be expected back in school after a full 24-hour period. Parents must accompany their child upon return to school, and present proof of treatment and provide the School District with a statement that proper treatment was followed. Your child will then be rechecked. If treatment was not satisfactory, the child will not be re-admitted to class without additional treatment. The District may elect to contact the Department of Social Services for assistance.

Retreatment

Retreatment of all initially infested persons in seven to ten days is recommended by the Cattaraugus County Health Department to ensure complete elimination of the infestation. Your child will be rechecked at that time.

Adopted: 11/10/98
SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES

Procedures shall be established and maintained by the Superintendent for the handling of student injuries and medical emergencies that occur on school property and during school activities.

Student Emergency Treatment

All staff members of the School District are responsible to obtain first aid care for students who are injured or become ill while under school supervision.

In most instances first aid should be rendered, and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board of Education encourages all staff members to become qualified to give emergency treatment through instruction in first aid, Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillators.

Transporting an Ill or Injured Student

In the event of an illness or injury to a student, an ambulance may be called if warranted. This solution will be used after other alternatives, including parent/person in parental relation contact, have been made.

Insurance

The Board of Education shall approve provisions for all students to be covered by group insurance.

Such student accident insurance policies are to be a co-insurance with family coverage(s) as primary.

Education Law Sections 1604(7-a), 1604(7-b), 1709(8-a) and 1709(8-b)

Revised: 7/12/05
SUBJECT: STUDENTS WITH LIFE THREATENING ALLERGIES

Students, parents, school personnel and health care providers must all work together to provide the necessary information and training to allow children with chronic health problems to participate as fully and safely as possible in the school experience.

Particularly for those students with chronic conditions such as asthma and allergies (food, insect sting, etc.) which may result in severe, life-threatening reactions to various environmental triggers, it is necessary that the District work cooperatively with the parent(s) and the healthcare provider to:

a) Develop an individual health care plan that includes all necessary treatments, medications, training and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding evaluation and identification;

b) Obtain appropriate health care provider authorization in writing that includes the frequency and conditions for any testing and/or treatment; symptoms and treatment of any conditions associated with the health problem; and directions for emergencies; and

c) Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, providing any necessary equipment, and participation in the education and co-management of the child as he/she works toward self-management.

The District will work toward assisting students in the self-management of their chronic health condition based upon the student's knowledge level and skill by:

a) Adequately training all staff involved in the care of the child;

b) Assuring the availability of the necessary equipment and/or medications;

c) Providing appropriately trained licensed persons as required by law;

d) Providing additional appropriately trained adults to complete delegated tasks as allowed by law;

e) Developing an emergency plan for the student; and

f) Providing ongoing staff and student education.

(Continued)
SUBJECT: STUDENTS WITH LIFE THREATENING ALLERGIES (Cont'd.)

Use of Epinephrine Auto-Injector Devices (Epi-Pens) in the School Setting

The administration of epinephrine by epi-pen to a student with a known severe allergy needing an anaphylactic treatment agent may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a registered professional nurse/nurse practitioner/physician/physician's must have trained the staff member to administer the epi-pen for that particular emergency situation and given him/her approval to assist the student in the event of an anaphylactic reaction.

Documentation of training must be maintained in the Anaphylaxis Protocol for Non-Licensed School Staff Members for each affected student. The emergency response by non-licensed school staff members is permitted under the Medical Practice Act (Education Law Section 6527(4)(a)) and the Nurse Practice Act (Education Law Section 6908 (1)(a)(iv)) and is covered by the "Good Samaritan Law" (Public Health Law Section 3000-a).

Americans with Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400-1485
34 Code of Federal Regulations (CFR) Part 300
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Education Law Sections 902(b), 6527 and 6908
Public Health Law Section 3000-a

NOTE: Refer also to Policy #7613 -- Administration of Medication

Adopted: 7/11/06
Revised: 10/7/08
*Required Policy

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT

The School District subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law Sections 411-428. Our purpose is to provide protective services to abused and neglected/maltreated children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and disseminated by administration regarding the:

a) Mandatory reporting of suspected child abuse or neglect/maltreatment;
b) Reporting procedures and obligations of persons required to report;
c) Provisions for taking a child into protective custody;
d) Mandatory reporting of deaths;
e) Immunity from liability and penalties for failure to report;
f) Obligations for provision of services and procedures necessary to safeguard the life of a child; and
g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all current and new school officials shall be established and implemented to enable such staff to carry out their reporting responsibilities.

School Officials Required to Report

The definition of a "school official" who is mandated to report cases of child abuse or neglect/maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes, but is not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate.

All mandated reporters shall make the report themselves and then immediately notify the Building Principal or his/her designee. The Building Principal or his/her designee shall be responsible for all subsequent administration necessitated by the report.

Any report shall include the name, title and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

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

Prohibition of Retaliatory Personnel Action

Social Services Law Section 413(1) also prohibits a school from taking any retaliatory personnel action against an employee because such employee believes that he/she has reasonable cause to suspect that a child is an abused or neglected/maltreated child and that employee makes a report to SCR pursuant to Social Services Law. Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

Pursuant to Labor Law Section 740(1)(e), "retaliatory personnel action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

Report Form

The Revised May 2007 New York State Office of Children and Family Services "Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at: http://www.ocfs.state.ny.us/main/cps/

Child Abuse in an Educational Setting

The School District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law.

"Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:

a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or

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

c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or

d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Penal Law Article 235.

"Educational setting" shall mean the building(s) and grounds of the School District; the vehicles provided by the School District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off School District grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

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

In any case where an oral or written allegation is made to a teacher, school's registered professional nurse, school guidance counselor, school psychologist, school social worker, school administrator, School Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (defined in the law as a person under the age of twenty-one (21) years enrolled in a school district in this state) has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

a) Promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be completed on a form as prescribed by the Commissioner of Education.

b) Except where the school administrator is the person receiving such an oral or written allegation, the employee completing the written report must promptly personally deliver a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred (subject to the following paragraph).

In any case where it is alleged the child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of such allegations shall be promptly forwarded to the Superintendent of Schools of the school district of the child's attendance and the school district where the abuse allegedly occurred.

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law shall have immunity from civil liability which might otherwise result by reason of such actions.

Upon receipt of a written report alleging child abuse in an educational setting, the school administrator or Superintendent must then determine whether there is "reasonable suspicion" to believe that such an act of child abuse has occurred. Where there has been a determination as to the existence of such reasonable suspicion, the school administrator or Superintendent must follow the notification/reporting procedures mandated in law and further enumerated in administrative regulations including parental notification. When the school administrator receives a written report, he/she shall promptly provide a copy of such report to the Superintendent.

Where the school administrator or Superintendent has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent shall also refer such report to the Commissioner of Education where the employee or volunteer alleged to have committed such an act of child abuse holds a certification or license issued by the State Education Department.

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

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

Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive such information, shall be confidential and shall not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. School administrators and the Superintendent shall exercise reasonable care in preventing such unauthorized disclosure.

Additionally, teachers and all other school officials shall be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education shall furnish the District with required information, including rules and regulations for training necessary to implement District/staff responsibilities under the law.

Prohibition of "Silent" (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner of Education, where appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his/her position.

Superintendents (or a designated administrator) who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

Education Law Section 3209-a
Family Court Act Section 1012
Labor Law Section 740(1)(e)
Social Services Law Sections 411-428

Revised: 4/9/91; 4/7/92; 9/9/03; 7/11/06; 8/4/07
SUBJECT: SEXUAL HARASSMENT (STUDENTS)

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

a) Submission to sexually harassing behavior is a condition for the successful completion of any course of study or educational and extracurricular activity, including the acceptance into or rejection from such course or activity;

b) Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature;

c) Such conduct has the purpose or effect of unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creating an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit.

The Board acknowledges that in determining whether sexual harassment has occurred, the totality of the circumstances, expectations, and relationships should be evaluated including, but not limited to, the ages of the harasser and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff. The District will designate, at a minimum, two (2) Complaint Officers, one of each gender.

Any student who believes that he/she has been subjected to sexual harassment shall report all incidents of such conduct to the District's designated Complaint Officer through informal and/or formal complaint procedures developed by the District. In the event that the Complaint Officer is the offender, the complainant shall report his/her complaint to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a thorough investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However,
SUBJECT: SEXUAL HARASSMENT (STUDENTS) (Cont'd.)

disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis.

Based upon the results of the District's investigation, immediate corrective action will be taken. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment in accordance with contractual and legal guidelines. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension/expulsion.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants and/or witnesses. Follow-up inquiries shall be made to ensure that sexual harassment has not resumed and that the victims and/or witnesses have not suffered retaliation.

Finding That Harassment Did Not Occur

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Complaint Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that harassment did not occur.

Knowingly Makes False Accusations

Employees and/or students who knowingly make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

Privacy Rights

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

(Continued)
SUBJECT: SEXUAL HARASSMENT (STUDENTS) (Cont'd.)

Development and Dissemination of Administrative Regulations

The Board directs the Superintendent to develop regulations for resolving sexual harassment complaints by students. The Superintendent/designee(s) shall affirmatively discuss the topic of sexual harassment with all employees and students, express the District's condemnation of such conduct and explain the sanctions for harassment. A copy of this policy and its accompanying regulations shall be posted in appropriate places and available upon request to all employees and students.

Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
34 Code of Federal Regulations (CFR) Section 100 et seq.
29 Code of Federal Regulations (CFR) Section 1604.11(a)
Education Law Section 2801(1)
Executive Law Sections 296 and 297

Adopted: 4/20/93
Revised: 7/12/94; 7/12/05; 7/11/06; 10/7/08
SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS

The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus. The Board of Education shall require the prohibition of bullying - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the District Code of Conduct for all grade levels.

For purposes of this policy, the term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take three forms:

a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);

b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and

c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

The District also prohibits "Internet bullying" (also referred to as "cyber-bullying") including the use of instant messaging, e-mail, web sites, chat rooms, and text messaging when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of District students or employees.

However, it is important to note that a single negative act as enumerated above may also constitute "bullying" (if not more serious misconduct) based upon the particular circumstances such as the seriousness of the act and/or the intent of the actor.

Any student who believes that he/she is being subjected to bullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, shall report the bullying to any staff member or the Building Principal. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses bullying behavior) shall investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of bullying. Investigation of allegations of bullying shall follow the procedures utilized for complaints of harassment within the School District. Allegations of bullying shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)
SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS (Cont'd.)

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of bullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying behavior has not resumed and that all those involved in the investigation of allegations of bullying have not suffered retaliation.

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior among students.

Prevention and intervention techniques within the District to prevent against bullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims and their parents to help ensure that the bullying stops.

Rules against bullying shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the District Code of Conduct as enumerated above and may also be incorporated in staff and student handbooks.

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
      #3420 -- Anti-Harassment in the School District
      #7631 -- Sexual Harassment of Students
      #7633 -- Hazing of Students
      District Code of Conduct

Adopted: 8/10/04
The Board of Education is committed to providing a safe, productive and positive learning environment within its schools. Hazing activities are demeaning, abusive and/or illegal behaviors that harm victims, and are inconsistent with the educational goals of the District by negatively impacting the school environment. Hazing of a student by another student or group of students is strictly prohibited on school property; in school buildings; on school buses; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Hazing of a student refers to soliciting, encouraging, aiding, or engaging in "hazing" behavior as defined pursuant to District policy, regulation and/or law. The Board of Education shall require the prohibition of hazing - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the District Code of Conduct for all grade levels.

For purposes of this policy, the term "hazing" among students is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate. Hazing behaviors include, but are not limited to, the following general categories:

a) Humiliation: socially offensive, isolating or uncooperative behaviors.

b) Substance abuse: abuse of tobacco, alcohol or illegal drugs.

c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

Incorporated within this definition are various forms of physical, emotional and/or sexual abuse which may range in severity from teasing/embarrassing activities to life threatening actions.

Even if the hazing victim participated "willingly" in the activity, or there was no "intent" by the hazer to harm or injure another individual, hazing is still hazing and against District policy, the District Code of Conduct and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or a group, shall be presumed a forced activity and in violation of Board policy, regardless of the "willingness" of the student to participate.

Any student who believes that he/she is being subjected to hazing behavior, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of hazing, shall report the incident to any staff member or the building principal. Anonymous student complaints of hazing behavior will also be investigated by the District. The staff member/building principal to whom the report is made (or the staff member/building principal who witnesses hazing behavior) shall investigate the complaint/incident and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of hazing. Investigations of allegations of hazing shall follow the procedures utilized for complaints of harassment within the School District. Allegations of hazing shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)
SUBJECT: HAZING OF STUDENTS (Cont’d.)

Prohibition of Retaliation

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of hazing. Follow-up inquiries and/or appropriate monitoring of the alleged hazer(s) and victim(s) shall be made to ensure that hazing behavior has not resumed and that all those involved in the investigation of allegations of hazing have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

Knowingly Makes False Accusations

Students who knowingly make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

District Responsibility/Training

Personnel at all levels are responsible for taking corrective action to prevent hazing behavior of which they have been made aware at School District sites; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Further, as may be applicable, personnel are to report such hazing behavior to their immediate supervisor. Staff training shall be provided to raise awareness of the problem of hazing within the schools and to facilitate staff identification of, and response to, such hazing behavior among students.

Prevention and intervention techniques within the District to help prevent hazing behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to hazers, victims and their parents to help ensure that the hazing stops.

Rules against hazing shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the District Code of Conduct and may also be incorporated in staff and student handbooks. In addition, allegations of hazing behavior may result in referral to law enforcement officials as necessary.

New York State Penal Law Sections 120.16 and 120.17
Education Law Sections 1709-a, 2503-a, 2554-a and 2801
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)(2)

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
      #3420 -- Anti-Harassment in the School District
      #7631 -- Sexual Harassment of Students
      #7632 -- Bullying: Peer Abuse in the Schools

Adopted: 8/10/04

District Code of Conduct
The suicide of a student has an extremely disturbing effect on the school and the local community. Unfortunately, there has been a significant increase in the number of adolescents who choose suicide as a way to resolve their problems. It is the intent of this District to alert school personnel to the implications of suicide by a student, to help the school and the community cope with the aftermath of such a tragic event should it occur, to recommend ways of identifying children and adolescents at risk of attempting suicide and to suggest ways to prevent such occurrences.

Suicide prevention will be incorporated into the curriculum to make students aware of this growing problem. This will be done in a manner so as not to glamorize the situation but to educate students in regard to this policy.

The administration is responsible for informing staff of regulations and procedures of suicide prevention, intervention, and post-intervention which have been developed by the administration.
SUBJECT: NOTIFICATION OF SEX OFFENDERS

In accordance with the Sex Offender Registration Act ("Megan's Law"), the Board of Education supports the New York State Department of Criminal Justice Services (DCJS) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality. This policy is enacted in order to minimize the possibility that the sex offender will come in contact with school-age children, and to assist law enforcement agencies in preventing further criminal activity from occurring. Furthermore, the District shall cooperate with local police authorities and the local community in promoting and protecting the safety and well being of its students.

It is the policy of the Board of Education to disseminate all information which the District receives from local police authorities in conjunction with Megan's Law to designated staff members who might have possible contact with the offender during the course of their school duties including, but not limited to, building principals, supervisors, teachers, office personnel, coaches, custodians, bus drivers, and security personnel. The Superintendent reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, and community residents who, in the opinion of the Superintendent, have an immediate need to be notified of such data in order to protect the safety of our students.

All staff members shall be informed of the availability of the information received by the District pursuant to Megan's Law upon written request to the applicable building principal/designee or supervisor. Community residents shall be notified of the availability of this information, with written requests directed to the District Office.

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

Dissemination of Information to Public

The Superintendent will disseminate all information available at the New York State Division of Criminal Justice Services under the Sex Offender Registry for all Level 3 Sex Offenders. A Level 3R is the most dangerous or highest risk that a convicted person may be classified.

Information will be mailed home to all District families and shared with all District staff members. Any interested person may also receive the same information by calling 1-900-288-3838 or by visiting the following website: www.criminaljustice.state.ny.us

(Continued)
SUBJECT:  NOTIFICATION OF SEX OFFENDERS (Cont'd.)

Any information which the School District receives regarding a sex offender from a source other than the Sex Offender Registry, and which is maintained independent of the requirements of Megan's Law, will be available from the District, upon written request, in accordance with the requirements of the Freedom of Information Law.

Special Circumstances Whereby Sex Offenders May Enter Upon School Grounds

As a mandatory condition of the sentence for sex offenders placed on probation or conditional discharge whose victim was under the age of eighteen (18) or who has been designated a Level 3 sex offender, the court requires that such sentenced offender refrain from knowingly entering into or upon school grounds or any other facility or institution primarily used for the care or treatment of persons under the age of 18 (eighteen) while one or more of such persons are present. However, by exception, entrance upon the premises shall be provided to the sentenced sex offender under the following conditions subject to the written authorization of his/her parole officer and the superintendent or chief administrator of the facility for the limited purposes authorized by that person:

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

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

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

Implementation

Administrative regulations shall be developed to implement this policy.

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

Revised: 11/10/98; 2/10/04; 7/11/06
SUBJECT:  SPECIAL EDUCATION: DISTRICT PLAN

A District plan shall be developed and updated every two (2) years describing the Special Education program in the Salamanca City School District. The District plan shall include the following:

a) A description of the nature and scope of special education programs and services currently available to students (including preschool students) residing in the District, including but not limited to descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition.

b) Identification of the number and age span of students (school age and preschool) to be served by type of disability and recommended setting.

c) The method to be used to evaluate the extent to which the objectives of the program have been achieved.

d) A description of the policies and practices of the Board of Education to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities.

e) A description of the policies and practices of the Board of Education to ensure that appropriate space will be continually available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by Boards of Cooperative Educational Services.

f) A description of how the District intends to ensure that all instructional materials to be used in the schools of the District will be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students. The alternative format must meet the National Instructional Materials Accessibility Standard defined in federal law.

g) The estimated budget to support such plan.

h) The date on which such plan was adopted by the Board of Education.

i) A description of how the District plan is consistent with the special education space requirements plan for the region as developed by the Board of Cooperative Educational Services.

The District plan, with personally identifiable student information deleted, shall be filed and available for public inspection and review by the Commissioner.

20 United States Code (USC) Section 1474(e)(3)(B)
8 New York Code of Rules and Regulations (NYCRR) Part 155 and Section 200.2(c)

Adopted: 10/7/08
SUBJECT: CHILDREN WITH DISABILITIES

A child with a disability means a student under the age of twenty-one who is entitled to attend public schools and who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. A child is not considered as having a disability if his/her educational needs are due primarily to unfamiliarity with the English language; environmental, cultural or economic factors; or lack of appropriate instruction in reading or mathematics.

If the State Education Department finds that the District has inappropriate policies, procedures or practices resulting in a significant disproportionality by race/ethnicity in the suspension, identification, classification and/or placement of students with disabilities, the District will ensure that it publicly reports on the subsequent revisions to those policies, procedures or practices.

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional and physical development of children attending school in the District. In recognizing these differences the Board supports a system of services offered in the least restrictive environment for children with disabilities which includes:

a) Not requiring any student to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services.

b) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting.

c) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.

d) Taking the following measurable steps to recruit, hire, train and retain highly qualified personnel to provide special education programs and services:

1. Utilize established procedures for publication of all potential job openings;

2. Check credentials and requirements listed on applications;

3. Provide training sessions for interview committee;

4. Special Education teachers are required to have subject matter knowledge appropriate to the level of instruction being provided; when teaching two (2) or more core academic subjects exclusively to children with disabilities, the teacher will meet the requirements of "highly qualified" per the No Child Left Behind Act (NCLB) and the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) or demonstrate competence in all the core academic subjects taught per state regulations.

(Continued)
SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

e) Establishing the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide assessments:

1. Ensure that necessary accommodations are specified on individualized education program (IEP) and implemented in accordance with the IEP;

2. Review the need for accommodations at Committee on Special Education (CSE) evaluations/re-evaluations;

3. etc.

f) To the extent feasible, using universal design principles (defined as a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of functional capabilities, which include products and services that are directly usable without requiring assistive technologies and products and services that are made usable with assistive technologies) in developing and administering District-wide assessment programs by:

1. Addressing appropriate universal design principles in IEP;

2. Having the Library Media Specialist and/or Curriculum Coordinator keep Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) apprised of available products and services utilizing universal design principles;

3. Ensuring that instructional materials and activities allow learning goals to be achievable by individuals with wide differences in abilities;

4. Ensuring that flexible curricular materials and activities are built into the instructional design and operating systems;

5. Ensuring that instruction is diversified to deliver the general education curriculum to every student and diversify ways students may respond to that curriculum.

g) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.

h) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.

i) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.

(Continued)
SUBJECT: CHILDREN WITH DISABILITIES (Cont’d.)

j) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

Provision of Special Education Services to Nonpublic School Students with Disabilities who are Parentally Placed

The district of location is responsible for child find, including individual evaluations, Committee on Special Education (CSE) meetings, provision of special education services, and due process to parentally placed nonpublic school students attending nonpublic schools located in the geographic region of the public school district.

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, State-supported or State-operated schools or to Charter schools.

Parental consent must be obtained by the school district of location before any personally identifiable information about the student is shared between officials in the public school district of residence and officials in the public school district of location.

The school district of location must consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the school district. The school district must engage in consultation regarding the child find process and services generally; consultation is not specific to individual students. Individual services are determined by the CSE.

The consultation process must be timely and meaningful and include discussion of:

a) Child Find;

b) Provision of Special Education Services; and

c) Use of Federal Funds.

The school district of location must provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out-of state students must be documented on a services plan that is developed by the CSE of the district of location. The services plan is the written plan that describes the specific special education and related service that the district of location will provide to the student consistent with the services that the school district of location has determined through the consultation process and in relation to the proportionate shares of federal IDEA Part B dollars, to be provided to the student.

(Continued)
Subjects: CHILDREN WITH DISABILITIES (Cont'd.)

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Sections 612 and 614
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
20 United States Code (USC) Section 9101(23)
21 United States Code (USC) Section 812(c)
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 3208, 3242, 3602-c, 4401-4407 and 4410-6
8 New York Code of Rules and Regulations (NYCRR) Sections 100.5, 100.9, 200.2(b), 200.2(c)(2)(v),
200.4(e)(9) and 200.6(a)(1)

Note: Refer also to Policy #7715 -- Least Restrictive Environment

Revised: 4/7/92; 7/11/06; 7/8/08
SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A
STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM

The Board of Education shall establish at least one Committee on Special Education and one
Committee on Preschool Special Education. The Board shall also establish, as necessary,
Subcommittees on Special Education to ensure timely evaluation and placement of students with
disabilities.

Committee on Special Education

The Board of Education shall, upon completion of its review of the student's Individualized
Education Program (IEP), arrange for the appropriate special education programs and services to be
provided to a student with a disability as recommended by the Committee on Special Education (CSE).
The Board shall notify the parent/guardian of its action in accordance with federal and state law and
regulations.

For a student not previously identified as having a disability, the CSE shall provide a
recommendation to the Board which shall arrange for the appropriate special education programs and
services to be provided within 60 school days of the date of receipt of consent to evaluate. For a
student with a disability referred for review, a recommendation shall be provided to the Board which
shall arrange for the appropriate special education programs and services to be provided within 60
school days of the referral for review. However, if such recommendation of the CSE is for placement
in an approved in-state or out-of-state private school, the Board shall arrange for such special
education programs and services for students with disabilities within 30 days of the Board's receipt of
the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board of Education disagrees with such
recommendation, the Board shall follow one of the following procedures:

a) The Board may remand the recommendation to the CSE with a statement of the Board's
objections or concerns and a request that a timely meeting be held to review and consider
such objections or concerns. The CSE shall consider the Board's objections or concerns,
revise the IEP where appropriate, and resubmit a recommendation to the Board. If the
Board continues to disagree with the recommendation of the CSE, the Board may continue
to remand the recommendation to the original committee for additional reviews of its
objections or concerns, or establish a second CSE to develop a new recommendation in
accordance with the following paragraph, provided that the Board arranges for the
programs and services in accordance with the student's IEP within the timelines as outlined
above; or, in the alternative,

(Continued)
SUBJECT:  THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM  (Cont'd.)

b)  The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The second CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parents/guardians with a copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

Committee on Preschool Special Education

Upon receipt of the recommendation of the Committee on Preschool Special Education (CPSE), the Board of Education shall arrange for the preschool student with a disability to receive such appropriate programs and services in accordance with the student's IEP, commencing with the July, September or January starting date for the approved program, unless such services are recommended by the CPSE less than 30 school days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, such services shall be provided no later than 30 school days from the recommendation of the CPSE.

If the Board disagrees with the recommendation of the CPSE, the Board shall send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board of Education shall provide such notice as required by federal and state law and regulations.

Subcommittee on Special Education

The number of Subcommittees on Special Education will be determined by the CSE and the CSE will be responsible for the oversight and monitoring of the activities of each subcommittee to assure compliance with the requirements of applicable state and federal laws and regulations.

(Continued)
SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)

Each Subcommittee may perform the functions for which the CSE is responsible, except:

a) When a student is considered for initial placement in a special class; or

b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or

c) When a student is considered for placements in a school primarily serving students with disabilities or a school outside the District.

Subcommittees shall report annually to the CSE regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relationship to a student, the Subcommittee shall refer to the CSE any matter in which the parent disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate education to the student.

Education Law Sections 4402 and 4410
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(d)(1), 200.4(c), 200.4(d), 200.5 and 200.16(e)

NOTE: Refer also to Policies #7730 -- Appointment and Training of Committee on Special Education (CSE)/Subcommittee on Special Education Members
#7732 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Adopted: 7/14/98
Revised: 7/11/00; 7/12/05
SUBJECT: GROUPING BY SIMILARITY OF NEEDS

The Board of Education in an effort to provide an appropriate special education and related services to students with disabilities supports the grouping of students with disabilities by similarity of needs according to the following guidelines:

a) That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE).

b) The Committee shall determine written goals and corresponding short-term instructional objectives for each student with a disability by considering the special and individual needs of each student with a disability.

c) The Committee shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.

d) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.

e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.

f) Students with disabilities may be grouped according to:

(1) Academic achievement, functional performance and learning characteristics;
(2) Social needs;
(3) Physical development; and
(4) Management needs.

g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.

h) The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(3) and 200.6(a)(3)

Revised: 4/7/92; 7/11/06
SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM

The Board recognizes the need for educational programs for three (3) and four (4) year old children with disabilities and directs that administrative practices and procedures be developed to:

a) Ensure the timely evaluation and placement of each preschool child with a disability residing in the District so the child has the opportunity to participate in preschool programs.

b) Establish a Committee on Preschool Special Education (CPSE) which shall be comprised in accordance with applicable federal and state law and regulation.

c) Ensure that parents have received and understand the request for consent for evaluation and re-evaluation of a preschool aged child.

Evaluations for Preschool Children with Disabilities

The District is required to collect entry assessment data in the three (3) outcome areas on all preschool children who receive an initial evaluation. As currently required by Commissioner's Regulation Section 200.5, a parent must be fully informed about the proposed initial evaluation and must provide consent for an initial evaluation. This would include a description of the proposed evaluation.

The CPSE will receive entry-level assessment results in the three (3) outcome areas from approved preschool evaluators conducting initial evaluations on all preschool children suspected of having disabilities. The CPSE will then meet to determine the child's eligibility for preschool education programs and/or services and complete the Child Outcomes Summary Form to determine the child's entry level of functioning in the three (3) outcome areas for all preschool children evaluated and found to be eligible. The form is be kept in the student's record until the exit assessment information is due as a way to summarize complex assessment information in a format so that the data can be aggregated and reported to the State Education Department (SED).

Individuals with Disabilities Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
Education Law Section 4410
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(2), 200.2(b)(5) and 200.5

NOTE: Refer also to Policy #7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Revised: 4/7/92; 4/20/93; 7/12/94; 7/12/05; 3/11/08
SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS

Parents of children with disabilities have the right under Federal and State regulations to obtain an independent educational evaluation (IEE) at public expense under certain conditions. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education Part 200.5(g). Additionally, the Federal Regulations (34 Code of Federal Regulations [CFR] 300.502) specify requirements for an independent evaluation.

A parent is entitled to only one IEE at public expense each time the District conducts an evaluation with which the parent disagrees.

Administrative regulations on independent evaluations will be developed in order to explain the rights of parents and the responsibilities of school districts with regard to independent evaluations, and also to avoid any misunderstandings.

34 Code of Federal Regulations (CFR) Sections 300.12 and 300.502
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(z) and 200.5(g)
SUBJECT: LEAST RESTRICTIVE ENVIRONMENT

Least restrictive environment means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with use of supplementary aids and services, education in regular classes cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment shall:

a) Provide the special education and related services, as well as supplementary aids and services, needed by the student. The term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of such device;

b) Provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and

c) Be as close as possible to the student's home.

The District has an obligation, pursuant to law and regulation, to educate students with disabilities in the least restrictive environment. The School District shall ensure that:

a) Placement is based on the student's individualized education program and determined at least annually;

b) Placement is as close as possible to the student's home, and unless the student's individualized education program requires some other arrangement, the student shall be educated in the school he/she would have attended if not disabled;

c) In selecting the least restrictive environment, consideration will be given to any potential harmful effect on the student or on the quality of services that he/she needs; and

d) A student with a disability will not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

The District shall ensure that a continuum of alternative placements, in accordance with law and/or regulation, will be available to meet the needs of students with disabilities. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the regular class, including, as appropriate, related services, resource room programs and special class programs within the general education classroom.

(Continued)
SUBJECT: LEAST RESTRICTIVE ENVIRONMENT (Cont'd.)

Individuals with Disabilities Education Act (IDEA) 20 United States Code (USC) Section 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300  
Education Law Sections 4401-4410-a  
8 New York Code of Rules and Regulations (NYCRR) Sections 100.5, 100.9, 200.1(cc), 200.1(qq), 200.2(b),  
200.4 and 200.6  

Adopted: 8/15/00  
Revised: 7/11/06; 10/7/08
SUBJECT:  INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)

The School District shall establish a plan for implementing schoolwide approaches and interventions in order to remediate a student's performance prior to referral for special education.

The provision of programs and/or services for students starts with consideration/implementation of instruction in the general education curriculum, with appropriate supports and/or modifications as may be necessary. In implementing intervention strategies, the District may utilize resources/strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973, and Educationally Related Support Services and Academic Intervention Services as defined in Education Law and/or Commissioner's Regulations. All of these programs may be considered as possible components of Prereferral/Intervention Instructional Support Plans. The District will ensure that they have a system in place, with appropriate personnel, for developing, implementing and evaluating prereferral intervention strategies.

The District will provide general education support services, instructional modifications, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education (CSE). Student Support Services Teams will be formed in accordance with law and/or regulations as may be applicable as well as District guidelines. The SST will include representatives from general and special education as well as other disciplines and include individuals with classroom experience. Parents/persons in parental relation to students will be involved in developing prereferral strategies to address the educational needs of their child. Additionally, the District will seek collaboration between outside agencies and the school prior to a referral of the student to the CSE in order to address necessary student support services.

Administration shall ensure that appropriate opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents/persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

The determination of prevention and prereferral intervention strategies/services shall consider the student's strengths, environment, social history, language and cultural diversity in addition to the teacher's concerns. The building administrator will further ensure that all staff are familiar with intervention procedures and procedures for operating an SST.

(Continued)
SUBJECT:  INTERVENTION STRATEGIES IN GENERAL EDUCATION (PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)  (Cont'd.)

Prereferral/Intervention Instructional Support Plans shall be proactive in their strategies to meet the broad range of student needs and to improve student performance. Prereferral/Intervention strategies and/or Instructional Support Plans are to be reviewed and evaluated to determine their effectiveness, and modified as may be appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented shall be maintained.

However, should a referral be made to the CSE during the course of implementing prereferral/intervention instructional support services, the CSE is obligated in accordance with law to continue its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program, if applicable.

Educational Related Support Services

Educational related support services (ERSS) means curriculum and instructional modification services; direct student support team services; assessment and non-career counseling services; special instruction to eligible students with disabilities as defined in Education Law Section 4401, which does not generate excess cost aid including related services but excluding transportation and transition services; and to eligible, qualified students pursuant to Section 504 of the Rehabilitation Act of 1973. These services are provided to eligible students, individually or in groups, and may include those related consultation services provided to their families and related school personnel in order to enhance the academic achievement and attendance of such students. Educational related support services shall also mean speech and language improvement services as defined in Commissioner's Regulations.

ERSS Services may be utilized as a component of any Prereferral/Intervention Instructional Support Plan.

Section 504 of the Rehabilitation Act of 1973

For students who are qualified for services pursuant to Section 504 of the Rehabilitation Act, but are not classified as students with disabilities as defined in Education Law Section 4401, Section 504 Accommodation Plans may address instructional support services that can be utilized as components of any prereferral/intervention strategies as deemed necessary and/or appropriate.

(Continued)
SUBJECT:  INTERVENTION STRATEGIES IN GENERAL EDUCATION
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)  (Cont'd.)

Academic Intervention Services

 Academic intervention services means additional instruction which supplements the instruction provided in the general curriculum and assists students in meeting the State learning standards as defined in Commissioner's Regulations and/or student support services which may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance. However, such services shall not include services provided to students with limited English proficiency pursuant to Commissioner's Regulations or special education services and programs as defined in Education Law Section 4401. Academic intervention services are intended to assist students who are at risk of not achieving the State learning standards in English language arts, mathematics, social studies and/or science, or who are at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels on State assessments.

The District has developed a description of the academic intervention services offered to grades K-12 students in need of such services. The District will review and revise this description every two years based on student performance results.

Parental notification of students who have been determined to need academic intervention services will be provided as per Commissioner's Regulations.

In implementing prevention and/or prereferral intervention support strategies in order to remediate a student's performance prior to referral for special education, the utilization of academic intervention services, as enumerated in Commissioner's Regulations, may be included as a component of any such Prereferral/Intervention Instructional Support Plan.

Education Law Sections 3602(32), 4401 and 4401-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.1(g), (p), (r), (s), and (t); 100.2(v); 100.2(dd)(4); 100.2(ee); 200.2(b)(7); 200.4(a)(2) and (9); 200.4(c); and Part 154 Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.

Adopted: 8/15/00
Revised: 8/12/03; 9/9/03
SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The School District shall establish and implement a plan for the appropriate declassification of students with disabilities which must include:

a) The regular consideration for declassifying students when appropriate;

b) A reevaluation of the student prior to declassification; and

c) The provision of educational and support services to the student upon declassification.

Eligibility Determinations

The School District must evaluate a student with a disability prior to determining that a student is no longer a student with a disability as defined in accordance with Commissioner's Regulations, and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent at no cost to the parent. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's IEP.

Prior to the reevaluation, the School District shall obtain informed written parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District must have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation and/or due process procedures.

The District shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Graduation/Aging Out

The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the District must provide the student with a summary (Student Exit Summary) of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his/her post secondary goals. Although not required to do so, the District will also provide this Student Exit Summary (www.vesid.nysed.gov/specialed/idea/studentexit.htm) to students exiting with a High School Equivalency Diploma.

(Continued)
SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

In addition, the parent must receive prior written notice, in accordance with Commissioner's Regulations, before the student's graduation from high school with a local or Regents diploma or before he/she receives an Individualized Education Program (IEP) diploma. If the student will be graduating with an IEP diploma, this prior written notice must indicate that the student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns twenty-one (21) or until receipt of a regular high school diploma.

Recommendation for Declassification

If the student has been receiving special education services, but it is determined by CSE that the student no longer needs special education services and can be placed in a regular educational program on a full-time basis, the recommendation shall:

a) Identify the declassification support services, if any, to be provided to the student; and/or the student's teachers; and

b) Indicate the projected date of initiation of such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one (1) year after the student enters the full-time regular education program.

Declassification Support Services

When appropriate, the District shall provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

Declassification support services means those services provided by persons appropriately certified pursuant to Part 80 of Commissioner's Regulations, or holding a valid teaching license in the appropriate area of service, to a student or the student's teacher to aid in the student's move from special education to full-time regular education, including:

a) For the student, psychological services, social work services, speech and language improvement services, noncareer counseling, and other appropriate support services; and

b) For the student's teacher, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

(Continued)
SUBJECT:  DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

Procedural Safeguards Notice

The District shall use the procedural safeguards notice prescribed by the Commissioner of Education. The District will further ensure that the procedural safeguards notice is provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the District shall take steps to ensure that the notice is translated orally or by other means to the parent in his/her native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that all due process procedures, pursuant to law and/or regulation, have been met.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4401-4410-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.1(q), 100.2(u), 200.2(b)(8), 200.4(b)(4), 200.4(b)(5), 200.4(c)(3), 200.4(c)(4), 200.4(d)(1) and 200.5(a)

NOTE:  Refer also to Policy #7741 -- Transition Services

Adopted:  8/15/00
Revised:  7/11/06; 10/7/08
SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT PROGRAMS

All students with disabilities residing in the District, including those of preschool age, shall be provided with full access and opportunity to participate in School District programs, including nonacademic and extracurricular programs and activities, that are available to all other students enrolled in the public schools of the District. Nonacademic and extracurricular programs and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the School District, referrals to agencies that provide assistance to individuals with disabilities and employment of students (both by the School District and assistance in making outside employment available).

Parents/guardians of students with disabilities, including those students placed in out-of-District programs, shall receive timely notice of such District programs and activities.

8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(1) and 200.2(b)(2)
SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS

Committee on Special Education (CSE) Membership

The Board of Education shall appoint a Committee on Special Education (CSE) whose membership shall include, but not be limited to, the following members:

a) The parent(s) or persons in parental relationship of the student. To ensure that one or both parents are present at each CSE meeting, the District and the parent(s) may agree to use alternative means of participation such as videoconferences or conference phone calls;

b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);

c) Not less than one (1) special education teacher of the student, or, where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;

d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District;

e) An individual who can interpret the instructional implications of evaluation results, who may be a CSE member selected from the regular education teacher, the special education teacher or provider, the school psychologist, or the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;

f) A member as described in letters b) through e) of this subheading is not required to attend the CSE meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:

1. The member's area of the curriculum or related services is not being modified or discussed in the meeting; or

2. The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

(Continued)
SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)

3. The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in 2. above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation;

g) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;

h) Whenever appropriate, the student with a disability. The District must invite a child with a disability to attend the child's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. If the child does not attend the CSE meeting, the District must take other steps to ensure that the child's preference and interests are considered. To the extent appropriate, with the consent of the parent or a student eighteen (18) years or older, the District must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services;

i) A school psychologist;

j) A school physician, if requested in writing at least seventy-two (72) hours prior to the meeting by the parents of the student or the School District; and

k) An additional parent residing in the District or a neighboring school district who is a parent of a student with a disability, a parent of a student who has been declassified and is no longer eligible for an individualized education program (IEP), or a parent of a disabled child who has graduated. This parent member may serve for a period of five years beyond the student's declassification or graduation, provided that the parent shall not be employed by or under contract with the School District. Such parent is not a required member if the parents of the student request, in writing, that the additional parent member not participate in the meeting.

Subcommittee on Special Education Membership

The Board of Education shall appoint, as necessary, a Subcommittee on Special Education whose membership shall include, but not be limited to, the following members:

a) The parent(s) of the student;

(Continued)
SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)

b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);

c) Not less than one (1) special education teacher, of the student, or where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;

d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District;

e) A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, as set forth in Section 200.6(f)(4) of the Regulations of the Commissioner, is considered;

f) A member as described in letters b) through e) of this subheading is not required to attend the subcommittee meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:

1. The member's area of the curriculum or related services is not being modified or discussed in the meeting; or

2. The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

3. The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in 2. above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation;

g) At the discretion of the parent or the Committee, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the subcommittee;

(Continued)
SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)

h) An individual who can interpret the instructional implications of evaluation results, who may be a member described in letters "b" through "g" of this subheading; and

i) Whenever appropriate, the student with a disability.

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Special Education.

Alternative Means of Meeting

When conducting a meeting of the Committee on Special Education (CSE), the parent and the representative of the District appointed to the CSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

Individuals with Disabilities Education Act (IDEA) 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300 and Section 300.321
Education Law Section 4402

NOTE: Refer also to Policies #7711 -- The Role of the Board of Education in Implementing a Student's Individualized Education Program
#7732 -- Appointment and Training of Committee on Preschool Special Education Members

Adopted: 7/13/99
Revised: 9/9/03; 7/12/05; 7/11/06; 10/7/08
SUBJECT: COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) PROCESS

The Committee on Preschool Special Education (CPSE) is a multidisciplinary team which must be convened consistent with federal and state laws. The CPSE is responsible for evaluating preschool children, ages 3-5, suspected of having a developmental delay or disability. As a result of the reauthorization of the Individuals with Disabilities Education Act (IDEA), the parent or person in parental relationship is now a member of the CPSE.

The parent or person in parental relationship must be invited by the CPSE at least five (5) days prior to the meeting. The CPSE shall permit individuals invited by the parent/person in parental relationship to be present at any meeting held to review or evaluate a preschool child which the parent/person in parental relationship believes has knowledge or expertise about the child.

The CPSE authorizes the evaluation to be conducted. The evaluation includes, but is not limited to, a physical examination, an individual psychological evaluation, a social history, and other appropriate assessments or evaluations as necessary to ascertain the physical, mental and emotional factors which contribute to the suspected disabilities.

The CPSE must consider all the evaluation components and compare them to accepted milestones. The New York State Education Department has developed specific criteria, to be used as guidelines by the CPSE, regarding the amount of delay that constitutes an educational disability. Communications to parents/persons in parental relationship should be in their dominant language or other mode of communication, such as sign language, unless it is not feasible.

Once the Chairperson of the CPSE receives a referral, he/she must immediately notify the parent/person in parental relationship that a referral has been made and request consent for the child's evaluation. In the event that the parent/person in parental relationship does not provide consent for evaluation, no further action will be taken by CPSE until such consent is obtained. In the event that consent for an individual evaluation is not provided, the CPSE shall implement the District's practices and procedures for the purpose of ensuring that parent/persons in parental relationship have received and understand the request for consent.

Upon receipt of parent or person in parental relationship consent, or following a hearing officer's decision when such hearing is initiated at the request of the parent/person in parental relationship, the Board of Education must arrange for an evaluation of the preschool child and provide the parent/person in parental relationship with an approved list of evaluators.

Upon completion of the evaluation, the evaluator must submit written reports of the assessment and/or evaluation and the summary portion of the evaluation to members of the CPSE and to the person designated by the municipality in which the preschool age child resides so as to allow for a recommendation by the CPSE to be made to the Board of Education within thirty (30) days of the receipt of consent.

(Continued)
SUBJECT: COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) PROCESS (Cont'd.)

The report must include a detailed statement of the preschool child's individual needs, if any. However, the summary evaluation report shall not include a recommendation as to the general type, frequency and duration of special education services and programs that should be provided; nor should the report address the manner in which the preschool student can be provided with instruction or related services in the least restrictive environment. The summary evaluation report shall also not make reference to any specific provider of special services or programs. Such recommendations are to be made by the CPSE.

Upon request by the parent or person in parental relationship, an approved evaluator shall provide the parent/person in parental relationship with a copy of the statement and a recommendation provided to the CPSE. If the parent/person in parental relationship disagrees with the evaluation, the parent/person in parental relationship may obtain an independent evaluation at public expense (unless an impartial hearing officer determines that the district's evaluation is appropriate) in accordance with applicable law and regulation.

If the CPSE determines that the child has a disability, an Individualized Education Program (IEP) shall be developed pursuant to applicable law and/or regulations, specifying goals and services in the least restrictive environment. The CPSE shall recommend approved appropriate services and/or special programs and the frequency, duration and intensity of such services including, but not limited to, the appropriateness of single services or half-day programs based on the individual needs of the preschool child. The Committee shall first consider the appropriateness of providing:

a) Related services only; or

b) Special education itinerant services only; or

c) Related services in combination with special education itinerant services; or

d) A half-day preschool program; or

e) A full day preschool program.

Prior to recommending the provision of special education services in a setting which includes only preschool children with disabilities, the CPSE shall first consider providing special education services in a setting where age-appropriate peers without disabilities are typically found. Provision of special education services in a setting with no regular contact with age-appropriate peers without disabilities shall be documented on the child's IEP and shall only be considered when the nature or severity of the child's disability is such that education in a less restrictive environment with the use of supplementary aids and services cannot be achieved satisfactorily.

(Continued)
SUBJECT: COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) PROCESS (Cont'd.)

If the CPSE determines that the student demonstrates the need for a single related service as defined pursuant to law and regulation, such service shall be provided as a related service only or, where appropriate, as a special education itinerant service.

Twelve month special services and/or programs shall be provided to preschool students deemed eligible consistent with their individual needs as specified in the IEP.

The IEP of each preschool student with a disability shall be reviewed and, if appropriate, revised periodically but not less than annually pursuant to Commissioner's Regulations. In any meeting held to review the IEP of a preschool student with a disability, the student's parent/person in parental relationship shall be present as a member of the Committee (or be given the opportunity to attend and participate) along with those individuals designated and/or permitted pursuant to law and regulation.

Applicable due process provisions will be provided in accordance with law and regulation.

Education Law Section 4410
20 United States Code (USC) Sections 1400-1485,
Individuals with Disabilities Education Act (IDEA)
8 New York Code of Rules and Regulations
(NYCRR) Section 200.16

Adopted: 4/13/99
SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS

Committee on Preschool Special Education (CPSE) Membership

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) whose membership shall include, but not be limited to, the following members:

a) The parent(s) of the preschool child. To ensure that one or both parents are present at each CPSE meeting, the District and the parent(s) may agree to use alternative means of participation such as video conferences or conference phone calls;

b) Not less than (1) regular education teacher of such child (if the child is, or may be, participating in the regular education environment);

c) Not less than (1) special education teacher of the child or, where appropriate, not less than (1) special education provider (i.e., related service provider) of such child;

d) A representative of the School District who is qualified to provide, or supervise the provision of, special education and who is knowledgeable about the general curriculum and about the availability of preschool special education programs and services and other resources of the District and the municipality (who shall serve as Chairperson of the CPSE);

e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, the special education teacher or provider, the school psychologist, the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;

f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;

(Continued)
h) For a child's transition from early intervention programs and services (Infant and Toddler Programs), at the request of the parent/person in parental relation, the appropriate professional designated by the agency that has been charged with the responsibility for the preschool child. This professional must attend all meetings of the CPSE conducted prior to the child's initial receipt of services; and

i) A representative of the municipality of the preschool child’s residence. Attendance of the appointee of the municipality is not required for a quorum.

However, except for the parents/persons in parental relation and the appointee from the municipality (a) and i) above) a member of the CPSE is not required to attend a meeting of the team in whole or in part if the parent/person in parental relation and the District agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed at that meeting.

Additionally, a member as described in letters b) through h) of this subheading may be excused from attending the CPSE meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing to the excusal not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:

a) The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

b) The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in a) above to the parents/persons in parental relation within a reasonable time prior to the meeting prior to obtaining written consent to the excusal by the parents/persons in parental relation.

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Preschool Special Education.

(Continued)
SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS (Cont’d.)

Alternative Means of Meeting

When conducting a meeting of the Committee on Preschool Special Education (CPSE), the parent and the representative of the District appointed to the CPSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

Education Law Section 4410
20 United States Code (USC) Sections 1400-1485,
Individuals With Disabilities Education Act (IDEA)
34 Code of Federal Regulations (CFR) Part 300
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(3) and 200.3

NOTE: Refer also to Policies #7711 -- The Role of the Board of Education in Implementing a Students Individualized Education Program
    #7713 -- Preschool Special Education Program
    #7730 -- Appointment and Training of Committee on Special Education (CSE)/Subcommittee on Special Education Members
    #7731 -- Committee on Preschool Special Education (CPSE) Process

Adopted: 9/9/03
Revised: 7/12/05; 10/7/08
SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION

Development of Individualized Education Program

The Board of Education directs that the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) shall have prepared a written statement (program) for each child with a disability.

Such an Individualized Education Program (IEP) will be developed by the CSE or CPSE upon referral, and reviewed or revised, whichever is appropriate, for every child with a disability at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

The District shall ensure that each student with a disability has an IEP in effect at the beginning of each school year.

IEPs developed on or after January 1, 2009 will be on the form prescribed by the Commissioner.

Functional Behavioral Assessments/Behavioral Intervention Plans

A functional behavioral assessment (FBA) is an integral part of the evaluation and reevaluation of a student with a disability which should be used throughout the process of developing, reviewing and revising a student's IEP when the student's behavior impedes learning of the child or others. The FBA is the process of determining why a student engages in challenging behavior and how the student's behavior relates to the environment.

The FBA provides a baseline of the student's problem behaviors with regard to frequency, duration, intensity and/or latency across activities, settings, people and times of the day and includes:

a) The identification of the problem behavior,
b) The definition of the behavior in concrete terms,
c) The identification of the contextual factors that contribute to the behavior (including cognitive and affective factors), and
d) The formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

The CSE/CPSE will ensure that functional behavioral assessments, when appropriate, are conducted and reviewed to:

(Continued)
SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION (Cont'd.)

a) Identify supplementary aids and services, modifications and/or related services appropriate to address the identified behaviors to promote the student's involvement and progress in the general curriculum;

b) Determine a student's eligibility for special education services;

c) Develop the IEP which includes behavioral goals and objectives and positive behavioral supports and strategies.

In the case of a student whose behavior impedes his/her learning or that of others, the CSE/CPSE shall consider strategies, including positive behavioral interventions and supports and other strategies to address that behavior. The need for a behavioral intervention plan (BIP) shall be documented on the IEP and such plan shall be reviewed at least annually by the CSE/CPSE. In addition, regular progress monitoring of the frequency, duration and intensity of the behavioral interventions shall be conducted at scheduled intervals, documented and reported to the parents and CSE/CPSE.

A behavioral intervention plan may not include the use of aversive interventions or time out rooms except in accordance with specific Board policy regulating these techniques.

Individual Evaluations

Parental consent must be provided for an initial evaluation. If such consent is not received within thirty (30) calendar days of receipt of the referral, the CSE/CPSE Chairperson will document all attempts made to obtain the consent and, if appropriate, advise the Board of its right to utilize the due process procedures to conduct an evaluation without parental consent.

Unless a referral is withdrawn, an individual evaluation at no cost to the parent will be completed by the CSE/CPSE within sixty (60) calendar days after written parental consent has been obtained or a parental refusal to consent is overridden, unless:

a) An extension is mutually agreed to by the parent and the CSE/CPSE for the following situations:

1. Transfer students: A student enrolls in the District after sixty (60) days and prior to a determination by the student's previous school district as to whether the student has a disability, but only if the new school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent and the new district agree to a specific timeframe for completion; or

2. Students suspected of having learning disabilities; or

(Continued)
b) The parent or student repeatedly fails or refuses to produce the student for evaluation.

No student shall be required to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving an evaluation.

The individual evaluation will include a variety of assessment tools and strategies, including information provided by the parent. The purpose of the evaluation is to gather relevant functional, developmental and academic information that may assist in determining whether the student is a student with a disability and the content of the student's IEP. This shall include information relating to enabling the student to participate and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities.)

As part of any evaluation, a group that includes the CSE/CPSE and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments, local or state assessments, classroom-based observations, and observations by teachers and related services providers. In addition, the group will consider information about the student's physical condition, social or cultural background, and adaptive behavior.

On the basis of that review, and input from the student's parents, the group shall identify what additional data, if any, are needed to determine:

a) Whether the student has or continues to have a disability;

b) The present levels of academic achievement and related developmental needs of the student, including:
   1. Academic achievement, functional performance, and learning characteristics;
   2. Social development;
   3. Physical development; and
   4. Management needs.

c) In the case of a reevaluation of a student, whether the student continues to need special education; and

d) Whether any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.

(Continued)
SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION (Cont'd.)

If additional data are not needed, the District must notify the parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services provided in accordance with law and Commissioner's Regulations, the student continues to be a student with a disability and to determine the student's educational needs. The District is not required to conduct the assessment unless requested to do so by the student's parents.

The determination that a student has a learning disability will be made in accordance with the procedures outlined in Section 200.4(j) of Commissioner's Regulations.

Individual Re-evaluations

A CSE/CPSE shall arrange for an appropriate re-evaluation of each student with a disability:

a) If the District determines that the educational or related services needs, including improved academic achievement and functional performance of the student warrant re-evaluation;

b) If the student's parent or teacher request a re-evaluation;

c) At least once every three (3) years, unless the District and the parent/person in parental relation agree in writing that such re-evaluation is unnecessary.

A re-evaluation shall not be conducted more frequently than once a year unless the parent and the District representative appointed to the CSE/CPSE agree otherwise.

The re-evaluation will be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any re-evaluations must be addressed by the CSE/CPSE in reviewing, and as appropriate, revising the student's IEP.

To the extent possible, the District shall encourage the consolidation of re-evaluation meetings for the student and other CSE/CPSE meetings for the student.

Amendments to the IEP

Amendments to the IEP made after the annual review by the CSE/CPSE may be made by reconvening the CSE/CPSE and rewriting the IEP or by developing a written document to amend or modify the student's current IEP, provided that:

a) The parents/persons in parental relation request an amendment to the IEP and the District and parents/persons in parental relation agree to the amendment in writing; or

(Continued)
b) The District provides the parents/persons in parental relation a written proposal to amend a provision or provisions of the IEP conveyed in language understandable to the parents/persons in parental relation in their native language or other dominate mode of communication, informs and allows the parents/persons in parental relation the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes, and the parents/persons in parental relation agree in writing to the amendments.

If the parents/persons in parental relation agree to amend the IEP without a meeting, they shall be provided prior written notice (notice of recommendation) of the changes to the IEP and the Committee notified of the changes. If the changes are made by rewriting the entire IEP, the District shall provide the parents/persons in parental relation a copy of the rewritten IEP. If the amendment is made without rewriting the entire document, the District shall provide a copy of the document that amends the IEP or, upon request, a revised copy of the entire IEP with the amendments incorporated.

Use of Recording Equipment at IEP Meetings

The Board of Education shall allow recording equipment to be used at meetings regarding individualized education programs for students with disabilities.

Provision of Individualized Education Program

The Board of Education directs that the Superintendent/designee(s) establish administrative practices and procedures to ensure that each regular education teacher, special education teacher, related service provider and/or other service provider who is responsible for the implementation of a student's IEP is provided a paper or electronic copy of such student's IEP (including amendments to the IEP) prior to the implementation of such program. For purposes of this policy, "other service provider" means a representative of another public school district, charter school, Board of Cooperative Educational Services (BOCES) or school enumerated in Education Law Articles 81, 85 or 89 where the student receives or will receive IEP services. Further, the District will designate at least one school official who shall be responsible for maintaining a record of the personnel who have received IEP copies for each student.

Any copy of a student's IEP shall remain confidential in compliance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records; and shall not be disclosed to any other person other than the parent of such student, except in accordance with federal and state laws and/or regulations. Appropriate training and information will be provided to designated school personnel, as applicable, to ensure the confidentiality of such information. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when such professionals are no longer responsible for implementing a student's IEP.

(Continued)
The Chairperson of the CSE, CSE subcommittee, or CPSE shall designate for each student one or, as appropriate, more than one professional employee of the School District with knowledge of the student's disability and education program who will be responsible to, prior to the implementation of the IEP, inform each regular education teacher, special education teacher, related service provider, other service provider, supplementary school personnel (i.e., a teaching assistant or a teacher aide as defined in Commissioner's Regulations), and other provider and support staff person of his/her responsibility to implement the recommendations on a student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP. In selecting the professional staff person(s), the Chairperson could select him/herself for this responsibility, another administrator, or a teacher, related service provider or other professional based on the particular circumstances of the student's disability and education program.

The School District shall also ensure that each teaching assistant, teacher aide and each other provider responsible for assisting in the implementation of a student's IEP has the opportunity to review a copy of the student's IEP (including amendments) prior to the implementation of such program. Further, each teaching assistant, teacher aide and such other provider responsible for assisting in the implementation of a student's IEP shall have ongoing access to a copy of the IEP, which may be the copy provided to the student's special education teacher or the teacher or related service provider under whose direction the supplementary school personnel or other provider works. However, the District may, at its discretion, provide a copy of the IEP to teaching assistants and/or teacher aides.

A copy of a student's IEP shall be provided to the student's parents at no cost to the student's parents.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 615(k)(l)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
21 United States Code (USC) Section 812(c)
Education Law Articles 81, 85 and 89 and Sections 3208 and 4402(7)

Revised: 4/9/91; 4/7/92; 12/10/02; 9/9/03; 7/12/05; 7/11/06; 10/7/08
**SUBJECT:  TRANSITION SERVICES**

Beginning not later than the first IEP to be in effect when the student is age 15 (and at a younger age, if determined appropriate), and updated annually, the student's IEP must include:

a) A statement of the student's needs taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities;

b) Appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;

c) A statement of transition service needs that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational educational program;

d) Needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and

e) A statement of the responsibilities of the District and participating agencies, when applicable, for the provision of such services and activities, before the student leaves the school setting, that promote movement from school to post-school opportunities.

In accordance with the Code of Federal Regulations, the district must invite a child with a disability to attend the child's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. If the child does not attend the CSE meeting, the district must take other steps to ensure that the child's preference and interests are considered. To the extent appropriate, with the consent of the parent or a child who has reached the age of majority, the district must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

As defined by the Commissioner's Regulations, transition services means a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate movement from school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational training, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the individual student's needs, taking into account the student's strengths, preferences and interests and shall include needed activities in the following areas:

a) Instruction;

(Continued)
SUBJECT: TRANSITION SERVICES (Cont'd.)

b) Related services (the term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of such device);

c) Community experiences;

d) The development of employment and other post-school adult living objectives; and

e) When appropriate, acquisition of daily living skills and functional vocational evaluation.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400 et seq.
34 Code of Federal Regulations (CFR) Sections 300.343, 300.347 and 300.348
Education Law Section 4401

NOTE: Refer also to Policy #7717 -- Declassification of Students with Disabilities

Adopted: 7/12/94
Revised: 8/10/99; 7/11/06; 10/7/08
SUBJECT: SPECIAL EDUCATION MEDIATION

The District will offer mediation to resolve any disputes involving any matter for which an impartial due process hearing may be brought, including matters arising prior to the filing of a due process complaint notice.

Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center who are not employees of any school district or state agency that is involved in the education or care of the student who is the subject of the mediation process or a school district or program serving students with disabilities. Mediators may not have a personal or professional interest which would conflict with their objectivity in the mediation process and should be knowledgeable in laws and regulations relating to the provision of special education services.

Parents or persons in parental relation to students suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial hearing procedures in accordance with Federal and State law and regulations. If the parent and District agree, alternative means of meeting participation may be utilized, such as video conferences and conference calls.

Discussions during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings. The parties may be required to sign a confidentiality pledge prior to the commencement of the process.

If resolution to the complaint is reached through mediation, the parent and the representative of the District who has the authority to bind the District will execute a legally binding written agreement specifying the resolution and stating that all discussions occurring during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding of any Federal or State court. If the written agreement is inconsistent with the student's current individualized education programs (IEP), the IEP must be immediately amended to reflect the mediation agreement.

The mediation process is voluntary and will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relation to request an impartial hearing subsequent to mediation. Parents or persons in parental relation to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided for in federal and state laws and regulations. Similarly, mediation shall not be construed to limit a parent or person in parental relation from requesting an impartial hearing without having first utilized mediation procedures set forth in Education Law.

(Continued)
SUBJECT: SPECIAL EDUCATION MEDIATION (Cont’d.)

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4005, 4202 and 4404-a
Judiciary Law Section 849a
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1 and 200.5

Adopted: 8/10/99
Revised: 7/11/06; 10/7/08
SUBJECT:  TRANSFER STUDENTS WITH DISABILITIES

To facilitate the transition of students with disabilities transferring into or out of the District the District shall:

a) As the district of origin take reasonable steps to promptly respond to all requests from the new school district.

b) As the new school district take reasonable steps to promptly obtain the student's records from the previous school, including the Individualized Education Program (IEP), supporting documents and any other records relating to the provision of special education services.

c) Provide to a student with a disability (as defined in Section 200.1(zz) of Commissioner's Regulations) who transfers school districts within the same academic year a free appropriate education including services comparable to those described in the student's previous IEP.

1. For transfers within New York State, the previously held IEP will be followed in consultation with the parents until the District adopts the previously held IEP or develops, adopts and implements a new IEP consistent with federal and State law and regulation.

2. For transfers from outside New York State, in consultation with the parents the previously held IEP will be followed until the District conducts an evaluation and, if appropriate, develops a new IEP consistent with federal and State law and regulation.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400 et seq.
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(zz) and 200.4(e)(8)

Adopted: 7/11/06
SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES (CHILD FIND)

The School District of residence is required to locate and identify all students with disabilities who reside in the District, with the exception of students with disabilities who are parentally placed in nonpublic schools outside the district of residence, including students who do not attend public school. Therefore, it is the policy of the Board of Education to conduct a census in order to have all children with disabilities within its jurisdiction under the age of twenty-one (21) identified, located and evaluated, including children of preschool age, homeless children, children who are wards of the State as defined in Commissioner's Regulations and children in all public and private agencies and institutions.

Any student suspected of having a disability is to be referred to the Committee on Special Education (CSE)/Committee on Preschool Education (CPSE) of the student's district of residence for evaluation and possible identification as a student with disability.

Census data shall be reported by October 1 to the CSE/CPSE as appropriate. The CSE/CPSE will maintain and revise annually a register and related summary reports containing the data requirements indicated in Commissioner's Regulations.

Nonpublic School Students with Disabilities who are Parentally Placed

If the School District boundaries encompass a nonpublic school, the District, as the district of location, must develop and implement methods to identify, locate and ensure the identification and evaluation of students with disabilities who have been, or are going to be, parentally placed in such nonpublic school.

The child find activities must be similar to activities for students with disabilities in the public schools and must be completed in a time period comparable to that for other students attending public schools in the School District.

As the public school district of location, the District must consult with the nonpublic schools where students are parentally placed to determine an accurate count of students with disabilities attending such schools and receiving special education services.

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, State-supported or State-operated schools; or to Charter schools.

(Continued)
Provision of Special Education Services for Child under Age Seven

It is the responsibility of the Committee on Special Education (CSE) to provide special education services to a child with a disability under the age of seven who is eligible for school-age services, not subject to compulsory attendance requirements and not on a regular school attendance register. These are children with disabilities who are eligible for school-age special education services that are no longer eligible for preschool special education services, but are not parentally placed in a nonpublic elementary school and not being home schooled.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 612
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 3240-3242, 3602-c(2)(a), 4401-a, 4402(1)(a), 4404, 4405 and 4410-6
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(a), 200.4 and 200.6(m)(3)

NOTE: Refer also to Policies #7230 -- Entitlement to Attend -Age and Residency
#7251 -- School Census
SUBJECT:  DUE PROCESS RIGHTS FOR PARENTS OF CHILDREN WITH DISABILITIES

In accordance with the Individuals With Disabilities Education Act (IDEA) as well as Part 200 of the Regulations of the Commissioner of Education, a procedural safeguards notice must be provided to parents, as required by Section 1410(d)(1) of IDEA, upon:

a) Initial referral for evaluation for the provision of special education services;

b) Each notice of an individualized education program (IEP) meeting;

c) Reevaluation of the child;

d) Registration of a request for a due process proceeding (mediation or an impartial hearing);

e) A decision to remove a child from his/her current educational placement for more than ten (10) cumulative or consecutive days in a given school year as the result of disciplinary action [20 United States Code (USC)1415(k)(4)(A)].

New York State Regulations also require the procedural safeguards notice to be provided to parents when:

a) The Committee on Special Education/Committee on Preschool Special Education notifies the parent of its recommendation;

b) The recommendation is reviewed by the Board of Education.

Individuals With Disabilities Education Act (IDEA)
United States Code (USC) Sections 1400-1485
Education Law Sections 4401-4407
8 New York Code of Rules and Regulations
(NYCRR) Part 200

Adopted: 2/9/99
SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES

The Board of Education recognizes the rights of the parent/guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation and educational placement of a child with a disability.

All due process procedures for parents/guardians and children in the Commissioner's Regulations shall be observed by the School District.

Definition of Parent

Parent means a birth or adoptive parent, a legal appointed guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child, a person in parental relationship to the child as defined in Education Law Section 3212, an individual designated as a person in parental relation pursuant to Title 15-A of the General Obligations Law Title 15-A including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent or other relative with whom the child resides), or a surrogate parent who has been appointed in accordance with Section 200.5(n) of Commissioner's Regulations. The term does not include the State if the student is a ward of the State.

A foster parent may act as a parent unless State law, regulations or contractual obligations with a State or local entity prohibit the foster parent from acting as a parent.

Unless a judicial decree identifies a specific person(s) to act as the parent or make educational decisions for the student, if one or more parties is qualified to act as a parent, the birth or adoptive parent is presumed to be the parent unless they do not have the legal authority to do so.

Surrogate Parents

It is the duty of the School District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law. This determination shall be completed within a reasonable time following the receipt of a referral for an initial evaluation or re-evaluation.

In the event that no parent or guardian for a child with a disability can be identified; or after reasonable efforts the whereabouts of the parent or guardian cannot be determined; or the student is an unaccompanied homeless youth; or the child with a disability is a ward of the State and does not have a "parent" as defined above; or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law; the Board shall assign an individual to act as a surrogate for the parents or guardians.

Alternatively, the surrogate parent may be appointed by a judge overseeing the child's case.

(Continued)
SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that ensure adequate representation of the child.

Prior Written Notice (Notice of Recommendation)

Prior written notice (notice of recommendation) must be given to parents of a student with a disability a reasonable time before the District proposes to, or refuses to, initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student. Prior written notice must also be provided informing the parents when no additional data is required to determine the student's educational needs, the reasons for this determination and their right to request an assessment.

If the prior written notice relates to a proposed action that also requires parental consent, the District must give notice at the same time it requests parental consent. The prior written notice will contain all elements required by Commissioner's Regulations.

A parent may elect to receive prior written notice and other required notifications by electronic mail (e-mail) communication if the District makes this option available.

Effective January 1, 2009 the prior written notice will be on the form prescribed by the Commissioner.

Parent Participation in Meetings

The School District must take steps to ensure that one or both of the parents of a child with a disability are present at each Committee on Special Education (CSE)/Committee on Preschool Special Education (CSPE) meeting or are afforded the opportunity to participate in a mutually agreed upon time and place. The School District must document its attempts to involve parents, such as:

a) Detailed records of telephone calls made or attempted and the results of these calls;

b) Copies of correspondence sent to the parents and any responses received; and

c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

A meeting may be conducted without a parent in attendance if the School District is unable to convince the parents that they should attend.

(Continued)
SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

Additionally, the School District must take whatever action is necessary to ensure the parent understands the proceedings of this meeting including arranging for an interpreter for parents with deafness or whose native language is other than English.

Parental Consent

In accordance with due process, a parent (as defined in Commissioner's Regulations Section 200.1(l)) of a special education student or a student suspected of having a disability must provide informed consent before the School District can take certain actions. The District will make reasonable efforts to obtain written informed consent and will maintain a detailed record of its attempts and the results of the attempts.

Consent for Evaluations

The parent or guardian must provide informed consent to the initial evaluation, or reevaluations in accordance with law and/or regulations. If a parent does not provide consent for an initial evaluation, the School District may pursue the evaluation by commencing a due process hearing to override the refusal to provide consent.

Parental consent for a reevaluation is not needed if the District can demonstrate that it has taken reasonable measures to obtain consent, but the parents or guardians have failed to respond.

Consent for the Initial Provision of Services

Parental consent is also required for the initial provision of special education services. Consent for an initial evaluation does not constitute consent for the initial provision of services. If a parent does not provide consent for the initial provision of services, the School District shall not provide the special education program and services to the student and shall not use the due process procedures to challenge the parent's refusal to consent. The School District shall not be considered to be in violation of the requirements to provide a free appropriate public education (FAPE), shall not be required to convene a meeting of the committee on special education or develop an individualized education program (IEP).

Consent for Other Actions

Prior written consent must also be provided:

a) Prior to releasing any personally identifiable information; and

b) Prior to each time the District proposes to access a parent's private or public insurance.

(Continued)
SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

Consent for an Unaccompanied Homeless Youth

Consent may be provided by a surrogate parent. However, until a surrogate parent is appointed, consent may be provided on a temporary basis by an employee of a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth.

Consent for a Ward of the State

A ward of the State means a child or youth under the age of twenty-one (21):

a) Who has been placed or remanded pursuant to Social Services Law or the Family Court Act or freed for adoption pursuant to Social Services Law; or

b) Who is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or

c) Who is a destitute child under Social Services Law.

Consent for a Student who is Home Instructed or Parentally Placed in a Private School at the Parent's Expense

If a parent of a student who is home instructed or placed in a private school by their parents at their own expense does not provide consent for an initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, the District may not continue to pursue those evaluations by using the due process procedures and the District is not required to consider the student as eligible for special education services.

In the event that a child is a ward of the State, the School District shall make reasonable efforts to obtain the informed consent from the parent of the child for an initial evaluation to determine whether the child is a child with a disability.

The School District is not required to obtain informed consent if:

a) Despite reasonable efforts to do so, the School District cannot discover the whereabouts of the parent of the student, including consulting with the agency responsible for the care of the student; or

b) The rights of the parents of the student have been terminated in accordance with State law; or

c) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law.

(Continued)
SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

Procedural Safeguards Notice

The School District will provide the procedural safeguards notice prescribed by the Commissioner of Education to the parents of a student with a disability at least one time per year and also:

a) Upon initial referral or parental request for evaluation;

b) Upon the first filing of a due process complaint notice to request mediation or an impartial hearing;

c) Upon request by a parent;

d) Upon a decision to impose a suspension or removal that constitutes a disciplinary change in placement; and

e) Upon first receipt of a State complaint.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 3212, 4005, 4202, 4401 and 4402
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1 and 200.5

Revised: 4/7/92; 4/20/93; 6/28/05; 7/11/06; 10/7/08
SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS

The parent/person in parental relation of a student with a disability may file a written request with the Board for an impartial due process hearing with respect to any matter relating to the identification, evaluation, educational placement, provision of a free appropriate public education, manifestation determination or other matter relating to discipline. The Board may also initiate such hearing.

The School District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. Mediation will be available to resolve disputes involving any matter, including matters arising prior to the filing of a request for an impartial due process hearing. In addition, the District may establish procedures providing the opportunity to meet with a disinterested party from a community dispute resolution center for an explanation of the benefits of the mediation process.

For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The Impartial Hearing Officer (IHO) renders a written decision after the parties present and refute evidence before him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Impartial Due Process Hearing Process

The request for an impartial due process hearing must be submitted within two (2) years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. However, the two (2) year timeline does not apply if the parent was prevented from requesting the hearing due to specific misrepresentations by the District that it had resolved the problem or the District's withholding of information from the parent that is required by Commissioner's Regulations.

The following is an overview of the impartial due process hearing process/prehearing conference:

Due Process Complaint Notification

a) The parent or the School District may request an impartial due process hearing by first submitting a due process complaint notice.

A hearing may not be held until a due process complaint notice is filed. Either the parent, the District, or the attorney representing either party may present a complaint with respect to any matter relating to 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 such student.

(Continued)
SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

This written due process complaint notice must include:

1. The name of the student;
2. The address of the student's residence or, in the case of a homeless student, available contact information;
3. The name of the school the child is attending;
4. A description of the nature of the problem of the student relating to the proposed or refused initiation or change, including facts relating to the problem; and
5. A proposed resolution of the problem to the extent known and available to the party at the time.

b) The due process complaint notice will be deemed sufficient unless the party receiving the notice notifies the other party and the IHO in writing within fifteen (15) days of receiving the notice that they believe the notice requirements have not been met.

c) Within five (5) days of the receipt of the notice of insufficiency, the IHO shall make a determination on the face of the notice of whether the notification meets the notice requirements and shall immediately notify the parties in writing of the determination.

d) If the District has not sent a prior written notice (notice of recommendation) to the parent regarding the subject matter of the complaint notice, the District will send a response to the parent within ten (10) days of receiving the complaint which includes:

1. An explanation of why the District proposed or refused to take the action raised in the complaint;
2. A description of other options the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) considered and why those options were rejected;
3. A description of each evaluation procedure, assessment, record, or report the District used as a basis for the proposed or refused action; and
4. A description of the factors relevant to the District's proposal or refusal.

e) Upon receipt or filing of the due process complaint notice, the District will provide the procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and of any free or low-cost legal and other relevant services available in the area.

(Continued)
f) Within ten (10) days of receiving the complaint notice, the non-complaining party must send a response specifically addressing the issues raised in the notice.

g) A party may amend its due process complaint notice only if:

1. The other party consents in writing and is given the opportunity to resolve the complaint through a resolution process;

2. The IHO grants permission, but not later than five (5) days before the impartial due process hearing commences.

Applicable timelines for the impartial due process hearing will recommence at the time of the filing of the amended notice.

h) No issues may be raised at the impartial due process hearing that were not raised in the due process complaint notice.

Resolution Process

a) Within fifteen (15) days of receiving the due process complaint notice from the parent and prior to the due process hearing itself, the District shall convene a meeting with the parents and relevant members of the CSE/CPSE, as determined by the District and the parent, who have specific knowledge of the facts identified in the complaint. A representative of the District who has decision-making authority must attend. The attorney for the District may not attend unless the parent is accompanied by an attorney. At this resolution meeting, the District has the opportunity to resolve the complaint after the parents discuss their complaint and the facts forming its basis.

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, including notifying parents of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the resolution meeting at a mutually agreed on time and place and in a location that is physically accessible to the parents.

b) When conducting meetings and carrying out administrative matters (such as scheduling), the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.

c) The parent and District may agree in writing to waive the resolution process or agree to use the mediation process to resolve the dispute.

(Continued)
SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

d) If a settlement is reached, the parties shall execute a legally binding agreement signed by the parent and the representative of the District who has authority to bind the District. This agreement is enforceable in court. However, either party may void the agreement within three (3) business days of the agreement's execution.

e) If the District has not resolved the due process complaint to the satisfaction of the parents within thirty (30) days of receipt of the complaint notice, the impartial hearing process may begin.

f) Except where the parties have jointly agreed to waive the resolution process or use mediation, the failure of a parent filing a due process complaint to participate in the resolution meeting will delay the timeline for the resolution process and due process hearing until the meeting is held:

   1. If the District is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented), the District may, at the conclusion of the thirty-day period, request that an IHO dismiss the parents’ due process complaint.

   2. If the District fails to hold the resolution meeting within fifteen (15) days of receipt of the parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of the IHO to begin the due process hearing timeline.

Pre-Hearing Conference

A pre-hearing conference (which may take place via telephone) may be scheduled by the IHO to simplify or clarify issues; establish dates for the completion of the hearing; identify evidence to be entered into the record; identify witnesses expected to provide testimony; and/or address other administrative issues. A transcript or written summary shall be entered into record by the IHO.

Impartial Due Process Hearing

In the event the complaint is not resolved in a resolution process, the Board will arrange for an impartial due process hearing to be conducted. When carrying out administrative matters relating to an impartial due process hearing, such as scheduling, exchange of witness lists and status conferences, the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.

a) The District must immediately (but not later than two (2) 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. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The Superintendent's Secretary/District Clerk will be responsible for contacting IHOs and maintaining appropriate records.

(Continued)
b) The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board of Education must immediately appoint him/her. To expedite this process, the Board may designate one (1) or more of its members to appoint the IHO on behalf of the Board.

c) The IHO may not accept appointment unless he/she is available to make a determination of sufficiency of a due process complaint notice within five (5) days of receiving such a request and (unless an extension is granted) to initiate the hearing in a timely fashion.

1. When the District files the due process complaint notice, the hearing or pre-hearing conference must commence within the first fourteen (14) days after the date the IHO is appointed;

2. When a parent files the due process complaint notice, the hearing or pre-hearing conference must commence within the first fourteen (14) days after whichever of the following occurs first:

   a) The date the IHO receives the parties' written waiver of the resolution meeting; or

   b) The IHO receives the parties' written confirmation that a mediation or resolution meeting was held but no agreement could be reached; or

   c) The expiration of the thirty-day resolution period unless the parties agree in writing to continue mediation at the end of the thirty-day resolution period. In such case, the hearing or pre-hearing conference will commence within the first fourteen (14) days after the IHO is notified in writing that either party withdrew from mediation.

d) The hearing, or a prehearing conference, shall commence within the timeframe specified in c) above, unless an extension is granted pursuant to Commissioner's Regulations.

e) Each party must disclose to all parties all evaluations completed by that date and recommendations based on the offering party's evaluation that they intend to use at the hearing not less than five (5) days prior to the hearing. The IHO may bar any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

f) The hearing will be conducted at a time and location that is reasonable and convenient to the parent and the student involved. The hearing shall be closed to the public unless the parent requests an open hearing.

(Continued)
SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

g) The role and responsibilities of the IHO will be as enumerated in Commissioner's Regulations.

h) The student shall remain in his/her current placement during the pendency of the impartial due process hearing unless both parties agree or except as otherwise provided for expedited impartial due process hearings for certain disciplinary suspensions or removals of a student. For a preschool child not currently receiving special education services and programs, he/she may, during any impartial due process hearings or appeals, receive special education services and programs if the parent/person in parental relation and the District agree. However, during the pendency of an appeal for a preschool child who is transitioning from an Early Intervention (EI) program and is no longer eligible for the EI program due to age, the District is not required to provide the services the child had been receiving under EI. If found eligible for special education as a preschool student with a disability, and if the parent consents to the initial provision of services, the District will provide those programs and services that are not in dispute.

i) The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory timelines but not later than forty-five (45) days from the date required for commencement of the impartial due process hearing specified in c) above. For expedited hearings the deadline is within ten (10) school days after the hearing; for preschool hearings the timeframe is thirty (30) days after the receipt by the Board of a request for a hearing or after the initiation of such hearing by the Board.

j) The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Burden of Proof

In accordance with New York State law, the burden of proof and persuasion in an impartial due process hearing dispute relative to a student's special education placement rests upon the school district. However, a parent/person in parental relation seeking tuition reimbursement for a unilateral parental placement shall have the burden of persuasion as to the appropriateness of the placement.

Recordkeeping and Reporting

The District will utilize the New York State Education Department's Impartial Hearing Reporting System (IHRS) to access the alphabetical list of the names of each IHO who is certified in New York State and available to serve in the District. The District will record and report to the State Education Department required information relating to the selection of IHOs and the conduct of impartial due

(Continued)
process hearings according to the manner and schedule specified by the Department. The Superintendent shall designate a staff member(s) who will be responsible for reporting such information as required relating to the impartial hearing process into the State Education Department's web-based reporting system.

Compensation of Impartial Hearing Officers

The District will be responsible for compensating the IHO for prehearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO’s appointment. The rate of compensation may not exceed the maximum rate approved by the Director of the Division of the Budget. The District will also reimburse the IHO for travel and other hearing-related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule. On an annual basis, the District will forward a copy of its compensation rates to each IHO on the District's rotational list.

At the completion of the impartial due process hearing, the IHO shall submit an itemized bill of hourly charges and expenses, which will be promptly paid by the District.

Mediation

The District will inform the parent in writing of the availability of mediation and any free or low-cost legal and other relevant services available in the area at the request of the parent or when an impartial due process hearing is requested.

Mediation is voluntary and does not deny or delay a parent's right to an impartial due process hearing. If mediation is initiated after a request for an impartial due process hearing has been received, the impartial due process hearing must continue unless the request for the impartial due process hearing is withdrawn. However, a party may request an extension to an impartial due process hearing in order to pursue mediation.

Guardians ad Litem at Impartial Due Process Hearings

Unless a surrogate parent has been previously appointed, the IHO must appoint a guardian ad litem when he/she determines that the interests of the parent(s) are opposed to or are inconsistent with those of the student or whenever the interests of the student would be best protected by such appointment.

Confidentiality

All issues relating to a request for and conduct of an impartial due process hearing must be kept confidential by all District staff.
Administrative Procedures

Administrative procedures will be developed for the selection and appointment of an IHO consistent with regulatory requirements.

Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4005, 4202, 4404(1) and 4410(7)

NOTE: Refer also to Policy #7742 -- Special Education Mediation

Revised: 4/7/92; 2/9/93; 7/12/94; 4/16/02; 6/8/04; 7/11/06; 10/7/08
SUBJECT: PROGRAM ACCESSIBILITY

The Board of Education affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District shall make its program and facilities accessible to all its students with disabilities.

The District official responsible for coordination of activities relating to compliance with Section 504 is the Superintendent of Schools. This official shall provide information, including complaint procedures, to any person who feels his or her rights under Section 504 have been violated by the District or its officials.

Rehabilitation Act of 1973

Revised: 4/7/92
The School District shall provide, directly or by contract, special services and/or programs during July and August (i.e., extended school year) to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE). Written consent of the parent is required prior to initial provision of special education services in a twelve (12) month special service and/or program.

The CSE/CPSE must determine whether a student requires extended school year special education services and/or programs in order to prevent substantial regression. Substantial regression would be indicated by a student's inability to maintain developmental levels due to a loss of skill, set of skill competencies or knowledge during the months of July and August. In accordance with Commissioner's Regulations, students must be considered for twelve (12) month special services and/or programs to prevent substantial regression if they are:

a) Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes; or,

Preschool students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention;

b) Students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment and are placed in special classes; or

Preschool students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment;

c) Students who are recommended for home and/or hospital instruction whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment; or

Preschool students whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment in the home; or

d) Students, including preschool students, whose needs are so severe that they can be met only in a seven (7) day residential program; or

(Continued)
Students

SUBJECT:  EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS (Cont’d.)

e) Students who are not in programs as described in subparagraphs (a) through (d) above during the period from September through June and who, because of their disabilities, exhibit the need for a twelve (12) month special service and/or program provided in a structured learning environment of up to twelve (12) months duration in order to prevent substantial regression as determined by the CSE; or

Preschool students who are not described in subparagraphs (a) through (d) above whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration to prevent substantial regression as determined by the Preschool Committee on Special Education (CPSE).

For students eligible for twelve (12) month service and/or program, per Commissioner’s Regulations Section 200.4(d)(2)(x), the student's Individualized Education Program (IEP) shall indicate the identity of the provider of services during the months of July and August, and, for preschool students determined by the CPSE to require a structured learning environment of twelve (12) months duration to prevent substantial regression, a statement of the reasons for such recommendation.

The IEP shall indicate the projected date of the review of the student's need for such services and shall indicate the recommended placement.

The State Education Department (SED) is authorized to approve programs and to establish State Aid reimbursement rates for all special services and programs provided during July and August, both public and private. Therefore, if the School District plans to operate a July/August program, the District must first apply to SED for approval in accordance with SED guidelines/procedures.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
Education Law Section 4408
8 New York Code of Rules and Regulations (NYCRR) Part 110 and Sections 200.1(qq), 200.4(d)(2)(x), 200.5(b)(1)(iii), 200.6(j), and 200.16(i)(3)(v)

Revised: 4/7/92; 7/12/05; 7/11/06; 10/7/08
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SUBJECT: CURRICULUM DEVELOPMENT

The Board of Education supports and encourages development of a District-wide, articulated curriculum that conforms to state mandates and is responsive to the needs of children in a rapidly changing society. The principals of the elementary and secondary schools shall be responsible to the Superintendent for developing District-wide efforts toward the short and long-range improvement of curriculum and instruction.

Education Law Sections 1709 and 3204
SUBJECT: CURRICULUM RESOURCES

There are many resources for curriculum development which exist in our School District, and the instructional staff, under the guidance of the administration, is expected to delve into those resources for possible improvement of the instructional program. Each teacher has the privilege of being an initiator of improvement, as well as a reactor to changing conditions, and the principals shall be involved in curriculum development.

The Superintendent shall examine the findings of the Curriculum Study Committee, as well as the collective judgments of the staff about the pertinence of various possible changes. These changes shall be submitted by the Superintendent to the Board of Education for consideration in the forming of curriculum policy.
SUBJECT: CURRICULUM EVALUATION

The Board of Education shall direct a continuing evaluation of the curriculum as part of a program of instructional improvement.

All aspects of the curriculum shall be subjected to a searching and critical analysis in an attempt to improve the learning and growth of students.

The administrative staff shall evaluate the curriculum in a systematic manner, involving school personnel and the Curriculum Study Committee.

The administrative staff shall make periodic recommendations for action by the Board. The Board of Education from time to time may invite teachers or others to discuss the curriculum.

Education Law Section 1709
SUBJECT: COURSES OF STUDY

It is the responsibility of the Board of Education through the Superintendent of Schools to organize and include in the curriculum, grades kindergarten (K) through twelve (12), those courses of study which are mandated by the New York State Education Law.
SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES

It is the policy of this District that each student attending its public schools shall have equal educational opportunities and will not be excluded or prevented from participating in or having admittance to the educational courses, programs or activities; school services; and extracurricular events on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, disability, or use of a recognized guide dog, hearing dog or service dog. Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.

Administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints pertaining to discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, disability, or use of a recognized guide dog, hearing dog or service dog.

Prohibition of Retaliatory Behavior

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

Age Discrimination in Employment Act, 29 United States Code Section 621
Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.
Prohibits discrimination on the basis of race, color or national origin.
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Prohibits discrimination on the basis of race, color, religion, sex or national origin.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
Prohibits discrimination on the basis of sex.
Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.
Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, or use of a recognized guide dog, hearing dog or service dog.

Adopted: 10/7/08
SUBJECT: SAFETY CONDITIONS AND PROGRAMS

The practice of safety will be considered an integral part of the instructional program through fire prevention, emergency procedures and drills, driver education, and traffic and pedestrian safety.

Each principal will be responsible for the supervision of a safety program for his/her school.

The safety program may include, but not be limited to, in-service training, plant inspection, fire prevention, accident recordkeeping, driver and vehicle safety programs, emergency procedures and drills, and traffic safety programs relevant to students, employees and the community.

It shall be the duty of the Board of Education to provide inspections and supervision of the health and safety aspects of the school facilities.

Eye Safety/Student Use of Hand-Held Laser Pointers

Eye safety devices are to be provided by the School District for the protection of employees, students and visitors, and worn in the technology education classes and labs when activities present a potential eye hazard. The Superintendent or his/her designee will ensure that these devices are properly repaired, cleaned and stored to prevent the spread of germs or diseases after individuals use them.

Each classroom teacher is responsible for the safe and proper use of all instructional materials and equipment by students in his/her classroom. Laser pointers are to be used by students only when such use is approved and supervised by the classroom instructor.

Students will be advised not to stare directly into the beam from a laser pointer or direct the beam at the eyes of another individual. Students are not to aim the pointer into the audience. Students are to be made aware of the hazards associated with the particular type of laser pointer used.

Education Law Sections 409, 409-a, 807-a, and 906
8 New York Code of Rules and Regulations
(NYCRR) Part 136 and Section 141.10

Revised: 3/9/99
SUBJECT: PREVENTION INSTRUCTION

Acquired Immune Deficiency Syndrome (AIDS) Instruction in Health Education

The Board of Education shall provide a health education program that will include appropriate instruction for all students concerning Acquired Immune Deficiency Syndrome (AIDS). Accurate information concerning the nature of the disease, methods of transmission, and means of prevention shall be provided in an age-appropriate manner and shall be consistent with community values, and will stress that abstinence is the most appropriate and effective premarital protection against AIDS.

A representative community advisory group consisting of appropriate school personnel, School Board members, parents, religious representatives, and other community members shall be established in order to make recommendations for curriculum content, implementation, and evaluation of an AIDS instructional program. Appropriate training will be provided for instructional staff.

Parents/legal guardians shall have the right to exclude their children from those portions of a school's health education program that address AIDS prevention instruction. A statement must be completed and filed with the District declaring that the parent/legal guardian will be responsible for seeing that the student receives prevention instruction outside of the classroom.

AIDS instruction in the elementary school grades, K-6, shall be taught by the regular classroom teacher and/or designee while such instruction in grades 7-12 shall be a part of the required health education course.

Automated External Defibrillator Instruction

Instructions regarding cardiopulmonary resuscitation may be offered for voluntary admission as a part of the health education curriculum in all senior high schools.

Commencing with the 2006-2007 school year, in addition to the requirement that all teachers of health education shall be certified to teach health, persons instructing pupils in the correct use of automated external defibrillators shall possess valid certification by a nationally recognized organization (e.g., American Heart Association, American Red Cross) or the state emergency medical services council offering certification in the operation of an automated external defibrillator (AED) and in its instruction.

The District may offer such a course of instruction, may provide the needed facilities, time and place for the instruction and may provide learning aids and curriculum resource materials to support the course of study.
SUBJECT: PREVENTION INSTRUCTION (Cont’d.)

Substance Abuse-Prevention Instruction

The Board of Education recognizes the need to educate students on the hazards of alcohol, tobacco and/or drug abuse. A prevention program will be developed to inform students of:

a) Causes for substance abuse;

b) Physical and psychological damage associated with substance abuse;

c) Avoidance of alcohol, tobacco and drugs;

d) Dangers of driving while under the influence of alcohol or drugs.

Environmental Conservation Instruction

The Board of Education supports and encourages the development of a District-wide, articulated curriculum of environmental conservation integrated into other program disciplines.

Fire and Arson Prevention/Injury Prevention/Life Safety Education

The Board of Education directs the administration to provide instruction in fire and arson prevention, injury prevention and life safety education relating to protection against injury or death and property loss or damage as a result of criminally initiated or other preventable fire.

Such instruction shall include materials to educate children on the dangers of falsely reporting a criminal incident, an impending explosion or fire emergency involving danger to life or property, an impending catastrophe, or a life safety emergency.

The Board of Education directs the administration to provide such instruction for all students for a period of not less than forty-five (45) minutes in each month that school is in session.

Student Safety

Instruction in courses in technology education, science, home and career skills, health and safety, physical education and art shall include and emphasize safety and accident prevention.

Safety instruction shall precede the use of materials and equipment by students in applicable units of work in the courses listed above, and instructors shall teach and enforce all safety procedures relating to the particular courses. These shall include the wearing of protective eye devices in appropriate activities.

(Continued)
SUBJECT: PREVENTION INSTRUCTION (Cont'd.)

Emergency Planning

The School District shall maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students shall be provided instruction to respond effectively in emergency situations.

Instruction on Prevention of Child Abduction

All students in grades K through 8 in District schools shall receive instruction designed to prevent the abduction of children. Such instruction shall be provided by or under the direct supervision of regular classroom teachers and the Board of Education shall provide appropriate training and curriculum materials for the regular classroom teachers who provide such instruction. However, at the Board's discretion, such instruction may be provided by any other public or private agency.

The Commissioner of Education will provide technical assistance to assist in the development of curricula for such courses of study which must be age appropriate and developed according to the needs and ability of students at successive grade levels in order to provide awareness skills, information, self-confidence, and support to aid in the prevention of child abduction.

For purposes of developing such courses of study, the Board of Education may establish local advisory councils or utilize the school-based shared decision making and planning committee established pursuant to the Regulations of the Commissioner to make recommendations concerning the content and implementation of such courses. Alternatively, the District may utilize courses of instruction developed by consortia of school district, Board of Cooperative Educational services, other school districts, or any other public or private agency. Such advisory counsel shall consist of, but not be limited to, parents, school trustees and Board members, appropriate school personnel, business and community representatives, and law enforcement personnel having experience in the prevention of child abduction.

In accordance with law, the District will apply to the Commissioner of Education for a competitive grant, not to exceed $10,000, for services and expenses associated with a missing children prevention education program. Such funds shall be used to coordinate the acquisition, development and distribution or provision of instructional materials; defray costs of developing the courses of study; or provide appropriate training, including training provided by any other public or private organization, for faculty on prevention of child abductions.

Instruction on Child Development and Parenting Skills

Instruction regarding child development and parenting skills may be offered by the District. The curriculum shall include instruction on the consequences and prevention of shaken baby syndrome, which may include the viewing of a video presentation for students in secondary schools.

(Continued)
SUBJECT: PREVENTION INSTRUCTION (Cont'd.)

AIDS Instruction:
  8 New York Code of Rules and Regulations (NYCRR) Sections 135.3(b)(2) and 135.3(c)(2)
Automated External Defibrillators:
  Education Law Section 804-d
Civil Preparedness:
  New York State Office of Disaster Preparedness
Fire and Arson/Injury Prevention/Life Safety:
  Education Law Section 808
Prevention of Child Abduction:
  Education Law Section 803-a
Student Safety:
  Education Law Section 808
  8 New York Code of Rules and Regulations (NYCRR) Sections 107 and 155
Substance Abuse:
  Education Law Section 804
  8 New York Code of Rules and Regulations (NYCRR) Section 135.3(a)

Revised: 4/9/91; 4/20/93; 7/12/94; 5/9/95; 7/11/06; 10/7/08
SUBJECT: FIRE DRILLS AND BUS EMERGENCY DRILLS

Fire Drills

The administration of each school building shall instruct and train students, through fire drills, in procedures for leaving the building in the shortest possible time and without confusion or panic.

Fire drills shall be held at least twelve (12) times in each school year; eight (8) of these shall be held between September 1 and December 1. At least one-third of all such required drills shall be through use of fire escapes on buildings where fire escapes are provided. At least one (1) of the twelve (12) drills shall be held during each of the regular lunch periods, or shall include special instruction on the procedures to be followed if a fire occurs during a student's lunch period.

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one of these drills shall be held during the first week of summer school.

After-School

The Building Principal or his/her designee shall require those in charge of after-school programs, attended by any individuals unfamiliar with the school building, to announce at the beginning of such programs the procedures to be followed in the event of an emergency.

Bomb Threats

The Building Principals will follow established procedures to insure the safety of students and maximize the chance of apprehending the caller. (See Policy #8213.1 -- Bomb Threats.)

Bus Emergency Drills

The Board of Education directs the administration to conduct a minimum of three (3) emergency drills to be held on each school bus during the school year. The first drill is to be conducted during the first week of the fall term, the second between November 1 and December 31, and the third between March 1 and April 30. No drills shall be conducted when buses are on routes.

Students who ordinarily walk to school shall also be included in the drills. Students attending public and nonpublic schools who do not participate in regularly scheduled drills shall also be provided drills on school buses, or as an alternative, shall be provided classroom instruction covering the content of such drills.

Each drill shall include instruction in all topics mandated by the Education Law and the Commissioner's Regulations and shall include, but will not be limited to, the following:

a) Safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking;

(Continued)
SUBJECT:  FIRE DRILLS AND BUS EMERGENCY DRILLS (Cont’d.)

b) The location, use and operation of the emergency door, fire extinguishers, ax, first-aid equipment and windows as a means of escape in case of fire or accident;

c) Orderly conduct as bus passengers.

Instruction on Use of Seat Belts

When a school bus is equipped with seat safety belts, the District shall insure that all students who are transported on such school bus owned, leased or contracted for by the District or BOCES shall receive instruction on the use of seat safety belts. Such instruction shall be provided at least three (3) times each year to both public and nonpublic school students who are so transported and shall include, but not be limited to:

a) Proper fastening and release of seat safety belts;

b) Acceptable placement of seat safety belts on students;

c) Times at which the seat safety belts should be fastened and released; and

d) Acceptable placement of the seat safety belts when not in use.

Education Law Sections 807, 2801-a and 3623
Penal Law Sections 240.55, 240.60 and 240.62
8 New York Code of Rules and Regulations (NYCRR) Sections 155.17, 156.3(f), 156.3(g) and 156.3(h)(2)

Revised: 4/7/92; 10/7/08
SUBJECT: BOMB THREATS

When a bomb threat is received in the school, swift and appropriate action must be undertaken to assure the personal safety of each of the building occupants. This policy addresses the general parameters of bomb threat evacuations to assure that all school staff and students will be prepared to act, without confusion or delay, in the event of a bomb threat incident.

Evacuation: Building Specific Bomb Threat

Specific school buildings, including administrative offices, bus garages, and storage buildings, are to be immediately evacuated as quickly and effectively as possible when notice of a bomb threat is received that is building specific. All building occupants are to be evacuated to a safe area and accounted for. In determining the extent of evacuation required, it is assumed that an explosion may cause damage and injury within an area of at least 300 feet from the point of detonation.

Evacuation from a building provides maximum and optimum safety for students and staff, thus allowing for the least compromised and encumbered search by authorities.

Evacuation: All District Building Bomb Threat

Bomb threats announcing that a bomb is in the School District (without indicating a specific location) require the evacuation of all School District buildings. School Emergency Management Plans should address this contingency with alternative areas for shelter, if a "Go Home Plan" is not feasible.

Sheltering: Bomb Threats in Outside Areas

Bomb threats which indicate that an explosive device is in a car, in the school parking lot, or somewhere else outside of the building require that building occupants remain inside the building. All persons outside the building in parking lots, playgrounds, etc. should be immediately moved into the building or moved further away from the site, whichever action takes such persons out of harm's way.

Depending on the information given in the bomb threat call, consideration should also be given to occupants in rooms on outside walls and windows. Building occupants should be moved to areas within the school which are free of glass. Sheltering occupants to inside building areas free of glass is to be considered in the School Emergency Management Plan for situations in which bomb threats are reported outside of a school facility. Evacuation or sheltering should be for the purpose of taking students out of harm's way.

(Continued)
SUBJECT:  BOMB THREATS (Cont’d.)

Immediate Police Notification

A bomb threat to a school is a criminal act. Criminal acts are the domain and responsibility of law enforcement officials. The appropriate state, county, or local law enforcement agency is to be notified immediately of any bomb threat. School personnel are not authorized to determine if a telephoned bomb threat or suspicious package or letter is a hoax. School officials are responsible for information known; i.e., a bomb threat, and to take prudent and reasonable care of students and staff.

Dissemination of Information/Criminal Behavior

Information should be disseminated informing students and staff that the mere reporting of a false bomb threat is a crime that may result in imprisonment and/or civil penalties being imposed against the individual.

The building administrator will be responsible for informing school staff and students as to the appropriate procedures to be followed in the event of a bomb threat emergency, including the procedures to be followed in case of evacuation, early dismissal, and "sheltering" of students in school buildings when it is deemed safer for students to remain inside rather than to return home or be evacuated.

Implementation

The Board of Education directs the Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Additionally, such regulations are to be incorporated in the School District's Emergency Management Plan, with provisions for written notification by October 1 of each school year to all students and staff about emergency procedures, an annual emergency drill, and the annual updating of the District's Emergency Management Plan as mandated pursuant to law and/or regulation.

Education Law Section 807
Penal Law Sections 240.55, 240.60 and 240.61
8 New York Code of Rules and Regulations (NYCRR)

Adopted: 10/14/97
SUBJECT: DISASTER PLANNING AND CIVIL PREPAREDNESS

The School District shall maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students shall be provided instruction to respond effectively in emergency situations.

New York State Office of Disaster Preparedness
SUBJECT: EVACUATION OF PHYSICALLY CHALLENGED STUDENTS FROM SCHOOL BUILDINGS

It is the School District's responsibility to provide a plan for the evacuation of those students who are so physically challenged that they might be in danger in times of emergency. Students who fall in this category include, but are not limited to, those who are wheelchair bound and others who might have physical disabilities, temporary or otherwise, that seriously impede their movement.

The following steps will be taken in each of the buildings to assure the safety of these students.

a) In buildings of one floor, staff members will be assigned to monitor the above named students in times of emergency.

b) In multi-floor buildings, two individuals will be assigned whose specific responsibility will be to attend the incapacitated student. Those so assigned will receive instruction as to safe handling of the incapacitated student and will practice the procedure at least three times during the school year (in addition to all regularly scheduled fire drills).

c) Building principals will establish the assignments, and ensure that training, practices, and other details are provided for the individuals who will take part in the evacuation plan.

Adopted: 1/10/95
SUBJECT: CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION

The Board of Education recognizes the need for career and technical education and reaffirms its policy of strengthening the local high school career and technical education program through utilization of any available federal and state funds for that purpose and of supporting the BOCES program.

Equal Opportunity

The Board of Education prohibits discrimination on the basis of sex, sexual orientation, race, color, creed, religion, national origin, political affiliation, age, marital status, military status, disability or use of a recognized guide dog, hearing dog or service dog in any career and technical education program or activity of this District.

The career and technical education program and/or activities shall be readily accessible to students with disabilities.

Public Notification

Prior to the beginning of each school year or academic semester, the District shall issue an appropriate public announcement which advises students, parents, employees and the general public that career and technical education opportunities will be offered without regard to sex, sexual orientation, race, color, creed, religion, national origin, political affiliation, age, marital status, military status, disability or use of a recognized guide dog, hearing dog or service dog. Included in such announcement will be the name, address, and telephone number of the person designated to coordinate Title IX/Section 504/ADA activities.

Grievance Procedure

Grievance procedures for resolving complaints regarding discrimination shall be disseminated to adequately inform students, parents and employees of the existence of these procedures.

Local Advisory Council

In accordance with Education Law, the Board will appoint a Local Advisory Council for Career Education. The Board may, with BOCES approval, utilize the BOCES Advisory Council as its Local Advisory Council.

Civil Rights Law Section 40-c
Education Law Article 93
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(h) and 141 et seq.
Executive Law Section 290 et seq.

Revised: 4/9/91; 4/7/92; 9/9/03; 7/12/05; 10/7/08
SUBJECT: GUIDANCE PROGRAM

A District plan for the K-12 guidance program shall be filed in the District office and made available for public review. This plan shall be subject to annual review and revised as necessary in the following areas:

a) Identification of guidance program objectives;
b) Activities to accomplish the objectives;
c) Identification of staff members and other resources to accomplish the objectives;
d) Provisions for the annual assessment of program results.

Guidance Program (K-6)

A coordinated guidance program in grades K-6 shall be developed and implemented to:

a) Prepare students to participate effectively in their current and future educational programs;
b) Help those students exhibiting any attendance, academic, behavioral or adjustment problems;
c) Educate students concerning avoidance of child sexual abuse; and

d) Encourage parental involvement.

Guidance Program (7-12)

A coordinated guidance program in Grades 7-12 shall be developed and implemented including the following activities and services:

a) Annual review of each student's educational progress and career plans;
b) Instruction at each grade level to help students learn about various careers and career planning skills;
c) Other advisory and counseling assistance which will benefit students such as: helping students develop and implement postsecondary education and career plans; helping those students exhibiting any behavioral or adjustment problems; and encouraging parental involvement;

d) Employment of personnel certified or licensed as school counselors.

Commissioner's Regulations Section 100.2
SUBJECT: INSTRUCTIONAL PROGRAMS: DRIVER EDUCATION, GIFTED AND TALENTED STUDENTS AND PHYSICAL EDUCATION

Driver Education

A driver education course may be offered under the conditions set forth by the New York State Education Department.

Education Law Section 806-a

Gifted and Talented Students

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

Education Law Section 3602(23)
Commissioner's Regulations Section 142

Physical Education Class

All students, except those with medical excuses, shall 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 shall participate in a daily program for a minimum of 120 minutes per week.

b) All students in grades 4 through 6 shall participate in a program three (3) times per week for a minimum of 120 minutes per week.

c) All secondary students (in grades 7 through 12) shall 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. A comparable time each semester shall be provided if the school is organized in other patterns or if students have demonstrated acceptable levels of physical fitness, physical skills and knowledge of physical education activities in extraclass programs or out-of-school activities approved by the physical education staff and the School Administration.

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 or licensed chiropractor.

(Continued)
SUBJECT:  INSTRUCTIONAL PROGRAMS: DRIVER EDUCATION, GIFTED AND TALENTED STUDENTS AND PHYSICAL EDUCATION (Cont'd.)

Any student whose condition precludes participation in a regular program shall be provided with adaptive physical education approved by the Commissioner of Education.

Education Law Sections 803 and 3204
Commissioner's Regulations Section 135.4

Revised: 10/7/08
SUBJECT: ANIMALS IN THE SCHOOL

The Board of Education, in recognizing the educational uses of animals in the classroom, requires that permission be obtained from the building principal before animals are brought to the school or classrooms. It is the principal's responsibility to ensure that there is appropriate educational purpose if any animal is housed in a classroom. Animals are not to be transported on school buses.

Animals brought to school must be properly housed, handled, and cared for in glass or screened cages. Only the teacher or those students designated by the teacher are to handle the animals.

It shall be the responsibility of the principal or his/her designee to develop a plan of care for those animals housed in school in the event of an emergency school closing or in the event the animals remain in the classroom on days when school is not in session.

All experiments using live animals must have prior approval of the principal and be conducted in accordance with educationally approved guidelines.

Participation In Experiments Involving Animals

The Board of Education recognizes that a student may have a moral, religious and/or philosophical objection to the dissection of animals. A written request from the parent/legal guardian of the student wishing an exemption from dissection activities will be submitted to the teacher, indicating the reasons for the exemption. A committee comprising the principal, guidance counselor and classroom teacher will review the request and may seek an interview with the student and/or parent/legal guardian in order to secure additional information to better act on the request. Students will not be discriminated against because of their decision to refrain from dissection activities.

If the student's request for exemption is granted, an appropriate alternative educational activity, which is closely related to and of equal rigor as the exempted activity, will be assigned in lieu of the classroom dissection; and the student will be responsible for and evaluated on the material covered in the alternate activity. The alternate activity will carry the same credit as the laboratory dissection.

Education Law Section 809

Adopted 2/9/93
SUBJECT: PATRIOTISM, CITIZENSHIP AND HUMAN RIGHTS EDUCATION

The Board of Education recognizes and affirms the importance to students of learning to appreciate the sanctity of life and the dignity of the individual. In order to promote a spirit of patriotic and civil service and obligation, as well as to foster in students of the District moral and intellectual qualities which are essential in preparing them to meet the obligations of citizenship, the Board requires students attending District schools, over the age of eight years, to attend instructional courses in patriotism, citizenship, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery (including the freedom trail and underground railroad), and the Holocaust.

The Board also directs that all students attending District schools in grades eight through twelve receive instruction in the history, meaning, significance and effect of the United States Constitution, the New York State Constitution, and the Declaration of Independence.

The curricula for such courses must include the subjects specified by the Board of Regents and be for the period of instruction, as mandated by the Regents, which is necessary in these subjects in each of the appropriate grades.

One week during each school year a uniform course of exercises shall be provided to teach students, in an age appropriate manner, the purpose, meaning and importance of the Bill of Rights Articles in the United States and New York State Constitutions. These exercises shall be addition to the above required courses.

In addition, each School District that receives Federal Funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of each year for the students in the District to commemorate the September 17, 1787 signing of the Constitution, known as Constitution Day and Citizenship Day. However, when September 17 falls on a Saturday, Sunday, or holiday, this day shall be held during the preceding or following week.

The Board directs that the above named subjects, as mandated by law, be addressed in the instructional curricula provided by the District.

Education Law Section 801
Public Law 108-477 Section 111(b)

NOTE: Refer also to Policy #8243 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adopted: 4/8/95
Revised: 7/11/06; 10/7/08
SUBJECT:  CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/INTERPERSONAL VIOLENCE PREVENTION EDUCATION

Civility, Citizenship and Character Education

The Board of Education recognizes that teaching students respect, civility and understanding toward others, as well as the practice and reinforcement of appropriate behavior and values of our society, is an important function of the School System.

The School District wishes to foster an environment where students exhibit behavior that promotes positive educational practices, allows students to grow socially and academically, and encourages healthy dialogue in respectful ways. By presenting teachers and staff as positive role models, the District stresses positive communication and discourages disrespectful treatment. This policy is not intended to deprive and/or restrict any student of his/her right to freedom of expression but, rather, seeks to maintain, to the extent possible and reasonable, a safe, harassment free and educationally conducive environment for our students and staff.

Furthermore, the District shall ensure that the course of instruction in grades K through 12 includes a component on civility, citizenship and character education in accordance with Education Law. Character education is the deliberate effort to help students understand, care about, and act upon core ethical values.

Character education shall instruct students on the principles of:

a) Honesty,
b) Tolerance,
c) Personal responsibility,
d) Respect for others,
e) Observance of laws and rules,
f) Courtesy,
g) Dignity and other traits which will enhance the quality of students' experiences in, and contributions to, the community.

As determined by the Board of Regents, and as further enumerated in Commissioner's Regulations, the components of character education shall be incorporated in existing School District curricula as applicable.

(Continued)
SUBJECT:  CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/INTERPERSONAL VIOLENCE PREVENTION EDUCATION (Cont'd.)

The District encourages the involvement of staff, students, parents and community members in the implementation and reinforcement of character education in the schools.

Education Law Sections 801 and 801-a

Interpersonal Violence Prevention Education

The District will utilize the interpersonal violence prevention education package provided by the State Education Department. These materials will be incorporated as part of the health or other related curricula or programs for students grades K through 12.

Education Law Section 804(4)
SUBJECT: INSTRUCTIONAL TECHNOLOGY

The Board of Education recognizes its responsibility to further the District's educational goals through the use of appropriate and high quality technological materials and equipment. For the purpose of this policy, technology refers to computers, interactive videodiscs, Compact Disc-Read Only Memory (CD-ROM) devices, local areas networks, satellite transmission and other telecommunications equipment.

Continuing advances in technology are bringing about changes that have an increasing impact on the way we obtain, process, evaluate and use information. Therefore, the District is committed to:

a) A comprehensive staff development program to ensure appropriate and effective use of technology;
b) The preparation of students to utilize multiple types of technology;
c) The integration of technology within and across all curriculum areas;
d) The equitable distribution and access to technological equipment and materials for all students;
e) The promotion of technology as an alternative to traditional methods of gathering, organizing and synthesizing information;
f) The provision of sufficient funds, within the budgetary constraints of the Board, for the implementation of technology instruction.

The Board directs the Superintendent or his/her designee to assess the technological needs of the District's instructional program, research and review current materials and make recommendations to the Board.

Adopted: 4/7/92
SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS WITH LIMITED ENGLISH PROFICIENCY

The Board of Education recognizes its responsibility to ensure that students of foreign birth or ancestry, who have limited English proficiency (LEP) or English Language Learners (ELL), are provided with an appropriate program of bilingual transitional education or a free-standing program of English as a Second Language (ESL).

The District has developed a comprehensive plan to meet the educational needs of students with limited English proficiency. The plan will be kept on file in the District and made available for SED review upon request. The plan includes:

a) The District's philosophy for the education of ELL/LEP students;

b) Administrative practices and procedures to:
   1. Diagnostically screen students for limited English proficiency;
   2. Identify students with limited English proficiency;
   3. Annually evaluate each ELL/LEP student including his/her performance in content areas to measure the student's academic progress.

c) A description of the nature and scope of the bilingual and/or English as a second language instructional program and services available to ELL/LEP students;

d) A description of the criteria used by the District to place ELL/LEP students in appropriate bilingual or free-standing English as a second language programs;

e) A description by building of the curricular and extracurricular services provided to ELL/LEP students;

f) A description of the District and school level procedures for the management of the program, including staffing, site selection, parental notification, coordination of funds, training and program planning.

The instructional programs and services available to limited English proficient pupils to help them acquire English proficiency may include, pursuant to Commissioner's Regulations, bilingual education programs, free-standing English as a second language programs, appropriate support services, transitional services, in-service training and parental notification.

(Continued)
SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS WITH LIMITED ENGLISH PROFICIENCY (Cont’d.)

A student who, as a result of a disability, scores below the State designated level on the Language Assessment Battery-Revised (LAB-R) or the NYS English as a Second Language Achievement Test (NYSESLAT) shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student and shall also be eligible for services available to an ELL/LEP student when those services are recommended in the IEP. Such a student will be counted as an ELL/LEP student as well as a student with a disability for purposes of calculating State aid.

The parent/guardian of a student identified as an English language learner or as limited English proficient shall be informed in his/her native language, if necessary, of the student's identification for and/or participation in an English language learner instructional program as well as other school related information.

The Superintendent shall ensure that all data required by the Commissioner's Regulations is submitted to the State Education Department in a timely manner.

Title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, Sections 1112(g) and 3302(a)
Education Law Sections 207, 215, 2117, 3204(2)(2-a), 3602, and 3713
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(g) and Parts 117 and 154

Revised: 4/9/91; 4/7/92; 9/9/03; 7/11/06; 3/11/08
SUBJECT:  EVALUATION OF THE INSTRUCTIONAL PROGRAM

Evaluation may be concerned with the extent to which:

a) Each student achieves in accordance with his/her ability;

b) Each staff member performs at full potential;

c) The total learning environment, including institutional processes, physical facilities, and the educational program, remains consistent with the needs of students and the larger society and contributes to the accomplishment of the goals of the school.

The Board of Education expects staff members to maintain a continual program of evaluation at every level to determine the extent of progress toward the schools' objectives. The Board of Education will periodically request the Superintendent to present factual information which it considers necessary to evaluate the effectiveness of the school system.
SUBJECT: PROGRAMS AND PROJECTS FUNDED BY TITLE I

Parental Involvement

The Board of Education recognizes the rights of parent/legal guardians to be fully informed of all information relevant to their children who participate in programs and projects funded by Title I. The District shall ensure parental involvement in these programs and projects by:

a) Providing such reasonable support for parental involvement activities as parents/legal guardians may request;

b) Convening an annual meeting to which all parents/legal guardians of participating children shall be invited;

c) Providing parents/legal guardians with reports on their children's progress;

d) Providing opportunities for regular meetings of parents/legal guardians.

Comparability of Services

The School District shall ensure equivalence among the schools in the District with regard to teachers, administrators and auxiliary personnel as well as equivalence in the provision of curriculum materials and instructional supplies in Title I programs.

Public Law 100 - 297

Adopted: 4/9/91
SUBJECT:  PURPOSES OF INSTRUCTIONAL MATERIALS

The purpose of instructional materials shall be to implement, enrich, and support the educational program of the school.

Instructional materials should contribute to the development of positive social and intellectual values of the students.

The Board of Education shall provide the faculty and students in the District with such instructional materials as are educationally needed and financially feasible to make the instructional program meaningful to students of all levels of ability.

Education Law Sections 701, 703 and 704
SUBJECT: SELECTION OF LIBRARY AND AUDIO-VISUAL MATERIALS

The Board of Education affirms the Library Bill of Rights of the American Library Association and agrees that the responsibility of the school library is:

a) To provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities and maturity levels of the students served.

b) To provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards.

c) To provide a background of information which will enable students to make intelligent judgments in their daily life.

d) To provide materials on opposing sides of controversial issues so that young citizens may develop, under guidance, the practice of critical reading and thinking.

e) To provide materials representative of the many religious, ethnic, and cultural groups and their contribution to our American heritage.

f) To place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

In interpreting these principles, the following will apply:

a) Broad and varied collections will be developed systematically by the librarian and the audio-visual specialist, based on recommendations of the professional staff and suggestions of students and parents. Final approval will be made by the building principal.

b) Qualitative standards of selection involving factual accuracy, authoritativeness, artistic quality and appeal will be applied by librarians and audio-visual specialists before purchases are made.

c) Materials will not be excluded because of the race, nationality, political opinions or religious views of the author.

d) Materials will be continuously re-evaluated in relation to changing curriculum and instructional needs. Worn out, out-dated materials will be discarded.
SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS

Any criticism of instructional materials that are in the schools should be submitted in writing to the Superintendent. The Board of Education will be informed. A committee, including the librarian and building principal, will be designated by the Superintendent to investigate and judge the challenged material according to the principles and qualitative standards stated in Policy #8320 -- Selection of Library and Audio-Visual Materials.
SUBJECT: CONTROVERSIAL ISSUES

Controversial issues may be studied as part of the curriculum and teachers shall present these issues in their classrooms in an impartial and objective manner.

Teachers wishing to call upon outside speakers in the presentation of controversial issues are required to obtain the approval of the principal who shall keep in mind the obligation for presenting opposing views as well, and who shall inform the Superintendent prior to the presentation.

It is recognized that parents and citizens of the community have a right to protest to the school administration when convinced that unfair and prejudiced presentations are being made by the teacher. In considering such protests, the Superintendent of Schools shall provide for a hearing so that both parties may fairly express their views. If requested, the Superintendent's decision may be appealed to the Board of Education.
SUBJECT: CURRICULUM AREAS IN CONFLICT WITH RELIGIOUS BELIEFS

In accordance with applicable law and regulations, a student may be excused from the study of specific materials relating to health and hygiene if these materials are in conflict with the religion of his/her parents or guardian. Alternatives may be provided which are of comparable instructional value.

Education Law Section 3204(5)
8 New York Code of Rules and Regulations (NYCRR)
Section 135.3

NOTE: Refer also to Policies #8320 -- Selection of Library and Audiovisual Materials
     #8330 -- Objection to Instructional Materials
     #8334 -- Religious Expression in the Public Schools

Adopted: 1998
Revised: 7/12/05
SUBJECT: ACADEMIC FREEDOM/TEACHER SELECTION OF AND/OR TEACHER SUPPLIED INSTRUCTIONAL MATERIALS

The Board of Education recognizes the right of the teacher to provide information that will enrich and support the curriculum while, at the same time, taking into consideration the needs of the individual student, especially as it regards the diversity of learning styles, varied interests, abilities and maturity levels of students. Classroom discussion and/or selection of supplemental instructional materials by the teacher must be of educational merit, reflect the appropriate curriculum and/or course of study, and reflect the diverse needs of the students served.

Further, the Board believes that such academic freedom also carries with it educational responsibility that is determined by the basic ideals, goals, and policies of the School District. While the Board is opposed to unrestricted censorship or restraint that interferes with the educational responsibility of the classroom teachers, the Board also expects that controversial issues will be presented in a fair and unbiased manner, without undue pressure or coercion by the classroom teacher to impose his/her opinion on the students.

As a consequence of Board responsibility to guarantee academic freedom to both students and teachers, and as befits their professional status, teachers are encouraged to provide appropriate supplementary instructional materials for classroom use in addition to District provided materials in accordance with administrative regulations.

Use of Video Tapes/Films in Classroom Instruction

Teachers who wish to use video tapes and/or films in classroom instruction must follow established administrative regulations for the school. Additionally, teachers who wish to utilize such video tapes and/or films in their classroom must not use such purchased or rented visual technology resources which are marked "For Home Use Only." Teachers are authorized to use for classroom instruction, and are responsible for securing, those films, videos and other visual technology resources which are designated for public performance, for which permission for public performance has been obtained. When such resources are not selected from designated curriculum guides utilized by the school, prior to such use, teachers must report to their building principal or his/her designee, of their intention to use such materials in the classroom.

Implementation

The Board of Education directs the Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Further, the District shall ensure that its administrative/instructional personnel shall be aware of District policy and regulations pertaining to this topic.

Education Law Section 1709(3)

Adopted: 10/14/97
SUBJECT: RELIGIOUS EXPRESSION IN THE PUBLIC SCHOOLS

The Board of Education acknowledges the importance of religion to the understanding of society and the richness of the human experience. In approaching the teaching about religion in the school, the District will be guided by three concepts when making decisions about the appropriateness of activities for inclusion in the school program: the activity should have a secular purpose; the activity should neither advance nor inhibit religion; and the activity must not foster an excessive entanglement of "government" with religion.

Nurturing the development of knowledge and respect for the rights of all cultural and religious groups is a continuing goal of the School District. Students, faculty and administration are reminded of the pluralism of religious beliefs and are urged to be conscious of and respect the sensitivity of others.

Opportunities to learn about cultural and religious traditions should be provided within the framework of the curriculum. Information about religious and cultural holidays and traditions focusing on how and when they are celebrated, their origins and histories should be part of this instruction. This educational opportunity should be handled with great care, sensitivity and respect for the feelings and beliefs of individuals.

An environment should be created and encouraged where students of various ethnic backgrounds feel comfortable in sharing comments about their religious and cultural traditions. No student should be singled out to share or participate in such discussions solely on the basis of that student's identification with the cultural/religious heritage being addressed. A student's preference not to share or participate in such discussions should be honored and respected without penalty.

School Activities Related to Religious Holidays or Themes

a) School activities related to the teaching about religious holidays or themes must be consistent with, representative of, and congruent with the District's curriculum.

b) In planning school activities related to the teaching about religious holidays or themes, special effort must be made to ensure that the activity is not devotional and that students of all faiths can join without feeling they are betraying their own beliefs.

c) In planning school activities related to the teaching about religious holidays or themes, age appropriate activities are encouraged within the framework of the curriculum. Teaching about religious and cultural holidays may include such special activities as parties and special foods, if they reinforce educational goals.

(Continued)
SUBJECT: RELIGIOUS EXPRESSION IN THE PUBLIC SCHOOLS (Cont’d.)

Symbols in the Schools

The purpose of using religious symbols should be to teach about religious concepts and traditions, and to convey historical or cultural content, not to promote or celebrate religious concepts, events or holidays.

Music in the Schools

The purpose of using religious music should be to teach musical concepts, to convey historical and cultural content, or to create aesthetic experiences in a setting which emphasizes artistic expression and educational value, not to promote or to celebrate a religious faith.

Curriculum Areas in Conflict With Religious Beliefs

Students shall be given the option to be excused from participating in those parts of an activity, program, or area of instruction involving a religious theme which conflicts with their own religious beliefs or that of their parents/guardians in accordance with applicable law and regulations. Alternatives may be provided that are of comparable instructional value.

Implementation

Administrative regulations will be developed to implement the terms of this policy. Further, the District shall vigorously publicize and disseminate this policy and accompanying regulations in order to ensure community, faculty, student, and parental/guardian awareness.

United States Constitution, First Amendment
Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001, Section 9524
Equal Access Act,
20 United States Code (USC) Sections 4071-4074
Education Law Sections 1609(9), 1609(10), 1709(1), 1709(3), 3204(5) and 3210
8 New York Code of Rules and Regulations (NYCRR) Sections 16.2 and 109.2

NOTE: Refer also to Policies -- #8330 -- Objection to Instructional Materials

Adopted: 12/8/98
Revised: 7/11/06
SUBJECT: TEXTBOOKS/WORKBOOKS/CALCULATORS/INSTRUCTIONAL COMPUTER HARDWARE

The term "textbook" shall refer to a book supplied to a student for a fixed period of time for his/her personal use and basic to the study of a subject. The Board of Education shall make provision for funds to be budgeted for the purchase of textbooks and related instructional materials.

Upon the recommendation of the Superintendent of Schools, the Board of Education shall designate the textbooks to be used. Textbooks, once designated, cannot be superseded within a period of five (5) years except by a three-fourths (3/4) vote of the Board.

Each school district has the option of participating in the National Instructional Materials Access Center (NIMAC). Whether a district does or does not participate in NIMAC, the district will be responsible to ensure that each student who requires instructional materials in an alternate format will receive it in a timely manner and in a format that meets NIMAS standards (8 NYCRR Section 200.2(b)(10)). The New York State Education Department (NYSED) recommends that school districts choose to participate in NIMAC, because this national effort to centralize the distribution of instructional materials in alternate formats will help guarantee timely provision of such materials to students.

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


Students will be required to pay for lost books or for excessive damage to books.

Textbooks for Resident Students Attending Private Schools

Resident students attending private schools will be supplied non-sectarian textbooks in accordance with the requirements of Education Law.

Workbooks

The Board of Education shall approve the expenditure of funds for the purchase of workbooks and manuals.

The term "workbook" shall refer to the type of book that provides spaces to write in and is consumed each year. It is usually paper-covered and designed to be used in connection with a textbook.

(Continued)
SUBJECT: TEXTBOOKS/WORKBOOKS/ CALCULATORS/INSTRUCTIONAL COMPUTER HARDWARE (Cont’d.)

Calculators

The District can require students to provide their own "supplies" (defined as something which is consumed in use, loses its appearance and shape in use, expendable, and inexpensive). Examples include pencils, pens, paper, etc. Calculators do not fall into this category and must be considered like classroom teaching materials for which the District is authorized to levy a tax. In addition, the District may purchase, and must still provide, calculators even if operating under a contingent budget if the calculators are required for participation in an educational program.

The New York State Education Department requires the use of calculators for intermediate and high school level mathematics and science assessments. To the extent that calculators are a necessary part of the educational program, the District must provide them. Under no circumstances should students be charged for a calculator or otherwise required to purchase one in order to participate in an educational program of the District.

(see website: http://www.emsc.nysed.gov/mgtserv/charging_for_calculators.shtml)

Loan of Instructional Computer Hardware

The School District shall loan, upon request of an individual or a group of individual students, to all students legally attending nonpublic elementary or secondary schools located in the School District, instructional computer hardware which is designated for use in any public elementary or secondary schools of the State or is approved by any school authorities as such term is defined in Education Law Section 2(12). Such instructional computer hardware is to be loaned free to such children, commencing with the 2007-2008 school year, subject to such rules and regulations as are or may be prescribed by the Board of Regents and school authorities.

The School District shall not be required to loan instructional computer hardware to nonpublic school students in excess of the instructional computer hardware acquired pursuant to Education Law Section 753. Instructional computer hardware shall be loaned on an equitable basis to children attending nonpublic schools in the District and to students with disabilities residing in the District who attend programs under the provisions of Education Law Sections 4401(2)(c),(2)(e),(2)(g),(2)(i), and (2)(l). District, or to such students with disabilities, instructional computer hardware purchased with local or federal funds or with State funds, other than Instructional Computer Hardware Aid funds.

Instructional computer hardware containing computer software programs which are religious in nature or content shall not be purchased or loaned by the School District.

Instructional computer hardware shall be loaned upon the individual written request of nonpublic school students, but such requests shall not be required of students attending public school districts. Requests may be presented directly to the lending District or, with the consent of lending District, to

(Continued)
SUBJECT: TEXTBOOKS/WORKBOOKS/CALCULATORS/INSTRUCTIONAL COMPUTER HARDWARE (Cont’d.)

an appropriate official of the nonpublic school which the student attends. The form of request used by
the lending District may provide for a guarantee by a parent or guardian for the return of such
hardware or, in the case of loss or damage, for payment of the value thereof.

School authorities shall adopt regulations specifying the date by which written requests for the
purchase and loan of instructional computer hardware must be received by the District. Notice of the
date shall be given to all nonpublic schools in the School District. Such date shall not be earlier than
the first day of June of the school year prior to that for which such instructional computer hardware is
being requested. For a child not attending a nonpublic school prior to June first, the parent/guardian
may submit a written request for instructional computer hardware within thirty (30) days after such
child is enrolled in the nonpublic school. In no event, however, shall a request made later than the
times otherwise provided pursuant to Education Law Section 754 be denied where a reasonable
explanation is given for the delay in making the request.

The District has established the date by which such requests for the purchase and loan of
instructional computer hardware must be received by the District unless otherwise authorized in
accordance with law and Commissioner's Regulations.

Such instructional computer hardware shall remain the property of the lending District and shall
bear an identifying label. The school authorities of each district shall establish lending procedures
which apply to students in public and nonpublic schools, and shall inform the authorities of such
schools of these procedures.

Instructional Computer Hardware and Technology Equipment Apportionment

The School District shall be eligible for an apportionment under the provisions of Education Law
Section 753 for approved expenses for:

a) The purchase or lease of micro and or mini computer equipment or terminals for
instructional purposes; or

b) Technology equipment with a useful life used in conjunction with or in support of
educational programs including but not limited to video, solar energy, robotic, satellite,
aser and such other equipment as the Commissioner of Education shall approve; or

c) The repair such equipment and training/staff development for instructional purposes.

Such aid shall be provided pursuant to the Instructional Computer Technology Plan developed by
the District which specifies requirements for each School District's Technology Plan, including an
assurance of the Superintendent of Schools, in a form prescribed by the Commissioner of Education,
that the School District has provided for the loan of instructional computer hardware to students
legally attending nonpublic schools pursuant to Education Law Section 753.

(Continued)
SUBJECT: TEXTBOOKS/WORKBOOKS/CALCULATORS/INSTRUCTIONAL 
COMPUTER HARDWARE (Cont'd.)

The School District shall not be required to purchase or otherwise acquire instructional computer 
hardware or technology hardware or technology equipment, the cost of which exceeds the amount of 
state aid provided pursuant to Education Law Section 753.

Expenses aided pursuant to Section 753 shall not be eligible for aid pursuant to any other 
provision of Education Law.

The School District shall maintain a separate record of expenditures incurred from State aid 
received pursuant to Education Law Section 753 and the rules of the Board of Regents Section 21.3

20 United States Code (USC) Section 1474(e)(3)(B) 
Education Law Sections 2(12), 701 et seq., 753, 754, 3602(6), 3602(26), 4401(2)(c), 4401(2)(e), 4401(2)(g), 
4401(2)(i) and 4401(2)(l)
8 New York Code of Rules and Regulations (NYCRR) Sections 21.3, 100.12, 155.1(a)(4) and 175.25

Revised: 7/11/06; 11/13/07; 10/7/08
SUBJECT: USE OF COPYRIGHTED MATERIALS

It is the intent of the Board of Education to abide by the provisions of the United States Copyright Law (Title 17, United States Code, Section 101, et seq.).

All employees and students are prohibited from copying materials not specifically allowed by the copyright law, fair use guidelines, licenses or contractual agreements, or the permission of the copyright proprietor.

Any person who willfully disregards the copyright policy shall be in violation of Federal Copyright Laws and District policy and shall assume all liability.

A copyright officer will be appointed by the Superintendent to provide information for all personnel regarding current copyright law and to maintain copyright records. A copyright officer may be appointed by the Superintendent to provide information for all personnel regarding current copyright law and to maintain copyright records. The copyright officer will also serve as the designated agent registered with the U.S. Copyright Office to expeditiously respond to any notices of claimed copyright infringement.

Regulations and procedures shall be developed by the administration detailing what can and cannot be copied. Appropriate copyright notices will be placed on or near all equipment used for duplication.

Digital Millennium Copyright Act (DMCA)
17 United States Code (USC) Sections 101 et seq., 512 and 1201 et seq.

Revised: 7/11/06
SUBJECT: MISUSE/ABUSE OF SOFTWARE AND/OR ELECTRONIC COMMUNICATION SYSTEMS

Misuse is defined as any unauthorized reproduction and/or distribution of Salamanca City Central School District licensed software. The District or anyone employed by or enrolled in the District does not have the right, unless authorized by the software developer, to reproduce any software licensed from that developer. Furthermore, the use of Salamanca City Central School District's software and electronic communications devices is restricted to appropriate educational purposes.

Abuse is defined as any unauthorized physical alteration or intentional damage to any software or electronic communication system owned or rented by Salamanca City Central School District. Such damage includes, but is not limited to, theft or mistreatment of computer input, processing and output devices and corruption of program and data files accessible through such systems.

Any employee in the Salamanca City Central School District who is aware of any misuse or abuse of any software or electronic communication system owned or rented by the District shall notify his/her immediate supervisor or building principal.

Any student in the Salamanca City Central School District who is aware of any misuse or abuse of any software or electronic communication system shall notify his/her teacher or building principal. (The building principal will immediately suspend the computer privileges of any student found violating the District policy.)

Administrators who are aware of any misuse or abuse shall notify the superintendent or his/her designee and appropriate disciplinary action shall occur based on the circumstances and in accordance with all applicable laws, bargaining agreements, and District policies and regulations, including the District's Student Disciplinary Code.

This policy will be disseminated to all District staff and students.

Adopted: 4/8/95
SUBJECT: COMPUTER USER CODE OF ETHICS

Computer use policies safeguard the rights and privileges of all users. With this technological opportunity comes responsibility. Be aware that the code of ethics listed below applies to all computer users in the Salamanca City Central School District, who must understand and agree to the following:

a) It is the user's responsibility to avoid abusive conduct which would include but not be limited to, the altering of system software, placing of unlawful information, computer viruses, or harmful programs on or through the system, in either public or private files or messages.

b) Users must be accountable for the use of their password. Passwords must not be revealed to anyone. Any problems which arise from the releasing of personal passwords are the responsibility of the user.

c) The school's computer system may not be used to obtain, view, download, or otherwise gain access to materials which are unlawful, objectionable, or otherwise unacceptable in an educational setting.

d) Only software owned by the Salamanca City Central School District will be used on the work stations and System (WAN).

e) Users will use all computer equipment for the purpose for which it is intended. Users will not tamper with the terminals, and associated equipment, or otherwise disable the system.

f) Users will not change, copy, rename, delete, read, or otherwise access files or software that they did not create.

g) Computers may not be used for personal non-school related gain.

Any discovered instances of inappropriate usage, or failure to comply with current policies, may result in immediate suspension of computing privileges for the offender. Parent notification of such suspensions will also be provided.

Adopted: 4/8/95
SUBJECT:  WORLD WIDE WEB: DISTRICT WEBSITE

In order to support the vision and mission of the School District, the District will create and maintain a website for the following purposes:

a) A place to showcase innovative student and staff educational projects, presentations, and learning experiences.

b) A gateway to District and community resources and to educational websites.

c) A means for the community to access District information.

d) A means of "opening up" communications among students, District personnel, the community, and associated organizations.

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

Regulations will be developed for implementing guidelines as to staff/student access and usage of the District website.

Adopted:  7/14/98
SUBJECT: CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT FILTERING/SAFETY POLICY

In compliance with The Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the District has adopted and will enforce this Internet safety policy that ensures the use of technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) on all District computers with Internet access. Such technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, child pornography, or, with respect to the use of computers by minors, considered harmful to such students. Further, appropriate monitoring of online activities of minors, as determined by the building/program supervisor, will also be enforced to ensure the safety of students when accessing the Internet.

Further, the Board of Education's decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the schools including the selection of appropriate teaching/instructional materials and activities to enhance the schools' programs; and to help ensure the safety of personnel and students while online.

However, no filtering technology can guarantee that staff and students will be prevented from accessing all inappropriate locations. Proper safety procedures, as deemed appropriate by the applicable administrator/program supervisor, will be provided to ensure compliance with the CIPA.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet and World Wide Web may include, but shall not be limited to, the following guidelines:

a) Ensuring the presence of a teacher and/or other appropriate District personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications. As determined by the appropriate Building Administrator, the use of e-mail and chat rooms may be blocked as deemed necessary to ensure the safety of such students;

b) Monitoring logs of access in order to keep track of the web sites visited by students as a measure to restrict access to materials harmful to minors;

c) In compliance with this Internet Safety Policy as well as the District's acceptable Use Policy, unauthorized access (including so-called "hacking") and other unlawful activities by minors are prohibited by the District; and student violations of such policies may result in disciplinary action; and

d) Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal identification information regarding such students.

(Continued)
SUBJECT: CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT FILTERING/SAFETY POLICY (Cont'd.)

The determination of what is "inappropriate" for minors shall be determined by the District and/or designated school official(s). It is acknowledged that the determination of such "inappropriate" material may vary depending upon the circumstances of the situation and the age of the students involved in online research.

The terms "minor," "child pornography," "harmful to minors," "obscene," "technology protection measure," "sexual act," and "sexual contact" will be as defined in accordance with CIPA and other applicable laws/regulations as may be appropriate and implemented pursuant to the District's educational mission.

*Under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor, or other person authorized by the School District.*

The School District shall provide certification, pursuant to the requirements of CIPA, to document the District's adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., blocking/filtering of access to certain material on the Internet) for all School District computers with Internet access.

**Internet Safety Instruction**

In accordance with New York State Education Law, the School District may provide, to students in grades K through 12, instruction designed to promote the proper and safe use of the internet. The Commissioner shall provide technical assistance to assist in the development of curricula for such course of study which shall be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the internet.

**Notification/Authorization**

The District's Acceptable Use Policy and accompanying Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the Internet.

Student use of the District's computer system (DCS) is conditioned upon written agreement by all students and their parents/guardians that student use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the District Office.

(Continued)
SUBJECT: CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT FILTERING/SAFETY POLICY (Cont'd.)

The District has provided reasonable public notice and has held at least one (1) public hearing or meeting to address the proposed Internet Content Filtering/Safety Policy prior to Board adoption. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of the District's Internet Content Filtering/Safety Policy, as well as any other District policies relating to the use of technology.

47 United States Code (USC) Sections 254(h) and (l)
47 Code of Federal Regulations (CFR) Part 54

Adopted: 11/13/01
Revised: 7/11/06;
SUBJECT: SCHOOL CALENDAR AND SCHOOL DAY

School Calendar

The Superintendent shall be responsible for the preparation of a school calendar to be presented to the Board for adoption.

School Day

The school day shall be set by the Superintendent with approval of the Board.

Education Law Sections 3204(7) and 3604(7)(8)
Commissioner's Regulations Section 175.5
SUBJECT: OPENING EXERCISES

Pledge of Allegiance

The Board directs the administration to include the Pledge of Allegiance as part of the opening exercises in all the schools. Under certain circumstances, such as religious conviction, students may be excused from this requirement as a protection of their Constitutional rights.

Education Law Section 802

Revised: 2/9/93
SUBJECT: INDEPENDENT STUDY

Independent study, for credit, will be available to meet special individual needs of students in grades nine (9) through twelve (12). The principal, after consultation with relevant faculty, may award transfer credit for work done through independent study. The decision should be based on whether the student's record indicates that the work is consistent with New York State commencement level learning standards and is of comparable scope and quality to that which would have been done in the school awarding the credit. Credit shall be granted only for courses in the approved curriculum.

Regulations to implement this policy shall be developed under the direction and approval of the high school principal.

8 New York Code of Rules and Regulations (NYCRR) Section 100.5(d)(5)(i)(b)

Revised: 7/11/06
SUBJECT: HOMEWORK

The Board of Education acknowledges the educational value of homework as an adjunct to and extension of the instructional program of the schools. For the purposes of this policy, "homework" shall refer to those assignments to be prepared by the student outside of the school or independently while in attendance at school.
SUBJECT:  HOME TUTORING (HOMEBOUND INSTRUCTION)

Resident children attending public or nonpublic schools who are unable to attend school because of physical, mental or emotional illness or injury as substantiated by a licensed physician are eligible to be instructed at home or in a hospital by a tutor provided by the School District. These students will be provided with such instruction in accordance with New York State Education Law and Commissioner's Regulations.

Procedures for students requiring home tutoring shall be developed under the direction of the Superintendent or his/her designee.

Education Law Sections 1604(20), 1709(24), 3202 and 4401
8 New York Code of Rules and Regulations (NYCRR) Section 175.21

Revised: 10/7/08
SUBJECT:  FIELD TRIPS

The Board of Education recognizes that field trips are an educationally sound and important ingredient in the instructional program of the schools.

For purposes of this policy, a field trip shall be defined as any journey by a group of students away from the school premises, under the supervision of a teacher, which is an integral part of an approved course of study and conducted for the purpose of affording a first-hand educational experience not available in the classroom.

Field trips are a part of the curriculum of the schools and attendance on field trips is governed by the same rules as attendance at regular classroom activities. The school system shall obtain written permission for students going on school-sponsored field trips.

The Superintendent shall prepare procedures for the operation of a field trip activity. Field trip support shall be determined annually by the Board during its budget deliberations. Regardless of the fiscal support for field trips, the rules of the School District for approval and conduct of such trips shall apply.

Parental Permission for Field Trips

The school system shall obtain parental permission for students going on school-sponsored trips. All students grades 7 through 12 will be required to obtain releases from individual teachers before going on any field trip.

The Board of Education reserves the right to cancel or modify any field trips without notice based on safety conditions and concerns for students and chaperones.

Revised: 11/13/01
SUBJECT: HOME INSTRUCTION (HOME SCHOOLING)

From time to time, parents will choose to instruct their children at home. The School District will attempt to cooperate with parents who wish to provide home schooling for their children realizing that the child who is educated at home should receive an education in a manner consistent with an educational plan and at least substantially equivalent to that given to students of like age and attainments in the local public schools. The required subjects should be taught in a competent, systematic, and sequential manner, specifically in relation to the required courses as enumerated in Commissioner's Regulation Section 100.10.

Provision of Services to Home-Instructed Students

Regarding Home-Instructed Students:

They are not awarded a high school diploma. A high school diploma may only be awarded to a student enrolled in a registered secondary school who has completed all program requirements set by the Board of Regents, the school or the District.

a) They are not eligible to participate in interscholastic sports. Commissioner's Regulations mandate that only students enrolled in the public school are allowed to participate in interscholastic sports.

Therefore, the School District does not permit home instructed students to participate in extracurricular programs sponsored by the school district.

b) The District is not required to loan available textbooks and other materials (e.g., library materials, microscopes, computer software, movie projectors).

c) The School District is not required to furnish health services.

d) The District is not responsible for providing remedial programs.

e) They may not participate in the instructional program of the School District except for dual enrollment opportunities the District may make available under the "Dual Enrollment Law" and for special education programs and services the District is required to offer (exceptions are listed below).

f) The District shall offer a home-instructed student with disabilities the special education services as addressed in the approved Individualized Education Program (IEP) by the Committee on Special Education. However, there is no requirement that such services be provided in the student's home. Further, the District shall conduct a census and register of students with disabilities who reside in the District in accordance with Education Law and Commissioner's Regulations.

(Continued)
SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)

g) Students instructed at home shall not be allowed to use school facilities.

Notice of Intention to Instruct at Home

Parents/guardians must annually provide written notice to the Superintendent of their intention to instruct their child at home by July 1 of each school year.

If parents/guardians choose to provide home instruction or establish residence in the school district after the start of the school year, they must provide written notification to the Superintendent with fourteen (14) days following the commencement of home instruction.

Individualized Home Instruction Plan (IHIP)

The Superintendent or his/her designee will provide parents/guardians a copy of the District Policy as well as Section 100.10 of the Commissioner's Regulations addressing home instruction and the appropriate forms that are required. School authorities will provide assistance, if requested, to parents/guardians in preparation of the home instruction plan.

Parents shall be responsible for the purchase of all instructional materials used for home schooling. The District, will however, provide commercially published tests at no cost to the parents/guardians, if so requested, but only if the District uses and is in possession of said tests. If the parent/guardian chooses to use a test that has not been ordered for use in the public schools of the District, the District upon request of the parent/guardian will order the test. The parent/guardian will, however, be responsible for all costs associated with the purchase.

Primary responsibility for determining compliance with Commissioner's Regulations addressing home instruction rests with the Superintendent of Schools of the school district in which a home-instructed student resides.

Education Law Sections 3204, 3205, 3210.2, 3212.2, 3240-42, 3602-c, and.4402
8 New York Code of Rules and Regulations (NYCRR) Sections 100.10 and 200.2(a)

Adopted: 1/13/04
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