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STATEMENTS OF VISION, MISSION, AND BELIEF

Vision: Excellence in Everything

Mission: WE INSPIRE. WE EDUCATE. WE GRADUATE.
ALL STUDENTS, ALL OF THE TIME

Beliefs:
We believe:

• High expectations and varied learning experiences inspire all students to reach their full potential.
• A positive school culture is the foundation of an effective teaching & learning environment.
• Change is essential for progress.
• A collaborative partnership of students, school district, family, and community is critical to the successful education of all.
• Upon commencement all students will be college and/or career ready.

1st Reading: July 1, 2015
ADOPTED: July 15, 2015
EQUAL OPPORTUNITY

The Board of Education, its officers and employees, shall not discriminate against any student, employee or applicant on the basis of actual or perceived race, color, weight, national origin, ethnic group, creed, religion, religious practice, gender, sexual orientation, age, marital/parental status, disability or predisposing genetic characteristic. While the board may expand upon their policies of non-discrimination, state and federal statutes are mandated, and any further enactments would supersede this policy until such time as the appropriate policy revisions can be made.

The Board of Education, its officers and employees shall not discriminate against students on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation or gender (including gender identity and expression).

This policy of nondiscrimination and non-retaliation includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

Annual Notification

At the beginning of each school year, the district shall publish a notice of the established grievance procedures for resolving complaints of discrimination to parents/guardians, employees, students and the community. The public notice shall:

1. inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression);
2. provide the name and contact information of the person (s) designated to coordinate activities concerning discrimination; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref: 5030, Student Complaints
5300 District Code of Conduct
9140.1, Staff Complaints and Grievances
9620 Anti-Harassment in the School District
Americans with Disabilities Act, 42 U.S.C. §12101 et seq.
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d et seq. (nondiscrimination based on race, color, and national origin in federally assisted programs)
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e et seq. (nondiscrimination based on race, color, and national origin in employment)
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 et seq. (nondiscrimination based on sex)
Individuals with Disabilities Education Law, 20 U.S.C §§1400 et seq.
Genetic Information Nondiscrimination Act of 2008 P.L. 110-233
34 C.F.R. §§ 100.6, 104.8, 106.9, 110.25
Executive Law §290 et seq. (New York State Human Rights Law)
Education Law §§10-18 (The Dignity for All Students Act)
Education Law §§313(3), 3201, 3201-a
Dignity for all Students Act, Education Law, 10-18

Adoption date: May 19, 2010
1st Reading of Revision: May 16, 2012
Adoption: June 6, 2012
1st Reading of 2nd Revision: January 16, 2013
Adoption: February 6, 2013
SEXUAL HARASSMENT

The Board of Education recognizes that harassment of students, employees (including all staff, part-time, seasonal and temporary workers regardless of immigration status, applicants for employment and both paid and unpaid interns), volunteers, visitors and non-employees and others in the school environment (including contractors, subcontractors, vendors, consultants and persons providing services pursuant to contract and their employees) on the basis of sex, gender and/or sexual orientation is abusive and illegal behavior that harms targets and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn, employees and others in the school environment can work productively.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state and, where applicable, local law. Sexual harassment includes harassment on the basis of actual or perceived or self-identified sex, sexual orientation, gender identity, gender expression and transgender status. Sexual harassment of a student can deny or limit the student’s ability to participate in or to receive benefits, services, or opportunities from the school’s program.

Sexual harassment includes unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual's sex when:

a. submission to that conduct is made either explicitly or implicitly a term or condition of an individual's employment or a student's education;
b. submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment or a student's education; or
c. the conduct has the purpose or effect of unreasonably interfering with an employee's or other person's work or a student's school performance or creating an intimidating, hostile or offensive work or educational environment, even if the complaining individual is not the intended target of the sexual harassment.

Sexual harassment can include unwelcome advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Examples of sexual harassment can be found in Regulation 0110-R.

The Board is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district, or outside the school setting if the harassment impacts the individual’s education or employment in a way that violates their legal rights such as when employees or others in the school environment travel on district business, or when
harassment is done by electronic means, including on social media. For employees, sexual harassment is considered a form of employee misconduct. Sanctions will be enforced against all those who engage in sexual harassment, and against supervisory and managerial personnel who knowingly allow such behavior to continue or engage in retaliation.

Sexual harassment may subject the district to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, students, employees and others in the school environment have legal protections against sexual harassment in the school environment as described above. These laws are listed at the end of this policy in the references section. Additionally, local laws (county, civil, town, village) may apply to the district. The district’s Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The district will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the district will determine if accommodations need to be made until the issue is resolved.

If, after appropriate investigation, the district finds that a student, an employee or a third party in the school environment has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, district policy and state law.

The district may only include nondisclosure agreements (to not disclose the underlying facts and circumstances of a sexual harassment complaint) in any sexual harassment settlement agreement or resolution if it is the complainant’s preference. Any such nondisclosure agreement shall be provided to all parties. Complainants shall have 21 days to consider any such nondisclosure provision before it is signed by all parties, and shall have seven days to revoke the agreement after signing. Nondisclosure agreements shall only become effective after this seven-day period.

No district contract or agreement may include a binding arbitration clause for sexual harassment requiring arbitration before filing a court action.

All complainants and those who make sexual harassment complaints or participate in the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind when they do so with a good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion,
denial of privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be employment or education related or occur in the workplace or educational environment to constitute unlawful retaliation.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, training programs shall be established for students and annually for employees to raise awareness of and sensitivity to the issues surrounding sexual harassment, including condemnation of such conduct, sanctions for harassment and to implement preventative measures to help reduce incidents of sexual harassment. Age-appropriate instructional materials will be incorporated into the curriculum to educate students so that they can recognize and reduce the incidence of sexual harassment.

This policy shall be posted in a prominent place in each district facility, on the district’s website, and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

The policy committee shall annually review this policy to ensure its effectiveness and compliance with applicable state and federal law, and to recommend revisions to Board, as needed.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C.§1681 et seq.
    Executive Law §296-d
    Labor Law §201-g
    Civil Practice Law and Rules §§5503-b, 7515
    General Obligations Law §5-336
    Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
    Office for Civil Rights Revised Sexual Harassment Guidance (January 19, 2001)
    Office for Civil Rights, Dear Colleague Letter: Bullying (October 26, 2010)

Cross Ref: 5030 Student Complaints, 5300 Code of Conduct, 5320 Harassment and Bullying Prevention and Intervention, 9130 Staff Student Relations, 9140.1 Building Principal and Classroom Teacher Evaluation and 9620 Anti-Harassment in the School District

First Reading: December 12, 2018
Adoption date: January 9, 2019
SEXUAL HARASSMENT REGULATION

This regulation is intended to create and preserve an educational and working environment free from unlawful sexual harassment on the basis of sex, gender, and/or sexual orientation in furtherance of the district's commitment to provide a healthy and productive environment for all students, employees (including all staff, applicants for employment, both paid and unpaid interns. exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status) visitors, volunteers and “non-employees” (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) that promotes respect, dignity and equality.

Sexual Harassment Defined

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of actual or perceived or self-identified sex, sexual orientation, gender identity, gender expression, and transgender status.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex, gender, or sexual orientation, when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's or "non-employee's" employment or a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or

2. submission to or rejection of that conduct or communication by an individual is used as the basis for decisions affecting an employee's or "non-employee's" employment or a student's education; or

3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's or "non-employee's" work performance or a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment, even if the complaining individual is not the intended target of the sexual harassment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes.
Unacceptable Conduct
School-related conduct that the district considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;

2. unwelcome sexual advances or invitations or requests for sexual activity, including but not limited to those in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc., or when accompanied by implied or overt threats concerning the target's work or school evaluations, other benefits or detriments;

3. unwelcome or offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (e.g., pinching, patting, grabbing, poking), sexually suggestive dancing, and massages;

4. any unwelcome communication that is sexually suggestive, sexually degrading or derogatory or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc;

5. unwelcome and offensive name calling or profanity that is sexually suggestive or explicit, sexually degrading or derogatory, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity or expression;

6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading or derogatory, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;

7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;

8. unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading or derogatory or imply sexual motives or intentions;

9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading or derogatory, or that imply sexual motives or intentions, or that are based on sexual stereotypes;

11. unwelcome written or pictorial display or distribution (including via electronic devices) of pornographic or other sexually explicit materials such as signs, graffiti, calendars, objects, magazines, videos, films, Internet material, etc.;

12. other hostile actions taken against an individual because of that person's sex, sexual orientation, gender identity or transgender status, such as interfering with, destroying or damaging a person's work or school area or equipment; sabotaging that person's work or school activities; bullying, yelling, or name calling; or otherwise interfering with that person's ability to work or participate in school functions and activities; and

13. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, intimidating, or demeaning, including, but not limited to:

   a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person’s sex;

   b. ostracizing or refusing to participate in group activities with an individual during class projects, physical education classes or field trips because of the individual’s sex, gender expression or gender identity;

   c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual’s sex or gender.

For purposes of this regulation, action or conduct shall be considered "unwelcome" if the student, employee or non-employee did not request or invite it and regarded the conduct as undesirable or offensive.

Sexual harassment may occur on school grounds, school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside the district, or outside the school setting if the harassment impacts the individual’s education or employment in a way that violates their legal rights, including when employees or "non-employees" travel on district business, or when the harassment is done by electronic means (including on social media).

**Determining if Prohibited Conduct is Sexual Harassment**

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment. In many cases (other than quid pro quo situations where the alleged harasser offers academic or employment rewards or threatens punishment as an inducement for sexual favors), unacceptable behavior must be sufficiently severe, pervasive and objectively offensive to be considered sexual harassment. If the behavior doesn't rise to the level of sexual harassment, but is found to be objectionable
behavior, the individual will be educated and counseled in order to prevent the behavior from continuing.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions of the student's learning environment or altered the conditions of the employee's or “non-employee’s” working environment;

2. the type, frequency and duration of the conduct;

3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by another student or a co-worker);

4. the number of individuals involved;

5. the age and sex of the alleged harasser and the subject of the harassment;

6. the location of the incidents and context in which they occurred;

7. other incidents at the school; and

8. incidents of gender-based, but non-sexual harassment.

**Reporting Complaints**

Any person who believes he or she has been the target of sexual harassment by a student, district employee or “non-employee” or third party related to the school is encouraged to report complaints as soon as possible after the incident in order to enable the district to promptly and effectively investigate and resolve the complaint. Any person who witnesses or is aware of sexual harassment of a student, employee, or "non-employee" is also encouraged to report the incident or behavior to the district. Targets are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

Complaints should be filed with the Principal or the Title IX coordinator.

Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the school administration, and then shall immediately notify the Principal and/or the Title IX coordinator. School employees receiving complaints of sexual harassment from employees and “non-employees” shall either direct the complainant to the Building Principal, or may report the incident themselves. Supervisory and managerial personnel are required to report complaints of sexual harassment received by staff, and will be subject to discipline for failing to report suspected or
reported sexual harassment, knowingly allowing sexual harassment to continue, or engaging in any retaliation.

In order to assist investigators, targets should document the harassment as soon as it occurs and with as much detail as possible including: the nature of the harassment; dates, times, places it has occurred; name of harasser(s); witnesses to the harassment; and the target's response to the harassment.

Confidentiality
It is district policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. the request may limit the district's ability to respond to his/her complaint;
2. district policy and federal law prohibit retaliation against complainants and witnesses;
3. the district will attempt to prevent any retaliation; and
4. the district will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the district from responding effectively to the harassment and preventing the harassment of other students or employees.

Investigation and Resolution Procedure
A. Initial (Building-level) Procedure
The Principal or the Title IX coordinator shall conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the Principal or the Title IX coordinator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint. All persons involved in an investigation (complainants, witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. This investigation shall be prompt and thorough, and shall be completed as soon as possible.
Immediately, but no later than two working days following receipt of a complaint, the Principal or Title IX coordinator shall begin an investigation of the complaint according to the following steps:

1. Interview the target and document the conversation. Instruct the target to have no contact or communication regarding the complaint with the alleged harasser. Ask the target specifically what action he/she wants taken in order to resolve the complaint. Refer the target, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.

2. Review any written documentation of the harassment prepared by the target. If the target has not prepared written documentation, instruct the target to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Principal or Title IX coordinator shall complete a complaint form (see exhibit 0110-E) based on the verbal report.

3. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.), if any exist.

4. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.

5. Instruct the alleged harasser to have no contact or communication regarding the complaint with the target and to not retaliate against the target. Warn the alleged harasser that if he/she makes contact with or retaliates against the target, he/she will be subject to immediate disciplinary action.

6. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential. Employees may be required to cooperate as needed in investigations of suspected sexual harassment.

7. Review all documentation and information relevant to the complaint.

8. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
   a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
   b. suggesting counseling and/or sensitivity training;
   c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
   d. requesting a letter of apology to the complainant;
e. writing letters of caution or reprimand; and/or
f. separating the parties.

9. Parent/Student/Employee/“Non-Employee” Involvement and Notification
   a. Parents of student targets and accused students shall be notified within one school day of allegations that are serious or involve repeated conduct.
   b. The parents of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures.
   c. If either the target or the accused is a disabled student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.
   d. The Principal or Title IX Coordinator (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the Superintendent.
   e. The investigator shall report back to both the target and the accused, notifying them in writing, and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator shall instruct the target to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.
   f. The investigator shall notify the target that if he/she desires further investigation and action, he/she may request a district level investigation by contacting the Superintendent of Schools. The investigator shall also notify the target of his/her right to contact the U.S. Department of Education's Office for Civil Rights and/or a private attorney. Employees may also contact the U.S. Equal Employment Opportunity Commission or the New York State Division of Human Rights.

10. Create a written documentation of the investigation, kept in a secure and confidential location, containing:
   a. A list of all documentation and other evidence reviewed, along with a detailed summary;
   b. A list of names of those interviewed along with a detailed summary of their statements;
   c. A timeline of events;
   d. A summary of prior relevant incidents, reported or unreported; and
   e. The final resolution of the complaint, together with any corrective action(s).

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who shall then take prompt disciplinary action in accordance with district policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Principal or the Title IX Coordinator contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal
touching, quid pro quo (e.g., offering an academic or employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Superintendent. In addition, where the Principal or the Title IX coordinator has a reasonable suspicion that the alleged harassment involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a district employee, the accused employee shall be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Any party who is not satisfied with the outcome of the initial investigation by the Principal or the Title IX coordinator may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District-level Procedure
The Superintendent shall promptly investigate and resolve all sexual harassment complaints that are referred to him/her by a Principal or Title IX coordinator, as well as those appealed to the Superintendent following an initial investigation by a Principal or Title IX coordinator. In the event the complaint of sexual harassment involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to a trained investigator not employed by the district for investigation.

The district level investigation should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

If a district investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, district investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

The target and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings.
External Remedies
In addition, targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR). The OCR can be contacted at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at https://www2.ed.gov/about/offices/list/ocr/docs/howto.html.

Employee targets also have the right to register complaints with the federal Equal Employment Opportunity Commission (EEOC) and the New York State Division of Human Rights (DHR). The EEOC can be contacted at (800) 669-4000, https://www.eeoc.gov/employees/howtofile.cfm, info@eeoc.gov, or at 33 Whitehall Street, 5th Floor, New York, NY 10004 or 300 Pearl Street, Suite 450, Buffalo, NY 14202. The DHR can be contacted at (888) 392-3644, www.dhr.ny.gov/complaint, or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458.

Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, which may constitute a crime. No district contract or collective bargaining agreement entered into after July 11, 2018 may include a binding arbitration clause for sexual harassment requiring arbitration before bringing the matter to a court.

Nondisclosure agreements
The district may include nondisclosure agreements (to not disclose the underlying facts and circumstances of a sexual harassment complaint) in any sexual harassment settlement agreement or resolution only if it is the complainant’s preference. Any such nondisclosure agreement shall be provided to all parties. Complainants shall have twenty-one days to consider any such nondisclosure provision before it is signed by all parties, and shall have seven days to revoke the agreement after signing. Nondisclosure agreements shall only become effective after this seven-day period has passed.

Retaliation Prohibited
Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint in good faith, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has, in good faith, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, discipline, discrimination, demotion, denial of privileges, any action that would keep a person from coming forward to make or support a sexual harassment claim, and any other form of harassment. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.
**Discipline/Penalties**
Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary action. Disciplinary measures available to school authorities include, but are not limited to the following:

**Students:** Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law.

**Employees:** Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

**Visitors/Volunteers:** Penalties may range from a warning up to and including loss of volunteer assignment.

**“Non-employees”** (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees): Penalties may range from a warning up to and including loss of district business.

**Other individuals:** Penalties may range from a warning up to and including denial of future access to school property.

**False Complaints**
False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

**Training**
All students and employees shall be informed of this policy in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school. All secondary school student body officers shall receive district training about the policy at the beginning of each school year. The district shall provide all existing employees with either a paper or electronic copy of the district's sexual harassment policy and regulation, and shall provide the same to new employees before the employee starts his/her job.

In addition, age-appropriate curricular materials will be made available so that it can be incorporated in instruction K-12 to ensure that all students are educated to recognize and report sexual harassment.

All new employees shall receive training on this policy and regulation at new employee orientation or as soon as possible after starting their job, unless he/she can demonstrate that they have received equivalent training within the past year from a previous employer. All other employees shall be provided training at least once a year regarding this policy and the district's commitment to a harassment-free learning and working environment. Principals, Title IX coordinators, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive yearly training on this policy, regulation and related legal developments.
Annual employee training programs shall be interactive and include: (i) an explanation of sexual harassment consistent with guidance issued by the NYS Department of Labor and the NYS Division of Human Rights; (ii) examples of conduct that is unlawful sexual harassment; (iii) information on federal and state laws about sexual harassment and remedies available to victims of sexual harassment; (iv) information concerning employees' right to make complaints and all available forums for investigating complaints; and (v) address the conduct and responsibilities of supervisors.

Principals in each school and program directors shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the target.

Adoption Date: January 9, 2019
SEXUAL HARASSMENT COMPLAINT FORM

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for targets to report alleged incidents of sexual harassment. This form is intended to be used by both students and employees.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form to the best of your ability and submit it to [insert title, person or office designated; contact information for designee or office; how the form can be submitted]. You will not be retaliated against for filing a complaint. If you are more comfortable reporting verbally or in another manner, the district should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: https://www.ny.gov/programs/combating-sexual-harassment-workplace

YOUR INFORMATION (for all persons making a complaint):

Your Name: ____________________________________________________________

Home Address: ________________________________________________________

Home or Cell Phone: ___________________________________________________

Email Address: _________________________________________________________

School (for students): ___________________________ Grade/Class (for students): _______

Work Address (for employees): ___________________________________________

Work Phone (for parents/guardians/employees): _____________________________

Job Title (for employees): ______________________________________________

Preferred Communication Method (please circle one): phone  email  mail  in person

SUPERVISOR INFORMATION (for employees)
Immediate Supervisor’s Name: ____________________________________________________________
Supervisor’s Title: ___________________________ Work Phone: ____________________________
Supervisor’s Work Address: ____________________________________________________________

COMPLAINT INFORMATION (for all persons making a complaint)

1. Your complaint of Sexual Harassment is made against:
   Name: ____________________________________________________________________________
   Job Title (if an employee): __________________ Grade/Class (if student): ____________
   School Address/Work Location (if known): ____________________________________________
   Phone (if known): __________________________________________________________________
   Relationship to you (please circle one below):
     (for employees)
       Supervisor / Subordinate / Co-Worker / Student / Other: ____________________________
     (for students)
       Teacher / Other staff member / Other Student / Other: ____________________________

(Please use additional sheets of paper if the complaint is against multiple people.)

2. Please describe what happened and how it is affecting you and your work or education. Please
   use additional sheets of paper if necessary and attach any relevant documents or evidence.

   _______________________________________________________________________________
   _______________________________________________________________________________
   _______________________________________________________________________________
   _______________________________________________________________________________

3. Date(s) and location(s) sexual harassment occurred: ________________________________
   Is the sexual harassment continuing? ____ Yes ____ No

4. Please list the name and contact information (if known) of any witnesses or individuals who
   may have information related to your complaint:
The following question is optional, but may help the district's investigation.

5. Have you previously complained about or provided information (verbal or written) about sexual harassment or related incidents to the district? ____ Yes  ____ No

If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information:

Print Name: ________________________________

Signature: _________________________________

Date: __________________

Instructions for the District

If you receive a complaint about alleged sexual harassment, you must follow the district's sexual harassment prevention policy by investigating the allegations through actions including:

- Speaking with the complainant
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible. Document findings of the investigation and basis for your decision along with any corrective actions.
taken, and notify the complainant (if the complainant is a student, also notify the parent/guardian) and
the individual(s) against whom the complaint was made. This may be done via email.
HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES

The Board of Education contends that a student shall not be denied the right to attend school or continue his/her education nor shall an employee be denied the right to continue his/her employment who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

Administrative regulations and procedures shall be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff in the District.

Confidentiality: Public Health Law, Article 27-F

Adoption Date: April 5, 2006
BOARD OPERATIONAL GOALS AND SELF-EVALUATION

The Board, in collaboration with the Superintendent, will review the effectiveness of its own operations at least once annually through a process agreed upon at its goal-setting meeting. The Board may ask others who regularly observe the Board, and/or outside consultants to participate in this review or to suggest ways by which the Board can improve its functioning as a deliberative and legislative body.

The Board, in fulfilling its responsibilities, shall seek to operate in a way consistent with the following long-term operational goals:

- To concentrate collective attention on policy-making and long-range planning responsibilities;
- To formulate policies which best serve the educational needs of students and the community;
- To provide the Superintendent with clear policy statements and to support him or her when policies are implemented;
- To maintain effective and positive communications with public officials and the school community;
- To encourage the Superintendent to take risks, and to pursue the establishment and implementation of new programs and procedures for improving the educational program; and
- To recognize excellence, promote positive contributions, and celebrate successes.

This self-evaluation shall be positive, frank and honest, and shall focus on evaluating the Board as a whole, not as individuals. The self-evaluation shall be based on the goals the Board sets for itself, not on goals it sets for the entire district. The results of the evaluation shall be used to establish priorities for action and specific goals and objectives to strengthen the operation of the Board.

Adopted: May 6, 2009
EVALUATION OF SUPERINTENDENT

The Board of Education recognizes that student achievement, district progress and community satisfaction with the schools are all in large part affected by the superintendent’s performance. The Board believes that an annual objective evaluation of the performance of the Superintendent is essential. The Board also recognizes the Superintendent cannot function effectively without periodic feedback on performance, and is committed to ensuring that the superintendent is evaluated annually as required by Commissioner’s regulations.

The purposes of the evaluation shall be to:

1. Gauge the district’s progress toward the goals the Board has charged the superintendent to accomplish and his/her duties as they pertain to the position description.
2. Provide a basis for assessing the strengths and weaknesses of the Board and the superintendent and to aid in the professional development of both parties.
3. Strengthen the working relationship between the Board and the superintendent.
4. Provide a basis for commending, rewarding and reinforcing good work.

The Board shall evaluate and assess, in writing, the performance of the Superintendent at least once each year by June 15th. The evaluation and assessment shall be reasonably related to the position description of the Superintendent of Schools and the goals and objectives of the district in the year in question. The delegation of power or duty shall not relieve the Superintendent of responsibility for the action taken under such delegation. The evaluation shall be formulated by the Board in consultation with the Superintendent in compliance with Regulations of the Commissioner of Education.

The procedures the Board uses for evaluating the superintendent shall be filed in the district office and available for review by any individual no later than September 10th of each year.

Cross-ref: 3120, Duties of the Superintendent

Ref: 8 NYCRR 100.2 (o)(2)(v) (Performance review of superintendent)

Adopted: June 3, 2009
Revised: October 21, 2009
1st Reading January 18, 2012
Revised & Adopted: February 1, 2012
ANNUAL DISTRICT ELECTION AND BUDGET VOTE

The district shall hold an annual election and budget vote at which the district’s authorized voters will elect members of the Board of Education and vote on the district budget for the coming school year. The annual district election and budget vote will be held on the third Tuesday in May, unless, due to a conflict with religious observance, the Board requests that the Commissioner approve changing the election date to the second Tuesday in May. The request is due to the Commissioner by March 1st.

The District Clerk shall publish a notice of the time and place of the annual election and budget vote at least four times within the seven weeks prior to the election, in two newspapers having general circulation within the district. The first publication of the notice shall be at least 45 days prior to the election. The notice shall also contain notice of any other matter required by law.

Copies of the budget to be voted upon at the annual election and budget vote will be available upon request in each district school building, at the school district offices, and at any public library or free association library within the district, for district residents at the time of the annual election and budget vote and the 14 days preceding (other than Saturday, Sunday and holidays), as well as on the school district's internet website.

The Board shall appoint assistant clerks and election inspectors necessary for the annual election and budget vote at a Board meeting held before the annual election and budget vote.

Propositions

The Board has the authority, under the Education Law, to adopt reasonable rules and regulations concerning the submission of petitions to the Board to place propositions on the ballot which may amend the budget. Pursuant to those provisions, the Board establishes the following guidelines:

1. Unless otherwise provided by the Education Law, petitions for the submission of a proposition must contain a minimum of 25 signatures of qualified voters of the district or 5 percent of the eligible voters who voted in the previous annual election of the members of the Board of Education, whichever is greater.

2. Petitions must be filed with the District Clerk at least 30 days prior to the annual election, except for petitions relating to a proposition which must be included in the notice of the annual election (e.g., changing the number of board members). Such petitions must be
submitted 60 days in advance of the annual election to facilitate the preparation and printing of the ballots.

3. Propositions must include the specific appropriations necessary for the purposes listed.

4. Wording of a petition must comply with legal requirements. If the wording does not comply, it may be changed or altered by the Board, or the Board may reject a petition for failure to comply.

Propositions received in accordance with these specifications will be placed on the ballot as amendments and will be voted upon by the voters in the same manner as the proposed budget, except that the Board shall not be required to place any proposition on the ballot which is within the exclusive province of the Board, or otherwise forbidden by law. No proposition involving the budget may be submitted to the voters more than twice within a twelve month period.

The Board may also, on its own motion, submit propositions.

**Improper Advocacy**

The district may provide informational material to the voters concerning budgets, propositions, or other matters before the electorate. However, school district funds and resources may not be used to exhort voters to support a particular position. For example, the district will not engage in activities including, but not limited to, sending flyers supporting the budget home with students, providing mailing labels for materials supporting a proposition or using the district e-mail to deliver promotional material for candidates.

**Ref:** Education Law §§416(3); 1608(2); 1716(2) 1804(4); 1906(1); 2002(1); 2003(1)(2); 2004(1)-(7); 2009; 2021;2022(1), (4)-(5); 2035(2); 2601-a(2)

General Construction Law §60

*Matter of Hebel,* 34 EDR 319 (1994)
*Matter of Como,* 30 EDR 214 (1990)

**Adoption date:** June 4, 2011
PUBLIC INFORMATION PROGRAM

The Board of Education shall maintain a continuing public relations and information program to promote widespread understanding of the educational program, while gaining the support and participation of the community in school activities. Given the high interest of parents in the children’s education, the Board wishes to maintain sensitivity to the needs and desires of the community, while establishing a partnership. The Board President is the official spokesperson for the Board unless the majority of the Board at a Board meeting designates another Board member as a spokesperson for a particular activity. Board members should emphasize to the media when asked to speak as a Board member that they can only speak as individual trustees unless they have been empowered by the Board to speak for it.

The Board directs the Superintendent or his/her designee to develop a comprehensive public relations and information program which includes, at a minimum, the following elements: public attendance at and information about Board meetings; two-way communications with the public; ascertainment of community opinions, attitudes and aspirations; public understanding and appreciation of school operations; promotion of cooperation, consensus and partnerships; handling of criticism and complaints; and building of public confidence. The overall goal of the public relations and information program is to establish a positive climate fostering student and staff achievement.

The Superintendent shall coordinate the activities of staff with respect to this policy, including the planning of events and programs aimed at communicating with and involving the public. The Superintendent or his/her designee is the official spokesperson for the operations and administration of the district.

Adoption date: July 15, 2009
The Board of Education believes that informed citizens support the schools. The Board encourages the Superintendent of Schools and his/her delegates to use all available media to inform the public regarding the goals, programs and needs of the schools, and of the achievements of students and staff.

The highest standards possible should be applied to the production of publications and radio and television programs by and in the name of the School District, for their content will reflect the high regard and aspirations of our people for their school.

Spot announcements, sports, school activities coverage and other programs dealing with the schools must be presented in the public interest. No identification of the schools with the promotion of any commercial or political enterprise will be permitted. No material may be distributed to students in the schools of the District without the permission of the Superintendent or his/her designee.

The Superintendent is granted the authority to issue staff and student handbooks and to review and approve handbooks prepared by other administrators. All handbooks shall conform with up-to-date Board policies, administrative regulations and other directions of the Superintendent. It is also important that all handbooks bearing the name of the District, a school or other organizational unit be of a quality that reflects credit upon the District. The Superintendent has the authority to ensure that handbooks are accurate, of proper quality and available for Board members.

District and school publications, including electronic communication, whenever possible, and other District/school media shall include the School District's name, address, phone number, motto, logo, Board members' names and the Superintendent's name. Likewise, school publications/media shall include the items above and the school's name, address, phone number, logo, motto and the principal's name.

Adoption Date: 03/09/05
KINGSTON CITY SCHOOLS

SCHOOL DISTRICT RECORDS

It is the policy of the Board of Education to inform members of the public about the administration and operation of the public schools in accordance with the Freedom of Information Law of the State of New York.

The Superintendent of Schools shall develop regulations ensuring compliance with the Freedom of Information Law and setting forth the procedures to be followed to obtain access to district records, and submit such regulations to the Board for approval. The Superintendent shall designate, with Board approval, a Records Access and Records Management Officer, pursuant to law.

Retention and Destruction of Records

The Board hereby adopts the Records Retention and Disposition Schedule ED-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal minimum retention periods for district records. In accordance with Article 57-A, the district will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in the schedule. The district will dispose of only those records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the established legal minimum periods.

The manner of destruction will be determined by the format of the record, i.e., paper, digital, etc. In addition, destruction will be appropriately documented.

Litigation-Hold

The Superintendent will establish procedures in the event that the school district is served with legal papers. The Superintendent will communicate with applicable parties, including the school attorney and the records management official, to ensure that, when appropriate, a litigation-hold is properly implemented. The litigation-hold is intended to prevent the destruction or disposal of records that may need to be produced as part of discovery. It is the intention of the Board of Education to comply with applicable rules and regulations regarding the production of necessary documents, data, files, etc. The Board directs the Superintendent to institute such procedures to implement this policy.

The Superintendent or his/her designee, with assistance from the Records Management Officer, shall be responsible for developing and disseminating department-specific retention schedules and guidance to staff, as necessary, to ensure adherence to this policy.

Cross-ref: 8630, Computer Resources and Data Management

Ref: Public Officers Law §84 et seq. (Freedom of Information Law)
     Education Law §2116
     Arts and Cultural Affairs Law §57.11
     Local Government Records Law, Article 57-A
     Federal Rules of Civil Procedure, 16, 26
     8 NYCRR Part 185 (Appendix I)

Adoption date: February 6, 2008
Revised: May 20, 2009
1st Reading of Revision: March 19, 2014
Adoption date: April 2, 2014
PUBLIC EXPRESSION AT MEETINGS

All citizens, including delegations or individuals, have the right, and are encouraged, to attend meetings of the Board and to listen to and observe its deliberations. In the interest of orderly conduct of Board meetings, spontaneous discussions from the floor shall be discouraged. The individual dignity of Board members and School District employees shall be respected. Accordingly, neither Board members nor employees shall be subjected to abuse through these proceedings.

Citizens are requested to seek resolution of specific problems at the school site or most appropriate administrative level. Persons are encouraged to write to the Board or the Superintendent with general questions, concerns, suggestions or to obtain information about the District. Each person will receive a response to his or her written correspondence.

Recognizing its responsibility for proper governance of the schools, as well as open lines of communication along with the need to conduct its business in an orderly and efficient manner, the Board shall schedule one or more periods during each regular and special meeting for public participation.

Individuals who wish to speak at a Board meeting are encouraged to complete a public participation sign-up sheet before the Board meeting convenes. Delegations who wish to address the Board are encouraged to select a representative spokesperson. Persons will speak in the order in which they have signed up to speak. At the discretion of the Board President the public participation period may be limited to thirty (30) minutes, however, any person who has signed up to speak and is unable to do so during this thirty-minute period may be permitted to speak later in the agenda immediately prior to adjournment, at the discretion of the Board President. Each speaker during the public participation section of Board meetings may be limited to two minutes.

All persons who speak at Board meetings shall meet all provisions of this policy. School Board policies, state law and federal law have established separate and distinct procedures and forums for collective bargaining issues, and for the resolution of employee grievances, employee complaints against individual employees, pupil suspensions and appeals, political campaigns, and litigations. To avoid circumvention of those separate proceedings and ensure fairness to all parties concerned, no person will be allowed to speak regarding the following:

a) An issue subject to collective bargaining;

b) An issue in a pending lawsuit, complaint, or investigation filed with an outside agency, where the School District, employee(s) or the Board is party;

(Continued)
PUBLIC EXPRESSION AT MEETINGS (Cont'd.)

c) A pending grievance;
d) Pending employee complaint filed with the School District or an outside agency;
e) Complaint against individual employee(s);
f) Employee disciplinary action, suspension or termination;
g) Pupil suspension or appeal which may ultimately reach the Board of Education; or
h) Pupils, other than the minor child(ren) of the speaker, per the Family Educational Rights and Privacy Act.

Additionally, prior to elections no person who has publicly announced or filed as a candidate for public office may speak during the public participation sessions regarding his/her candidacy or the election. The Board President or designee may interrupt and terminate any presentation that is not in accordance with any of these criteria.

The Board President, or his/her designee, is responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion, the appropriateness of the subject being presented and suitability of the time for such a presentation. The Board President, or his/her designee, shall be responsible for recognizing all speakers who shall properly identify themselves, for maintaining proper order, and for adherence to set time limits. The Board as a whole, if desired, shall have the final decision in determining the appropriateness of all such rulings, by motion, second and a vote in accordance with established parliamentary procedure.

Board members will not respond to speaker's comments. The Superintendent or the Board of Education President will determine if an immediate response to the speaker's comments is required.

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

NOTE: Refer also to Policy #2330 -- Executive Sessions

Revised and Adopted: 03/07/07
Revised and Renumbered June 3, 2009
SCHOOL VOLUNTEERS

The Board of Education recognizes that the use of volunteers strengthens school/community relations through positive participation, builds an understanding of school programs among interested citizens, and can assist District employees in providing more individualized and enriched opportunities in instruction. The Board encourages volunteers from all backgrounds and age groups who are willing to share their time, training, experience or personal characteristics to benefit the students of the District.

Volunteers may be involved in many facets of school operation from mentor/tutor relationships to clerical tasks. Volunteers shall not be used to provide transportation services.

School personnel who are responsible for tasks or projects that involve the use of volunteers shall identify appropriate tasks, time schedules, and space for such volunteer activities, as well as make provisions for adequate supervision and evaluation.

Persons who wish to volunteer must contact the supervising administrator. All volunteers must sign the school’s volunteer agreement and expectations form, while only Tier 2 and Tier 3 volunteers [see below] must also complete a volunteer application. The volunteer application form shall require the volunteer applicant to disclose any criminal convictions and identify two non-family member personal references. The supervising administrator shall be responsible for verifying that the individual is of good moral character, and for ensuring both references are contacted before the volunteer begins rendering volunteer services. The supervising administrator shall identify the volunteer activity as Tier 2 or Tier 3 on the volunteer application form.

- Tier 1-Someone who volunteers occasionally and in a highly public setting with little or no contact with students and who are under constant supervision by KCSD personnel will not be required to complete a volunteer application, although they will need to sign the school’s volunteer agreement and expectations form. A volunteer fitting this example might be someone working at a school field day or fundraising event or someone working in the concession stand or making an occasional classroom visit.
- Tier 2-Regular volunteers during the typical school day/academic setting with student contact under constant supervision of KCSD personnel must complete a volunteer application and agreement acknowledging district expectations for volunteers. A volunteer fitting this example might include a room parent, class readers, front office volunteers and single day field trip chaperones.
- Tier 3- Regular volunteers outside the typical school/academic setting with student contact under the direct supervision of KCSD personnel must complete a volunteer application and agreement acknowledging district expectations for volunteers and have a background check performed. A volunteer fitting this example might include assisting with extra, co-curricular clubs/activities and athletics that meet regularly.

Copies of all volunteer applications must be sent to the personnel office. Tier 2 and Tier 3 volunteers must be approved by the Board of Education. However, the Superintendent, or his/her designee, may grant emergency approval for volunteers, pending future board approval. Tier 3 volunteers must have a background check done. All background checks will be done at district expense.
The District shall retain a complete record of all information obtained through the application process for the same period of time it retains information regarding District employees.

All volunteers are required to act in accordance with the volunteer agreement and expectations, District policies, regulations and school rules. Any staff member who supervises volunteers shall report any volunteer who violates District policies, regulations or school rules to the supervising administrator, who may ask the volunteer to leave school grounds.

Each supervising administrator shall be responsible for maintaining a current and complete list of all active volunteers and their assignments and shall forward same to the Personnel office.

This policy is not intended to apply to student volunteers.

**Cross Ref:** 4531 Field Trips and Excursions

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

**1st Reading of Amended Policy 02/19/14, 2nd Reading 03/05/14, Adoption Date: 03/19/14**  
**1st Reading of Amended Policy 07/16/14 Adoption Date: 08/06/14**  
**1st Reading of Amended Policy 06/03/15 Adoption Date: 06/17/15**  
Amended: 10/21/15 suspending fingerprinting  
**1st Reading of Amending Policy 03/08/17 Adoption 03/22/17**
Volunteer Application Form

Volunteer Work: _____________________________________________     School/Program Location:_______________________________________

Name: _________________________________________________________________________

Last     First     MI

Address: ________________________________________________________________________    Telephone No. ( _____ )- _____________

Street                    City   State  Zip

Personal references (minimum of two non-family member required) OR PRIOR APPROVAL BY _____________________________SCHOOL.

1. ____________________________________________________    _______________________________

2. ____________________________________________________    _______________________________

• What days and times will you be available to volunteer?

• Do you have any physical, mental, or medical impairment or disability that would substantially limit your performance as a volunteer?

  ____yes (please explain)____________________________________________________________________________________________

  ____no

• Were you ever convicted of a felony?  ___ yes ___ no  (if yes, explain) _________________________________________________________

• Were you ever convicted of a misdemeanor?  ___ yes ___ no  (if yes, explain)____________________________________________________

Previous volunteer work/experience:

1. Organization ______________________ supervisor ___________________ telephone # _________________ duties ________________

2. Organization ______________________ supervisor ___________________ telephone # _________________ duties ________________

To the best of my knowledge, all of the information on this form is true and correct.  Signature _________________________    Date ____________

Completed Application Form submitted to appropriate School/Program Supervising Administrator for review

(Supervising Administrator Initials upon initial approval)                                          (shaded area for office use)

Completed by administrator:      Volunteer activity is: ___Tier 2 ___*Tier 3 (must be fingerprinted)

All Volunteer files are maintained by the Supervising Administrator. Copies of all volunteer applications must be sent to the KCSD personnel office

*Contact the KCSD Personnel Office (943-3056) for information on fingerprinting procedures

Year 2 RENEWAL:  20_____20_____ Volunteer initials ______ Administrators initials ______

Year 3 RENEWAL:  20_____20_____ Volunteer initials ______ Administrators initials ______

Year 4 RENEWAL:  20_____20_____ Volunteer initials ______ Administrators initials ______

Year 5 RENEWAL:  20_____20_____ Volunteer initials ______ Administrators initials ______
A volunteer is defined as one who voluntarily offers service to the school district without compensation and has direct contact with students.

Volunteer Agreement and Expectations

As a Kingston City School District volunteer, I agree to:

- perform the duties assigned to me in accordance with District policies and procedures;
- demonstrate conduct in a professional manner, to promote the education and interests of the students and the reputation of the Kingston City School District;
- not disclose any confidential information or materials that I may have access to as a result of my volunteer assignment;
- use discretion in appearance and dress appropriately;
- not use tobacco and alcohol when volunteering;
- review required annual board of education policy notifications to all staff (found on district website);
- avoid being alone with students;
- refrain from any physical interaction with students;
- not leave any children unsupervised;
- sign in and out of the building when volunteering;
- wear a volunteer badge when volunteering.

Print Name: _______________________________________

Signature: _________________________________________ Date: ____________________________

Original Copy – Volunteer File (sent to personnel office)
Copy – Volunteer
Copy – Supervising Administrator
• **Tier 1**-Someone who volunteers occasionally and in a highly public setting with little or no contact with students and who are under constant supervision by KCSD personnel will not be required to complete a volunteer application. A volunteer fitting this example might be someone working at a school field day or fundraising event or someone working in the concession stand or making an occasional classroom visit.

• **Tier 2**-Regular volunteers during the typical school day/academic setting with student contact under constant supervision of KCSD personnel must complete the volunteer application and agreement & expectations for volunteers forms. A volunteer fitting this example might include a room parent, class readers, front office volunteers and single day field trip chaperones.

• **Tier 3**-Regular volunteers outside the typical school/academic setting with student contact under the direct supervision of KCSD personnel must complete the volunteer application and agreement & expectations for volunteers forms and be fingerprinted. A volunteer fitting this example might include assisting with extra, co-curricular clubs/activities and athletics on a regular basis and any overnight field trips.
VISITORS TO THE SCHOOLS

The Board encourages parents and other citizens to visit the District’s schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

The Board of Education and staff of the School District welcome parents and other interested citizens in visiting our schools periodically during the course of the school year.

The Superintendent of Schools is directed to establish regulations which will encourage and permit access of authorized persons to the school, and at the same time safeguard the educational program from disruptions and distractions and maintain safety and security.

For the purpose of this policy, a visitor is defined as employees/students outside of their home school, Board members, parents, other adults, other residents, and non-students. Furthermore, principals are authorized to establish additional rules or other procedures to define regulations about visitors in their schools, as long as those rules do not conflict with Board policies or the Superintendent's regulations or directions.

The Board recognizes that many visitations will occur as part of scheduled open community events or specifically inviting a particular category of visitors, e.g., open houses, parent-teacher conference meetings, athletic or music events, parent-teacher organization meetings, etc. At these times it is impractical to have everyone sign in at the office, although there may be a requirement that visitors are asked to sign in elsewhere.

All visitors must report immediately to the office or reception area upon entering a school building. All visitors who stay are expected to sign a ledger and wear appropriately the designation as a visitor.

Any unauthorized person on school property, anyone engaging in questionable or inappropriate conduct, or an individual where a question exists about their visitor status shall be immediately reported to an administrator, a security officer or other responsible staff member.

Visits to school buildings shall be in accordance with Board policies, administrative regulations and school-based rules. Signs directing visitors to the office/reception area where copies of such procedures will be readily available, are to be posted in conspicuous places around the building.

Board of Education members who visit schools of their own volition have no more authority than any other citizen and are expected to follow this policy as any other visitor. The Board of Education realizes its responsibility to protect the rights of students to learn, teachers to teach and of all persons associated with providing School District service to perform their duties free from undue interference. The professional and educational activities of the School District can flourish only in a safe and secure environment where the behavior of individuals is characterized by respect, civility, following established rules and self-restraint.

Parents or guardians may wish to visit their child's classroom at other than regularly scheduled times. This kind of visitation may be scheduled after talking with the principal and/or the teacher to discuss how to best accommodate and schedule the request. Parents should realize
that teachers' first obligation is to the students, therefore, lengthy discussion or conferences must be scheduled for another time. Such visits are encouraged.

Visitors are expected to have a purpose and a particular designation in mind and, therefore, are not free to roam school property, unescorted.

Persons not following this policy, administrative regulations, or school-based rules/procedures will be asked to leave by school personnel. Any individual who refuses will be considered as trespassing and the police will be contacted.

Education Law Section 2801
Penal Law Sections 140.10 and 240.35

Adoption Date: 05/04/05
Revised 1st Reading: 01/11/17
Adoption Date: 01/25/17
PUBLIC COMPLAINTS

The Board believes that complaints and grievances are best handled and resolved as close to their origin as possible and that staff should be given every opportunity to resolve problems as quickly and efficiently as possible. The Board places trust in its employees and desires to free support staff from spiteful or unwarranted criticism. At the same time some review or investigations may be initiated by administrative personnel. The proper channel of complaints will be as follows:

a) Teacher or staff member,

b) Principal or supervisor,

c) Assistant Superintendent,

d) Deputy Superintendents

e) Superintendent and, then

e) Board of Education as per legal, contractual and/or policy limitations.

In some cases, there may be a half step in the channeling of complaints, i.e., assistant principal. The Board expects all staff members to receive complaints courteously and properly and to reply promptly. The Board or staff will not act on anonymous complaints, or complaints that have not been referred or reviewed at the appropriate level. Board members will refrain from expressing any judgments until such time as the complaint may be properly brought before the Board. Any Board member who makes public comments or takes an active role in investigating or pursuing a complaint on his/her own should be excused from the decision-making process, if the complaint reaches the Board, as the Board member would have prejudiced him/herself prior to consideration.

Complaints or concerns about Board of Education policies, administrative actions or other areas of school operations should be directed to the Superintendent of Schools. Complaints about Board policies shall be in writing, stating the specific objections to the specific policy(ies) or action.

The Superintendent shall review any complaint he/she receives in writing and conduct whatever study or investigation he/she deems appropriate. The Superintendent shall then submit or refer the complaint to the appropriate person or level. In some cases, particularly regarding policy matters, the Superintendent will submit his/her recommendation(s) and/or report to the Board. The Board shall then:

a) Review the policy, amend or repeal the policy, if appropriate, and notify the complainant of the action taken, or

b) In other cases, review the Superintendent's recommendation(s) and, possibly, the school attorney's recommendation(s), as well as other relevant information prior to rendering a determination about the complaint or concern.

The district will respond to the determination of any written complaint received within thirty (30) business days.
The complainant may appeal the district’s determination to the New York State Education Department.

Complaints Regarding Title I of the ESSA or Academic Intervention Services

Any person or entity representative alleging the district has not upheld its responsibilities under Title I of the Elementary and Secondary Education Act (ESSA), as well as the district’s responsibilities for Academic Intervention Services under the Commissioner’s regulations section 100.2(ee), may submit a complaint in writing using the chain of command listed above. After 30 days, any decision of the Superintendent which is unsatisfactory to the complainant, or the district’s lack of a response to the compliant, may be appealed to the State Education Department (SED).

All such complaints to SED must, as outlined by SED (see the following website: http://www.p12.nysed.gov/accountability/T1/complaintappeals.htm)

New York State Department of Education
Title I School & Community Services Office
Room 320 EB
89 Washington Avenue
Albany, New York 12234.

An appeal must be requested and postmarked with twenty (20) business days of receipt of the district’s response to the original complaint.

If the Title I complainant is dissatisfied with the State Education Department’s compliant resolution they may file an appeal directly with the United States Department of Education at:

United State Department of Education
Compensatory Education Programs
400 Maryland Avenue S.W.
Room 3W230, FOB #6
Washington, D.C. 20202-6132

Adoption Date: 04/13/05
Renumbered: 06/09
Revised: April 21, 2010,
1st Reading of Revision: September 12, 2018
Adoption: September 26, 2018
CONCERNS ABOUT CURRICULA OR INSTRUCTIONAL MATERIALS

The Board of education recognizes its responsibility for the purchase of appropriate instructional materials. The Board directs the Superintendent, or his/her designee, to develop regulations and procedures for the selection of books and other instructional practices. The Board also recognizes the right of community members to voice concerns and/or complaints regarding the implementation or selection of particular curriculum instructional materials, including library books, and/or instructional practices. The Superintendent is charged with overseeing this policy and related procedures.

It is often appropriate for there to be an opt-out procedure for persons with concerns about a particular curriculum, book, instructional materials or an instructional approach. While there are state requirements which cannot be subjects of an opt-out procedure, the Superintendent or his/her designee is authorized to approve individual instances which do not involve graduation requirements.

All questions, concerns or complaints concerning textbooks, library books, a particular curriculum, instructional materials or instructional practices should follow this sequence, if necessary.

1. The complainant should communicate with the respective teacher, librarian or other staff member to discuss what is in question.

2. If not satisfied, the complainant should have in informal conference with the principal or other appropriate administrator.

3. Following this informal conference, there may be other attempts by the contacted administrator to informally resolve this matter with other relevant staff members.

4. If the concern is not resolved informally, the complainant must file a written complaint on a form provided for this purpose.

5. Based upon the written complaint, the individual designated by the Superintendent to address such matters may elect to conduct his/her own investigation or convene and chair a review committee composed of an elementary teacher, a secondary teacher, an elementary administrator, a secondary administrator, a librarian or other relevant educator and a community member; none of whom are to have a conflict of interest in the case at hand.

6. The investigation or committee review will issue a report to the Superintendent with a recommendation(s). The investigation or committee review will:
   a. read, observe or otherwise examine the questioned material or practice,
   b. consider the specific objections voiced by the complainant,

- continued -
c. weigh the values and faults of the material as a whole, including why it was originally selected,
d. consider presentations or other research,
e. solicit advice or opinions from other faculty or staff and,
f. prepare the report and recommendations for the Superintendent's consideration.

7. The Superintendent shall review the report, make a decision and notify the complainant and appropriate staff.

8. If the complainant is not satisfied with the Superintendent's decision, an appeal may be made to the Board of Education through the Board President. The Superintendent will schedule a hearing on this complaint with the Board, and deliver to the Board a copy of the complaint, a copy of his/her decision and the report upon which it was based.

9. The Board will conduct a hearing and its decision shall be final.

Amended: September 15, 2010
CITIZEN’S REQUEST FOR RE-EVALUATION OF INSTRUCTIONAL MATERIALS

Name ____________________________________________________________

Address _________________________________________________________ Telephone_______________

REPRESENTING

Self ________ Organization or group ____________________________________________

MATERIAL QUESTIONED

BOOK: Author____________________________ Hardcover ________ Paperback  __________

Title __________________________________ Publisher (if known)_______________________

OTHER MATERIAL: Kind of Media _____________________________________________

(film, website, record, DVD, etc.)

Please respond to the following questions. If sufficient space is not provided, please use additional sheets of paper.

1) Have you seen or read this material in its entirety? _____________________________

If not, what parts have you seen or read? _______________________________________

2) To what do you object? Please cite specific passages, pages, etc. _______________________

_________________________________________________________________________________

3) What do you believe is the main idea of this material? _____________________________

_________________________________________________________________________________

4) What do you feel might result from use of this material? _____________________________

_________________________________________________________________________________

5) What reviews of this material have you read? _____________________________

6) For what other age group might this be suitable? _____________________________

7) What action do you recommend that the school take on this material? _____________________________

_________________________________________________________________________________

8) In its place, what material do you recommend that would provide adequate information on the subject? _____________________________

_________________________________________________________________________________

Date ___________________________ Signature ___________________________
COMMUNITY USE OF SCHOOL FACILITIES AND GROUNDS

While the district’s school buildings and grounds are maintained primarily for the purpose of educating students within the district, the Board of Education recognizes that the buildings and grounds are a valuable community resource and believes that this resource should be available to responsible organizations, associations, and individuals of the community for specific uses that will not interfere with educational activities. This policy is intended to identify the uses that community groups may make of those facilities.

Permitted Uses

District facilities may be used for the purposes listed below, subject to the conditions and restrictions set forth in this policy.

A. Instruction in any branch of education, learning or the arts.
B. Public library purposes, subject to provisions of the Education Law, or as stations of public libraries.
C. Social, civic and recreational meetings and entertainments, or other uses pertaining to the welfare of the community so long as such uses are non-exclusive and open to the general public.
D. Meetings, entertainment and occasions where admission fees are charged, when the proceeds are to be spent for an educational or charitable purpose.
E. Polling places for holding primaries and elections, for the registration of voters.
F. Civic forums and community centers.
G. Recreation, physical training and athletics, including competitive athletic contests of children attending a private, nonprofit school.
H. Child-care programs when school is not in session, or when school is in session for the children of students attending schools of the district and, if there is additional space available, for children of employees of the district.
I. Graduation exercises held by not-for-profit elementary and secondary schools, provided that no religious service is performed.*

*Although this provision is taken verbatim from New York State Education Law, given the decision of the U.S. Court of Appeals for the 2nd Circuit in the Bronx Household of Faith case, the district may want to check with their school attorney prior to implementing this provision.
Prohibited Uses

Any use not permitted by this policy is prohibited. In addition, the following uses are specifically prohibited.

A. Meetings sponsored by political organizations, unless authorized in advance by resolution of the Board of Education.
B. Meetings, entertainments and occasions that are under the exclusive control of and the proceeds are to be applied for the benefit of a society, association or organization or a religious sect or denomination or of a fraternal, secret or exclusive society or organization, other than veterans’ organizations or volunteer fire fighters or volunteer ambulance workers.

Conditions of Use for District Facilities

A. Use of district facilities may be permitted unless such facilities are in use for school purposes, or during educational programs. The district reserves exclusive and nonreviewable judgment to determine if a requested use would interfere with or disturb the district’s educational programs.
B. To ensure that district facilities are preserved for the benefit of the greater district community, only community based groups and organizations (that is, groups which are located within the geographic area covered by the district) may be granted access to district facilities.
C. Use of district facilities will be permitted only where the applicant agrees to pay the district a user fee according to a schedule adopted by the district to cover the costs of heat, electricity, maintenance, custodial services and any other expenses associated with the requested use. Use is further conditioned upon the applicant’s agreement to pay additional fees associated with the use of any additional services or equipment. The district retains the right to condition use upon an applicant depositing with the district a sum equaling the estimated costs and fees associated with the proposed use 10 days in advance of the requested use. The district retains the further right to waive user fees for groups that are associated with or sponsored by the district.
D. Where, in the judgment of the district, the requested use of district facilities requires special equipment or supervision, the district reserves the right to deny such use, or in the alternative, to condition such use upon the applicant’s payment of additional fees in accordance with paragraph C above. Only authorized personnel shall operate district equipment.
E. Use of district facilities will only be permitted where the organization provides the district timely evidence of adequate insurance coverage ($1,000,000 minimum) to save the district harmless from all liability, property damage, personal injuries and/or medical expenses. The district will exercise complete and unreviewable discretion regarding what constitutes adequate insurance coverage for each proposed use.

F. All athletic officials, coaches, and league officials who use district buildings and grounds for non-district athletic events must provide proof to the district prior to the use that he/she has attended a one-time training session in *Citizenship through Athletics*. This training must be conducted by a certified trainer.

G. The Board reserves the discretion to deny use of district facilities described above, or to terminate use of district facilities:

1. By an applicant who has previously misused or abused district facilities or property or who has violated this policy;
2. For any use which could have the effect of violating the Establishment Clause of the United States Constitution or other provisions of the United States or New York State Constitutions;
3. For any use which, in the estimation of the Board, could reasonably be expected to or actually does give rise to a riot or public disturbance;
4. For any use which the Board deems inconsistent with this policy;
5. For any use by a private for-profit entity that has the direct or indirect effect of promoting the products or services of such entity;
6. In any instance where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed;
7. For any use prohibited by law.

**Application Procedure for Use of District Facilities**

A. All applications for use of school facilities shall be made in writing and submitted to the Superintendent of Schools at least 30 days prior to the date of the requested use. A use permit application is available in the Superintendent’s office.

B. The applicant must clearly and completely describe the intended use of the district facility in the application.

C. All applicants must review this policy prior to submitting the application. All applications must be signed by an authorized agent of the group or organization requesting use. The applicant’s signature on the application shall attest to the group or organization’s intent to comply with all Board policies and regulations and to use district facilities strictly in accordance with the use described in the application.

D. All applicants must agree to assume responsibility for all damages resulting from its use of district facilities. Proof of adequate insurance must be provided by the applicant at least 10 days before the date of the requested use.
E. Permits shall be valid only for the facility, use, dates and time specified in the permit. No adjustment to the permit is allowed except with the prior written approval of the Superintendent or his/her designee. Permits shall not be transferable.

F. The Superintendent or his/her designee is authorized to alter or cancel any permit if it becomes necessary to use the facility for school purposes or for other justifiable reason.

G. With regard to scheduling activities, the district retains the right to give preference to groups and organizations which are associated with or sponsored by the district.

H. Issuance of a permit shall not limit the right of access to the facility by district staff.

Ref: Education Law §414

Adoption date: September 16, 2009
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, personal or other non-school agency, individual or organization, except that:

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

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

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

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

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

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

Adoption Date: 03/09/05
OPERATION OF MOTOR-DRIVEN VEHICLES ON DISTRICT PROPERTY

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

All staff and student vehicles parked on school property must be registered with the district.

Vehicle and Traffic Law Section 1670

Adoption Date: 03/09/05
EMERGENCY CLOSINGS

In the event it is necessary to close school for the day due to inclement weather or other emergency reasons, announcement thereof shall be made over local radio stations, television stations, the District website, and in as may other ways as is practical.

When school is closed, all related activities, including athletic events and student activities, will ordinarily be suspended for that day and evening.
SPECTATOR CONDUCT AND SPORTSMANSHIP FOR ATHLETIC AND EXTRACURRICULAR EVENTS

It is the policy of the Board of Education that spectators will not be allowed to interfere with the enjoyment of the students' participation, other spectators, or with the performance of employees and officials supervising the school sponsored or approved activities. Spectators are permitted and encouraged to attend these activities as guests of the Kingston City School District, and accordingly as a condition of such permission they must comply with the District's policies and the District Code of Conduct. Spectators, just as the student participants, are expected to display mature behavior and sportsmanship. Failure of spectators to do so is disruptive and embarrassing to students, the Kingston City School District, and the entire community.

To protect the rights of students to participate without fear of interference and to allow sponsors and officials of such activities to perform without interference the following provisions shall be in effect:

a) Abusive, verbal, or physical conduct of spectators directed at participants, officials, staff, or other spectators involved in such activity will not be tolerated.

b) Verbal or physical conduct of spectators that interferes with the performance of students, officials, or staff involved in such activity will not be tolerated.

c) The use of vulgar, obscene, or demeaning expressions directed at other spectators, students, officials or staff participating in such activities will not be tolerated.

If a spectator at an approved or sponsored activity becomes physically abusive; verbally abusive; uses vulgarity, obscene or demeaning language; or in any way impedes the performance of an activity, the spectator will be removed from the event by security personnel, school officials, or by the individual in charge of the event. In addition, the individual will be denied admittance to future school events or activities. The Athletic Director or designee shall send a notice of exclusion from future extra curricular activities to the offending spectator. Upon request, the spectator will be provided with an opportunity to meet with school officials. In the event that the spectator, removed or denied future admittance, is a student from a visiting school, an effort will be made to work with the administration of the visiting school with respect to future exclusion.

Adopted: 12/01/04
SMOKING AND OTHER TOBACCO USE ON SCHOOL PREMISES

In accordance with New York State Public Health Law and Education Law, it is the policy of this school district to prohibit smoking (including but not limited to use of electronic smoking devices or other use of tobacco products by any student, employee, or visitor at any time within all school buildings, on school grounds and within 100 feet of the entrances, exits or outdoor areas of any elementary or secondary school building (except smoking within real property boundary lines of residential real property within such 100 feet), as well as in vehicles that are owned, occupied, or leased by the district. The possession, sale, and distribution of tobacco products by students are prohibited within all school buildings, on school grounds, and in vehicles owned, occupied, or leased by the district. This prohibition also applies to school-sponsored activities.

Students in violation of this policy will be subject to disciplinary action in accordance with the Student Code of Conduct, and may also be subject to legal sanctions. Employees in violation of this policy may be subject to discipline in accordance with law. Other individuals (e.g., visitors, invitees) in violation of this policy will be asked to refrain or leave the school premises.

Instruction to discourage the misuse and abuse of tobacco shall be included in the district’s health education. The educational program shall be based on theories and methods that have been proven effective by published research and consistent with the New York State health education standards. Staff responsible for teaching tobacco use prevention shall have adequate training and participate in ongoing professional development activities in this field.

The school health program shall include information for community resources and programs (e.g., New York Smokers Quitline) to help students and staff address tobacco use. School counselors or community agencies are encouraged to establish voluntary tobacco use cessation programs at school.

Tobacco advertising and sponsorship are prohibited on school property, in all school-sponsored publications, and at all school-sponsored events. When possible, school libraries shall order periodicals with a request for school editions which exclude tobacco advertising.

The district’s tobacco free policy shall be prominently posted by utilizing Tobacco Free Zone signs at all school buildings, grounds (e.g. athletic fields) and in all district vehicles that transport children or school personnel. School buses, because they are contracted by the school district, are not district vehicles. However, Commissioner’s Regulations Part 6 Special Requirements for Bus Drivers states that bus drivers, monitors, and attendants are prohibited from smoking at anytime while in a school bus. The policy shall be available to students, parents/guardians, and existing and prospective employees and to individuals and organizations seeking to use the facilities of the School District. Public announcements can be made at school/district sponsored events.

Adopted: December 3, 2008 Revised: August 19, 2009
1st Reading of 2nd Revision: April 23, 2014 Adopted: May 7, 2014
Revised & Adopted: October 18, 2017
RELATIONSHIP WITH NONPUBLIC SCHOOLS

In recognition of its responsibility under state law and regulation the Board of Education shall make available required public school materials, equipment and services to resident students who attend nonpublic schools.

Textbook Loan

The Board recognizes that section 701 of the Education Law requires all Boards to purchase and to loan, upon individual request, textbooks to all children residing in the district who are attending grades kindergarten through twelve in any public or nonpublic school which complies with the compulsory education law.

It is also understood that the textbooks must be "loaned free" to the children, but Boards may make reasonable rules and regulations regarding such loan(s).

Therefore, the following rules and regulations shall govern the loan of textbooks to residents of the district attending nonpublic schools:

1. The textbooks shall remain the property of the district.
2. The textbooks shall be returned at the end of the nonpublic school year.
3. If lost or destroyed, the textbooks shall be paid for in the same fashion as the students attending district schools.

Instructional Computer Hardware and Software Loan

The Board recognizes its responsibility to loan instructional computer hardware and software, upon request, to all pupils legally attending nonpublic elementary or secondary schools located in the school district. The district shall loan instructional computer hardware and software on an equitable basis, however software and hardware purchased with any local, federal or state funds, other than Instructional Computer Hardware or Software Aid funds, are not required to be loaned to nonpublic school students.

In addition, the district will only purchase and loan software programs that do not contain material of a religious nature.

The Board authorizes the Superintendent of Schools to establish any and all rules, regulations and procedures necessary to implement and maintain this policy. The Superintendent will specify the date by which requests must be received by the district and provide notice to all nonpublic schools within the district of that date.

Ref: Education Law §§701; 751-754; 1709; 3204; 3602-c
     8 NYCRR §175.25; 21.3
     Russman v. Sobol, 85 F.3d 1050 (2d Cir. 1996)
     Board of Educ. v. Allen, 392 U.S. 236 (1968)

Adoption date: February 6, 2008
PARENT/FAMILY & COMMUNITY ENGAGEMENT POLICY

The Board of Education, representing the community of the Kingston School District, believes that a child's education is a responsibility shared from pre-school through high school by the school and family during the entire period the child spends in school. When schools strive to empower families and develop their connections, families can become powerful allies of the schools and advocates for public education, as well as their own children. To reach the goal of the School District to educate all students to their maximum potential, the schools and parents must work in active partnership to support academic excellence and character development.

Furthermore, the Board recognizes that our community is diverse in culture, language, resources, and needs. This School District and the schools within its boundaries, in collaboration with parents, shall establish programs and practices that enhance parent involvement and reflect the specific needs of all students and their families.

Consistent with the parent involvement goals of Title I, Part A of the federal Every Student Succeeds Act (ESSA) the Board of Education will ensure the development and implementation of programs, activities and procedures that encourage and support the education of parents of students eligible for Title I services in all aspects of their child’s education. The Board also will ensure that all of its schools receiving Title I, Part A funds develop and implement school level parental involvement procedures, as further required by federal law.

To this end, the Board supports the development, implementation, and regular evaluation of parent involvement opportunities in all schools. An action plan for family/community involvement will be included in the district’s and each school's Improvement Plan. The School and District Leadership Teams include parents as active team participants who provide equal input to the development of the school Improvement Plans.

Parent involvement and engagement programs should include, but not be limited to, the following components for success:

a) Parents/guardians are full partners in their child’s education and may be included, as appropriate, in decision-making and on advisory committees to assist in the education of their child.

b) Communication in all forms between home and school is consistent, timely, meaningful, and nurtures a trusting and respectful relationship.

c) Parents/Guardians are welcome in the school, and their support and assistance are sought.

d) Parents/Guardians play an integral role in assisting student learning. Training and materials are provided to assist parents with their children’s achievement.

e) Community partnerships are a key component of this policy, and toward this end: The district will build relationships with local businesses, local government, health care, social service and civic and community organizations, in order to share resources and strengthen school programs, family practices, and student learning.

f) Family engagement activities to improve student academic achievement and school performance.

g) Understanding state academic standards, assessments and monitoring a child’s progress.
Since parent involvement and community partnerships are essential to improving student achievement, our School District shall provide the coordination, technical assistance in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance to actively support the implementation of the school/family/community partnership.

The Board, along with its Superintendent of Schools and other appropriate staff, will conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of this parental involvement policy in improving the academic quality of Title I schools, including the identification of barriers to greater participation by parents in activities particularly in identified subgroups, under this policy and its regulations, and the revision of parent involvement policies necessary for evidence-based strategies for more effective engagement/involvement.

All Title I Schools shall also:

- Convene an annual meeting at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school’s participation under Title I (ESSA) and to explain the requirements and the right of the parents to be involved;
- Offer a flexible number of parental involvement conferences, meetings and programs;
- Involve parents in an organized, ongoing, and timely way with the planning, review, and improvement of programs;
- Provide program information and a description and explanation of the curriculum in-use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet;
- Provide parents opportunities to volunteer and participate in their child’s class to observe classroom activities;
- Outline in the school handbook both parent and student responsibilities that will support learning.
The Board encourages the formation of one parent-teacher organization in each school. The District Wide Parents’ Council is directed to recognize the official parent organization in each school, encourage more parents to participate in each of these groups, and explain how such groups relate to the administrative organization. The recognized parental unit shall have the right to use the school facilities, utilize the school's name and logo, conduct fund raising, communicate with staff, participate in decision-making bodies and send home communications with children - all pursuant to regulations and with the approval of the relevant building principal.

Adoption Date: 03/09/05
Revised: 06/02/10
INTERPRETERS FOR HEARING-IMPAIRED PARENTS

The Board of Education recognizes that those district parents with hearing impairments which prevent meaningful participation in their child’s educational program must be afforded an opportunity equal to that afforded other parents to participate in meetings or activities pertaining to the academic and/or disciplinary aspects of their child’s education. Accordingly, and pursuant to law, the school district will provide an interpreter for hearing-impaired parents for school-initiated academic and/or disciplinary meetings or activities including, but not limited to:

- Parent/teacher conferences
- Child/study or building level team meetings
- Planning meetings with school counselors regarding educational progress
- Career planning
- Suspension hearings or other conferences with school officials relating to disciplinary actions

The school district will provide an interpreter for the hearing-impaired parent if a written request for the service has been submitted to and received by the district within five working days prior to the scheduled meeting or activity. If an interpreter is unavailable, the district will then make other reasonable accommodations which are satisfactory to the parents (e.g., notetaker, transcript, decoder, or telecommunication device for the deaf). These services will be made available by the district at no cost to the parents.

The Board directs the Superintendent of Schools to maintain a list of available interpreters and to develop procedures to notify parents of the availability of interpreter services, the time limitation for requesting these services, and of the requirement to make other reasonable accommodations satisfactory to the parents should an interpreter not be available.

Hearing-impaired parents are requested to submit the attached form to request accommodation of their disability.

Ref:  
Education Law §3230  
8 NYCRR §100.2(aa)  
*Rothschild v. Grottenthaler*, 907 F.2d 286 (2d Cir. 1990)

Adoption date: June 17, 2009
INTERPRETERS FOR HEARING-IMPAIRED PARENTS

Accommodation Request

Parents in need of interpreter services are asked to complete this form:

TO: Superintendent of Schools
Kingston School District

FROM: ___________________________________________________________

Name

____________________________________________________________

Address

Please identify the type of interpreter needed:

___ Interpreter for the Hearing Impaired: ( ) American Sign; ( ) English

In the event an interpreter is not available, please identify the type of alternative service preferred:

___ Written Communication

___ Transcripts

___ Decoder

___ Telecommunication Device for the Deaf (TDD)

___ Other (please specify) ______

Adoption date:
INTERPRETERS FOR HEARING-IMPAIRED PARENTS EXHIBIT

Response to requests for accommodation

FROM: Superintendent of Schools
Kingston School District

TO: ______________________________________________________
    Name
    Address

The Kingston School District hereby:

____ grants your request for accommodation of a hearing disability in accordance with Board Policy 1925;

____ denies your request for accommodation of a hearing disability for the following reason: ________________________________

Adoption date:
SCHOOL BOARD LEGAL STATUS

The Board of Education is a nine-member Board elected by district residents. Each member of the Board serves for three years. The terms of office of Board members shall not all expire in the same year. Board members are responsible for school district management and policy-making.

The legal status of the Board is that of a corporate body established pursuant to the laws of New York State. Any liability of the district is a liability of the Board of Education as a corporation and not that of the members of the Board as individuals.

Members of the Board of Education have legal authority for the conduct of the district schools only when acting as a body in a properly convened session. Board members acting as individuals have no authority over personnel or school business.

The Board will not be bound in any way by any individual's statement or action unless the Board, through an adopted policy or by a majority vote of Board membership, has delegated this authority to the individual member.

The Board is entrusted with the responsibility of developing policies under which the district is managed. In addition, the Board has all the powers and duties stated in the Education Law and other applicable New York State law.

Complete and final authority on all district educational matters, except as restricted by law, will be vested in the Board.

Ref: Education Law §§1604; 1604-a; 1701; 1702; 1703; 1708; 1709; 1710 1804(1); 2101(2); 2105

Adoption date: June 17, 2009
BOARD MEMBER AUTHORITY

Members of the Board of Education have legal authority for the conduct of the District schools only when acting as a body in a properly convened session. Board members acting as individuals have no authority over personnel or school. They shall neither direct nor request that employees and/or officers of the District perform their jobs or other tasks, either in oral or written communications, unless a duly approved resolution of the Board of Education directs them to do so.

Members of the Board are free to speak to individuals on school business issues outside of Board meetings, but such public expression is not to be construed as Board policy. Information from executive sessions must remain confidential at all times, unless release is appropriately authorized. The Board will not be bound in any way by any individual's statement or action unless the Board, through an adopted policy or by a majority vote of Board membership, has delegated this authority to the individual member.

When exercising their authority and individual rights, members of the Board are asked to be mindful of the impact their actions may have upon the mission of the Board and the operation of the School District.

School Visits by Individual Board Members

Whenever possible, advance notice of school visits by individual Board of Education members shall be given to the building principal. Unless provided with authority of the Board to represent the Board, individual Board members have no more authority than other individual citizens.

When a Board member makes such a visit to a District school, he/she must notify the principal upon entering the building in the same manner as every visitor to a school building and follow all other procedures for visitors. Prior to such a visit, the Board member should contact the Superintendent of Schools, as he/she may either add some suggestions to make the Board member's visit more meaningful or notify other Board members who might also like to observe a school program. Any concerns or opinions of the visiting Board members related to the educational program in individual school buildings shall be directed to the Superintendent by the affected employee and the visiting Board member. When visiting schools, Board members are not to accept food service meals without paying, roam freely on their own nor to engage in prolonged visits which keep staff preoccupied and away from regular duties.

Employees are to immediately notify the Superintendent if individual Board members give them directives, criticize District personnel, attempt to undermine established authority or chain of command or communication procedures or otherwise engage in behavior outside the authority of any other individual citizen.

In the event that a Board member is a parent, he/she is entitled to exercise all of the prerogatives of a parent in accessing school programs and personnel, but should be clear in their statements and representations to employees and/or officers of the District when they are speaking in the capacity of parent and when they are speaking in the capacity of a Board member.

(Continued)
Requests for Information

Before asking for materials, Board members are advised to ask questions of the Superintendent, rather than soliciting the raw data or information which is often time consuming and costly to produce. The Superintendent may be able to answer a question without a lengthy investigation or help the Board member frame the question so as to get an appropriate answer.

All individual Board member requests for information or data will be conveyed to the entire Board with the disposition of the matter. If information is supplied to one Board member it shall be supplied to all Board members at roughly the same time - usually in a weekly packet. Board members are expected to communicate to each other and to the Superintendent their reaction to information requests, especially those which they believe inappropriate.

Board members who have information requests that are directly related to Board business items or considered to be related to Board business items (e.g., recent and upcoming agenda items, old business, new business, etc.) should request such information through the District Clerk and the Superintendent of Schools. If the information being sought is beyond the scope of Board business items, the Board members shall be so informed and, then, may seek to access such information in the same manner as any other person. If the information being requested imposes a significant burden upon staff time and resources, the Board member will be so informed by the Superintendent of Schools or his/her designee, whereupon such information may only be accessed by the Board member acting in that capacity, with the Board's approval. This provision of policy is not intended to compromise the individual rights of persons serving as Board of Education members, but is intended to facilitate the orderly and efficient functioning of the several administrative offices of the School District.

Access to Personnel Files

A member of the Board may review employee personnel records provided that:

a) The Superintendent is requested in advance to present the file at a regularly scheduled open meeting of the Board;

b) The file is reviewed during an executive session in the presence of a majority of the Board or their designee;

c) The personnel records are returned in their entirety to the Superintendent at the conclusion of the executive session; and

d) No reproduction of the records is made and no written notes are taken of the contents of employee personnel records.

(Continued)
BOARD MEMBER AUTHORITY (Cont'd.)

The information contained in such records shall only be used by the Board for the purpose of aiding Board members in decisions regarding personnel employment matters, such as appointments, assignments, promotions, demotions, remuneration, discipline or dismissal; development and implementation of personnel policies; or such other uses as are necessary to enable the Board to carry out its legal responsibilities.

The policy principles expressed hereinafore, shall be deemed to have the same force and effect as law. Any willful violation of the same by a member of the Board of Education shall be subject to a probable cause determination by the whole Board, and may be sanctionable through a petition to the Commissioner of Education seeking the removal from the Board of Education of the violating Board member(s), under Section 306 of the New York State Education Law.

Education Law Sections 306 and 1708
8 New York Code of Rules and Regulations
(NYCRR) Part 84

NOTE: Refer also to Policies #2130 -- Resignation and Dismissal
#2250 -- Committees of the Board
#2350 -- Board-Staff Communications
#2160 -- School District Officer And Employee Code Of Ethics

Adoption Date: 09/01/04
SCHOOL BOARD ACCESS TO INFORMATION AND REPORTS

General

In order to fulfill their duties and responsibilities under law, Board members may seek access to information beyond that which is generally accessible to members of the community. There are a number of ways in which Board members may request and secure records or reports which is deemed necessary in order to fulfill their responsibilities under law:

- The Board as an entity may request information which then will be made available for all Board members to review;
- A single Board member may request certain information and/or reports which he/she can demonstrate is necessary, if that Board member’s request has the support of the majority of the Board;
- In the absence of a majority vote of the Board, a single Board member may still request information if he/she can demonstrate that the requested information is relevant to what the Board is in the process of making a determination about, and, under such circumstances, will have the right to examine such materials in the manner set forth below.
- When the Board member’s request does not have the support of the majority of the Board, the requested information must already be compiled, and not require additional staff time to gather, edit, and/or assemble.
- Board members may also request the district’s Record Access Officer to provide or prepare any information or reports, which is otherwise available to members of the general public pursuant to a Freedom of Information Law request.

Personnel Records

Pursuant to Part 84 of the Regulations of the Commissioner, members of the Board of Education may review employee personnel records only for the purpose of aiding the members to fulfill their legal responsibilities in making decisions in such employee personnel matters as appointments, assignments, promotions, demotions, remuneration, discipline or dismissal, or to aid in the development and implementation of personnel policies, or such other uses as are necessary to enable the Board to carry out legal responsibilities.

Board members may review employee personnel records provided:

1. the Superintendent, or his/her designee, is requested in advance to present the file at a regularly scheduled open meeting of the Board;
2. the records are reviewed during an executive session;

- continued -
3. the personnel records are returned in their entirety to the Superintendent at the conclusion of the executive session; and
4. no reproduction of the records is made and no written notes are taken of the contents of employee personnel records.

**External Reports**

Pursuant to Resolution #2009-BOE73 of the Board of Education, members of the Board are to be provided with copies of all evaluations, reviews and assessments of the district and its programs, including drafts, as provided to the district by State and Federal agencies, within thirty days of their provision to the district. Furthermore, if there is a question as to whether or not a document qualifies under this resolution, the Superintendent will present the information to the Board of Education President and Vice President for their opinion, and make the full Board aware of such reports.

**Ref:** Education Law §§1604; 1604-a; 1701; 1708; 1709; 1710
8 NYCRR, Part 84

*Gustin v. Joiner,* 95 Misc. 2d 277 (1978), *aff’d* 68 AD 2d 880 (1978)
*Matter of Bruno,* 4 EDR 14 (1964)

**Adopted:** August 18, 2010
SCHOOL BOARD ELECTIONS

The elections of members of the Board of Education shall be held on the third Tuesday in May, unless this date conflicts with religious observances on that day, in which case it shall be held on the second Tuesday in May. The polls shall be open for those hours designated by the district. The following items shall be voted upon:

1. the annual budget,
2. any vacancies on the Board of Education, and
3. any special propositions that have been properly presented.

Electioneering during the hours of any vote is prohibited within the polling place or within 100 feet of any such polling place. Displays or handout items of any political nature, except those provided by law, shall be prohibited by any individual, group or organization in any school building on those days when the polls are open for voting on school district matters, including, but not limited to, the annual school budget, candidates for the Board of Education, special propositions, etc.

Cross-ref: 1050, Annual District Election and Budget Vote

Ref: Education Law §§2012; 2013; 2014; 2018; 2018-a; 2019-a; 2031; 2035

Adoption date: June 17, 2009
CANDIDATES AND CAMPAIGNING

Nomination

Candidates for the office of member of the Board of Education shall be nominated by petition. Such petition shall be directed to the clerk of the district, and shall contain the signatures and addresses of at least one hundred (100) qualified voters of the district. Such petition must state the name and residence of each candidate. Each petition shall be filed with the district clerk no later than 5 p.m. twenty (20) days preceding the annual or special district meeting at which the school board election will occur.

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. The Board may reject nominations if the candidate is ineligible or has declared an unwillingness to serve.

Electioneering

Electioneering during the hours of any vote is prohibited within the polling place or within 100 feet of any such polling place. Displays or handout items of any political nature, except those provided by law, shall be prohibited by any individual, group or organization in any school building on those days when the polls are open for voting on school district matters, including, but not limited to, the annual school budget, candidates for the Board of Education, special propositions, etc.

Campaign Expenditure Statements

If a school board candidate’s campaign expenditures exceed five hundred dollars ($500), the candidate must file a sworn statement with both the district clerk and the Commissioner of Education itemizing their expenditures and contributions received.

A candidate who spends five hundred dollars ($500) or less is only required to file a sworn statement with the district clerk indicating this to be the case. No other campaign expenditure statement is required.

An initial statement must be filed at least 30 days before the election, a second statement must be filed on or before the fifth day preceding the election and a final statement must be filed within 20 days after the election.

Ref: Education Law §§1528-1531; 2018(a); 2608(a); 2013-a; 2609 (4-a)

Appeal of Williams, 36 EDR 270 (1996)
Appeal of Johnson, 45 EDR 320 (2005)

Adoption date: June 17, 2009
BOARD MEMBER QUALIFICATIONS

To qualify as a Board of Education member of the Kingston City School District, an individual:

- Must be able to read and write;
- Must be a qualified voter of the district (i.e., a citizen of the United States, at least 18 years of age or older, and not adjudged to be an incompetent, nor a convicted felon whose maximum prison sentence has not expired or who has not been pardoned or discharged from parole);
- Must be a resident of the district for at least one year prior to election;
- May not have been removed from any school district office within the preceding year;
- May not reside with another member of the same school board as a member of the same family;
- May not be a current employee of the school board;
- May not simultaneously hold another incompatible public office.

Ref:  Education Law §§2102; 2103; 2502(7)
      Rosentock v. Scaringe, 40 N.Y.2d 563 (1976)
      Matter of Schoch, 21 EDR 300 (1981)

Adoption date: June 17, 2009
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/her approval and file the resignation with the District Clerk.

Alternatively, a Board member may resign under Public Officers Law Section 31 by filing a written resignation with the 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 may proceed to declare that office vacant.

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

Small City School Districts (not including Albany and Rensselaer)

When a vacancy occurs on the Board of Education, the Board may, by majority vote of the remaining Board members, appoint a qualified person to fill any vacancy, call for a special election to fill the vacancy, or leave the seat vacant. If a vacancy is filled by Board appointment, the person so appointed shall hold office only until the next annual election of Board members. If the vacancy is filled by election, the person elected shall hold office for the time remaining on the term of the vacated seat.

Adoption Date: 09/01/04

Education Law Sections 306, 1607, 1706, 1709(17)(18), 1804(1), 2103(2), 2109, 2111, 2112, 2113, 2502, 2503, and 2553
Public Officers Law Sections 30, 31 and 35
SCHOOL DISTRICT OFFICER AND EMPLOYEE CODE OF ETHICS

The Board of Education is committed to avoiding any situation in which the existence of conflicting interests of any officer or employee may call into question the integrity of the management or operation of the school district. The Board recognizes that sound, ethical standards of conduct serve to increase the effectiveness of district officers and staff as educators and public employees in the community. Adherence to a code of ethics promotes public confidence in the schools and furthers the attainment of district goals.

The Board of Education adopts the following Code of Ethics setting forth for the guidance of its members, officers and employees the standards of conduct that are reasonably expected of them. More specifically, such code shall provide standards of conduct of members, officers and employees regarding confidentiality and conflicts of interest.

I. STATUTORY CONFLICTS OF INTEREST

It shall be a conflict of interest for a board member, officer or employee to benefit personally from contracts made in their official capacity.

"Contract" is defined broadly to include any claim or demand against the School District or account or agreement with the School District, whether expressed or implied, which exceeds the sum of $750.00 in any fiscal year.

"Interest" is defined as a direct or indirect benefit afforded a board member, officer or employee as a result of a contract with the School District.

A board member, officer or employee is deemed to have an “interest” in:

1. a firm, partnership or association in which he or she is a member or employee;
2. a corporation in which he or she is an officer, director or employee; or
3. a corporation in which he or she directly or indirectly owns or controls 5% or greater of the outstanding shares.
4. a board member, officer or employee also is deemed to have an “interest” in a contract between the district and his/her spouse, minor child or dependents, except for an employment contract entered into between the School District, a spouse, minor child or dependent of a board member authorized by §800(3) of the General Municipal Law or §3016 of the Education Law.

Personal interests which are prohibited by law include:

1. interest in a contract with the School District where a Board member has the power or may appoint someone who has the power to negotiate, authorize or make payment or audit bills or claims under the contract, unless otherwise exempted by exception under law; and
2. interest by a Chief School Officer, Treasurer or his/her Deputy or employee in a Bank or other financial institution that is used by the School District he or she serves, unless otherwise exempted by exception under law.
In order for a school board to enter into an enforceable contract where a board member, officer or employee of the School District has a prohibited conflict of interest which is not exempted by an exception to the law, the affected member, officer or employee must resign from his/her office or employment prior to the time that the board takes action upon the contract.

Exceptions:
A board member, officer or employee shall be deemed not to have a conflict of interest in any of the exceptions listed in §802 of the General Municipal Law, including:

1. contracts with membership corporations or other voluntary not-for-profit corporations or associations (e.g. Taylor Law collectively negotiated agreements, contract with a not-for-profit health services organization) - are exempt from the conflict of interest rules. No board member is prohibited from voting on collectively negotiated agreements which are applicable to his/her spouse or children;
2. appointment of a teacher as defined in §3016 of the Education Law, who is a relative or spouse of a Board member, is permitted upon a two-thirds super majority vote, without limiting any Board member’s right to vote.
3. the employment of a Board member as School Physician is permitted upon a two-thirds vote of the Board.
4. contracts entered into by the district with a person who is subsequently elected or appointed to the Board, a School District office or employment remain valid, except the contract may not thereafter be renewed.
5. a contract with a corporation of which the interest of the Board member, officer or employee, by reason of stockholding, is less than 5% of the outstanding shares.
6. contracts between the School District and a Board member, officer or employee in which the total amount does not exceed $750.00 in any fiscal year.
7. where application of the conflict of interest rules would necessitate the engagement of a bank or trust company outside of the municipality or school district, the board may designate a bank or trust company in which the board president, treasurer or deputy treasurer has an interest in such entity. The designation shall be as a depository, paying agent or registration agent for the investment of funds.
8. a contract with a person, firm, corporation or association in which a municipal officer or employee has an interest prohibited solely by reason of employment as an officer or employee of such other entity, if their compensation will not be directly affected as a result of the contract with the municipality or school district, and duties do not directly involve the procurement, preparation or performance of any part of the contract.
9. the designation of a newspaper, including an official newspaper, for the publication of notices, resolutions or other proceeding where publication is otherwise required or authorized by law.
10. the purchase of real property or any interest therein when approved upon a petition to the State Supreme Court by the board of education.
11. acquisition of real property or an interest in real property through eminent domain proceedings.
12. sale of bonds and notes pursuant to §60.10 of the Local Finance Law.

Disclosure Requirements:
Board members, an officially declared candidate for the Board of Education, officers and employees must annually and publicly disclose the nature and extent of any non-excepted interest they or their spouse have, will have, or later acquire in any actual or proposed contract, purchase agreement, lease agreement or other agreement involving the school district (including oral agreements), even if it is not a prohibited interest under applicable law. Such disclosure must be in writing and made part of the official record of the school district. Disclosure is not required in the case of an interest that is an exception exempted under General Municipal Law §802; however, board members, officers and employees are encouraged to voluntarily make such disclosure.

If a board member is legally permitted to vote on a matter, but the matter is subject to disclosure by statute, or if the board member chooses to voluntarily disclose an excepted interest, the affected board member may request to be the last member called to vote on such matter.

II. OTHER PROHIBITED ACTIVITIES

No School District officer or employee shall:
1. use or attempt to use his or her official position to secure unwarranted privileges or exemptions for such officer or employee or others.
2. by his or her conduct give reasonable basis for the impression that any person can improperly influence such officer or employee or unduly enjoy special favor in the performance of official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person.
3. shall hire, supervise, evaluate, promote, review or discipline any other employee who is a member of the same family. In the event that marriage, promotion, or reorganization results in a situation not in compliance with this policy, reassignment or transfer will be effected, in accordance with the applicable provisions of any collective bargaining agreement, to correct the situation. For purposes of full transparency, no member of the Superintendent’s family, nor that of his/her Cabinet, shall be appointed without disclosure of the relationship to the Board of Education.
III. BOARD MEMBER TRAINING

1. board members shall, within the first year of their term, complete a minimum of six hours of training on fiscal oversight, fiscal and other accountability and fiduciary responsibilities of a school board member from an authorized provider of such training.

2. board members elected or appointed for a first term beginning on or after July 1, 2011 shall, within the first year of their term, complete a training course on the powers, functions and duties of school boards, and the powers and duties of other governing and administrative authorities affecting education.

4. the mandatory Board member trainings may be taken together as a single course or separately.

4. each affected Board member must file a certificate of completion of such course or courses issued by the provider with the District Clerk.

IV. CONFIDENTIALITY REQUIREMENTS FOR BOARD MEMBERS

Board members, officers or employees are prohibited from disclosing confidential information acquired by them in the course of their official duties or using such information to further their personal interests. Board members, officers and employees who are privy to the Board packet materials that contain opinions, recommendations and/or evaluations shall not further disclose the contents of same. In addition, board members, officers and/or employees may not disclose the following matters discussed in executive session or as contained in Board informational materials issued by the Superintendent:

1. matters which will imperil the public safety if disclosed.
2. matters which may disclose the identity of a law enforcement agency or informer.
3. information relating to a current or future investigation or prosecution of a criminal offense.
4. discussion regarding proposed, pending or current litigation.
5. collective negotiations under the Taylor Law.
6. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment or employment or promotion or demotion or discipline or suspension or removal of a particular person or corporation.
7. the preparation, grading or administration of examinations.
8. proposed acquisition, sale or lease of real property, securities, only when publicity would substantially affect the value thereof.
9. student records pursuant to the Family Educational Rights and Privacy Act (FERPA).
10. matters subject to the attorney-client privilege.

Upon the approval of a quorum of the board at a publicly conducted open meeting, matters discussed in executive session may be disclosed, except for those matters where individual
privacy rights protected by statute or regulations would be violated (e.g. student records privacy rights, health/medical privacy rights, etc.).

V. COMPATIBILITY OF OFFICES

Section 2103 of the Education Law prohibits the following office holders from also holding the office of Board of Education member:

1. District Superintendent.
2. Treasurer.
4. Village Zoning Board of Appeals Member.
5. Town Supervisor.
6. District Attorney.
7. Private School Board Member of a school located within the public school district.
8. County Elections Commissioner.
9. any elective City office other than as a policeman or fireman.

Not more than one member of a family sharing the same household shall be a member of the same board of education in any school district.

No employee of a board of education may be a member of such board.

VI. GIFTS

No board member, officer or employee shall directly or indirectly solicit any gift, or accept or receive any gift, having a value of $75.00 or more under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her, in the performance of his/her official duties, or was intended as a reward for any official action on his/her part. If a board member, officer or employee receives any gift having a value of $75.00 or more, such gift shall be returned.

VII. VOIDING OF CONTRACTS

Contracts willfully entered into in violation of Article 18 of the General Municipal Law regarding conflicts of interest are deemed void.

VIII. VIOLATIONS AND CONSEQUENCES

Bases for Removal:
A board member may be removed from office for violating their oath of office and/or neglecting their duty.
The willful violation of Article 18 of the General Municipal Law is a misdemeanor and may also result in the Board member’s removal from office.

A board member may be removed from office upon the grounds of official misconduct for attempting to take official action on behalf of the board when such action is not authorized by statute, regulation or decisional law.

Pursuant to §2109 of the Education Law, a board member who refuses or neglects to attend three successive board meetings of which he or she was duly notified, without offering a good and valid excuse to the other members, may be removed from office. The vacating of office must be formalized by a board resolution declaring the same vacated.

If a board member discloses to any other party any confidential information acquired by him/her in the course of his/her official duties, including confidential matters, executive session restricted information as described in Point IV above, or such information as presented in the Superintendent’s informational Board packets, or uses such information to further his/her personal interests, the Board may initiate a removal hearing upon the grounds of official misconduct, or file a petition to the Commissioner of Education to have the member removed from office.

Board members shall be entitled to present questions regarding the confidential nature of information, in light of this policy, to the school district’s attorneys for a written opinion that will be made available to all members of the board. Such opinion must be solicited through the Board of Education President, or, in his/her absence, through the Board of Education Vice President.

The willful receipt and retention of a gift having a value of $75.00 or more may result in removal from the Board.

A board member may be removed for official misconduct for slapping, punching and/or assaulting another board member during a board meeting.

A board member’s seat automatically becomes vacant for failing to file the signed oath of office card with the board clerk within thirty days after the commencement of the term of office, or within thirty days of notice of appointment to an appointive office.

A board member may be removed for failure to complete the minimum six hours of fiscal training and/or the training regarding the powers, functions and duties of boards of education and

1 I do solemnly affirm and declare that I will support the Constitution of the United States of America and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of board of education member according to the best of my ability.
the duties of other governing and administrative authorities affecting public education, and to file
the Certificates of Completion of the course(s) with the District Clerk.

A person removed from a school district office shall be ineligible to appointment or election to
any district office for a period of one year from the date of removal.

**Board Member Removal Process:**
In accordance with Education Law §1709(18), whenever a board member has been found guilty
of any official misconduct following a hearing before the board, he or she may be subject to
removal by board resolution. The hearing before the Board shall be conducted by a legally
trained hearing officer who shall assist in the preparation of findings of fact and conclusions of
law. Any board member subject to removal proceedings shall be entitled to a typewritten
transcript at no cost. In the event of a Board determination to remove a member from the Board,
there is a right to appeal to the Commissioner of Education.

In accordance with §306 and/or §1706 of the Education Law, the board may petition the
Commissioner of Education for the removal of a board member guilty of any willful violation or
neglect of duty of the Education Law, or any other act pertaining to school districts, and/or
willful disobedience of any lawful requirement of the Commissioner of Education, or a want of
due diligence in obeying such requirement

In accordance with §1709(18), a board of education, or, upon petition, the Commissioner of
Education, may remove a member, however, neither has the authority to censure or reprimand a
member.

**Discipline of Other Officers and Employees:**
An officer, other than a Board member, or an employee, may be subject to disciplinary action,
including reprimand, fine, suspension or termination of employment, in accordance with due
process of law, if applicable, for violating this policy.

**IX. DISTRIBUTION, FILING AND POSTING REQUIREMENT**

The Superintendent of Schools shall distribute to every board member, officer and employee in
the School District a copy of the code of ethics.

The District’s code of ethics shall be filed annually by the District Clerk in the State
Comptroller’s Office.

In accordance with §807, General Municipal Law, the Superintendent of Schools must ensure
that a copy of Article 18, General Municipal Law is posted in each public building in a
conspicuous place.

**First Reading: March 21, 2012**
**Adoption Date: April 11, 2012**
BOARD ORGANIZATIONAL MEETING

The Board of Education will hold its annual organizational meeting during the first week in July, at a time to be determined by the Board. The purpose of the organizational meeting is to elect officers of the Board and make the proper appointments and designations of other district employees for the proper management of the school district during the school year.

The District Clerk shall call the meeting to order, and shall preside until the election of a new president. The order of business to be conducted at the organizational meeting shall include items required or implied by state law and/or regulation. The Board may also conduct general district business at the end of the meeting before adjourning. All Board of Education meetings will be conducted in accordance with generally accepted Rules of Order. All participants are expected to treat the process and all present in an orderly and respectful manner.

I. Oath of Office

The District Clerk shall administer and countersign the oath of office to newly-elected Board members. The oath shall conform to Article XIII-1 of the New York State Constitution, and Section 10 of the Public Officers Law. No new Board member shall be permitted to vote until he/she has taken the oath of office.

II. Election of Board Officers

The Board shall elect a president and vice-president for the ensuing year, and administer the oath of office to them. A majority of all members of the Board shall be necessary for a valid election.

III. Appointment of District Officers

The Board shall appoint and the Board President administer the oath of office to the following district officers:

- District Treasurer
- District Clerk
- Claims Auditor
- Deputy Treasurer
- Tax Collectors and Deputies

IV. Appointment of Other Positions

The Board shall appoint and establish the stipend (if any) for the following positions:

- School Physician
- Census Enumerator & assistants
- Internal Audit Function
- Asbestos Designee
- Treasurer, Extraclassroom Activities
- Title VI Compliance Officer
- Liaison for Homeless Children & Youth
- Title IX/Section 504/ADA Hearing Officer(s)
- Medicaid Compliance Officer
- Purchasing Agent
- Supervisors of Attendance
- Insurance Advisor
- Records Access Officer
- Records Management Officer
- Independent District Officer
- EEO Officer
V. Bonding of Personnel

The Board will bond the following personnel handling district funds:

Tax Collector(s)    Claims Auditor
District Treasurer    Deputy Treasurer
Central Treasurer (Extraclassroom Activities)

The Board may include any of the above officers in a blanket undertaking, pursuant to law and Commissioner's Regulations, rather than bond individuals.

VI. Designations

The Board shall designate:

- Official depositories for district funds
- Official newspapers
- The day and time of regular meetings
- Rate for mileage reimbursement

The Board shall also adopt the rotational list of impartial hearing officers for the district as provided by the State Education Department.

Cross-ref: 2310 Regular Board Meetings
6675 Extraclassroom Activities Fund

Ref: New York State Constitution, Article XIII, §1
General Municipal Law §103(2) (official newspapers)
Public Officers Law §§10; 13; 30
Education Law §§ 701 (meeting to elect president, may elect vice president); 1707 (date of meeting); 2130 (appoint clerk, bonded treasurer and bonded tax collector); 2504 (small city meeting during the first week of July, day and time of regular meetings)
BOARD OFFICERS

The President and Vice-President of the Board of Education shall be elected by members of the Board at the annual reorganization meeting in July.

Duties of the President of the Board

The duties of the President of the Board shall be as follows:

1. to preside at all meetings;
2. to call special meetings he/she considers necessary or on request of one member of the Board;
3. to appoint committees with the advice of fellow Board members;
4. to act as an ex-officio member of all committees;
5. to execute all documents on behalf of the Board;
6. to perform the usual and ordinary duties of the office.

Duties of the Vice-President

The Vice-President shall assume all the duties of the President in his/her absence.

Ref: New York State Constitution, Article 13 §2
Local Finance Law §2.00(5)(e)
Education Law §§1709; 2105(6); 2502; 2504; 2553; 2563; 2590-b

Adoption date: July 15, 2009
COMMITTEES OF THE BOARD

The Board and/or 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 may only make recommendations to the Board, but cannot make decisions for the entire board. Any member of the Board of Education, even if he/she is not a member of a particular committee, may attend their meetings. As any other member of the public, Board members are seated with other attendees, and are invited to speak only at the discretion of the chair.

**Standing Committees**

The Board and/or President of the Board shall establish the following committees as standing committees. Board membership will consist of less than a quorum of the full membership, and the committee will function as a sub-set of the full board:

- Audit and Finance Committee.
- Policy Committee.
- Joint Visitation/Master Plan Facilities Committee
- Curriculum and Instruction Committee

**Ad Hoc Committees**

At the request of the board and/or administration, the President shall appoint temporary committees consisting of less than a quorum of the full membership for special purposes. The composition of each committee shall reflect its purpose and each committee shall have a clear assignment. These committees shall be discharged upon the completion of their assignment.

**Citizens Advisory Committees**

The Board shall, at its discretion and in accordance with state law and regulation, appoint Citizens Advisory Committees of representative residents of the district to provide advice and reaction about important matters before the Board which may have special significance for the community. Such committees serve in an advisory capacity only, and publicity or the release of information concerning any findings, recommendations, progress reports, etc. shall be the responsibility and the prerogative of the Superintendent or the Board.

Each committee shall be appointed for a specific and well-defined purpose and with a projected time frame. The Superintendent and the Board President, or their designees, shall be a member of all such committees. Committee members shall be appointed on the basis of interest, experience, qualifications, expertise, availability and concern. In addition, the appointees should be able to fairly represent the views of various parts of the community. These committees and their members would be discharged when work is finished, the projected time frame is reached, or earlier, by a majority vote of the Board. Persons serving on advisory committees should be acknowledged for their service.

A few such committees are required by Education Law and Commissioner’s regulations. An example of such a committee is an AIDS Advisory Committee.

Adopted: 08/05/09; 1st Reading of Revision: 10/17/12; Adopted: 11/07/12
1st Reading of Amendment: 08/20/14; Adopted: 09/03/14
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.

For all regular and scheduled special meetings of the Board of Education, the District Clerk shall give adequate notice to all members and to the community, including posting notice of the time and place of meetings on the district website.

All Board of Education meetings will be conducted in accordance with generally accepted Rules of Order. All participants are expected to treat the process and all present in an orderly and respectful manner.

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 Kingston 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.

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.

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

Broadcasting and Taping of Board Meetings

As a meeting of a public body, school board meetings are open to the public so that people can witness and observe the decision making process. The Board encourages representatives of the news media to attend all meetings of the Board for the purpose of

- continued -
disseminating newsworthy information to the public. To further reach members of the community who may not be able to attend, meetings open to the public shall be open to being photographed, broadcast, and/or webcast.

The use of any photography, broadcast, recording equipment or other such device to allow for the broadcasting or recording of public meetings of the Board of Education, or a committee appointed thereby, is permissible as long as the device is unobtrusive and will not distract from the true deliberative process of the Board. The Board President or chairperson of the committee shall be informed prior to the meeting that such recordings are being made. The Board President, in turn, will inform attendees at the opening of the meeting.

If a meeting will be streamed live over the internet, notice will indicate the internet address of the website streaming the meeting.

Ref: Open Meetings Law, Public Officers Law §§100 et seq.
Mitchell v. Board of Education of Garden City UFSD, 113 AD2d 924 (1985)
People v. Ystueta, 99 Misc 2d 1105(1979)

NOTE: Refer also to Policy #1520 -- Special Meetings of the Board of Education
#2210 – Board Organizational Meeting

Adopted: September, 1, 2004
Revised: March, 07, 2007
1st Reading: August 9, 2011, 2nd Reading: August 31, 2011, Adopted: September 7, 2011
1st Reading: September 12, 2018, Adopted: September 26, 2018
SPECIAL MEETINGS

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

All Board of Education meetings will be conducted in accordance with generally accepted Rules of Order. All participants are expected to treat the process and all present in an orderly and respectful manner.

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

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

Cross-ref: 2310 Regular Board Meetings

Ref: Education Law §§1606; 2504; 2563
Open Meetings Law, Public Officers Law §§100 et seq.

Adoption date: August 5, 2009
EXECUTIVE SESSIONS

The Board of Education may hold executive sessions at which only the members of the Board or persons invited by the Board shall be present. However, the executive session is only available for the purpose of discussion, and except as the law allows, formal action must be taken in an open session.

Executive sessions can be requested by any member of the Board or the Superintendent of Schools.

A Board member must make a motion during an open meeting to convene in executive session. Upon a majority vote of its total membership, the Board may convene in executive session at a place which the Board President or said members may designate within the district to discuss the subjects enumerated below. Matters which may be considered in executive session are:

1. matters which will imperil the public safety if disclosed;
2. any matter which may disclose the identity of a law enforcement agent or informer;
3. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
4. discussions regarding proposed, pending or current litigation;
5. collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law);
6. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
7. the preparation, grading or administration of examinations; and
8. the proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities, but only when publicity would substantially affect the value thereof.
9. any matter made exempt by federal law (e.g., Family Educational Rights and Privacy Act), or state law (eg., attorney-client privilege).

A Board may not take action in executive session except to vote on disciplinary charges against a tenured teacher.

Minutes shall be taken at executive sessions of any action that is taken by a formal vote and should consist of a record or summary of the final determination of such action and the date and vote thereon, provided, however, that such summary shall not include any matter which is not required to be made public by the Freedom of Information Law. Minutes taken shall be available to the public within one week from the date of the executive session.

Ref: Education Law §1708 (3)
Public Officers Law §§100 et seq.
Application of Nett and Raby, 45 EDR 259 (2005)
Formal Opinion of Counsel No. 239, 16 EDR 457 (1976)

Adoption date: September 16, 2009
AGENDA PREPARATION AND DISSEMINATION

Preparation

The agenda and preparation for meetings shall be the responsibility of the Superintendent and the Board President before distribution to all Board members. Once the agenda has been set it becomes the agenda for the meetings and can only be changed by the Board according to appropriate Board policies.

Board members, employees and residents of the district may suggest agenda items by contacting the Superintendent or Board President with written proposals. The inclusion of items suggested by district employees, parents, students, or other members of the public shall be at the discretion of the Superintendent and the approval of the Board President.

Dissemination

All proposals for consideration by the Board shall be in writing with any supporting materials to be delivered to all Board members in the same day at roughly the same time, the Superintendent and others as required by law or as appropriate. Generally, the delivery of the agendas for regularly scheduled Board meetings will be done five (5) days prior to the meeting. Additional or different information, including properly prepared agenda items, may be supplied to Board members as early as possible before the start of meetings.

In addition to the annual notice of meetings, the Board believes that public notice of its meetings is essential to ongoing, proactive cooperation and understanding; therefore, copies of the agenda, and supporting material that is permissible to be released to the public, will be available in the district office two (2) days prior to the meeting. In addition, the agenda, and supporting material that is permissible to be released to the public, will be posted on the district’s web site, to the extent practicable, two (2) days prior to the meeting.

Order of Business

Each Board meeting shall be conducted in an orderly manner which preserves time for public participation, recommendations from the Superintendent and studied decision-making.

Ref: Public Officers Law 103(e)

Adoption date: July 15, 2009
First Reading of Revision: January 16, 2013
Revised Adoption Date: February 6, 2013
BOARD-STAFF COMMUNICATIONS

The success of any school system requires effective communication between the Board of Education and school staff. The main goal of both the Board and the staff is to provide the best possible educational opportunities for the entire community.

Staff participation in the development of policies will be encouraged and facilitated. The Superintendent of Schools, as professional leader of the staff and the chief executive of the district, will establish the avenues for board-staff communication.

All communications and reports to the Board from staff members and staff organizations will be submitted to the Board through the Superintendent. However, this will not be construed as denying the right of any staff member to appeal decisions of the Superintendent to the Board in accordance with Board policies or to address matters of public concern to the same extent and in the same manner as members of the public without fear of reprisal.

All official Board communications, policies and directives of staff interest and concern will be communicated to the staff through the Superintendent. The Superintendent will develop appropriate methods to keep staff fully informed of the Board's concerns and actions.

NOTE: Refer also to Policy #2110 -- Board Member Authority

Adopted: October 21, 2009
POLICY FORMULATION, ADOPTION, REVIEW AND AMENDMENT

The Board recognizes that the formulation, adoption, review and amendment of its policies constitutes the basic method for the Board to exercise its governance role. Policies shall be in the form of broad principles that define the desire and intent of the Board. They should be consistent with the definition of policy as established by the National School Boards Association:

Policies are principals adopted by the Board to direct a course of action. They tell what is wanted; they may include why and how much. Policies should be broad enough to indicate a line of action to be followed by the administration in meeting a number of problems; but narrow enough to give clear guidance. Policies are guides for action by the administration, who then sets the regulations to provide specific directions to School District personnel.

Administrative regulations must in every respect be consistent with the policies adopted by the Board of Education. While the Superintendent shall have the basic responsibility for reviewing and recommending new policies or policy modifications, anyone may make proposals following the procedure set forth in established regulations. The Board will regularly evaluate its policies and consider changes based upon feedback from relevant groups and/or individuals.

Policies may be adopted, amended or eliminated at any regular or special meeting of the Board of Education. While policy matters of urgency may be approved by a majority vote, usually policy changes occur with at least one reading prior to adoption. Typically, a first reading will occur at the second monthly board meeting, with the resolution to adopt, at the first meeting of the following month. Once the board has had its first reading, the proposed policy will be placed upon the district web site, and public comment will be invited. The periodic Board review of policies in whole or in sections does not require readings prior to approval. The Board directs the Superintendent to bring to its attention any policy change he/she believes needs approval, including those policies which require frequent review (e.g., student conduct and discipline are reviewed annually per Commissioner's Regulations).

All policy proposals shall be titled and coded and when approved shall be recorded in Board minutes and later made part of the policy manual. Only those written statements so titled, coded and recorded shall be regarded as official Board policy.

The Board directs the District Clerk to establish and maintain an orderly plan for preserving and making these policies accessible to Board members, employees and others insofar as conveniently possible. All policy manuals are the property of the School District and subject to recall by the District Clerk for periodic updating. All persons who are designated as policy manual recipients are also held responsible for keeping their manuals updated. In addition to manuals, the District Clerk will update policies on the District web site for immediate and timely access to all revisions made by the Board of Education.

The Board delegates to the Superintendent the right to execute approved policies and the responsibility and authority to establish any and all rules, regulations and/or procedures to implement and maintain policies; and to take action if a situation arises for which there is no policy.
Policies of the Board not subject to law or contractual arrangements shall be subject to suspension only upon a majority vote of all members of the Board at a meeting wherein the agenda described the proposed suspension or upon a two-thirds vote of members present when no such agenda notice has been given.

The Board will make every effort to ensure that its policies conform to the higher supremacy of State and Federal laws. Questions concerning the legality of any policy should be referred to the Superintendent for review.

The Board expects compliance with its formally adopted policies and charges the Superintendent to convey that message. The Board delegates to the Superintendent the implementation and interpretation of policies through his/her administrative regulations and decisions.

Education Law Sections 1604(9) and 1709(1) and (2)
ORIENTING/TRAINING NEW BOARD MEMBERS

The Board places importance on the ability of new Board members to be knowledgeable about school governance issues. From the time he/she is sworn into office, a new member must be prepared to discuss and cast informed votes on matters before the Board. The Board and the Superintendent shall assist each new Board member-elect to become familiar with and understand the Board's functions, policies and procedures, and the School District's operation as soon as possible. Each new Board member is expected to complete the orientation program for Board members such as those offered through the New York State School Boards Association, Mid-Hudson School Study Council, Ulster County BOCES or other appropriate organizations.

The Board directs the Superintendent, or his/her designee to provide an orientation which includes the following elements:

a) Placement on mailing lists for educational publications and information;

b) Invitations to attend Board meetings prior to being sworn in as a Board member including Executive Session at the discretion of the Board President.

c) Presentation of selected materials about the Board and the District including policies, regulations, reports, employee contracts, budgets, tax information, etc. which may be helpful and informative;

d) Opportunities to learn firsthand about the District in meetings with individual Board members, as well as sessions with the Superintendent and his/her staff which could include escorted visits to schools and departments;

e) Encouragement to attend county, regional and state workshops for new school Board members as well as other related workshops and the requirement to attend any trainings should they be mandated, including Medicaid compliance oversight; and

f) Opportunities to attend board retreats and/or workshops to discuss board governance, protocols, goals, etc.

Furthermore, Members of the Board of Education elected or appointed for a term beginning on or after July 1, 2005, shall, within the first year of their term, complete a minimum of six hours of training on the fiscal oversight, accountability and fiduciary responsibilities of a school board member.

Additionally, Board members elected or appointed for a first term beginning on or after July 1, 2011, shall, within the first year of his or her term, complete a training course to acquaint him or her with the powers, functions and duties of boards of education, as well as the powers and duties of other governing and administrative authorities affecting public education.

These mandatory trainings may be taken together as a single course or separately.

Each member shall demonstrate compliance with these requirements by filing with the district clerk a certificate of completion of such course issued by the provider. Actual and necessary expenses incurred in complying with this requirement shall be a charge against the school district.
In order to control both the investment of time and funds necessary to implement this policy, the Board establishes these principles and procedures for guidance:

a) The District Clerk and Superintendent will compile, maintain and distribute to all Board members information about conferences, meetings and workshops which may be of benefit to the School District;

b) The funds for participation at such meetings will be budgeted on an annual basis. When funds are limited, the Board will designate which of its members would be most appropriate to participate at particular meetings;

c) Board members who participate are expected to share information and materials acquired at such meetings; and

d) Board members, approved for attendance, may be reimbursed for reasonable and necessary expenses provided the District travel reimbursement procedures are followed.

The Board of Education believes that proper orientation and development of its members, individually and collectively, is essential to model for students and staff the value of lifelong continuous learning. The Board desires to continuously improve its own operations and that of the School District by demonstrating its own development as an exceptional Board of Education.
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, strongly 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.

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 Board delegates the authority to authorize attendance by Board members at conferences, conventions, workshops and the like to the Board President, who shall indicate his/her approval of same in writing. Such written approval must be attached to any registration or claim form submitted to the Business Office for payment or reimbursement.

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

Cross Ref: 6830 Travel, Conference Attendance and Expense Reimbursement

Adopted: 11/3/04
COMMUNICATION AMONG INDIVIDUAL BOARD MEMBERS

The Board of Education recognizes its responsibility to adhere to the Open Meetings Law and protect the public’s right to observe its meetings and deliberations. The Board shall adhere to the spirit and intent of this law and agrees that private, informal communication will not be used to replace board meetings.

Voting, action, and/or deliberation by a board may only occur at a meeting during which a quorum of board members has physically convened or convened by means of video-conference.

While individual board members may communicate to share information or expertise, the Board does not condone any communication (i.e., telephone, conference call, member polls, mail, or e-mail), directly or serially, which has the intent or effect of circumventing the Open Meetings Law.

Freedom of Information Law

In addition, the Board recognizes communications maintained in some physical form, including e-mail stored in a computer, that are received or prepared for use in board business or containing information relating to board business may be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by state or federal law.

Board members shall avoid reference to confidential information about employees, students or other matters in e-mail communications because of the risk of improper disclosure. Board members shall comply with the same standards as school employees with regard to confidential information.

Cross-ref: 1120, School District Records
2160, School District Officer and Employee Code of Ethics

Ref: Public Officers Law §§ 102, 103, 108
Family Educational Rights and Privacy Act, 20 U.S.C. 1232g
Robert J. Freeman, Executive Director, NYS Committee on Open Government “E-Mail: Food for Thought”

Adoption date: February 6, 2008
DUTIES OF THE SUPERINTENDENT

The Superintendent of Schools, as chief executive officer of the school district and educational system, will have the following specific powers and duties:

Relationship with the Board

1. to serve as the executive officer for the Board and be charged with the responsibility for implementing the policies of the Board. He/She shall work with the Board President in planning the agenda for each meeting, shall attend all meetings and participate in all regular and special meetings of the Board and executive meetings of the Board;
2. to develop a harmonious and close working relationship with the Board. He/She shall treat all Board members impartially and alike, refraining from criticism of individual or group members of the Board. He/She shall go to the Board when serious differences of opinion arise in an earnest effort to resolve such differences immediately;
3. to serve as a resource person and advisor to the Board. He/She shall keep the Board informed on issues, needs, and operation of the school system. He/She shall offer advice to the Board, based on thorough study and analysis, on items requiring Board action;
4. to provide a continuous appraisal of all school policies originating with the Board. He/She shall advise the Board on the need for new and/or revised policies;

Educational Direction and Leadership

5. to develop administrative principles and procedures for implementing Board policy. He/She shall ensure the enforcement of all provisions of law, rules and regulations, and Board policy relating to the management of the schools and other educational, social and recreational activities. He/She shall interpret for the staff all Board policies and applicable laws, rules and regulations;
6. to understand and keep informed on all aspects of the instructional program at all levels. He/She shall have responsibility for the supervision of instruction and shall bring to the school, in a leadership capacity, the best in educational thought and practice. He/She shall, on a continuing basis, review and update the educational program of the school, keep the Board informed of all changes in curriculum, and submit to the Board of Education new and major initiatives;
7. to recommend to the Board for its adoption textbooks to be used in the schools;
8. to encourage a positive approach to student behavior and discipline;

Personnel

9. to develop and implement sound personnel practices, consistent with law, Board policy and collective bargaining agreements, including recruitment, hiring, assignment, supervision, evaluation, promotion, and discipline of all personnel. He/She shall develop procedures for the selection of staff members. He/She shall establish standards for
teacher selection, and shall provide a framework for continuing in-service training of all professional staff members;

10. to recruit qualified professional, civil service, and non-certified personnel;

11. to nominate employees for appointment, promotion, transfer or dismissal in accordance with the policies of the Board and the procedures outlined by the law. He/She shall make recommendations to the Board regarding salary and tenure of all employees. He/She may temporarily suspend any employee for cause and shall promptly report such suspension to the members of the Board. Unless otherwise determined by the Board, he/she is authorized to reemploy all employees upon the adoption by the Board of the budget for the following year;

12. to supervise and assure the evaluation of all staff members. He/She shall work for good morale and be impartial, firm and fair in dealing with staff;

13. to encourage in-service education and the professional growth of staff through conferences, workshops, group discussions, committee/individual studies and use of consultants;

14. to advise the Board, in conjunction with the Board-designated negotiator(s), in all collective bargaining matters;

Financial Management

15. to prepare and present to the Board a preliminary annual budget in accordance with a schedule established with the Board. He/She is responsible for ensuring that the budget, as adopted by the Board and approved at the annual meeting, is properly administered. He/She shall ensure that regular reports are made to the Board on the status of the budget;

16. to establish efficient procedures to maximize income, safeguard investments and provide effective controls for all expenditures of school funds in accordance with the adopted budget. He/She shall ensure that all necessary bookkeeping and accounting records are maintained by the district;

Facilities Management

17. to supervise operations, maintenance, alterations and repair to buildings and grounds, insisting on competent and efficient performance;

18. to evaluate plant needs and recommend to the Board improvements, alterations and changes in the buildings and equipment of the district;

Community Relations

19. to supervise the public relations activities of the district. He/She shall keep the public informed about the policies, practices, and problems in the district’s schools, and provide leadership in changing attitudes and practices for the future;

20. to establish and maintain an effective working relationship with all segments of the community: parent-teacher organizations, local and state government, the media, other school systems, institutions, agencies, civic organizations, and the general public.
He/She shall solicit and give attention to problems and opinions of all groups and individuals;

Personal Qualities and Growth

21. to demonstrate outstanding qualities of leadership with ability to delegate authority and responsibility effectively and to hold subordinates accountable;
22. to exhibit good judgement, common sense and perception;
23. to exhibit the ability to face controversy, remain true to convictions and to live with a high-pressure job;
24. to speak well before large and small groups, expressing ideas in a logical and forthright manner;
25. to maintain professional development by reading and course work, attending conferences, working on professional committees, visiting other districts, and meeting with other Superintendents;

Management Functions

26. to coordinate and manage the district so that the school organization operates smoothly and efficiently. He/She must be able to coordinate the processes essential to achieving a smooth operation in all areas of the school district organization:

• Planning: determining needs, objectives and goals;
• Organization: assigning roles, responsibilities and establishing lines of communication;
• Control: ensuring that progress is being made toward priorities, disciplining, making necessary staff reallocations and changes and evaluations;
• Decision-making: data-collecting, analyzing data and choosing appropriately from a variety of decision-making techniques;
• Problem-solving: sensitivity to problems, formulating problem statements, and using a variety of problem solving techniques;
• Communication: giving and receiving information effectively both orally and in writing, facilitating the exchange of information, views and opinions; and

27. to perform such other duties as the majority of the Board may determine.

Ref: Education Law §§1604(8); 1711; 1804

Adoption date: August 5, 2009
ADMINISTRATIVE AUTHORITY DURING ABSENCE OF THE SUPERINTENDENT OF SCHOOLS

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

Renumbered August 14, 2009

Adoption Date
06/01/05
ADMINISTRATIVE ORGANIZATION

Administrative duties, assignments and positions are to be assessed in terms of contributions to the continual improvement of education within the school district. The Superintendent of Schools, as chief executive officer, is to provide leadership to support this goal.

The district’s administrative organization shall be designed so that all schools and other organizational units are part of a single system functioning according to Board of Education policies and administrative regulations. Principals and other administrators are expected to administer their units in accordance with these concepts and the Superintendent’s directions.

The Superintendent, each principal and all other administrators shall have the authority and responsibility as defined by job descriptions and other documents to carry out their specified duties. Each administrator shall likewise be accountable for the effectiveness with which they perform their duties and the results they obtain. The Board shall be responsible for stating clear expectations for the Superintendent and holding him/her accountable. In turn, the Superintendent shall be responsible for specifying long and short term performance requirements and assignments for all other administrators, and for holding each accountable through a systematic and results-oriented plan for evaluation.

The basic principles of administrative organization and operation are:

- The Board shall formulate and legislate educational policy.
- Administrative regulations shall be developed by the Superintendent in cooperation with affected or interested staff members or lay persons.
- The central office staff shall provide overall leadership and assistance in planning and research.
- Areas of responsibility for each individual shall be clearly defined.
- There shall be full opportunity for complete freedom of communication between all levels in the school staff.
- An organizational chart shall be maintained as a quick visual reference, and to depict lines of responsibility/reporting.

Adoption date: August 5, 2009
Equivalence in Instructional Staff and Materials

In accordance with the federal No Child Left Behind Act, the Board of Education directs that services in Title I schools and programs, when taken as a whole, shall be substantially comparable to services in schools and programs that do not receive Title I funds. This includes curriculum materials, instructional supplies, and personnel (teachers, administrators, and other personnel). The Superintendent of Schools shall follow the State Education Department guidelines in determining such equivalence on an annual basis, and report to the board, upon request, on the status of district schools with regard to equivalence. The district shall maintain records, updated biannually, documenting this equivalence. Complaints regarding the district’s implementation of this equivalence requirement shall be addressed in accordance with Board policy #1400 Public Complaints.

Cross-ref: 1400 Public Complaints
Ref: 20 USC 6321(c)(No Child Left Behind Act of 2001)

Adopted: January 20, 2010
CURRICULUM DEVELOPMENT AND ADOPTION

The adoption of the district’s curriculum is one of the Board of Education’s most important responsibilities. What courses of study are offered is a matter of educational policy within the discretion of the district’s school board. The board recognizes this responsibility, and works cooperatively with administration and staff to develop, assess and improve the educational program of our schools. To this end, the board is committed to establishing and maintaining a coordinated curriculum management process that:

- Defines how the district’s curriculum is developed and approved.
- Ensures that the curriculum is taught and tested.
- Provides for the ongoing review and evaluation of the curriculum.

For purposes of this policy, “curriculum” means a series of planned instruction that is coordinated, articulated and implemented to result in achievement of specific knowledge and skills, and application of such knowledge and skills by all students.

Curriculum Development

The board views a centralized curriculum, articulated among and between grade levels, as essential to an effective instructional program designed to meet the learning standards established by the state and the board.

The Superintendent of Schools, in coordination with the Assistant Superintendent for Curriculum and Instruction, shall be responsible for designing and implementing instructional programs and curriculum that will forward the educational goals of the district.

The curriculum shall:
- Meet or exceed state mandates regarding course offerings and essential knowledge and skills.
- Focus on the content standards of each discipline and ensure that what students learn is rigorous and challenging.
- Provide sufficient flexibility to meet individual student needs at each stage of development.
- Reflect current research, best practices and technological advances within each discipline.
- Promote congruence among the written, taught and assessed content.

- Continued -
Curriculum Adoption

All course curriculums will be reviewed by the Superintendent, or his/her designee, who will make recommendations for board action. **All on-line, hybrid, and blended courses will conform to the same criteria set forth for traditional courses.**

Criteria by which the Superintendent, or his/her designee, may judge the acceptability of new course curriculums include, but shall not be limited to, the following questions:

- Does it have direct relevance to the vision, mission, educational philosophy and goals of the district?
- Have the objectives of the course been clearly specified?
- Does it fit into the articulated content area sequence?
- Has it been studied?
- Has a curriculum scope/sequence been completed?
- Has the curriculum been mapped?
- Has the associated textbook(s) or other resources been adopted by the board?
- Have the costs of implementation been reviewed?
- Is there a clear and reasonable plan for periodic evaluation built into the proposal?

Updates to the written curriculum, and changes in the use of standardized assessments, will be reported to the board on an annual basis.

With prior board approval, the Superintendent may recommend new programs deemed necessary to the continuing improvement of the instructional program. Any elimination of a course of study (e.g., foreign language offerings) must be approved by the Board of Education.

The Board of Education directs the Superintendent to develop regulations to provide for the implementation and systematic evaluation of the district’s curriculum. The Superintendent shall make periodic reports and recommendations to the board.

Adopted: January 20, 2010
1st Reading of Amended Policy: August 15, 2012
Amended Adoption: September 5, 2012
DISPLAY OF THE FLAG

The Board of Education believes that the flag of the United States is a symbol of the values of our nation, the ideals embedded in our Constitution and the spirit that should animate our district.

The district shall purchase a *United States flag, flag staff and the necessary appliances for its display upon or near every school building. There shall be a flag on display in every assembly room of every school.

The flag shall be flown at full- or half-staff pursuant to law. In addition, the flag may be flown at half-staff to commemorate the death of a present or former Board member, present employee or student.

Consistent with national and state law and regulations and this policy, the Superintendent of Schools shall develop rules and regulations for the proper custody, care and display of the flag.

Ref:  Education Law §§418; 419; 420 (requirement for the school to purchase, display and develop rules and regulations for the care and custody of the flag)
Executive Law §§400-403 (rules for display of the flag)
8 NYCRR Part 108 (flag regulations)
4 U.S.C. §§5-9 (display of the flag)

Adoption date: February 6, 2008
AIDS INSTRUCTION

The district will provide age appropriate classroom instruction in compliance with commissioner's regulations, for all students K-12 concerning Acquired Immune Deficiency Syndrome (AIDS). Instruction will be provided as part of the sequential and comprehensive health program and shall include the following information:

1. the nature of the disease;
2. methods of transmission of the disease; and
3. methods of prevention of the disease stressing abstinence as the most effective and appropriate protection against AIDS.

A student shall be excused from that segment of AIDS instruction regarding methods of prevention of the disease if his/her parent/guardian files a request with the Building Principal. The request must give assurance that such instruction will be given at home.

The Board of Education shall be responsible for determining the content of the district's AIDS curriculum, approving its implementation and evaluating the AIDS instructional program. In addition, the Board will ensure appropriate training and curriculum materials are provided for the instructional staff providing AIDS instruction and to parents who request such materials.

The Board shall establish an advisory council which shall be responsible for making recommendations on content, implementation, and evaluation of the AIDS instructional program. The advisory council must consist of Board members, appropriate school personnel, parents and community representatives, including representatives from religious organizations.

Ref: Education Law §3204(5)
8 NYCRR §135.3 (Health Education incl. AIDS instruction)
Ware v. Valley Stream High School District, 75 NY2d 114 (1989)

Adoption date: February 6 2008
PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER THE IDEA AND NEW YORK’S EDUCATION LAW ARTICLE 89

The Board of Education shall make available a free appropriate public education to all students with disabilities who reside within its district and are eligible for special education and related services under the Individuals with Disabilities Education Act and Article 89 of New York’s Education Law, and their implementing regulations. Special education and related services will be provided to resident eligible students with disabilities in conformity with their individualized education program (IEP) and in the least restrictive environment appropriate to meet their individual educational needs. Special education services or programs will be designed to enable a student with disabilities to be involved in and progress in the general education curriculum, to the extent appropriate to his/her needs.

The Board also shall make available special education and related services to eligible students with disabilities parentally placed in a nonpublic school located within the district, regardless of whether they are residents of the district. However, this obligation does not extend to resident students with disabilities who are placed by their parents in a nonpublic school within district boundaries because of a disagreement between the parents and the school district over the provision of a free appropriate public education. Nonpublic school students with disabilities who are not district residents but who reside within New York State will be provided programs and services in accordance with their individualized education services program (IESP). Nonpublic school students with disabilities who reside out-of-state will be provided services in accordance with their services plan (SP). (Refer to policy 4321.10, Programs and Services for Parentally-placed Nonpublic School Students with Disabilities under the IDEA and New York’s Education Law Article 89 for more guidance on this topic).

In addition, to the maximum extent appropriate to their individual needs, eligible students with disabilities residing within the district and attending the district’s public schools will be entitled to participate in school district academic, cocurricular and extracurricular activities available to all other students enrolled in the district’s public schools. Such cocurricular and extracurricular activities may include athletics, transportation, recreational activities, school-sponsored special interest groups or clubs, and referrals to agencies that provide assistance to individuals with disabilities and the employment of students (including both employment by the school district and assistance in making outside employment available).

In providing a free appropriate public education to students with disabilities eligible under the IDEA and Article 89, the Board will afford the students and their parents the procedural safeguard rights they are entitled to under applicable law and regulations. The Board also will provide them with notice of such rights as required by law and regulation, using the form prescribed by the commissioner of education.

For purposes of this policy and others related to the provision of services to eligible students with disabilities, and consistent with applicable law and regulation, the word parent means a birth or adoptive parent, a legally appointed guardian generally authorized to act as the child’s parent or authorized to make educational decisions for the child; a person in parental relationship to the child as defined in section 3212 of the Education Law; an individual designated as a person in parental relation pursuant to title 15-A of the General Obligations Law,
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 commissioner’s regulations.

Eligible students with disabilities will be entitled to special education and related services until the end of the school year in which they turn 21 or until they receive a local high school or Regents diploma.

To ensure the provision of a free appropriate public education to all eligible students with disabilities:

1. School district staff will take steps to locate, identify, evaluate and maintain information about all children with disabilities within the district, including homeless children and children who are wards of the state, and children attending nonpublic school within the district (including religious schools), who are in need of special education.

2. The district will establish a plan and practice for implementing school-wide approaches and interventions in order to remediate a student’s performance prior to referral for special education services. The district will provide general education support services, instructional modifications, and/or alternative program options to address a student’s performance before referring the student to the Committee on Special Education (CSE). The School Intervention Team will develop, implement and evaluate pre-referral intervention strategies (4321.2, School-wide Prereferral Approaches and Interventions).

3. School district staff will initiate a request for evaluation of a student who has not made adequate progress after an appropriate period of time when provided instruction under a response to intervention program. In making the request the staff person will describe in writing intervention services, programs and methodologies used to remediate the student’s performance prior to referral. In addition, the extent of parental contact will be described as well.

4. The Board will appoint a committee on special education (CSE), and, as appropriate, CSE subcommittees, to assure the timely identification, evaluation and placement of eligible students with disabilities.

5. The Board will arrange for special education programs and services based upon the recommendation of the CSE or CSE subcommittee.

6. The Superintendent shall establish a plan for the recruitment, hiring and retention of staff appropriately and adequately prepared to meet the needs of students with disabilities including, but not limited to, highly qualified special education teachers.

7. The Superintendent shall establish a comprehensive professional development plan designed to ensure that personnel necessary to carry out IDEA and Article 89 possess the skills and knowledge required to meet the needs of students with disabilities.

8. The Superintendent will establish a process for ensuring that district staff understand the right of students with disabilities to access and participate in the same academic, cocurricular and extracurricular programs and activities as all other students enrolled in the district’s public schools, to the maximum extent appropriate to their individual needs.

Students with disabilities may or may not be on medication, and medication is not a requirement for receiving a free appropriate public education under the IDEA and New York’s Education Law Article 89.
Locate and Identify Students with Disabilities

The district will conduct an annual census to locate and identify all students with disabilities who reside in the district, and establish a register of such students who are entitled to attend the public schools of the district during the next school year, including students with disabilities who are homeless or wards of the State. The census shall be conducted, and the registry maintained, in accordance with the requirements established in Commissioner’s regulations.

The Superintendent will determine what other activities might be appropriate to help locate and identify students with disabilities. These may include, but are not limited to, the mailing of letters to all district residents regarding the availability of special education programs and services and their right to access such services, and/or the publication of a similar notice in school newsletters and other publications.
(Refer to policy 4321.10, Programs and Services for Parentally-placed Nonpublic School Students with Disabilities under the IDEA and New York’s Education Law Article 89, for more information regarding how to locate and identify nonpublic school students with disabilities).

Evaluation of Students with Disabilities

To initially determine a student’s eligibility for a free appropriate public education under the IDEA and Article 89, the district will conduct a full evaluation of the student in accordance within legally prescribed time lines. As set forth in Commissioner’s regulations, the initial evaluation will include, at least, a physical examination, an individual psychological evaluation unless the school psychologist determines it unnecessary, a social history, an observation of the student in the student’s learning environment to document the student’s academic performance and behavior in the areas of difficulty, and other appropriate assessments or evaluations (including a functional behavioral assessment for a student whose behavior impedes his or he learning or that of others) to ascertain the physical, mental, behavioral and emotional factors that contribute to the suspected disabilities.

Once a student has been determined eligible to receive a free appropriate public education, the district will reevaluate the student with a disability whenever the student’s parent requests a reevaluation, and when the district determines the educational and related services needs (including improved academic achievement and functional performance) of the child warrant a reevaluation. However, a reevaluation must take place at least once every three years, unless the student’s parent and the district agree it is unnecessary.

Parental Consent for Student Evaluations

Before conducting any type of evaluation, district staff will take steps to obtain written informed consent from a student’s parent, as required by applicable law and regulations. They also will keep a detailed record of those attempts and their results, including phone calls and correspondence, visits to the parent’s home and any responses received.

1. If a parent refuses to give consent for an initial evaluation, or fails to respond to such a request, the parent will be given an opportunity to attend an informal conference and ask
questions about the proposed evaluation. Unless the referral for evaluation is withdrawn, if the parent continues to withhold consent, the Board will commence due process proceedings to conduct an initial evaluation without parental consent within the time lines established in Commissioner’s regulations.

2. If a parent refuses to give consent for a reevaluation, or fails to respond to such a request, district staff will proceed with the reevaluation without parental consent if it has engaged in documented reasonable efforts to obtain such consent and the parent has failed to respond. If the district cannot document its efforts to obtain consent, the Board will commence due process proceedings to conduct a reevaluation without parental consent.

3. If district staff is unable to obtain consent for the initial evaluation or reevaluation of a home schooled or a parentally-placed nonpublic school student, the Board will not commence due process proceedings to conduct the evaluation without parental consent, and will consider the student as not eligible for special education.

**Conduct of Evaluations**

In conducting evaluations of students with disabilities, the district will use a variety of assessment tools and strategies, including parent-provided information, to gather relevant functional, developmental, and academic information for determining a student’s eligibility for special education and related services, and the content of the student’s individualized education program or individualized education services program or services plan in the case of nonpublic school students with disabilities (including information related to enabling the student to be involved in and progress in the general education curriculum).

The district also will assess a student in all areas of suspected disability, and the assessment and other evaluation used will not be discriminatory on a racial or cultural basis. In addition, students will be assessed in the language and form most likely to yield accurate information on what the student actually knows and can do academically, developmentally, and functionally, unless it is not feasible to do so.

In the case of students suspected of having a specific learning disability, the district will follow the procedures established in commissioner’s regulations.

The district will notify a student’s parent of any determination that no additional data is needed and the reasons for such a determination. It will also inform the parent of his or her right to request an assessment, notwithstanding that determination.

**Eligibility Determination**

The CSE or CSE subcommittee will determine whether a student is eligible for special education and related services under the IDEA and Article 89, as well as the student’s educational needs.

The CSE or CSE subcommittee may not determine that a student is eligible for special education and related services if the determining factor is lack of appropriate instruction in the essential components of reading, including phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills), and reading comprehension strategies; or lack of appropriate instruction in math; or limited English proficiency.
Committee on Special Education

The members of the CSE and CSE subcommittees will include those individuals identified in applicable law and regulations, and their attendance at CSE and CSE subcommittee meetings will be required except as otherwise provided in law and regulations.

The parent of a student with disabilities is one of the mandated CSE and CSE subcommittee members and as such has a right to participate in CSE and CSE subcommittee meetings concerning the identification, evaluation, educational placement, and the provision of a free appropriate public education to their child. District staff will take steps to ensure the parent’s participation, in accordance with the following:

1. CSE and CSE subcommittee meetings will be scheduled at a time and place that is mutually agreeable to the parent and the district.
2. The parent will be given at least five days notice of the time and place of a CSE or CSE subcommittee meeting, except as otherwise provided in law and regulation, along with notice of the purpose of the meeting, those who will attend (including name and title), and the parent’s right to be accompanied to the meeting by person(s) the parent considers to have knowledge and special expertise about their child.
3. The parent and the district may agree to use alternative means of participation at CSE meetings, such as videoconferences or telephone conference calls.
4. District staff will take any action necessary to ensure that the parent understands the proceedings at CSE meetings, including arranging for an interpreter for deaf parents or parents whose native language is other than English.

The CSE or CSE subcommittee may meet without a student’s parent only if district staff has been unable to obtain either parent’s participation, and has a record of its attempts to arrange a mutually agreed upon time and place. Similarly, the CSE or CSE subcommittee may make a decision without the involvement of the student’s parent only if district staff has been unable to obtain parental participation, even through the use of alternative means of participation, and has a record of its attempts to ensure parental involvement.

Provision of Services

The Board will arrange for appropriate special education and related services recommended by the CSE or CSE subcommittee within 60 school days of the district’s receipt of parental consent to evaluate a student not previously identified as a student with a disability, or within 60 school days of referral for review of a student with a disability, except as otherwise provided in law and regulations.

All staff responsible for the implementation of a student’s individualized education program, or an individualized education services program or services plan in the case of parentally placed nonpublic school students with disabilities, will be provided information regarding those responsibilities (Refer to policy 4321.5 for more information on this topic).
**Parental Consent for the Provision of Services**

The Board acknowledges that parental consent for initial evaluation does not constitute consent for placement for the provision of special education and related services. Therefore, district staff will take steps to obtain written informed consent for the initial provision of special education and related services to an eligible student. The Board will be precluded by applicable law and regulations from commencing due process proceedings to override the parent’s refusal to provide such consent or override the parent’s failure to respond to such a request.

**Transition Service and Diploma/Credential Options**

In accordance with law and regulation, the Board will ensure the provision of transition services, which are a coordinated set of activities for students with disabilities that facilitates movement from school to post-school activities, which may include but are not limited to post-secondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living or community participation.

The Board of Education is committed to supporting all students so they are college and career ready upon graduation.

In accordance with law and regulation, Beginning no later than the school year when a student turns age 15, the student’s IEP must include transition goals and services and will also include undertaking activities in the following areas:

- 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 provision of a functional vocational evaluation

In developing the plan for transition services, students and parents will be made aware of diploma and credential options available and the requirements associated with each option.

The Committee on Special Education (CSE), which includes parents/guardians, will work with students with disabilities to attain the appropriate diploma or credential based on their individualized Education Plan (IEP).

**Regents Diploma or Regents Diploma with Advanced Designation**

Students with disabilities are encouraged to work toward the completion of requirements for a Regents diploma or Regents diploma with an advanced designation, as established by New York State and the Board.
**Local Diploma**

Students with disabilities may work toward completion of the requirements of a local diploma. The local diploma may be earned by meeting the standards set forth in state regulations.

**Career Development and Occupational Studies Commencement Credential**

Students with disabilities, who are not students with severe disabilities under Commissioner’s Regulations, may be issued a New York State Career Development and Occupational Studies Commencement Credential (CDOS), pursuant to the requirements of those regulations. The student may pursue a CDOS either in addition to or instead of a high school diploma. The district shall ensure that such students have been provided with appropriate opportunities to earn a high school diploma.

Cross ref: 1900: School/Family/Community Partnership  
5500: Student Records  
6700: Purchasing  
9700: Staff Development

**Ref:** The Individuals with Disabilities Education Act (IDEA), 20 USC §§1400 et seq.;  
34 CFR Part 300  
N.Y. Education Law Article 89, §§4401 et seq.  
8 NYCRR Part 200

1st Reading: 01/08/14; Adoption date: 01/22/14

1st Reading of Amendment: 08/20/14; Adoption Date: 09/03/14
PROVISION OF SPECIAL EDUCATION SERVICES
IN THE LEAST RESTRICTIVE ENVIRONMENT

The Board of Education recognizes its responsibility to ensure that students with disabilities eligible for special education programs and services under the IDEA and Article 89 of New York’s Education Law receive those services in the least restrictive environment appropriate to meet their individual educational needs.

Therefore, the district will not place students with disabilities in special classes or separate schools, or otherwise remove them from the regular educational environment unless the nature or severity of their disability is such that their education cannot be achieved satisfactorily in regular classes, even with the use of supplementary aids and services. In addition, the district will provide special services or programs to enable students with disabilities to be involved in and progress in the general curriculum, to the extent appropriate to their needs.

To fulfill its responsibility to educate students with disabilities in the least restrictive environment, the district will implement the provisions of section 200.6 of commissioner’s regulations.

Furthermore, and pursuant to those provisions, students with disabilities placed together for purposes of receiving special education will be grouped by similarity of individual needs including their range of academic achievement, functional performance and learning characteristics; social and physical development, and management needs.

The Superintendent, or his/her designee, will establish a process for ensuring that the CSE or CSE subcommittee Chairperson, as appropriate, obtains an up-to-date copy of those provisions at the beginning of each school year, and copies of any amendments that become effective during the school year.

The Board also recognizes that the least restrictive environment requirements established by applicable law and regulations also extend to nonacademic settings. Therefore, the district will provide students with disabilities the opportunity to participate with non-disabled students in school-sponsored cocurricular and extracurricular activities, to the maximum extent appropriate to each individual student’s needs. The district also will provide students with disabilities with supplementary aids and services the CSE or CSE subcommittee, as applicable, determines to be appropriate and necessary for the students to participate in such activities.

Ref: Individuals with Disabilities Education Act (IDEA) 20 USC §§1400 et seq.
8 NYCRR §§ 200.2(b)(4); 200.6

Adoption date: August 20, 2008
SCHOOL-WIDE PRE-REFERRAL APPROACHES AND INTERVENTIONS

The Board of Education recognizes that the provision of academic and behavioral supports and targeted interventions for students who are not making academic progress at expected levels in the general curriculum may improve a student’s performance, and help avert the need for referral for possible classification as a student with a disability. Therefore, the district will implement on a school-wide basis practices appropriate to enable all of the district’s students to succeed in the general education environment.

The Superintendent, or his/her designee, will identify and take steps to implement a variety of practices appropriate to comply with this policy. Consistent with applicable law and regulation, those practices may include, for example:

1. Providing early intervention services with funds available under the IDEA and which may be coordinated with similar activities conducted under the Elementary and Secondary Education Act. Such services would be made available to students not currently identified as needing special education and related services, but who need additional support to succeed in a general education setting. This may include professional development that enables teachers and other staff to deliver scientifically based academic instruction and behavioral interventions, such as scientifically based literacy instruction and, where appropriate, instruction on the use of adaptive and instructional software. It also may include educational and behavioral evaluations, services and supports.

2. Implementation of a response to intervention (RTI) program that includes the minimum requirements established by commissioner’s regulations, and allows teachers and other staff to determine whether a student responds to scientific, research-based instruction or requires interventions beyond those provided to all students in the general education classroom.

3. Implementation of a positive behavioral intervention and support (PBIS) system that reduces school and classroom behavioral problems, and creates and maintains a safe and positive learning environment by promoting positive behavior in all students.

District implementation of any of the above practices will not impede or delay the appropriate evaluation of a student suspected of having a disability, and the student’s right to a free appropriate public education.

Cross-ref: 4325, Academic Intervention Services

Ref: Individuals with Disabilities Education Act §§ 1413(f); 1414(b)(6)(B)
34 CFR §§ 300.226; 300.307(a)(2)
8 NYCRR §§ 100.2(ii); 200.2(b)(7)

Adoption Date: August 20, 2008
POLICY # 4321.3

ALLOCATION OF SPACE FOR SPECIAL EDUCATION PROGRAMS

The Board of Education recognizes its responsibility to ensure that appropriate space is available for:

1. Special programs and services provided to meet the needs of students and preschool students with disabilities both within its own facilities, and in programs provided by the board of cooperative educational services (BOCES) and attended by district residents; and

2. Serving students with disabilities in settings with non-disabled peers, as well.

The district will address such space allocation needs as part of its annual budget cycle, during the annual or any more frequent re-evaluation of its long-range educational facilities plan, and as part of the district’s special education services plan.

Through the Superintendent, the district also will share with the BOCES District Superintendent information relevant for the BOCES to determine the regional space needs for serving the district’s resident students and preschool students with disabilities.

As part of the process for ensuring the allocation of appropriate space for special education programs and services and serving students with disabilities in settings with non-disabled peers, the Superintendent, in consultation with appropriate school personnel will, at a minimum:

1. Periodically gather information regarding the number of students and preschool students with disabilities presently participating and anticipated to continue to participate in the district’s special education programs and services, the type of programming they presently receive and may receive in the future, as well as the setting in which those services are and/or will be provided.

2. Review the results of the district’s latest census, and other district child find efforts, including child find activities conducted with respect to parentally-placed nonpublic school students with disabilities.

3. Anticipate any projected increase in the number of students and preschool students with disabilities the district will be responsible for providing special education programs and services to, the anticipated type of services they will be receiving and the settings in which those services will be provided.

4. Based on the above information, review current space capacity, and identify any additional space requirements to meet both current and future needs.
Policy No. 4321.3
Allocation of Space for
Special Education Programs

Cross-ref:  4321 Programs and Services for Students with Disabilities under the IDEA and New York’s Education Law Article 89
4321.10 Programs and Services for Parentally-Placed Nonpublic School Students with Disabilities under the IDEA and New York’s Education Law Article 89

Ref:  Individuals with Disabilities Education Act (IDEA) 20 USC
N.Y. Education Law §§3602(10)
8 NYCRR §§155.1(a); 200.2(c)(iv),(v); 200.2(g)

Adoption date:  04/16/08
1st Reading of Revision:  04/23/14
Adoption Date:  05/07/14
INDEPENDENT EDUCATIONAL EVALUATIONS

The Board of Education recognizes the right of parents or guardians of a student who has or is thought to have a disability to receive an independent evaluation at public expense if they disagree with the evaluation obtained by the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE).

The independent examination shall be conducted by a qualified examiner who is not employed by the school district responsible for the child's education. Upon request, parents will be provided with a list of public and private agencies and professional resources where independent evaluations may be obtained. These publicly-funded independent evaluations shall be limited to the same geographic and fiscal limitations as used by the district when it initiates an evaluation.

The district has the right to initiate an impartial hearing to demonstrate that its evaluation is appropriate. If the hearing officer determines that the district's evaluation was appropriate, a parent or guardian is not entitled to reimbursement at public expense.

The Board directs the Superintendent of Schools to develop regulations establishing maximum allowable fees for specific tests, the geographic area in which such evaluations may take place, minimum qualifications of the professionals who administer and interpret various tests, and a reasonable timeline for seeking reimbursement.

Cross-ref: 4321, Programs for Students with Disabilities

Ref: 20 USC §1415(d)(2)(A)
34 CFR §300.502
8 NYCRR §§200.1(z); 200.5(a); 200.5(b); 200.5(c); 200.5(g)

Adoption date: 4/16/08
CONFIDENTIALITY AND ACCESS TO INDIVIDUALIZED EDUCATION PROGRAMS, INDIVIDUALIZED EDUCATION SERVICES PROGRAMS AND SERVICE PLANS

The Board of Education recognizes the importance of ensuring the confidentiality of personally identifiable data pertaining to a student with a disability. Personally identifiable data will not be disclosed by any school district employee or member of a CSE/CPSE to any person (other than the parent of such student), organization or agency unless the parent or guardian of the child provides written consent, there is a valid court order for such information, or disclosure is permitted by law.

Personally identifiable data is defined in the policy on Student Records.

The Board of Education, while acknowledging the confidentiality requirement, believes that in order for each student with disabilities to receive the full benefit of his/her Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Service Plan (SP), individuals responsible for implementing the program or plan must, prior to the implementation, fully understand the scope of their responsibility and the specific accommodations, modifications and supports to be provided.

To this end, this policy establishes procedures to ensure that any person having both direct contact with a student with an IEP, IESP or SP and a responsibility to provide a service, accommodation or program modification for the student in accordance with that student’s IEP, IESP or SP shall be informed of his/her responsibilities under the IEP, and shall receive or have access to a copy of the student’s IEP, IESP or SP as specified below.

I. IEP, IESP or SP Copies

At a CSE, CSE Subcommittee or CPSE meeting for each student, a determination will be made as to which general education teachers, special education teachers, related service providers and other service providers have responsibility to implement the recommendations on the student’s IEP, IESP or SP. “Other service provider” means a representative of another public school district, charter school, BOCES program, child care institution school, Special Act school district, State-supported school, approved private in-state or out-of-state school and an approved preschool provider where the student receives or will receive IEP, IESP or SP services.

The CSE, CSE Subcommittee and CPSE Chairpersons shall ensure that a paper or electronic copy of each student’s IEP, IESP or SP is provided to each regular education teacher, special education teacher, related service provider and/or other service provider who is responsible for implementation of the program or plan. These individuals responsible for implementing an IEP, IESP or SP shall, in turn, ensure that all paraprofessionals (teacher aides and teacher assistants) and other providers responsible for assisting in implementation are given the opportunity to review their copy of the IEP, IESP or SP prior to program implementation as well as have ongoing access to such copy.

II. Notification of Responsibilities

In addition to disseminating copies of a student’s IEP, IESP or SP, CSE, CSE subcommittee and CPSE Chairpersons must designate one or more professional employees of the district with knowledge of the student’s disability and program to inform each regular education teacher, special education teacher, related service provider, other
service provider, paraprofessional, and other provider and support staff person of his or her responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP, IESP or SP. 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, as appropriate.

III. Confidentiality

All copies of a student’s IEP, IESP or SP provided or made accessible under this policy must remain confidential, and shall not be redisclosed to any other person, except in accordance with the Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA). To ensure such confidentiality, the CSE and CPSE Chairpersons shall include with each IEP, IESP or SP copy provided or made accessible under this policy, a copy of the Board’s policy on student records. All IEP, IESP or SP copies must remain in a secure location on school grounds at all times. If IEP copies are transmitted and/or provided electronically, security systems (e.g., password protect a file or folder) must be implemented to prevent unauthorized internal and external access to the student’s IEP, IESP or SP.

IV. Documentation

The designated professional employee(s) defined in section II above shall obtain the signature of each person covered by this policy, indicating that he or she:

1. has received either a copy of the student’s IEP, IESP or SP or the opportunity to review the IEP, IESP or SP prior to its implementation, as required under state law and regulation;
2. has been informed of their responsibilities for implementation;
3. has knowledge of where the IEP, IESP or SP is to be maintained; and
4. has an understanding of the confidentiality requirements.

At the end of the school year or whenever the IEP has been revised, it is the responsibility of the CSE and CPSE Chairpersons to ensure that all IEP copies and electronic copies are destroyed.

Cross-ref: 4321 Programs for Students with Disabilities Under the IDEA and New York’s Education Law Article 89 5500 Student Records

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §§1400 et seq. Family Educational Rights and Privacy Act (FERPA), 20 USC §1232g; 34 CFR Part 99 Education Law §4402(7) 8 NYCRR §§200.2(b)(11); 200.4(e)(3); 200.16(e)(6) New York State Education Department, Vocational and Educational Services for Individuals with Disabilities (VESID), SED Guidance Document, Providing copies of the IEPs for Students with Disabilities, May 13, 2003 (http://vesid.nysed.gov/specialed/publications/policy/chap408final.htm)

Adoption date: August 20, 2008
AVAILABILITY OF ALTERNATIVE FORMAT INSTRUCTIONAL MATERIALS FOR STUDENTS WITH DISABILITIES

The Board of Education recognizes its responsibility to ensure that all the instructional materials used in the district's schools are made available in a usable alternative format for students with disabilities in accordance with their individual educational needs and course selection at the same time as those materials are available to non-disabled students. In accordance with applicable law and regulations, any such alternative format procured by the district will meet the National Instructional Materials Accessibility Standard.

For purposes of this policy, alternative format will mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a student with a disability enrolled in the school district, including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file. An electronic file must be compatible with at least one alternative format conversion software program.

The Superintendent, or his/her designee, will develop a plan to ensure the availability of alternative format materials in accordance with the timeliness requirements of this policy. Such a plan will provide for:

1. Preference to vendors who agree to provide instructional materials in alternative formats, and to reflect this requirement in the bidding specifications used for the procurement of instructional materials. The same preference will be given to vendors of instructional materials ordered for the school library.

2. Consultation with appropriate school personnel regarding how students will access electronic files. The district’s technology staff will be notified of any need to convert electronic files into an accessible format such as Braille, large print, audio, or alternative display.

3. The availability of hardware and/or software a student with disabilities in need of alternative format materials might require to access the instructional material.

4. The yearly review of the district’s ordering timelines for the purchase of instructional materials to ensure sufficient lead time for obtaining needed alternative format materials.

5. Notification to appropriate school personnel by the CSE, CSE subcommittee, CPSE and Section 504 Committee Chairperson whenever it is determined that a student needs instructional materials in alternative format. Such notice also will identify the particular alternative format needed, and any assistive technology devices or services the student might need to access the alternative format materials.
6. Notification by classroom teachers of the books they will be using in class and any list of required readings with sufficient lead time in anticipation of the district’s timelines for the purchase of instructional materials.

7. Consultation with the school librarian to make sure that specific library resources required by a student in need of alternative format materials to participate and progress in his or her selected courses are made available to the student in an accessible format.

8. Timely request of state assessments in alternative format.

Cross-ref: 6700, Purchasing

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §§1474(e)(3)(B)
N.Y. Education Law §§1604(29-a); 1709(4-a) 1950(4-a); 2503(7-a); 2554(7-a); 3602(10)(b)
8 NYCRR §§ 200.2(b)(10)

Adoption date: August 20, 2008
DISTRICTWIDE AND STATEWIDE ASSESSMENTS OF STUDENTS WITH DISABILITIES

The Board of Education recognizes the importance of offering access and appropriate testing accommodations to eligible students so that they can participate in assessment programs on an equal basis with their non-disabled peers. Two elements that contribute to an effective assessment program are proper use of accommodations and use of universal design principles in developing and administering tests.

Testing Accommodations

Testing accommodations provide an opportunity for students with disabilities to:

- Participate in the instructional and assessment program;
- Demonstrate their strengths, knowledge and skills without being restricted by their disability; and
- Provide an accurate measure of the standards being assessed so that appropriate instruction and services can be provided.

Testing accommodations are changes made in the administration of the test in order to remove obstacles to the test-taking process that are presented by the disability without changing the constructs being tested. Examples of testing accommodations are: flexibility in scheduling/timing; flexibility in the setting for the administration of the test; changes in the method of presentation and changes in the method of response. Testing accommodations are neither intended nor permitted to: Alter the construct being measured or invalidate the results, provide an unfair advantage for students with disabilities over students taking the test under standard conditions or substitute for knowledge or abilities that the student has not attained.

The Committee on Special Education, the Subcommittee on Special Education or the Committee on Preschool Special Education is responsible for recommending the appropriate test accommodations and including those recommendations on the student’s Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Service Plan (SP). If it is determined that a student should participate in alternative assessments instead of the standard statewide or district-wide tests, the CSE must indicate the reasons for doing so on the IEP, IESP or SP. The 504 Committee, will include the appropriate test accommodations as part the 504 plan.

The recommendations will be reviewed annually by the CSE, CSE subcommittee, CPSE or 504 team. The Board acknowledges the importance of integrating the assessment program with the instructional program and, to that end, encourages effective communication among district staff so that implementation is consistent and fair. The goal is to provide effective assessments that allow students to benefit from their educational program.
In some situations, a building principal may authorize the use of testing accommodations in accordance with this policy. Those instances are limited to cases where a regular education student incurs a disability, such as, but not limited to, a broken arm, without sufficient time for the CSE, CPSE and/or Section 504 Committee to make a recommendation prior to a test. They do not include cases where the student is already being evaluated to determine his or her eligibility for status as a student with a disability. In exercising this authority, the building principal will rely on his or her professional judgment. He or she also may confer with CSE, CPSE and/or Section 504 Committee members.

Universal Design Principles in District Wide Assessments

The Board of Education recognizes the benefits of using the principles of universal design to further the goal of ensuring equal access to district wide assessments and to ensure the most accurate measure of the performance of all students. The Board directs the Superintendent, or his/her designee, in consultation with appropriate school staff, to examine how universal design principles can be incorporated into the district’s assessment program, and to facilitate its use to the extent feasible. Any steps taken in this regard will be consistent with this policy and applicable State Education Department policy and/or guidance on the use of universal design principles.

At a minimum, the Superintendent, or his/her designee, will explore how district assessments can be:

1. Made more usable by students with diverse abilities.
2. Designed to better accommodate a wide range of individual preferences and abilities.
3. Made more understandable.
4. Made to communicate necessary information to students more effectively.
5. Designed to minimize adverse consequences of accidental or unintended actions.
6. Used more efficiently and comfortably and with a minimum of student fatigue.

Cross-ref: 4321, Programs for Students with Disabilities
4321.5, Confidentiality and Distribution of IEP, IESP and SP
5020.3 Students with Disabilities and Section 504

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §§ 1401(35); 1412(a)(16)(E); 34 CFR §§ 300.44
Assistive Technology Act, 29 USC 3002(19)
8 NYCRR §§ 200.1(jj); 200.2(b)(13,14); 200.4(d)(2)(vi)

Adoption date: August 20, 2008
IMPARTIAL HEARING OFFICER APPOINTMENT AND COMPENSATION

The Board of Education will appoint impartial hearing officers (IHO), as needed, to hear complaints regarding the identification, evaluation, or placement of students with disabilities, or the provision of a free appropriate public education to such a student, in accordance with the rotational selection process and other applicable procedures described in Commissioner’s regulations.

Selection

The updated list of certified IHOs for this county, promulgated by the New York State Education Department, will be used in connection with requests for impartial hearings. The list shall also include the names of those other certified IHOs whose names appear on the state list and who have indicated to the district their interest in serving as an IHO in the district.

Upon receipt of a request for an impartial hearing, the rotational selection process for the IHO shall be initiated immediately and always within two (2) business days after receipt by the district of such written request. Should an IHO decline appointment, or if within 24 hours the IHO fails to respond, or is unreachable after reasonable efforts by the District Clerk or designee, such efforts will be documented through independently verifiable efforts. The district representative shall then proceed through the list to determine availability of the next successive IHO.

- The District Clerk or other person so designated, under the direction of the Board President, shall initiate the selection process by contacting the impartial hearing officer whose name first appears after the impartial hearing officer who last served. The District Clerk or designee shall canvass the list in alphabetical order as prescribed by the Regulations of the Commissioner of Education until an appointment is accepted. Pursuant to the Regulations of the Commissioner of Education, if an impartial hearing is currently pending for the same student when a new hearing request is received, the district will appoint the same IHO, if available, who will determine whether or not to consolidate the hearings. Additionally, if the new hearing request concerns an issue which had been previously withdrawn in the twelve months prior, the district shall appoint the same IHO, if available.

An IHO on the district’s rotational list may not accept appointment unless he or she is available to:

1. Make a determination on the sufficiency of the due process complaint that will be heard at the hearing within five days of receiving such a request; and

2. Initiate the hearing within the first 14 days after either:

- The date on which he or she receives written notice that the parents and the district waived their right to hold a resolution meeting to resolve their differences prior to commencement of the hearing, or met but were unable to reach agreement; or
The expiration of the 30-day period beginning with the receipt of the due process complaint, whichever occurs first.

Appointment

The Board President, or in his or her absence or inability the Vice President, will appoint an IHO immediately after the IHO selected from the rotational list indicates he or she is available. The President and/or Vice President of the Board of Education are hereby delegated with the authority to immediately appoint impartial hearing officers who are selected in accordance with the procedures in this policy.

The Board will rescind the appointment of an IHO and appoint a new one, if the parties to the hearing mutually agree that the IHO is either incapacitated or otherwise unavailable, or unwilling to continue the hearing or issue a decision. The appointment of a new IHO in such an instance will be made in accordance with the selection and appointment procedures established by this policy.

Compensation

The district shall compensate an impartial hearing officer for his or her services as follows:

1. A statement for fees and expenses shall be submitted at the conclusion of the hearing and receipt of the IHO’s final decision or other determination having the effect of terminating the IHO’s involvement in the hearing.

2. All statements for fees and expenses shall separately list each individual item of service or expense, the date it occurred and the time spent, by hour or fraction thereof in increments of one-tenth of an hour (e.g., .1, .2, .3, …). Time charges must be appropriate. The district reserves the right to request additional information concerning the appropriateness of any time charges and to withhold payment for time charges deemed to be inappropriate and/or inconsistent with applicable Board policy. All statements for fees and expenses shall be submitted by the IHO within 30 days of the performance of services.

3. Compensation will be made at the maximum rate established for such purpose by the Director of the Division of the Budget for authorized activities.

4. The district will not reimburse IHOs for administrative assistance, secretarial or other overhead expenses, except for mailing costs associated with the hearing.

5. The district will upon review and approval of properly submitted receipts reimburse IHOs for automobile travel for up to 100 miles one-way, at the I.R.S. approved rate, and for tolls reasonably and necessarily incurred as a result of the hearing. In no event will the district reimburse the IHO for travel time.
6. In addition to hearing time itself, the Board will reimburse, at the hourly rate, for time actually expended by the IHO for:
   a. Scheduling the hearing;
   b. Pre-hearing conference calls (if necessary);
   c. Scheduling letters;
   d. For time necessarily and actually spent preparing the Decision, including any Interim Decisions.

7. Absent extraordinary circumstances, as determined in advance by the district, IHOs will not be reimbursed for any other expenses associated with their appointment and service as impartial hearing officer.

Cancellation

The district shall attempt to provide an Impartial Hearing Officer with two (2) business days’ advance notice of the cancellation or re-scheduling of an impartial hearing. Should the district request the cancellation or re-scheduling of a hearing date and fail to provide an Impartial Hearing Officer with two (2) business days notice, the district agrees to pay the Impartial Hearing Officer a cancellation fee of $100. The district shall not be responsible for costs associated with a parent or guardian’s cancellation or adjournment of a hearing.

A copy of this policy will be forwarded to the impartial hearing officer at the time of appointment.

Records relating to the IHO process including, but not limited to, the request for initiation and completion of each impartial hearing will be maintained by the district and such information will be reported to the Office of Vocational and Educational Services for Individuals with Disabilities of SED as required by Commissioner’s regulations.

Ref: 8 NYCRR §§200.2; 200.5; 200.21
DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The Board of Education recognizes that it may be appropriate to declassify some students with disabilities. A student may mature and develop skills such that they no longer require the special program, support services or accommodations offered by an Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Services Plan (SP). The Committee on Special Education (CSE), the CSE Subcommittee or, the Committee on Preschool Special Education (CPSE), as applicable, is responsible for making this judgment, while adhering to the requirements of federal and state law and regulation.

Reevaluation

Prior to determining that a student is no longer eligible for special education services and should be placed in a full-time regular education program, the CSE, CSE subcommittee, or CPSE, as applicable, will conduct a declassification evaluation of the student in accordance with the process and procedures prescribed for the evaluation and reevaluation of students with disabilities, by applicable law and regulations. However, the CSE, CSE subcommittee, or CPSE members may determine after reviewing existing evaluation data that no additional information is needed to determine the student’s continued eligibility for services.

When a determination is made that no additional data is needed for reviewing a student’s continued eligibility for special education services, the CSE, CSE subcommittee, or CPSE Chairperson, as applicable, will notify the student’s parents/guardian of that determination and the reasons for it, and of their right to nonetheless request an assessment. Unless the student’s parents make such a request, the district will not conduct any further assessments.

The district will provide the student’s parents/guardian with a copy of the reevaluation report and documentation regarding the eligibility determination.

Consistent with applicable law and regulation, the district will not conduct a declassification evaluation if the reason why a student is determined to be ineligible for special education services is that he or she has either:

1. Graduated with a regular high school or Regents diploma; or
2. Exceeded the age of eligibility for services.

However, in such an instance the district will provide the student with a summary of his or her academic achievement and functional performance that also includes recommendations on how to assist the student in meeting his or her post-secondary goals.
Declassification Support Services

It is the goal of the Board of Education to provide an opportunity for the student to succeed in the transition to the regular education program. In order to facilitate that success, the CSE/CPSE may offer educational and support services for a period of time, not to exceed one year. Declassification support services may include:

1. For the student: Psychological services, social work services, speech and language improvement services, non-career counseling, and other appropriate support services.

2. For the student’s teachers: The assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

The CSE/CPSE will ensure that the appropriate teachers and service providers are informed of the need for the transition services, and will specify the nature and duration of those services.

Cross-ref: 4321, Programs for Students with Disabilities

Ref: 8 NYCRR 100.1 (q); 200.2 (b) (8), 200.4 (b)(4-6), (c)(3)

Adoption date: August 20, 2008
The Board of Education recognizes its responsibility to provide special education services to eligible students with disabilities enrolled by their parents in nonpublic schools located within its district, regardless of whether such students are residents of the district. The scope of that responsibility affects:

1. The district’s child find activities for locating, identifying, and evaluating parentally-placed nonpublic school students with disabilities;
2. CSE and CSE subcommittee responsibilities for the development of an individualized education services program (IESP), or a services plan (SP), in the case of an out of state resident, for any such student determined to be eligible for special education services under the IDEA and Article 89;
3. The provision of services to such students;
4. The relationship between the district and nonpublic school officials and nonpublic school parents of students with disabilities, with whom the district is required to consult;
5. The district’s data collection and reporting responsibilities; and
6. The district’s use of federal funds available under the IDEA.

(Refer to policy 4321, Programs for Students with Disabilities under the IDEA and Article 89 for more information regarding the provision of special education services to students with disabilities enrolled in the district’s public schools).

Consistent with applicable law and regulations, this policy does not apply to resident students with disabilities enrolled by their parents in a nonpublic school located within the district’s boundaries because of a dispute over the provision of a free appropriate public education. Neither does it apply to charter school students, or to students placed in or referred to private schools by public agencies such as school district placements in approved private schools, Special Act school districts, and state-supported or state-operated schools.

District staff will obtain prior consent from the parent of a parentally-placed nonpublic school student with disabilities, or the student if the student is 18 years or older, for the release of personally identifiable information about the student from records collected or maintained pursuant to the IDEA between the district and the student’s district of residence.
Location, Identification and Evaluation of Parentally-placed Nonpublic School Students with Disabilities:

The district’s activities for locating and identifying parentally-placed nonpublic school students with disabilities will be comparable to those undertaken for students attending the district’s public schools, and will be completed in a comparable time period, as well. However, district staff will consult with nonpublic school representatives and representatives of parents of parentally-placed students with disabilities regarding these activities, in order to ensure the equitable participation and an accurate count of such students.

The district will use the same procedures that apply to the evaluation of the district’s public school students to evaluate and reevaluate parentally-placed nonpublic school students with disabilities. (Refer to policy 4321, Programs for Students with Disabilities under the IDEA and Article 89, for more information on those procedures).

CSE Responsibilities:

Once a parentally-placed nonpublic school student with disabilities is determined to be eligible for special education services under the IDEA and Article 89, the CSE or CSE subcommittee will develop an IESP or SP for the student in accordance with the following:

1. If the student is a New York State resident, the CSE or CSE subcommittee will develop an IESP based on the student’s individual needs in the same manner and with the same contents as an individualized education program prepared for a public school student.

2. If the student is an out-of-state resident, the CSE or CSE subcommittee will develop an SP for the student in accordance with the IDEA and its implementing regulations.

Provision of Services:

Parents of nonpublic school students with disabilities eligible for special education services under this policy must submit to the Board a written request for such services on or before June 1 preceding the school year for which they want the district to provide services. However, if the student has not been first identified as a student with a disability until after June 1, the parent may submit the written request for services within 30 days after the identification, and the student will be entitled to services during the current year if the request is submitted before April 1.
The district will provide special education programs and services to parentally-placed nonpublic school students with disabilities with an IESP on an equitable basis, as compared to special education programs and services provided to other students with disabilities attending public and nonpublic schools within the district.

The district will provide special education programs and services to parentally-placed nonpublic school students with disabilities with an SP to the extent required by the IDEA and its implementing regulations, and in consultation with nonpublic school officials and representatives of parents of parentally-placed nonpublic school students with disabilities. In this regard, the district will expend a proportionate amount of the federal funds it receives under the IDEA to provide such services.

The district will provide parentally-placed nonpublic school students with disabilities only services, including materials and equipment that are secular, neutral, and non-ideological.

**Consultation:**

The district will consult in a timely and meaningful manner with nonpublic school officials and representatives of parents of parentally-placed nonpublic school students with disabilities regarding the following issues:

1. The process that will be used to locate and identify parentally-placed nonpublic school students with disabilities, including which parents, teachers, and nonpublic school officials will be informed of the process, and how the process will work throughout the school year to ensure that the students can participate in special education and related services.

2. How, where and by whom special education and related services will be provided to such students, and with respect to students with an SP, the types of services that will be provided.

3. With respect to students with an SP, how a proportionate share of the federal funds the district receives under the IDEA will be spent on special education services to such students.

4. The determination of the proportionate amount of the district’s IDEA funds available to serve parentally-placed private school students with disabilities, including how that amount was calculated.

5. How services will be apportioned if the proportionate amount of the district’s available IDEA funds is not sufficient to serve all parentally-placed nonpublic school students with an SP, and how and when these decisions will be made.
Notwithstanding, the district will provide services to students with an IESP, regardless of the apportionment of such federal funds.

The Superintendent, or his/her designee, will establish a process for obtaining from nonpublic school officials a written affirmation of their participation in the consultation process. If that affirmation is not secured within a reasonable time, the Superintendent will submit to the State Education Department documentation of the consultation process.

**Data Collection and Reporting:**

The Superintendent, or his/her designee, will establish a process for maintaining records and report to the commissioner of education on the number of parentally-placed nonpublic school students who are evaluated, and determined to have a disability, and receive special education services from the district.

**Cross-ref:** 4321, Programs for Students with Disabilities under the IDEA and New York’s Education Law Article 89

**Ref:** The Individuals with Disabilities Education Act (IDEA), 20 USC § 612 (a)(10)(A); 34 CFR ***

Education Law §§3602-c

NYCRR §2002.2 (a)(7)

**Adoption date:** August 20, 2008
PUBLICATION OF REPORT ON REVISIONS TO DISTRICT POLICIES, PRACTICES AND PROCEDURES UPON A FINDING OF SIGNIFICANT DISPROPORTIONALITY

The Board of Education recognizes that, despite the district’s best efforts, there may be times when there might be a disproportionate representation of racial and ethnic groups in its special education programs and services, and/or with respect to the suspension of students with disabilities. To minimize the risk of such an occurrence, the Board has endeavored to adopt policies, practices and procedures for the district that are consistent with the IDEA and Article 89 of New York’s Education Law, and their implementing regulations.

Nonetheless, upon learning of a significant disproportionality either in the suspension, identification, classification and/or placement of the district’s students with disabilities, the Board will immediately review the district’s policies, practices and procedures to determine whether they are fully compliant with the requirements of the IDEA and Article 89, or require revisions. If changes are needed, the Board will take immediate steps to adopt and implement any and all necessary revisions.

The Board will inform the public of any revisions to the district’s policies, practices and procedures undertaken as a result of a finding of significant disproportionality. The Superintendent, or his/her designee, will notify school personnel responsible for implementing the revisions.

Cross-ref: 4321 et seq. as appropriate.

Ref: Individuals with Disabilities Education Act, §§ 1412(a)(24); 1418(d);
34 CFR §§ 300.173; 300.646
8 NYCRR §§ 200.2(b)(15).

Adoption date: August 20, 2008
USE OF TIME OUT ROOMS, PHYSICAL RESTRAINTS AND AVERSIVES

The Board of Education recognizes that students with disabilities sometimes exhibit inappropriate behaviors that impede learning. As a result, students with disabilities may require unique approaches to discipline so that they can continue to benefit from their educational program. The Board further acknowledges that the use of aversive behavioral intervention, as defined in §19.5 of the Commissioner’s regulations, is prohibited unless the district has followed the procedures outlined below to allow for their use in a child-specific case.

The use of a time out room, physical restraint or aversive intervention will be in conformance with a child’s individual education program (IEP). Staff will adhere to federal and state statute and regulation in the administration of these measures.

Time Out Room

A time out room is an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her educational program. The room will only be used in conjunction with a behavioral intervention plan, as part the student’s IEP, or when it is necessary to remove a student from a potentially dangerous situation in unanticipated situations that pose an immediate concern for the physical safety of a student or others. The room will provide a supervised area in order to facilitate self-control. The location, size and access to the time out room will be in conformance with applicable laws and regulations. The Director of Special Education will be responsible for the development and implementation of regulations covering the use of a time out room, as well as monitoring compliance with those regulations.

The Director of Special Education will inform parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room. Upon request, the parent will be shown the space that will be utilized. In addition, the parent will be provided a copy of this policy.

Physical Restraint: Emergency Interventions

Staff will not use physical restraint as a substitute for systematic intervention to modify inappropriate behavior. Staff who may be called upon to physically restrain a student will be trained on safe and effective ways to do so. Physical restraint may be used in an emergency where no other approach would be effective in controlling the student’s behavior.

During emergencies, immediate intervention by staff involving the use of reasonable physical force may be necessary, either to protect people or property from injury or damage, or to restrain or remove a student whose behavior is interfering with the orderly functioning of the school, if that student has refused to comply with a request to refrain from further disruptive acts.
The district shall document the use of emergency interventions for each student. This shall include the student’s name and date of birth, the setting and location of the incident, the staff members involved, other persons involved, a description of the incident and the emergency intervention used, the duration of the incident, a statement as to whether the student has a current behavioral intervention plan, and details of any injuries sustained by either the student or others as a result of the incident. Documentation of emergency interventions shall be reviewed by school supervisory personnel and, as necessary, the school nurse or other medical personnel. The student’s parents/guardians shall be notified of each incident of emergency intervention.

Aversive Behavioral Intervention

Aversive behavioral intervention, as defined in §19.5 of the Commissioner’s regulations, shall not be the sole or primary approach to modifying inappropriate behavior, and is generally prohibited, unless a child-specific exception was granted by the Commissioner of Education in the 2008-2009 school year, and each subsequent year thereafter, and incorporated into the student’s IEP. This approach will be limited to self-injurious or aggressive behaviors identified on the child’s IEP.

The IEP shall identify the specific targeted behavior, the aversive intervention to be used and, if applicable, the device to be utilized. The parent must provide informed written consent for the use of the aversive intervention.

The district will establish a Human Rights Committee to monitor the use of aversive behavior interventions. The committee will be comprised of individuals not employed by the school district and its membership will be in conformance with Commissioner’s regulations.

Training

Training for staff on the policies and procedures related to the use of time out rooms, physical restraint, aversives, and related behavior management practices, will be provided annually or as needed.

The Director of Special Education will be responsible for implementation and oversight of this policy.

Ref: 8 NYCRR §§19.5; 200.15; 200.22

First Reading: February 7, 2018
Second Reading: February 21, 2018
Adoption date: March 7, 2018
PRESCHOOL SPECIAL EDUCATION

The Board of Education recognizes the value of early intervention to address the needs of preschool children with disabilities. The Board further recognizes its responsibility to ensure that all resident preschool children with disabilities have the opportunity to participate in preschool programs, approved by the Commissioner of Education, from which they may benefit educationally. The Board authorizes the Superintendent, or his/her designee, of Schools to establish administrative practices and procedures which shall include:

1. locating, identifying, evaluating, referring and placing all preschool children (generally ages three and four) with disabilities. The register of children eligible to attend a preschool program is to be maintained by the County of Ulster Preschool Early Intervention Services. The register will be communicated to the district CPSE, who will make the appropriate recommendations to the Board of Education.

2. ensuring that the parent(s)/guardian(s) of preschool age children with disabilities have received and understand the request for consent for evaluation of their child;

3. developing an individualized education program (IEP) for each preschool age child with a disability;

4. appointing and training appropriately qualified personnel, including the members of the CPSE; and/or ensuring that preschool education providers with whom the district contracts have appropriately trained and qualified personnel.

5. maintaining lists of impartial hearing officers and of State Education Department-approved special education programs within the county and adjacent counties in which the district is located;

6. preparing and keeping on file summary reports of student data including the number of preschool students with disabilities served, as well as students referred but not served and the reasons why they are not served; and

7. reporting to the State Education Department the data on preschool children with disabilities as required, on a form prescribed by the Commissioner.

The duties described above will be carried out within the timeframes established by statute and regulation.

The Board of Education hereby establishes the CPSE as required under the Education Law. Its responsibilities will include the evaluation and recommendation for placement in appropriate approved programs and the provision of appropriate special education programs and services for each preschool child with a disability. The CPSE shall review, at least annually, the status of each preschool child with a disability. It is ultimately the responsibility of the Board to arrange for the appropriate approved preschool program and services for the district’s children. Should the Board disagree with the CPSE’s recommendations, it shall send the recommendation back to the CPSE so that they may schedule a timely meeting to review the Board’s concerns and to revise the IEP, as deemed appropriate.
In the event that a parent/guardian files a due process complaint, a meeting must be convened between the parent/guardian and representatives of the district to try and resolve the complaint within 15 days of receiving the notice, and before the initiation of an impartial hearing. Parents/guardians and the district will jointly determine who should be present at this meeting.

If an agreement cannot be reached, parent/guardians shall be offered mediation to resolve complaints regarding the education of preschool children with disabilities at the same time notice of the availability of an impartial hearing is provided.

The Board directs the Superintendent, or his/her designee, to develop and maintain a plan which incorporates information concerning the provision of services for preschool children with disabilities, pursuant to the Regulations of the Commissioner of Education.

Cross-ref: 4321 Programs for Students with Disabilities under the IDEA and New York Education Law Article 89
4321.3 Allocation of Space for Special Education Programs
4321.4 Independent Educational Evaluations
4321.5 Confidentiality And Access To Individualized Education Programs, Individualized Education Services Programs And Service Plans
4321.8 Hearing Officer Appointment and Compensation
4321.14, Special Education Personnel

34 CFR §§300.12; 300.503
Education Law §4410
8 NYCRR Part 200, 200.2, 200.5, 200.16

Adoption Date: December 1, 2010
SPECIAL EDUCATION PERSONNEL

The Board acknowledges its responsibility to recruit, hire, train and retain highly qualified personnel, as defined in the federal Individuals with Disabilities Education Act (IDEA) and its accompanying regulations and in Article 89 of New York State Education law and its accompanying regulations, to provide special education programs and services. In addition, the Board is committed to appointing appropriately qualified personnel to the Committee (and subcommittee) on Special Education (CSE) and Committee (and subcommittee) on Preschool Special Education (CPSE).

The Board will fulfill its obligation with regard to special education personnel by taking measurable steps including, but not limited to the following:

1. Actively recruit personnel who possess prior experience working with students with disabilities.
2. Solicit resumes from graduates of institutions of higher education that offer programs in special education.
3. Seek candidates for teaching positions who are dually certified, to the extent possible.
4. Ensure that every member of the professional staff participates in annual professional performance reviews and professional development plans.
5. Provide appropriate on-going training and professional development to CSE and CPSE members, and other special education program and service providers to ensure their continuing awareness of their obligations and responsibilities under the law.

The Superintendent is responsible for ensuring that the professional staff is appropriately certified, licensed and trained, and that they meet the “highly qualified” standard established in federal and state law. In the event that highly qualified individuals are not available, despite the best efforts of the administration, the Board recognizes its responsibilities to meet the alternative standards established by the State Education Department.

Cross-ref: 4321, Programs for Students with Disabilities under IDEA and New York’s Education Law Article 89
9240, Recruiting and Hiring
9700, Staff Development

Ref: Individual with Disabilities Education Act, 20 USC §§ 1412(a)(14), 1413(a)(3)
34 CFR §§ 300.156, 300.207
Education Law §4410
8 NYCRR § 200.2(b)(3,12)

Adoption Date: December 1, 2010
Response to Intervention (RtI)/Academic Intervention Services (AIS)

The Board of Education is committed to providing appropriate academic intervention services to students at risk of not meeting the state learning standards. As prescribed in Commissioner’s Regulations, the Kingston City School District will apply the RtI model where additional instruction is needed to support improved academic performance for students. When needed, student support services such as guidance, counseling, attendance tracking, study skills, and other AIS strategies will be employed to supplement the RtI program to achieve its defined academic objectives.

Eligibility for RtI/AIS will be determined based on a student’s performance on state assessment exams and/or in accordance with the uniformly applied district-developed, district-adopted procedures. Eligible students will receive services consistent with law and regulations which shall commence no later than the beginning of the semester following a determination that a student is eligible for such services.

Parent/Guardian Notification and Involvement

Notification on Commencement of Services. The District shall distribute to district parents in writing a description of the district-developed procedures for determining which students are eligible for academic intervention services, as specified in state regulations.

Notification on Ending of Services. The Principal will notify the parent/guardian in writing when RtI/AIS is no longer needed. Such notification will include:

- The criteria for ending services; and
- The performance levels obtained on district selected assessments, if appropriate.

In addition, the district/schools will provide for ongoing communication with parents/guardians which must include opportunities to consult with teachers and other professional staff, regular reports on the student’s progress, and information on ways to monitor and work with educators to improve the student’s performance.

All parent/guardian notifications and communications will be done in English and translated, when appropriate, into the native language or mode of communication of the parents/guardians.

- Continued -
Description and Review of RtI/AIS

The Superintendent of Schools, in consultation with each Building Principal, shall maintain a description of RtI, AIS and/or student support services for each school. This description will include any variations in services in schools within the district and will specifically delineate:

- the district-wide procedures used to determine the need for RtI/AIS;
- the RtI/AIS and/or support services to be provided;
- whether the RtI/AIS and/or support services are offered during the regular school day or during an extended school day or year; and
- the criteria for ending services, including, if appropriate, performance levels that students must obtain on district-selected assessments.

Beginning July 1, 2002 and every two years thereafter, the Superintendent shall review and revise the description of academic intervention strategies based upon student performance results and present such revised description to the Board for approval.

Ref: 8 NYCRR §§100.1(g); 100.2(r), (ee); 100.4(b)(4), (d) (Academic Intervention Services)
The Board of Education believes that students who, by reason of foreign birth or ancestry, have limited English proficiency (referred to here as “English Language Learners” or ELLs), will be more effective learners of both the language and the curriculum if they receive instruction in both their native language and English. The district will therefore take steps to identify ELL students and provide ELL students with an appropriate program of either Bilingual Education or English as a New Language.

Pursuant to this policy and the regulations of the Commissioner of Education, the Superintendent of Schools is directed to develop appropriate administrative regulations to ensure that students are:

1. screened to determine if the student is an ELL, in accordance with Parts 117 and 154 of the Commissioner's Regulations, a process that will include interviews and assessments and will assign each ELL student to the appropriate subpopulation (newcomer, developing, long term, former or inconsistent/interrupted formal education);
2. identified, as appropriate, as an ELL student with a disability;
3. annually evaluated to determine continued ELL eligibility. Included in the evaluation shall be each student's performance in English language proficiency and academic progress in content areas;
4. assured of access to appropriate instructional and support services, including guidance programs within the timeframes provided by Commissioner's Regulations; and
5. assured of having equal opportunities to participate in all school programs and extracurricular activities as non-ELL students.

The Superintendent shall be responsible for ensuring that the Commissioner of Education is provided with a comprehensive plan that describes the district’s ELL program and includes all information specified in the Commissioner's Regulations, before the start of each school year. The district will also provide assurances that the district is providing appropriate school-related information to the parents (or persons in parental relation) of ELL students in English and the language they best understand.

The district will provide an orientation program annually for parents of newly enrolled ELL students. In addition, the district will meet individually with ELL parents at least once a year to discuss the goals of the ELL program, and their child’s language development (in both their native language and English), in addition to regular parent/teacher meetings.

In addition, the Superintendent shall ensure that all teachers employed in any Bilingual and/or English as a New Language program are properly certified in
accordance with the Commissioner's Regulations, and that all staff receive appropriate professional development on ELL students.

Cross-ref: 4321, Programs for Students with Disabilities  
9700, Professional Development

Ref: Education Law §3204  
English Acquisition, Language Enhancement, and Academic Achievement Act, 20 USC §§6801 et seq  
Equal Educational Opportunities Act of 1974, §§201 et seq.,  
20 U.S.C. §§1701 et seq.  
8 NYCRR §§80-2.9; 80-2.10; 117; Part 154  

First Reading: April 22, 2015  
Adoption date: May 6, 2015
Dear Parent/Guardian:

Your child (insert child’s name) has been identified as an “English Language Learner,” a student in need of help to learn English and the district is recommending placement in a (insert name of program). We have determined (insert child’s name) eligibility, and placed (him or her) in such a program based on (insert reasons). Please review this letter, choose one of the options (see below) and sign and return the attached form within 10 school days.

(Child’s name) is performing at (insert status of child’s academic achievement). We have determined (his or her) level of English proficiency at (insert level) based on (insert how the district assessed that level).

We believe that placement in a (insert name of English instruction program) will help (insert child’s name) both to learn English and increase (his/her) level of academic performance. Attached is a series of questions and answers we hope will help you better understand the program in which we have placed (insert child’s name) and the benefits of that program.

The district will offer an orientation session for parents. We encourage you to attend. At the meetings, we will provide you with information about New York State’s Learning Standards and the school’s expectations that will help you to better understand the goals of your child’s program, and suggest ways you can help (insert child's name). In between meetings we are always ready to listen and respond to any questions and recommendations you might have. District staff will also meet with you individually once a year, in addition to regular parent/teacher meetings, to discuss your child’s language development progress, English language proficiency assessment results, and language development needs in all content areas.

However, you should know that you have the right to:

1. request that (insert child’s name) be immediately withdrawn from the instructional bilingual program that the district has offered your child and schedule a meeting with the building principal and the district supervisor of bilingual education. At a minimum, however, (insert child’s name) must participate in an English as a New Language program;
2. request placement in another available district program
3. accept the district’s recommended placement.

Whatever your decision, we encourage you to help (insert child’s name) attain English proficiency and high academic achievement levels. Some ways in which you can do this include: (insert some examples).

If you have any questions about this notice or the attached information, please contact (insert the name of the Building Principal or the program’s coordinator). All of us in the district look forward to working with you to help (insert child’s name) improve (his or her) English and overall academic skills.

Sincerely,

Building Principal

* * * *
Questions and Answers About Your Child’s English Instruction Educational Program

NOTE: In

1. What methods of instruction will be used in my child’s program?

2. Does the district offer any other programs for English language learners?

3. How do these other programs differ from the one offered my child in terms of methods of instruction, content, instructional goals and the use of English and a native language in instruction?

4. How will this program meet the educational strengths and needs of my child?

5. How will my child’s program specifically help (him or her) learn English and meet age appropriate academic achievement standards for grade promotion and graduation?

6. What are the specific exit requirements of my child’s program? What is the expected rate of transition into non-ELL classrooms? What is the expected graduation rate from high schools receiving Title I funds?

7. My child is classified as a student with a disability. How will my child’s English learning program meet the objectives set out in (his or her) individualized education program?

Adoption date:
NOTE: This form must be returned within 10 school days.

I, as parent/guardian of _ (insert child’s name) __________, acknowledge receipt of the district’s notification regarding my child’s eligibility for an English Language Learner program. I elect the following option:

(check one box)

☐ I accept the district’s recommended placement.

☐ I decline the district’s recommended placement and request a meeting with the building principal and ELL program supervisor.

☐ I request my child’s placement in a different district ELL program, (insert the name of the preferred program).

_________________________________
Print Name (Parent)

_________________________________        ______________________
Parent Signature     Date

Mail to: (district provide mailing address)  
Or email to: (provide district email address)
HOMEBOUND INSTRUCTION

Homebound instruction is a service provided to students who are unable to attend school due to medical, emotional or disciplinary problems. Secondary students receive instruction for two hours per day and elementary students receive one hour per day. Students receive credit for their work while on homebound instruction.

The district makes provisions for homebound instruction upon referral from the Medical Director or the Deputy Superintendent for Teaching and Learning following the guidelines established by the Superintendent of Schools for placing a student on homebound instruction.

Homebound instruction will strive to keep the student on pace to rejoin his/her class and maintain academic progress. The Board recognizes that students who are out of school for extended periods of time are at risk of falling behind academically and/or losing connection to the school community. The Board directs the administration to evaluate that homebound instruction is effective in keeping students on track to graduate, and if not, to take steps to improve instruction and implement approaches and/or offer services that support the transition back to school.

Cross-ref: 5100 Student Attendance

Ref: Education Law §§1709(24); 4401 et seq.
6 NYCRR §175.21

Adoption date: August 20, 2008
1st Reading of Revision: 10/16/14
Adoption Date: November 5, 2014
SELECTION AND USE OF INSTRUCTIONAL MATERIALS

The Board of Education, as the governing body of the school district, is ultimately responsible for the selection process for print and non-print instructional materials. Since the Board is primarily a policy-making body, it delegates to the following professional personnel of the district the authority for the selection of materials such as, maps, globes, books, furniture and other equipment and supplies: teachers, principals, librarians, etc., all under the leadership of the Superintendent of Schools within the parameters of the policies.

In order to provide the Superintendent and his/her staff with guidance in the use of instructional material inclusive of video or audio-visual material for instructional or recreational school related uses, the board endorses the following guidelines:

1. recommend textbooks and other instructional materials for adoption which will support the best current instructional methods and be consistent with the district curriculum.
2. provide information that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served;
3. provide information that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards;
4. provide a background of information that will enable students to make intelligent judgments in their daily lives;
5. provide information on opposing sides of controversial issues so that young citizens may develop under guidance the practice of critical reading and thinking;
6. provide information representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage;
7. 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 classroom video materials;
8. instructional materials should NOT contain repetitive offensive language; glorification of drug or alcoholism; excessive or gratuitous violence; or sexual explicitness or innuendoes inappropriate to the students’ maturity level.
9. X-rated films/videos are NEVER to be used, and R-rated materials (even censored versions), are only to be used with the prior approval from the Principal and/or the Superintendent or his/her designee BEFORE the material is shown to students.
10. Use of audio-visual materials within the instructional program should be limited in duration and within parameters approved by the Superintendent or his/her designee or the Principal; and
11. Professional staff should attempt to keep parents informed of potentially controversial materials and provide alternative learning opportunities.
Violation of these guidelines may subject an employee and/or student to disciplinary action.

The Superintendent or his/her designee shall be responsible for the selection of resource materials within the aforesaid guidelines and for the determination of factual accuracy, readability, authoritativeness, integrity and quality of format. To assist in the selection process, reputable, unbiased professionally prepared guides shall be consulted.

In order to respond to any complaints about, or challenges to, the selection of use of classroom materials, the district has adopted regulations establishing a complaint procedure. This procedure provides for the review of such complaints or challenges by the Principal of the building where the materials are being challenged for possible temporary or permanent removal. A decision will then be made by the Superintendent based on the recommendations of the Principal unless the matter is resolved at the school level.

Cross-ref: 1420 Concerns about Curricula or Instructional Materials

Ref: Education Law §§701 et seq.; 1709(15); 1711

Adoption date: August 20, 2008
LIBRARY MATERIALS SELECTION

The Board of Education supports the establishment and maintenance in each building of library-media centers which provide services to students and staff. The Board delegates the responsibility to the Superintendent or his/her designee for the selection and purchase of materials and equipment.

The library-media staff will work closely with students, staff and administrative personnel in the selection and evaluation of materials for purchase.

In order to provide the Superintendent and his/her staff with guidance in the acquisition of instructional resource material, such as library books, references, audiovisuals, maps, etc., the Board endorses the guidelines approved by the American Library Association that such resources:

1. provide information that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served;
2. provide information that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards;
3. provide information that will enable students to make intelligent judgments in their daily lives;
4. provide information on opposing sides of controversial issues so that young citizens may develop under guidance the practice of critical reading and thinking;
5. provide information representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage; and
6. 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.

The Superintendent, or his/her designee, shall be responsible for the selection of resource materials within the aforesaid guidelines and for the determination of factual accuracy, readability, authoritativeness, integrity and quality of format. To assist in the selection process, reputable, unbiased professionally prepared aids (such as the Horn Book, School Library Journal, etc.) shall be consulted as guides.

In order to respond to any complaints about, or challenges to, the selection of library materials, the district has adopted regulations (1420-R, Complaints about Curricula or Instructional Materials Regulation) establishing a complaint procedure and providing for a committee to review such complaints or challenges.
If any person wishes to permanently remove materials from a school district library, he/she must seek the formal approval of the Board. The Board may determine that such materials should be removed. Such determination must not be based upon official suppression of ideas, but rather upon the educational suitability of the materials in question. Only the Board and/or the Superintendent may authorize said permanent removal of instructional materials, pursuant to the decision of the Board.

Cross-ref: 1420, Concerns about Curricula or Instructional Materials

Ref: Education Law §§1709(15); 1711(5)(f)

Adoption date: August 20, 2008
COMPUTER USE IN INSTRUCTION/ACCEPTABLE USE POLICY

The Board of Education is committed to optimizing student learning and teaching. The Board considers student access to a computer network, including the Internet, to be a powerful and valuable educational and research tool, and encourages the use of computers and computer-related technology in district classrooms solely for the purpose of advancing and promoting learning and teaching.

The computer network can provide a forum for learning various software applications and through online databases, bulletin boards and electronic mail, can significantly enhance educational experiences and provide statewide, national and global communication opportunities for staff and students.

All users of the district’s computer network and the Internet must understand that use is a privilege, not a right, and that use entails responsibility.

The Superintendent of Schools shall establish regulations governing the use and security of the district's computer network. All users of the district’s computer network and equipment shall comply with this policy and those regulations. Failure to comply may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

The Superintendent or his/her designee, working in conjunction with appropriate district staff, will be responsible for the purchase and distribution of computer software and hardware throughout district schools. They shall prepare and submit for the Board's approval a comprehensive multi-year technology plan which shall be revised as necessary to reflect changing technology and/or district needs.

Adoption date: 02/18/09
INTERNET SAFETY POLICY

The Board of Education is committed to undertaking efforts that serve to make safe for children the use of district computers for access to the Internet and World Wide Web. To this end, although unable to guarantee that any selected filtering and blocking technology will work perfectly, the Board directs the Superintendent of Schools to procure and implement the use of technology protection measures that block or filter Internet access by:

- adults to visual depictions that are obscene or child pornography, and
- minors to visual depictions that are obscene, child pornography, or harmful to minors, as defined in the Children’s Internet Protection Act.

Subject to staff supervision, however, any such measures may be disabled or relaxed for adults conducting bona fide research or other lawful purposes, in accordance with criteria established by the Superintendent or his or her designee.

The Superintendent or his or her designee also shall develop and implement procedures that provide for the safety and security of students using electronic mail, chat rooms, and other forms of direct electronic communications; monitoring the online activities of students using district computers; and restricting student access to materials that are harmful to minors.

In addition, the Board prohibits the unauthorized disclosure, use and dissemination of personal information regarding students; unauthorized online access by students, including hacking and other unlawful activities; and access by students to inappropriate matter on the Internet and World Wide Web. The Superintendent or his or her designee shall establish and implement procedures that enforce these restrictions.

The Coordinator of Network Technology designated under the district’s Computer Use in Instruction/Acceptable Use Policy, shall monitor and examine all district computer network activities to ensure compliance with this policy and accompanying regulation. He or she also shall be responsible for ensuring that staff and students receive training on their requirements.

All users of the district’s computer network must understand that use is a privilege, not a right, and that any such use entails responsibility. They must comply with the requirements of this policy and accompanying regulation, in addition to generally accepted rules of network etiquette, and the district’s Computer Use in Instruction/Acceptable Use Policy. Failure to comply may result in disciplinary action including, but not limited to, the revocation of computer access privileges.

Cross-ref: 4526, Computer Use in Instruction/Acceptable Use Policy

Ref: Public Law No. 106-554
47 USC §254
20 USC §6801

Adoption date: 02/18/09
1st Reading of Amended Policy: November 2, 2011
Adoption Date: April 11, 2012
ACCEPTABLE USE AND INTERNET SAFETY POLICY

Introduction

Technology is used to support teaching and learning. Networks, including the Internet, allow people to communicate with others through the use of technology. It is the policy of Kingston City School District that all technology used to access the network will be used in a responsible, legal, and ethical manner. Failure to do so will result in the termination of network privileges for the user and possible disciplinary action in accordance with the District’s Code of Conduct.

The District has developed this policy to: (a) prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications; (b) prevent unauthorized access and other unlawful online activity; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children’s Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254(h)].

Policy Statement:

- Access to the District computer network and the Internet is provided to students and staff for Educational Purposes which includes classroom activities, career development, curriculum development, communication essential to the administration and operation of the District, and high quality, educationally enriching personal research.

- The use of the District computer network and the Internet for other purposes, including for-profit activities, personal business, or illegal activities is prohibited.

- The network is not a public access service or a public forum.

- The District has the right to place restrictions on use to ensure that use of the Internet system is in accord with its limited educational purpose.

- Use of the District’s Internet system will be governed by this policy, related District and school regulation, and where applicable, the District’s Code of Conduct.

- Users have limited privacy expectations in the contents of their personal files and records of their online activity while on the District computer network.
Access:

1. Students in grades pre K-12 will have supervised access to the Internet and World Wide Web information resources through their classroom, library, or school computer lab, unless a parent/guardian requests (in writing) that this access be denied.

2. Students in grades 5-12 may be provided with an individual Internet account provided that the student and the parent/guardian signs the District’s “Internet Use Agreement.”
   a. A parent/guardian can withdraw their approval at any time.

3. To the extent practicable, “Internet filters” shall be used to block or filter Internet, or other forms of electronic communications, that limit access to inappropriate information.

4. Specifically, as required by the Children’s Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors.

5. Subject to staff supervision, technology protection measures may be disabled or, in the case of minors, minimized only for bona fide research or other lawful purposes.

6. The Kingston City School District has the capability and right to monitor Internet sites accessed.

7. The Kingston City School District reserves the right to monitor all Internet activity including transmission and receipt of E-Mail. Use of E-Mail is limited to school district purposes.

User responsibility:

1. Users are expected to immediately notify a teacher or staff member if they become aware of a violation of the Acceptable Use and Internet Safety Policy. Users are not to attempt to handle it themselves.

2. Users are responsible for the contents of and access to their individual account.
3. Under no condition should users share passwords.

4. Users will be held responsible for any policy violations that are traced to their account.

5. Users who mistakenly violate the Acceptable Use and Internet Safety Policy should immediately notify a teacher or staff member to ensure proper protection.

6. Users will not disclose, use or disseminate any personal identification information regarding minors.

**Unacceptable Usage:**

It is not the intention of this document to define all inappropriate usage. In addition to the requirements of acceptable user behavior, prohibited activities include, but are not limited to the following:

1. Access, transmit, or retransmit information that will disrupt the educational process.
   a. Displaying or using inappropriate language or pictures, which may harass, assault, or attack others.
   b. Use of obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language.
   c. Promoting violence or advocating the destruction of property, including information concerning the manufacture of destructive devices, such as explosives, fireworks, smoke bombs, incendiary devices or the like.

2. Commit or attempt to commit any willful act involving the use of the network which disrupts the operation of the network within the school district or any network connected to the Internet including but not limited to the:
   a. Use of or possession of computer viruses or so-called hacking or other unlawful activities online, including disabling or attempting to disable filtering software or other District installed software.
   b. Use of other people’s passwords or trespassing in others’ folders, work, or files. Transmitting E-Mail via an anonymous E-Mailer.
c. Use of the network for any type of unauthorized communication including, but not limited to, free web-based E-Mail, instant messenger, network broadcasting, chat rooms, Internet Relay Chat (IRC) etc.

3. Damaging computer systems or networks, or engaging in practices that threaten the network, i.e., loading files that may introduce a virus.

4. Attempting to override network security or attempting to gain access to any other computer system through the network.

5. Use or possess bootleg software. Bootleg software means any software, which has been downloaded or is otherwise in the user’s possession without the appropriate registration of the software, including the payment of any fees owing to the owner of the software.

6. Use encryption software from any access point in the school district, other than software installed by the District’s Computer Services Department for the purposes of the District’s network security.

7. Commit plagiarism or violate laws governing copyright.

8. Engaging in any illegal act.

Sanctions:

1. Violations will result in a loss of access, with the duration to be determined by the general student disciplinary code.

2. Additional disciplinary action will be determined in accordance with the District’s Code of Conduct.

Faculty & Staff Responsibilities Regarding Student Use:

1. Staff members are expected to monitor student use of the District Internet System in a manner that is appropriate to the age of the students and circumstance of use.

2. Staff members are expected to have a plan when assigning use of the Internet and to communicate objectives and expectations to the school librarian and/or lab managers to allow for appropriate planning and coordination.
CIPA DEFINITIONS OF TERMS:

TECHNOLOGY PROTECTION MEASURE. The term “technology protection measure” means a specific technology that blocks or filters Internet access to visual depictions that are:

1. OBSCENE, as that term is defined in section 1460 of title 18, United States Code;
2. CHILD PORNOGRAPHY, as that term is defined in section 2256 of title 18, United States Code; or harmful to minors.

HARMFUL TO MINORS. The term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that:

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

SEXUAL ACT; SEXUAL CONTACT. The terms “sexual act” and “sexual contact” have the meanings given such terms in section 2246 of title 18, United States Code

Revised: June 13, 2002
FIELD TRIPS AND EXCURSIONS

The Board of Education recognizes that field trips for educational purposes are an important part of the school curriculum. Field trips may be an integral part of the regular educational program, a supplement to the regular educational program or part of an extracurricular school program.

The Building Principals will approve the frequency and content of class field trips. Each student must secure the permission of his/her parent or guardian before participating in such activity.

District-wide field trips will be the shared responsibility of teachers and building principals. Building principals shall be responsible for approving all walking field trips. The approval of the Superintendent of Schools shall be required for all other field trips. Superintendent approval should be obtained on the completed request form at least 10 school days prior to the event. Each student must secure the permission of his/her parent or guardian before participating in such activity.

Prior to making any field trip commitments and/or reservations, all requests for field trips must be submitted to and approved by the appropriate building principal and the Superintendent. Factors relevant in consideration of approval of such trips should include the relationship to the curriculum, availability of transportation, the cost involved, weather conditions, and a detailed description of the responsibilities of staff and chaperones relating to adequate supervision while on the field trip.

The school district assumes no responsibility or liability for trips planned without having received the prior approval of the Superintendent of Schools or Board of Education, as appropriate. Without prior approval, these trips are considered non-school sponsored trips, and the school district's liability insurance will not cover the students, staff members or other individuals chaperoning or accompanying the trip. The organizer(s) of any non-school sponsored trip shall assume all responsibility and liability and shall indemnify and hold harmless the Kingston City School District, its officers, employees and agents, from and against any claim, suit, demand, action, judgment, cost, expense and liability, including the costs of defense of any such claim, including reasonable attorney's fees, which may arise or result, directly or indirectly, from the planning or operation of a trip without such prior approval. In September, this policy, or a plain language summary thereof, shall be distributed to all staff members by their building principal. The Superintendent is charged with the enforcement of this policy, and will take appropriate disciplinary action for non-compliance, if needed.

Funding of educational field trips that are an integral part of an approved course of study will be based upon available funds from the budget of the individual school, the department or sponsoring organization. Students and chaperones may be asked to bear the full or partial cost of such trips such as costs related to transportation, food, lodging or admissions. No student will be denied permission to participate for failure to contribute.
Funding associated with extracurricular field trips, trips that are designed as an enrichment to the course of study, may be paid by students, sponsoring organizations, fund raising activities and/or through donations.

At a minimum, student conduct on field trips shall be governed by Board of Education policies 5300 and 5305 on student conduct. Additional rules for student conduct on a particular field trip may be announced in advance by the building principal and/or the participating teacher.

If a field trip occurs during the school day, students who do not participate will be expected to be in school and will be assigned appropriate work for the day(s).

Appropriate adult supervision is essential for all field trips. It is recognized that the adult/student ratio required may vary based on the age of the students and the nature and destination of the trip. The appropriate ratio for each trip will be determined by the building principal in conjunction with the sponsoring teacher/agency subject to the following guidelines. At the elementary level, field trips involving a relocation of classroom setting into a self-contained (i.e., UPAC, Women’s Studio Workshop, Kingston High School) would require a minimum of 15:1 ratio. Field trips not to a self-contained environment would require a minimum of 10:1 ratio. At the secondary level, field trips involving a relocation of classroom setting into a self-contained environment (i.e., Women’s Studio Workshop) would require a minimum of 20:1 ratio. Field trips not to a self-contained environment would require a minimum of 15:1. A more stringent ratio may be required by the building principal and/or department chair given the specific nature of the field trip. Final approval will be at the discretion of the Superintendent.

Employees chaperoning field trips and volunteer chaperones may not receive consideration from private sources, booster clubs or extracurricular organizations beyond the expenses related to the field trip.

Trips organized by groups or individuals separate from Kingston City School District curricular, supplemental or extracurricular programs may not be planned for any time during school hours or on school district property. Travel by employees as chaperones for non-school groups will not be allowed on scheduled or rescheduled school days.

Return Transportation

When the district provides transportation to students on 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:

1. the parent or legal guardian of a student participating in such event has provided the district with a written notice authorizing an alternative form of return transportation for the student; or
2. intervening circumstances make such transportation impractical.

Where intervening circumstances (e.g., injury to the student or other good cause) have made transportation back to the point of departure or to the appropriate school in the district
impractical, a representative of the district shall remain with the student until such student’s parent or legal guardian has been contacted and the student has been delivered to his/her parent or legal guardian.

Whenever a parent or legal guardian desires to have an alternative form of return transportation, the parent’s prior written request or a written request made at the event site before school buses begin to depart from the event, shall specify the mode of transportation and the person who will be responsible for transporting their child.

Cross Ref: Policy 1250 School Volunteers

Ref: Education Law §§1604; 1709; 1804; 1903; 2503; 2554; 2590-e

Adoption date: December 6, 2006
Revised: August 20, 2008
First Reading of Revision: April 17, 2013
Revised & Adopted: May 1, 2013
User Agreement and Waiver Form

Please Print:

User/Account Holder Name:______________________________________________

School:______________________________________________

Grade/Position:______________________________________________

I have read and understand the Kingston City School District’s Acceptable Use Policy regarding Internet use of the district-sponsored account. I agree to abide by its provisions.

I understand that in-school access to the Internet is designed solely for educational purposes. I also understand that a variety of inappropriate and offensive materials are available over the Internet and it may be possible for me to access these materials inadvertently. I agree to act responsibly and to refrain from viewing inappropriate and/or offensive materials. I further understand that it is possible for undesirable or ill-tended individuals to communicate with me over the Internet, that there is no practical way for the Kingston City School District to prevent this from happening. I agree to take responsibility for avoiding such individuals and to report any such attempts at communicating with me.

I understand that I have no right to privacy when I use the Kingston City School District’s computer network and the Internet, including E-Mail. I authorize the Kingston City School District’s staff to monitor any communications to or from me on the Kingston City School District’s computer network and Internet. I have determined that the benefits of having in-school access to the Internet outweigh the potential risks, and I will not hold the Kingston City School District or its Internet Access provider responsible for material acquired or contracts made on the Kingston City School District’s network or the Internet.

I further understand that any violation of the provisions in the Acceptable Use Policy may result in suspension or revocation of my system access and related privileges, other disciplinary action, and possible legal action.

Account Holder/User Signature:______________________________________________

Date:________________________________________
GRADING SYSTEMS

Grading is considered a positive tool to indicate achievement and development in each class or subject in which a student is enrolled. The Board of Education recognizes that the classroom teacher has the primary responsibility to evaluate students and determine student grades.

The district shall use a uniform grading system. Classroom teachers shall evaluate students and assign grades according to the established system.

Grading shall be based upon student improvement, achievement, and participation in classroom discussions and activities. Parents/guardians shall be provided a written report card at least four (4) times a year regarding their child’s progress. The use of marks and symbols will be appropriately explained.

Grading shall not be used for disciplinary purposes, i.e., reducing grade for an unexcused absence, although a lower grade can be given for failure to complete assigned work or for lack of class participation.

All students are expected to complete the assigned class work and homework as directed. Students are also expected to participate meaningfully in class discussions and activities in order to receive course credit. If work is missed due to an excused absence, the student is expected to make up the work. The student and/or the student’s parent(s) or guardian(s) should discuss with the student’s teacher an appropriate means of making up the missed work.

The professional judgment of the teacher shall be respected. Once a grade is assigned to a student by a teacher, the grade may only be changed by a district administrator after notification to the teacher of the reason for such change. Should an administrator enforce a grade change, he/she shall be prepared to report to the Superintendent of Schools and/or the Board.

Cross-ref: 5100, Attendance

Ref: Education Law §§3202; 3205 et seq.
Matter of Nathaniel D., 32 EDR 67 (1992)
Matter of Shepard, 31 EDR 315 (1992)
Matter of Handicapped Child, 32 EDR 83 (1992)
Matter of Ackert, 30 EDR 31 (1990)
Matter of Augustine, 30 EDR 13 (1990)
Matter of Boylan, 24 EDR 421 (1985)
Matter of Burns, 29 EDR 103 (1989)
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Matter of Boylan, 24 EDR 421 (1985)
Matter of Burns, 29 EDR 103 (1989)
Matter of Chipman, 10 EDR 224 (1971)
Matter of Dickershaid, 26 EDR 112 (1986)
Matter of Reid, 65 Misc 2d 718 (1971)
Matter of Rivers, 27 EDR 73 (1987)
Matter of Shamon, 22 EDR 428 (1983)

Adoption date: August 20, 2008
Homework can be an extremely valuable extension of classroom instruction. Homework should develop the student’s sense of responsibility providing an opportunity for the exercise of independence, time management and organizational skills.

Homework assignments should be carefully planned and designed to create opportunities for a student to both practice individual skills and to demonstrate cumulative learning as well as to inform the teacher which skills need to be re-taught or reinforced. The expectation is that all homework will be checked with appropriate feedback given to each student in a timely manner.

Homework shall be assigned according to these guidelines:

1. Homework should be a routinely planned and clearly articulated part of the curriculum.

2. Homework should help children learn. Research indicates that carefully planned homework helps students to: master basic rules; increase skill speed; deepen understanding of concepts; and prepare for subsequent learning. Teachers should strive to match the type of homework given to the learning goal to make homework a focused learning experience.

3. Homework should be evaluated in a timely manner and utilized to both inform instruction and provide valuable feedback to the student and family.

4. Large quantities of repetitive homework should not be given. (Practicing mistakes cements inappropriate procedures and makes them hard to overcome).

5. Every effort shall be made to assure that there is a balance with the number, frequency and degree of difficulty of homework assignments, particularly when students have more than one teacher. Research indicates that a good rule of thumb is to multiply the grade level of the student by ten minutes to gauge the correct amount of homework time in total to assign per night.

6. Homework production should be part of the student's overall evaluation. However, no student should ever fail a course on the basis of homework alone. Opportunities to make up homework should be offered to every student.

7. Homework of a reasonable nature may be given over weekends, holidays, vacations and other non-school time.

8. Homework should not create a financial burden on the family. Furthermore, equity of access to technology needs to be considered when assigning and evaluating homework.
The Board of Education believes that family support in students' homework is essential to making homework an integral part of the educational program. Families are expected to encourage and monitor homework assignments and, to the extent possible, provide conditions that are conducive to successful completion. Students should, however, complete their own homework assignments. Completing assignments for students does not help them but rather denies them valuable opportunities to prepare for learning, practice skills and deepen understanding of concepts.

The district shall also make every effort to provide time and spaces during the school day where students can complete their homework and access homework help.

The Superintendent is charged with the development of administrative regulations.

1st Reading: May 18, 2016  Adoption : June 1, 2016
PROMOTION, RETENTION AND ACCELERATION OF STUDENTS

It is critical that each student experience both challenge and success in learning. Grade placement should enhance this possibility. Grade placement is based upon the premise that each teacher will provide appropriate opportunities for students at all stages of physical, emotional and academic growth. Academic growth does not take place at the same pace for all students. Promotion, retention and acceleration are added methods to meet the needs of individual students.

Classroom teachers are expected to make every effort, consistent with the district’s implementation of response to intervention (RtI), to identify early those students at risk of failing. The Building Principal and the parent/guardian must be notified promptly if retention is anticipated, and a special support program shall be designed for each child identified as at risk of not meeting standards. A referral to the School Intervention Team (SIT) to review the student’s performance and ensure appropriate interventions are being incorporated should occur in accordance with the RTI plan.

It may be in the best interest of a student to be accelerated. Requests for acceleration can be made by the parent or by the teacher. Upon receipt of such request and receipt of authorization from the parent/guardian, the school principal will initiate a case study involving appropriate staff.

Promotion or retention of a student will be considered according to the following general guidelines:

- Academic achievement will be the primary consideration for promotion or retention;
- The age of the student and appropriateness for the school assignment will be taken into account;
- No student will be retained more than once during the K-8 school experience;
- All recommendations concerning student retention must be made to the school principal by the teacher(s). The school principal will initiate a case study involving appropriate staff. Consultation with the parents/guardians will take place once the school principal, teacher(s) and staff have conferred;
- The decision to promote or retain is the authority of the principal. If this decision is in question, the Superintendent or his/her designee will have the final authority;
- An educational plan defining what will occur that is instructionally different to promote student growth for any student being retained will be developed. Once the plan is implemented, the student will be monitored regularly for growth and performance;
- Standardized test scores will not be the sole or primary factor in the decision for retention.

Acceleration of a student will be considered according to the following general guidelines:

- The parent must provide written consent to have their child evaluated;
- The parent should be made aware of the process for determining acceleration;
• The school psychologist will conduct an educational evaluation;
• A committee of the school psychologist, school principal, classroom teacher, district curriculum specialist(s) and other appropriate staff will review the educational evaluation, including academic performance information, student work samples, assessments and social/emotional information and make a recommendation;
• The school principal will meet with the parent to share information from the committee review;
• The school principal will make the final recommendation.

In order to inform parents/guardians about the district’s approach to promotion, retention and acceleration, this policy will be posted on the district website and included in student and/or parent handbooks.

First Reading: January 6, 2016
Adoption: January 20, 2016
GRADUATION REQUIREMENTS

In order to receive a Kingston High School diploma the high school principal must certify that the student has acquired the proper number of credits, met all associated requirements, and received passing grades on the required state exams.

Administrative regulations follow which specify the number of credits and test requirements every student entering Kingston High School must earn/complete to be eligible for graduation. As there may be changes made by the Regents, the District will reevaluate these requirements every year.

The principal can make exceptions, with advice of guidance counselors, for students who transfer into Kingston High School, as long as these exceptions do not deviate from state requirements.

Revised & Adopted
May 2, 2007
GRADUATION CEREMONIES

The graduation or commencement ceremony is a time to celebrate the honors and achievements of the graduating class. The Board of Education will establish the date for graduation ceremonies, while the administration will determine the place and program details, including attire. Academic and other awards and scholarships may be presented along with diplomas. Speakers may be selected from among the graduating class or others.

Participation in the graduation ceremony and related activities will be predicated on satisfactory completion of all graduation requirements, or as otherwise described in this policy. Exceptions may be made under extraordinary circumstances with the permission of the Superintendent of Schools. A student who has earned either a Career Development and Occupational Studies Commencement Credential (CDOS) or Skills and Achievement Commencement Credential (SACC) by the time his/her ninth-grade cohort reaches graduation may, but is not required to, participate in that graduation ceremony and related activities.

If a student who participates in the graduation ceremony by earning a CDOS or SACC only subsequently meets the requirements for either a Regents or local high school diploma, he/she may participate in the graduation ceremony of that graduating class as well.

A student with a disability who participates in graduation ceremonies by earning only a CDOS or SACC is entitled to continue his/her educational program until the end of school year in which the student turns 21 years old, or until he/she earns a Regents or local high school diploma.

The Superintendent shall develop regulations to implement this policy, to be adopted by the Board. The district shall provide annual written notice to all students and their parents/guardians of the requirements of this policy and associated regulations.

Cross-ref: 4321, Programs for Students with Disabilities Under the IDEA and New York’s Education Law Article 89
4321.9, Declassification of Students with Disabilities
4773, Diploma and Credential Options for Students with Disabilities

Ref: Education Law §3204(4-b)
8 NYCRR §§100.5; 100.6
GRADUATION CEREMONIES REGULATION

Participation by Earning a CDOS or SACC

A student who has earned either a Career Development and Occupational Studies Commencement Credential (CDOS) or a Skills and Achievement Commencement Credential (SACC), but not a high school diploma, shall be allowed to participate in the graduation ceremony and related activities of the student’s graduating class.

The district shall retain a record of each student’s ninth grade cohort. Each year, the High School Building Principal shall determine whether each student who entered ninth grade with the current year’s graduating class is eligible to participate in that year’s graduation ceremony, pursuant to state law, Board policy and this regulation.

During the school year in which the ninth grade cohort enters twelfth grade, the High School Building Principal shall submit to the Superintendent of Schools or designee the name(s) of all students who are on track and expected to earn either a CDOS or SACC, but not a Regents or local high school diploma, by the time of graduation.

For each student so identified, the Superintendent or designee shall ascertain whether the student wishes to participate in the graduation ceremonies and related activities of that year’s graduating class by discussing the matter with the student and/or parent/guardian either in person, in writing, by telephone, or via email.

For any student who meets such requirements and wishes to participate in the graduation ceremony and related activities, the Superintendent shall ensure, prior to graduation, that the High School Building Principal, the student, and his/her parent(s)/guardian(s) are notified that the student may participate in that year’s graduation ceremony and related activities, and shall ensure his/her participation is facilitated.

The district shall provide annual written notice to all students and their parents/guardians of the requirements of this regulation and associated policy.

1st Reading: June 6, 2018    Adoption date: June 20, 2018
USE OF LIVE ANIMALS AND DISSECTION IN THE SCIENCE CLASSROOM

The Board of Education recognizes that the study of living things is essential to effective instruction in the life sciences. The primary goals for demonstrations and investigations involving animals are to achieve an interest in and an understanding of the life processes, to demonstrate biological principles, and to teach proper care and handling of animals. Therefore, the Board requires that any such instructional activities, investigations, and projects be well-planned and adequately supervised, and be conducted with a respect for life and an appreciation of the health and safety of both animals and students.

The Board also recognizes that some students have a moral or religious objection to dissection or otherwise harming or destroying animals. In accordance with state law, students shall have the right to opt out of dissection activities, provided that the student performs an alternative project approved by the student’s teacher. The objection must be substantiated in writing by the student’s parent or guardian.

At the start of the school year, teachers of courses that include animal dissection shall give notice to the students in those classes of their opt-out rights and responsibilities under the law and this policy. Such notice shall be shared with parents of those students, and also be available on the district website.

Ref: Education Law §809(4)

Responsible Use of Live Animals and Dissection in the Science Classroom,
National Science Teachers Association Position Statement, revised March 2008
(www.nsta.org/about/positions/animals.aspx)

Adoption date: May 4, 2011
STUDENTS WITH DISABILITIES PURSUANT TO SECTION 504

The Board of Education shall ensure that no student is discriminated against in programs or activities receiving federal financial assistance. Individuals protected by Section 504 of the Rehabilitation Act of 1973 are those individuals who: have a physical or mental impairment which substantially limits one or more major life activities (e.g. caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working); have a record of such impairment; or are regarded as having such an impairment. Students who qualify for protection under Section 504 are: of an age during which non-disabled children are provided preschool, elementary or secondary education services; of an age during which it is mandatory under state law to provide such educational services to disabled children; or to whom a state is required to provide a free appropriate public education (e.g. under IDEA).

The Board shall identify, evaluate, refer, place, provide adaptations for and review all eligible students with disabilities. Students with disabilities pursuant to Section 504 shall be provided a free appropriate public education which may include, but is not limited to, providing a structured learning environment; repeating and simplifying instructions about in-class and homework assignments; supplementing verbal instructions with visual instructions; using behavioral management techniques; adjusting class schedules; modifying test delivery; using tape recorders, computer-aided instruction, and/or other audiovisual equipment; selecting modified textbooks or workbooks and tailoring homework assignments or modification of nonacademic times such as lunchroom, recess and physical education.

The Board shall adopt a grievance procedure to resolve Section 504 complaints and designate an individual to coordinate compliance with Section 504. The Board shall ensure that students with disabilities and their parents are notified annually of the Board's responsibilities under Section 504.

Cross-ref: 4321 Programs for Students with Disabilities under the IDEA and New York’s Education Law Article 89
5300 Student Code of Conduct

Ref: Rehabilitation Act of 1973, 29 USC §§794 et seq. (Section 504)
34 CFR Part 104
Individuals with Disabilities Education Act, 20 USC §§1400 et seq.
(Idea)
Education Law, §§4401 et seq. (Article 89)
8 NYCRR Part 200

Adoption date: 4/16/08
STUDENT COMPLAINTS

The Board of Education believes it is necessary that students be made aware of the behavior that is expected of them, as outlined in district policies on school conduct and discipline. Building Principals are responsible for ensuring that appeal procedures are incorporated into discipline codes and/or student handbooks, explained to all students, and provided to all parents on an annual basis.

The Board encourages students to be active participants in the educational process. The Board strives to provide students with a sound educational environment, ensure that all students are treated fairly, and afford students the due process protections they are entitled to under the law.

Many concerns about school practices can and should be addressed through the student government. Student handbooks may also provide valuable information. For other issues, the district has different channels for resolution of complaints, depending on the nature of the complaint. Students are urged to discuss concerns with a school staff member or a Building Administrator. School staff and administrators are expected to work with students toward an amicable resolution of the issue.

The Superintendent of Schools shall establish regulations and procedures for presenting problems or appealing decisions which affect individual students, in accordance with applicable statutory requirements, and for the resolution of complaints or grievances which may affect the student body.

Cross-ref: 0100, Equal Opportunity
          1400, Public Complaints
          5220, School-Sponsored Student Publications
          5300, Student Conduct
          5305, Kingston High School Student Code of Conduct
          5500, Student Records
          9620, Anti-Harassment in the School District

Adoption Date: February 2, 2011
STUDENT ATTENDANCE

Objectives
School attendance is both a right and responsibility. The School District is an active partner with students and families in the task of ensuring that all students meet or exceed the New York State Learning Standards. The Board of Education, in accordance with New York State Education Law, requires that each minor regularly attend school fulltime.

Attendance is important, and research supports its relationship to student achievement and completion of a high school diploma. Regular and uninterrupted classroom attendance is vital to the learning process, and a major factor in the success of any child in both school and subsequent career pursuits. Regular and timely attendance is necessary for learning, and to establish the whereabouts of every student for safety and school management reasons. Attendance data will be utilized to identify student attendance patterns for the purpose of planning timely and appropriate interventions, incentives, rewards, and sanctions. Average daily attendance will be employed to compute state aid.

Notice/Strategies
To be successful, it is imperative that all members of the school community are aware of this policy, its purpose, procedures and the consequences of non-compliance. To ensure that students, families, teachers and administrators are notified of, and understand, this policy, the following procedures shall be implemented:

1. Provide a plain language summary of this policy to families and students;
2. At the beginning of each school year, all faculty and staff will meet to review the attendance policy to clarify individual roles in its implementation. New staff will receive a copy upon their employment;
3. The District will share this policy with local Child Protective Services (CPS) to ensure a common understanding of excused and unexcused ATEDs [Absences, Tardiness, and Early Departures] and to work toward identifying and addressing cases of educational neglect;
4. School newsletters, publications, and the district website will include periodic reminders of the components of this policy;
5. Attendance data will be analyzed for the purpose of tracking individual and group trends, and identifying student attendance problems. If patterns emerge, district resources will be targeted to understand and eliminate barriers to attendance;
6. Early intervention strategies will be developed to improve school attendance for all students;
7. Early interventions will be reviewed at each building level at least annually; and
8. A District Attendance Review Committee will be established and meet regularly to review student attendance data.

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:
Excused absences shall include: Personal illness, death in the family, school-approved education trips, religious observations, impassable roads or weather, quarantine, required court appearances, music lessons, approved college visitations, emergency doctor or dental appointments, approved cooperative work programs, or such other reasons as may be approved by the appropriate building administrator.

Family vacations require prior approval by administration, may not exceed ten days, and will not be approved during periods of state testing. At the discretion of the teacher, projects may be assigned during family vacations, in lieu of regularly assigned homework.

Students whose parent or legal guardian has been called for military deployment, is on leave from, or is returning from a combat zone or combat support, may be excused an additional five [5] days, but work must be made up according to the rules applicable to other excused absences. Parents are asked to notify the Building Principal no less than three [3] days before the intended absences.

Unexcused absences shall include: Any unauthorized absence (full day or class absence), leaving school without permission, or absence without a valid or written documentation submitted to the main or attendance office. Any absence, tardiness, or early departure will be considered unexcused unless valid written documentation is provided according to the administrative regulations for student attendance. Note: In-school suspension and night school suspension are counted as days of attendance for students.

General Procedures/Data Collection
1. Attendance will be taken each school day, and period-by-period at the secondary level. At the conclusion of each class period or school day, all attendance information shall be compiled and provided to the designated staff member responsible for attendance;
2. The nature of an ATED shall be coded on a student’s record;
3. Where additional information is received that requires corrections to be made to a student’s attendance records, such correction will be made immediately. Notice of such a change will be sent to appropriate school personnel subject to applicable confidentiality rules;
4. Where consistent with other school practices, teachers and staff shall detain students in the hallways who are absent from a class period without excuse and refer the students to the Building Principal;
5. Any student will be considered chronically absent if they miss ten percent or more of the school year. Satisfactory attendance is missing five percent or less of school over the course of the year. If a pattern of ATEDs for an individual student is identified, a designated staff person will follow-up in accordance with this policy; and
6. If a student is absent from school or a class without an excuse, the parent/guardian will be notified. In addition, the parent/guardian will be notified if the student will not receive credit due to excessive absenteeism.
Intervention Strategies
Students who exhibit an excessive number of days absent, class cuts, or tardiness will be referred by the teacher to the school student service professional team, i.e., guidance counselor, social worker and/or psychologist, to identify the cause, and seek solutions to the problem. Parents/guardians will be part of the discussion and implementation of all intervention strategies.

Attendance incentives will be designed and implemented to acknowledge a student’s efforts to maintain or improve attendance, and to achieve a goal of attendance as an inherent value and life skill.

Consequences of Excessive ATEDs
A designated staff member will contact the student’s parents/guardians and the student’s guidance counselor in the event that a student’s record reveals excessive ATEDs, excused and/or unexcused. Excessive ATEDs are defined as: Four consecutive absences, and/or total absences, or tardies. Such staff member(s) shall remind parents/guardians of the attendance policy, explain the ramifications of excessive ATEDs, stress the importance of class attendance, and discuss appropriate intervention strategies to correct the situation.

Unexcused ATEDs may result in disciplinary action consistent with the district’s code of conduct.

In addition, the designated staff member will contact local Child Protective Services (CPS) if they suspect that the child is being educationally neglected. The designated staff member will provide CPS with the information necessary to initiate a report. If other staff members suspect education neglect, they must follow the procedures outlined in Board policy and regulation #5460 Child Abuse in a Domestic or Educational Setting, and notify the building principal of said report.

Course Completion and Awarding of Credit
The Board of Education recognizes an important relationship between class attendance and student performance. Consequently, each marking period a student’s final grade may be based on classroom participation as well as student performance on homework, tests, papers, projects, etc.

The following attendance and course completion guidelines shall govern the awarding of course credit at Kingston High School, and for those students who are taking credit-bearing courses in the middle schools:

1. Students are expected to attend all scheduled classes. Students are expected to consult with their teacher, and make up all class work/tests that are missed due to excused absences. Make-up opportunities must be completed by a date specified by the student’s teacher for the class in question. Opportunities to make up work will not be made available for unexcused absences. Consistent with the importance of classroom participation, unexcused absences, tardiness, and
early departures will affect a student’s grade, including credit for classroom participation, for the marking period.

2. Any student who is in excess of 18 days of unexcused absences for a full year secondary course will not receive credit for the course. Any student who is in excess of 9 days unexcused absences for a half year secondary course will not receive credit for the course. To ensure that parents/guardians and students are aware of the implication of this minimum attendance requirement, the teacher or other designated staff member will advise the student and contact the parents/guardians by telephone and mail at appropriate intervals prior to the student reaching nine or eighteen unexcused absences [see above].

3. Students receiving instruction at home or in a hospital due to illness, Superintendent’s suspension or out of school placement shall be considered to be present for instruction. No student shall be accounted for as absent on a day when he/she is entitled to home or hospital instruction and the District fails to provide the instruction. However, if alternative instruction is offered by the district and the student fails to attend, the student shall be marked absent.

4. The option for Credit Recovery will be detailed in all course completion statements. This option will only be available to a student when all eligibility criteria have been met, and upon teacher recommendation.

Appeals
An appeal process shall be established in regulations to resolve a challenge from a student or parent/guardian related to a student’s eligibility for course credit.

Summer School Attendance Regulations
The attendance requirements for students in a summer school program will be set by the educational agency providing the service, eg., BOCES. Eligibility for summer school may be denied because of excessive absences during the regular school year, and enrollment may be dependent upon administrative recommendation.

Annual Review
The Board shall annually review building-level student attendance records and, if such records show a decline in student attendance, the Board shall revise this comprehensive attendance policy and make any revisions to the plan it deems necessary to improve student attendance.

Cross ref: 4710 Grading Systems
3500 Code of Conduct
5305 KHS Jefferson Code
5460 Child Abuse in a Domestic or Educational Setting

Ref: Education Law §§1709; 3024; 3025; 3202; 3205-3213; 3225
8 NYCRR §§104.1; 175.6
Social Service Law §34-a

1st Reading of Revised Policy: September 2, 2015
Adoption Date: September 16, 2015
Policy 5110

SCHOOL ATTENDANCE BOUNDARIES

School attendance boundaries will be determined by the recommendation of the superintendent of schools as approved by the Board of Education. The determination of such boundaries will be based upon the cost, equity and optimum educational programs for the greatest possible number of children.

The attendance boundaries may be changed from time to time because of enrollment changes. Every effort shall be made, through long-range planning, to hold such changes to a minimum.

The board delegates to the superintendent of schools and/or his/her designee the authority to transfer students from one attendance area to another within the school district.
COMPULSORY ATTENDANCE AGES

All children are required by New York State law to attend school full time, in a public, private or parochial school, unless exempt from attendance in conjunction with current law or regulation, and approved by the State Education Department from the first day of session in September of the school year in which the minor becomes six years of age through the last day of the school year in which such minor becomes sixteen years of age, unless he/she has completed a four-year high school course of study. A minor who has completed a four-year high school course of study is not required to attend.

The Board of Education, through the Superintendent as chief administrative officer, is responsible for enforcement of the Compulsory Education Law.

Ref: Education Law §§1711; 3201; 3202(1-a); 3205; 3206; 3208; 3225
8 NYCRR §101
Family Court Act §§711 et seq.

Adoption date: October 1, 2008
STUDENT ADMISSIONS

The district shall provide a public education to all persons residing in the district between the ages of five and twenty-one, if they are five (5) years of age by that December 1st, who have not received a high school diploma.

A veteran of any age who has not yet received his/her high school diploma and who has been discharged under conditions other than dishonorable is eligible to attend school.

A non-veteran under twenty-one years of age who has received a high school diploma shall be permitted to attend school or BOCES upon payment of tuition.

Upon registration, all new students shall be required to present:

1. proof of age - examples of acceptable forms of documentation include, but are not limited to, a birth certificate, baptismal record, an entry in a family bible, an adoption record, an affidavit from a parent/guardian, or a passport (including a foreign passport);

2. record of immunizations* and a health certificate from a licensed physician; and

3. proof of district residency – examples of acceptable forms of documentation include, but are not limited to, a pay stub, income tax form, mortgage or lease documents to a house or apartment, telephone or utility bills or other bills sent to the student’s home address, rent payment receipts, a copy of a money order for payment of rent, a letter from a parent’s employer that is written on company letterhead, voter registration document or a state- or other government-issued ID.

4. Custody papers (if appropriate);

5. Parent/guardian photo identification.

Admissions of Nonresident Students

The following students will be accepted for attendance:

1. Future residents: The children of parents or guardians who show proof of residence under construction, or a contract for purchase of an existing residence, or who have executed to lease for premises within the district, and who intend to become residents upon availability of the structure, and can anticipate availability within 90 days of enrollment.

2. Former residents: Regularly enrolled children of parents or guardians who have moved out of the school district during the school year will be permitted to complete the current semester in the district. A senior in the school system who is a resident through the first marking period may complete the entire senior year.

3. Foreign Students: Students from other nations who are living with district residents may be enrolled at the discretion of the Superintendent.
4. School Employees: The children of nonresident staff members may be enrolled when space permits.

5. Voluntary transfers at the discretion of the Superintendent.

Students in the above categories 1, 2, and 3 will be admitted at no charge.

Students in Category 4 and 5 will be admitted upon payment of tuition as approved by the Board of Education.

Children residing in foster homes and similar circumstances will be admitted in accordance with the law. The district will bill for tuition to the appropriate agency or district when applicable.

Tuition fees will be established annually in accordance with the law.

The district may contract for the education of children with any district, which authorizes its trustees to contract with the Board of Education of the Kingston School District.

The Board of Education delegates its authority, pursuant to Commissioner's Regulations 100.2(y), to the Superintendent of Schools who shall have the full and final authority to make determinations regarding student residency.

* Regulations that accompany policy 5420, Student Health Services, provide additional guidance regarding immunization records.

If the parent/guardian of a student seeking to enroll is limited English proficient, the district will meaningfully communicate material information about enrollment as required by federal law. The district will provide parents/guardians of all newly enrolled students with appropriate information including student handbooks and information about access to special education services.

Cross-ref: 5151, Homeless Students
5420, Student Health Services

Ref: Education Law §§903; 904; 3202; 3208; 4402(8)
Public Health Law §2164
Educational Services for Recently Arrived Unaccompanied Children, New York State Education Department, September 10, 2014
Information on the Rights of All Children to Enroll in School, U.S. Departments of Education and Justice, Revised May 8, 2014
Fact Sheet I and II: Information on the Rights of All Children to Enroll in School, http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201405.pdf

First Reading: October 7, 2015
Adoption date: October 21, 2015
EDUCATION OF HOMELESS CHILDREN AND YOUTH

The Board recognizes the unique challenges that face homeless students and will provide these students with access to the same free, appropriate public education, including public preschool education, as other children and youth and access to educational and other services necessary to be successful in school, and will ensure that they are not separated from the mainstream school environment. The Board is also committed to eliminating barriers to the identification, enrollment, attendance, or success of homeless students.

As defined in Commissioner's regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:

a) Sharing the housing of other persons due to a loss of housing, economic hardship, or a similar reason;
b) Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
c) Abandoned in hospitals; or
d) A migratory child who qualifies as homeless in accordance with Commissioner's regulations. The term "migratory child" includes a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one school district to another in the preceding 36 months, in order to obtain, or accompanies his or her parent or spouse in order to obtain, temporary, or seasonal employment in agricultural or fishing work; or
e) A child or youth who has a 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 established in accordance with Executive Law Article 19-H; or
   2. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.

An "unaccompanied youth" means a homeless child not in the physical custody of a parent or legal guardian. This term does not include a child or youth who is residing with someone other than a parent or legal guardian for the sole reason of taking advantage of the schools of the District.

A designator will decide which school district a homeless child or unaccompanied youth will attend. A designator is:

a) The parent or person in parental relation to a homeless child; or
b) The homeless child, together with the homeless liaison designated by the District, in the case of an unaccompanied youth; or
c) The director of a residential program for runaway and homeless youth, in consultation with the homeless child, where the homeless child is living in that program.

The designator may select 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 will attend. However, the designated school district must determine whether the designation made by the parent, guardian, or youth, in the case of an unaccompanied youth, is consistent with the best interest of the child by considering certain student-centered factors, including factors related to the impact on education and the health and safety of the child or youth.

A homeless child is entitled to attend the school district of origin for the duration of his or her homelessness and also through the remainder of the school year in which he or she locates permanent housing in accordance with his or her best interest.

The term "school district of origin" includes preschool and feeder schools as defined by applicable law.

**Enrollment, Retention, and Participation in the Educational Program**
The District will immediately enroll children and youth who are homeless even if the child missed any relevant application or enrollment deadlines during any period of homelessness. The ability of a homeless child or youth to continue or participate in the educational program will similarly not be restricted due to issues such as:

a) Transportation;
b) Immunization requirements;
c) Residency requirements;
d) Birth certificates, medical records, individualized education programs (IEPs), school records and other documentation;
e) Guardianship issues;
f) Comprehensive assessment and advocacy referral processes;
g) Resolution of disputes regarding school selection;
h) Proof of social security numbers;
i) Attendance requirements;
j) Sports participation rules;
k) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
l) Other enrollment issues.

**Educational Programs and Services**
The District will provide homeless children and youth with access to all of its programs, activities, and services to the same extent that they are provided to resident students.

Homeless children and youth will be educated as part of the school's regular academic program. Services will be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their non-homeless counterparts, including programs for special education, vocational and technical education, gifted and talented students, before and
after school, English language learners, Head Start, Even Start, and school nutrition. Services provided with McKinney-Vento funds will expand upon or improve services provided as part of the regular school program. Consequently, the District will ensure that homeless children and youth are not segregated in a separate school, or in a separate program within the school, based on their status as homeless; and to the extent feasible consistent with the requirements of Commissioner's regulations, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child's or youth's parent or guardian. Further, the District will review and revise policies and practices, including transportation guidelines as well as those related to outstanding fees, fines, or absences, that may act as barriers to the enrollment, attendance, school success, and retention of homeless children and youth in the District.

**Transportation**

In order to ensure immediate enrollment, and so as not to create barriers to the attendance, retention, and success of homeless students, transportation must be promptly provided. If the local social service district or the Office of Children and Family Services is not required to provide transportation, the designated district is responsible for the provision and the cost of the student's transportation through the remainder of the school year in which the homeless student becomes permanently housed.

Where a homeless student designates the school district of current location as the district the student will attend, then that district will provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin or a school district participating in a regional placement plan, then that district must provide transportation to and from the homeless child's temporary housing and school not to exceed 50 miles each way unless the Commissioner certifies that the transportation is in the best interests of the child.

Transportation is required even if the school of origin is located in another local educational agency (LEA) as long as attendance at the school of origin is in the best interest of the child or youth, even if it requires students to cross district lines. If two school districts are involved, the districts must agree on a method to apportion the cost and responsibility of transportation, or they must split it equally.

Transportation responsibilities apply to all school districts regardless of whether or not they receive McKinney-Vento funds. Transportation must be provided pending final resolution of any enrollment disputes, including any available appeals. If the designated district provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

**District Liaison for Homeless Children and Youth**

The District will designate an appropriate staff person, who may also be a coordinator for other federal programs, as the local educational agency liaison for homeless children and youth to carry out the duties as described in law, Commissioner's regulations, and applicable guidance issued by the U.S. and New York State Education Departments. The District will inform school personnel, local service providers, and advocates of the office and duties of the local homeless liaison.
Training
All school enrollment staff, secretaries, school counselors, school social workers, and principals will be trained on the requirements for enrollment of homeless students. Other staff members including school nutrition staff, school registered professional nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

Outreach
The District will make every effort to inform the parents or guardians of homeless children and youth of the education, transportation, and related opportunities available to their children including transportation to the school of origin. The parent(s) or guardian(s) will be assisted in accessing transportation to the school they select, and will be provided with meaningful opportunities to participate in the education of their children. Public notice of educational rights of homeless children and youth will be disseminated by the District in places where families and youth are likely to be present (e.g., schools, shelters, soup kitchens), and in comprehensible formats (e.g., geared for low literacy or other community needs).

Dispute Resolution
The District will establish procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth and provide a written explanation, including a statement regarding the right to appeal to the parent or guardian if the District sends the student to a school other than the school of origin or the school requested by the parent or guardian. These disputes will include, but are not limited to, disputes regarding transportation and/or a child's or youth's status as a homeless child or unaccompanied youth.

In the event of a dispute regarding eligibility, school selection, or enrollment, the homeless child or youth will be entitled to immediate or continued enrollment and transportation pending final resolution of the dispute, including all available appeals.

Record and Reporting Requirements
If the District, as the school district of origin, receives a request to forward student records to a receiving district, the records must be forwarded within five days of receipt of the request.

The District will maintain documentation regarding all aspects of the District's contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

The District will collect and transmit to the Commissioner of Education, at such time and in the manner as the Commissioner may require, a report containing information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.

Student Privacy
Any information pertaining to the living situation of a homeless student, such as his or her homeless status or temporary address, is considered a student educational record and is not subject to disclosure as directory information under the Family Educational Rights and Privacy Act (FERPA).
McKinney-Vento Homeless Education Assistance Act, as reauthorized by the Every Student Succeeds Act
(ESSA), 42 USC § 11431 et seq.
Education Law §§ 902(b) and 3209
Executive Law Article 19-H
8 NYCRR § 100.2(x)

NOTE: Refer also to Policy #5420 – Student Health Services
Refer also to Policy #8410 – Transportation

1st Reading: June 6, 2018  Adoption Date: June 20, 2018
STUDENT DISMISSAL PRECAUTIONS

No student may be released from school to anyone other than the parent, guardian or child protective services personnel and law enforcement officers pursuant to law, unless the individual's name seeking release of the student appears on a list provided by the parent or guardian.

A student may be released to either parent unless a custodial parent supplies the Superintendent of Schools with a certified copy of a court order or divorce decree to the contrary.

The Superintendent shall develop procedures to enable parents and guardians to amend the list of persons authorized to obtain the release of their children.

Ref: Education Law §3210(1)(c)

Adoption date: October 1, 2008
SCHOOL-SPONSORED STUDENT PUBLICATIONS

The Board of Education encourages student publications not only because they offer an educational activity through which students gain experience in reporting, writing, editing, and understanding responsible journalism, but also because they provide an opportunity for students to express their views and a means of communicating both within and beyond the school community.

All student publications will comply with the rules for responsible journalism. Libelous statements, unfounded charges and accusations, obscenity, false statements, materials advocating racial or religious prejudice, hatred, violence, the breaking of laws and school policies and/or regulations, or materials designed to disrupt the educational process will not be permitted. Expressions of personal opinion must be clearly identified as such, and bear the name of the author. Opportunity for the expression of opinions differing from those of the student publishers must be provided.

In addition, student newspapers and/or publications which are paid for by the school district and/or produced under the direction of a teacher as part of the school curriculum are not considered a public forum. In such cases, the Board reserves the right to edit or delete such student speech which it feels is inconsistent with the district's basic educational mission.

Students shall have the right to appeal the exercise of pre-publication or pre-production control by district staff to the Board.

The Superintendent of Schools shall be responsible for developing regulations to implement this policy. The regulations shall:

- Identify district staff responsible for student publications and productions;
- Establish procedures for pre-publication and/or pre-production review;
- Establish the parameters of speech which is acceptable to express in the context of school-sponsored publications and/or productions; and
- Specify procedures for appeal by students to the Board with provisions for prompt decisions to be made at each level.

Ref:  

Adoption date: 04/16/08
STUDENT PERSONAL EXPRESSION

The Board of Education recognizes the importance and value of student personal expression and recognizes that students do not shed their first amendment right of free expression at the schoolhouse gate. As in broader American society, the Board also understands that there is a balancing of an individual’s rights under the First Amendment with the rights of the community. Student personal expression in this context refers to student verbal and written communication using any medium (paper, e-mail; website postings, etc.) including, but not limited to, poetry, prose, art, video and music composition that is intended to be shared with the broader school community, or other actions taken to express viewpoints such as demonstrating or protesting.

Although students retain their right to free expression in school, that right is not unfettered. School officials may regulate expression as to time, place and manner. Students’ expression which causes a substantial disruption or which materially interferes with school activities or rights of others or might reasonably lead the school administration to forecast substantial disruption of or material interference with school activities, is not constitutionally protected speech.

Distribution of Materials

When students wish to personally express themselves in the broader school community by distributing materials, they must seek prior approval from the building principal or his/her designee. The building principal or his/her designee will render his/her decision within two school days of receiving the request. The building principal shall give due consideration to the constitutionally protected right of freedom of expression, the maintenance of the normal operation of school and its activities, the protection of persons and property and the need to assist students in learning appropriate ways to exercise their rights. Unless such student expression takes place within the confines of a school-sponsored event/activity (see policy 5220 for guidance on School-Sponsored Student Publications), authorization will be granted if:

- The material is distributed as directed by the Principal or designee in such a manner as to not materially or substantially interfere with the rights of others or substantially disrupt the normal operation of the school;

- The material is not considered to be obscene, lewd, indecent, libelous, an invasion of the privacy of other individuals, or an expression that attacks a person’s character, family, or actual or perceived race, color, religion, religious practice, age, weight, sex, ethnic group, national origin, physical appearance, sexual orientation, gender (including gender identity or gender expression) or disabling condition.

- The material is free from advertisements or promotion of cigarettes, liquor, illegal or illicit drugs, or drug paraphernalia or other products or services harmful to minors and/or not permitted to minors by law, or advocating breaking laws and school policies and/or regulations.

Procedural Due Process

If a student(s) seeks to distribute material within school buildings or at school events, he/she must present such material for prior review by the Building Principal who must make a decision regarding distribution within two (2) school days of receipt of the request and to provide the reason.
for the denial in writing. The aggrieved student(s) may within two (2) school days appeal in writing to the Superintendent of Schools. The Superintendent of Schools must issue a written decision within two (2) school days after receiving the appeal.

**Off-Campus Student Expression**
Generally, school administrative authority regarding student expression does not extend beyond school grounds or school-sponsored functions. However, with today’s technologies, the line between off and on campus expression can be blurred. Students are advised that if off campus personal expression substantially disrupts or materially interferes with school activities or might reasonably lead the school administration to forecast substantial disruption of or material interference with school activities or interrupts another individual’s access to school, such as when the speech is threatening in nature, they may be subject to discipline under the Code of Conduct.

**Student Demonstrations and Protests**
Students maintain their constitutional right while they are in school, or at school sponsored events, to peacefully assemble. However, the district may take reasonable actions to maintain a safe and functioning learning environment, to ensure that the school environment is not materially disrupted. Accordingly, school officials maintain the authority to limit student demonstrations which result in materially disrupting the operation of the schools’ educational process. In addition, the school may deem student absences from school or class to demonstrate or protest to be unexcused under the district’s Attendance policy (#5100), and those absences may result in consequences under that policy.

The district may also plan and host its own events to address issues of student and school concern.

**Violation of Policy**
Students who violate this policy will be subject to the appropriate disciplinary action, which may include short or long-term suspension, in accordance with the Code of Conduct.

**Cross-ref:**
- 0115, Harassment, Hazing and Bullying
- 4526, Computer Use in Instruction
- 5100, Student Attendance
- 5220, School-Sponsored Student Publication
- 5300, Code of Conduct
- 5305, KHS Jefferson Code

**Ref:**
- Morse v. Frederick, 551 U.S. 393 (2007)

1st Reading: May 16, 2018
2nd Reading: June 6, 2018
Adoption Date: June 20, 2018
SCHOOL RELATED SALES AND SOLICITATIONS

The Board believes that charity appeals and fund-raising campaigns using school employees, students or parent/guardians, whether on or off school property, should be limited and generally conducted only when there is a direct benefit to students. Students and school personnel are to be protected from significant intrusions on their responsibilities by individuals and organizations not directly connected with the schools. Canvassing, soliciting of funds or selling of items by any outside agency shall not be permitted, except under requirements established by the supervising administrator within administrative regulations approved by the Superintendent. School personnel may not participate, during school hours or on school property, in the solicitation of orders, the distribution of advertising materials or the collection of charges by any outside individual or organization unless an approved school fundraiser. All school employees shall interpret this policy strictly within administrative regulations established by the Superintendent.

Any fund drive or campaign must be sponsored by the School District, or a school-related organization, eg., Booster Club, Educational Foundations.

Funds raised through school-sponsored activities must be deposited and accounted for in the appropriate extra-curricular fund. Accounting for funds raised by school-related groups is the responsibility of the sponsor of such groups. Stealing such funds or related products subjects students or staff to possible disciplinary action.

Fund drives sponsored by the School District, an official parent organization, a school or other school-sponsored group, which involve door-to-door solicitation should be kept to a minimum and approved in advance by the appropriate building principal. Such drives should encourage sales teams and parent or guardian supervision.

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

Adoption Date: 03/16/05
INTRAMURAL AND INTERSCHOLASTIC ATHLETICS

Intramural and interscholastic athletics for boys and girls is an integral and desirable part of the district’s school educational program. Interscholastic individual and team sports shall be based upon comprehensive physical education instruction and intramural activities, seeking broad participation from all eligible secondary students. Lifetime or carry-over sports are to be particularly encouraged and supported. Parity in the number and kind of sports activities for girls and boys is a clear objective of the district.

In recruiting, selecting and retaining coaches, the Director of Physical Education, Health and Athletics shall seek individuals who model integrity, decency, respect and intelligence. Coaches should have a demonstrated interest and competence in the sport(s) they are coaching as well as the ability to inspire young people. They should possess the capacity or potential to be superior teachers and to build effective teams and programs. Students participating in interscholastic athletics will be committed to meeting the defined expectations of team membership.

A well-coordinated program of athletics is vital to student learning. The board encourages parents to share in their child’s education by attending games and modeling positive, constructive support. Further information regarding expectations, protocol for dealing with concerns and problems, and athletic department philosophies and procedures are available in the district’s Interscholastic Guide for Parents and Athletes.

Competitiveness is an essential element of sport. A thriving interscholastic athletic program naturally attentive to wins and losses, points with pride to the qualities of character, competence, civility and citizenship demonstrated by its student athletes.

Elementary and Middle School

The Board of Education believes that it is the purpose of athletics to provide the benefits of competitive experiences to as large a number of students as possible. To this end, on the elementary level, the Board endorses the practice of intramural competition only.

Middle School

The interscholastic sports philosophy for middle school students shall be based on the premise that all students who wish to have an opportunity to participate in an interscholastic sport will be provided with that opportunity as long as we adequate facilities to expand teams based on enrollment. The athletic department will consider the needs of the students ahead of what changes must be made in regrouping students, obtaining coaches, and developing schedules for our middle school population.

The Athletic Placement Process to allow seventh and eighth grade students to participate in high school athletics is designed so that only very talented, highly skilled and academically sound pupils will be considered for advancement. The program cannot be used to allow students to gain experience or play because there is no middle school athletic program.
offered in the sport. Additionally, the program cannot be used to promote pupils to higher levels on a routine basis or for the purpose of filling positions on a team.

The Director of Physical Education, Health and Athletics shall be responsible for ensuring that the intent of the Athletic Placement Process as defined by the Board of Education and State Education Department is implemented.

High School

The Board endorses an interscholastic program on the high school level, but also encourages a strong intramural program. While the Board takes great pride in the athletic accomplishments of district students, it does not condone “winning at any cost,” and frowns upon any and all pressures which would subordinate good sportsmanship and good mental health to the desire to win.

It is the express desire of the Board that the Superintendent and administrative staff to schedule frequent conferences with all physical education instructors and coaches to develop a constructive approach to physical education and athletics throughout the school system, and to maintain a program which encourages challenging sequences throughout the child’s educational experience. It is also the desire to integrate physical education across all subject areas.

In accordance with existing Regulations of the Commissioner of Education, the Board of Education will permit students in grade 12 to receive credit toward high school graduation, equivalent to Physical Education, for participation in at least two interscholastic athletics and at least one activity, eg., Tiger Den. Credit is awarded as an Independent study in Physical Education, and is equal to ½ credit in Physical Education. Such credit will also be contingent upon proven cardiovascular and physical fitness and competency in lifetime or carry-over sports. Standards for such fitness and competency shall be developed by the administration.

Student eligibility for participating on interscholastic teams shall include:

1. proof of physical examination before student may practice;
2. written parent or guardian consent (the written consent will contain information for parents on mild traumatic brain injury (TBI) and will provide a link to the State Education Department’s web page on TBI);
3. endorsement by the Building Principal based on established rules and various league and state Education department regulations;
4. student may not be failing two or more subjects prior to and during the sport season (for fall sports the last marking period prior, will determine eligibility)
5. participation in fund raising is not an eligibility requirement

Athletic Practices and Games – Certain Days

The Board wishes to ensure that interscholastic contests or team practices shall not be scheduled in such a way as to conflict with the Holy Day observances of students of various religious faiths.
Consequently, on the following religious Holy Days, no contests and limited Varsity practices only may take place, excusing students for religious observances without penalty.

- Rosh Hashanah
- Yom Kippur
- Christmas Eve
- Christmas
- Holy Thursday
- Good Friday
- Easter
- First Day of Passover

In keeping with this philosophy, and to further the concept of reserving at least one day a week when parents may know that no school activities will interfere with family plans, the Board directs that no contests or practices shall take place on at least one day per week. In some situations, Sunday games and practices may be considered, but teams may not practice seven consecutive days without board permission.

**Individual Athletic Competition**

In order to make it possible for individuals to compete in interscholastic competition in areas where the district does not maintain an athletic team, the following shall be in effect:

Any qualified district student who wishes to compete in an interscholastic sport in which the school does not currently maintain a team may do so as an individual competitor.

To do so the individual must meet the following requirements:

1. meet all the requirements as set forth by Section IX including those listed in the provisions of the Section IX of the New York State Public High School Athletic Association, Inc. handbook entitled “Individual Competitors”;
2. follow all district policies for team members as to expect student conduct at any time they are representing the school district;
3. have an approved sports physical, given by a district physician, prior to seasonal competition; and
4. both parent and student sign an insurance waiver limiting district’s liability.

The school district shall, in turn, supply:

1. permission to compete as a representative of the district, so the student will be eligible for competition;
2. an appropriate warm-up and competition suit if required; and
3. appropriate team fees not to exceed $200.00 per school year.

The district shall not be responsible for any other expenses incurred by the individual competitor including, but not limited to those for supervision, chaperoning, coaching, transportation, equipment, or personal expenses.
The Superintendent shall promulgate appropriate guidelines to implement this policy.

Cross-ref: 5420, Student Health Services
5280.1 Concussion Management

Ref: Education Law §§1709 (8-a); 3001-b
8 NYCRR §135.4
Santa Fe Indep. Sch. Dist. V. Doe, 520 U.S. 290 (2000) (constitutionality of student-led prayers at interscholastic athletic activities)

(Revised by committee 1/8/16)

Adopted: December 3, 2008
First Reading of Revision: January 16, 2013
Revised & Adopted: February 6, 2013
First Reading of Revision: February 3, 2016
Adoption Date: February 17, 2016
CONCUSSION MANAGEMENT POLICY

The Board of Education of the Kingston City School District recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and recreational activities and can have serious consequences if not managed carefully. Therefore, the District adopts the following policy to support the proper evaluation and management of head injuries.

Concussion is a mild traumatic brain injury. Concussion occurs when normal brain functioning is disrupted by a blow or jolt to the head. Recovery from a concussion will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management.

While district staff will exercise reasonable care to protect students, head injuries may still occur. Physical education teachers, coaches, nurses and other appropriate staff will receive training to recognize the signs, symptoms and behaviors consistent with a concussion. Any student exhibiting those signs, symptoms or behaviors while participating in a school sponsored class, extracurricular activity, or intramural/interscholastic athletic activity shall be removed from the game or activity and be evaluated as soon as possible by an appropriate health care professional. The health care professional, coach or club advisor will notify the student’s parents or guardians of the injury, and recommend in writing the appropriate evaluation, monitoring and follow-up.

If a student sustains a concussion at a time other than when engaged in a school-sponsored activity, the district expects the parent/legal guardian to report the condition to the appropriate school nurse so that the district can support the proper management of the condition.

The student shall not return to school or activity until authorized to do so by an appropriate health care professional. The school’s physician or his/her designee will make the final decision on return to activity including physical education class and after-school sports. Any student who continues to have signs or symptoms upon return to activity must be removed from play and reevaluated by their health care provider.

The Superintendent, in consultation with appropriate district staff, including the school physician or his/her designee, will develop regulations and protocols to guide the return to activity. Said regulations will include a parent/guardian sign-off, which acknowledges the student’s return to activity based upon district protocols.

References:  5280 Intramural and Interscholastic Athletics
            5420 Student Health Services
            9700 Staff Development

Adoption Date:  October 5, 2011
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The Kingston City School District is committed to ensuring that our schools are safe and orderly environments in which teaching and learning takes place each day.

**Parents as Partners**

Students, parents or anyone in parental relation to the student ("parents") and school personnel all have a role in making school safe and must cooperate with one another to achieve this goal. School staff should keep parents informed of their child’s behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call, email, and notes sent home with students. As role models, parents and school staff should exhibit the behaviors that they would like to see students emulate. To ensure that parents become informed partners in promoting a safe and supportive school environment, parents should familiarize themselves with KCSD Board of Education Policies regarding Community Relations, including School-Family-Community Partnership (1900), Parent Teacher Organization (1910), Visitors to the School (1300), and Concerns about Curriculum (1420).

Educators are responsible for informing parents about their child’s behavior and for nurturing the skills students need to succeed in school and in society. Parents are encouraged to discuss with their child’s teacher and other school staff, issues that may affect student behavior and strategies that might be effective in working with the student. It is important that there be maximum consultation and communication between the school and the home. Guidance conferences attended by the principal or his/her designee, a school counselor, the student’s parents and guardians, and one or more of the student’s teachers are an effective means of encouraging parental input and should be held with students when appropriate. Parents who want to discuss interventions in response to student behavior should contact their child’s school principal at the elementary and middle schools, or the appropriate assistant principal at Kingston High School.

**Restorative Approaches**

Restorative approaches are an integral component of progressive discipline and the direction in which the Kingston City School District is committed to proceed. Restorative approaches originate from common practices that reflect our shared humanity. Used proactively, they build positive vibrant culture. In the context of justice, restorative approaches use the foundations of relationships and interconnectedness to repair harm and reestablish harmony.

A restorative approach can be used as both a prevention and intervention measure. Restorative processes can help schools build relationships and empower community members to take responsibility for the well-being of others; prevent or deal with conflict before it escalates; build resiliency; address underlying factors that lead youth to engage in inappropriate behavior; increase the skills of those who have harmed others so that the conduct does not recur; and provide wrongdoers with the opportunity to be accountable to those they have harmed and enable them to repair the harm to the extent possible.

When used as an intervention measure, taking a restorative approach to discipline changes the fundamental questions that are asked when a behavioral incident occurs. Instead of asking who is to blame and how those engaged in the misbehavior will be punished, a restorative approach asks four key questions:

- What happened?
- Who was harmed or affected by the behavior?
- What needs to be done to make things right?
- How can people behave differently in the future?

All parties are encouraged to take responsibility for their part in the occurrence that led to intervention.
TYPES OF RESTORATIVE PRACTICES

**Circle Process:** Circles are effective as both a prevention and intervention strategy. Circles may be used as a regular practice in which a group of students (or faculty, or students and faculty) participates. A circle can also be used in response to a particular issue that affects the school. The circle process enables a group to build relationships and establish understanding and trust, create a sense of community, learn how to make decisions together, develop agreements for the mutual good and resolve difficult issues.

**Collaborative Negotiation:** Using the collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom he/she disagrees to arrive at a mutually satisfactory resolution. Training in collaborative negotiation includes learning active listening and other conflict resolution communication skills.

**Peer Mediation:** An impartial, third party mediator (a student who has been trained to serve as a peer mediator) facilitates the negotiation process between conflicting parties so they can come to a mutually satisfactory resolution. Mediation recognizes that there is validity to conflicting points of view that disputants bring to the table and helps disputants work out a solution that meets both sets of needs. Disputants must choose to use mediation and must come to the process willingly. *Mediation is not used where one individual has been victimized (for example, in cases of harassment or bullying) by another.*

**Formal Restorative Conference:** A conference is facilitated by an individual who has received specific training in bringing together individuals who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the emotional health, physical health, safety, and welfare of the individual who was harmed is of paramount importance when considering this option in a school setting. Both sides may bring supporters to the conference that have also been affected by the incident. The purpose of the conference is for the harm doer and the harmed to understand each other’s perspectives and come to a mutual agreement that will repair the harm as much as it can be repaired.

**Parent Notification**

School officials are responsible for sharing the information in this document with students, parents and guardians and staff.

The District will make every effort to provide this information through multimedia methods including:

- A video on the District website
- District Social Media Accounts
- Newsletter
- Email
- Text Message

In the event a student engages in inappropriate behavior, the principal or principal’s designee must report the behavior to the student’s parents and guardians. When a student is believed to have committed an act of violence that constitutes a felony or misdemeanor, the appropriate local law enforcement agency will be contacted. When a student is believed to have committed a violation(s) of the Code of Conduct which constitute a felony, the KCSD may contact the appropriate local law enforcement agency, as appropriate. When necessary, the District will file a criminal complaint against the individual.

The Kingston City School District Code of Conduct was developed to ensure that students – and all members of the Kingston City School District community – learn and engage in appropriate behavior that supports student success in life and in society. The Code of Conduct is for the entire school district and all of its individual school communities. It lays out the Kingston City School District’ expectations for students, parents and guardians and school based staff, and it lists and describes the inappropriate and disruptive behaviors that are unacceptable in
school settings. Because the Kingston City School District is committed to correcting inappropriate behaviors within its school settings so that students may remain in school and learn, the Standards include prevention and intervention strategies to be used, as appropriate, with any discipline response.

Student engagement is integral to creating a positive school culture and climate that fosters students’ social and emotional learning (SEL) and academic achievement. Providing students with multiple opportunities to participate in a wide range of positive social activities and, at the same time, bond with caring, supportive adults can help prevent negative behaviors.

*Social and Emotional Learning (SEL)* The process through which children and adults acquire and effectively apply the knowledge, attitudes and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships and make responsible decisions (defined by Collaborative for Academic, Social and Emotional Learning (CASEL)).

Examples can include: providing students with meaningful opportunities to share ideas and concerns and participate in school-wide initiatives; student leadership development; periodic recognition of students’ achievement in a range of academic and co-curricular areas; using corrective feedback; and developing school-wide positive behavior systems. Such opportunities, coupled with a comprehensive guidance program of prevention and intervention, provide students with the experience, strategies, skills, and support they need to thrive.

**Promoting Positive Student Behavior**
Each school is expected to promote a positive school climate and culture that provides students with a supportive environment in which to grow both academically and socially. Schools are expected to take a proactive role in nurturing students’ positive social behavior by providing them with a range of positive behavioral supports as well as meaningful opportunities for social emotional learning. Effective social emotional learning helps students develop fundamental skills for life effectiveness, including: recognizing and managing emotions; developing caring and concern for others; establishing positive relationships; making responsible decisions; and handling challenging situations constructively and ethically. Such skills help prevent negative behaviors and the disciplinary consequences that result when students do not live up to behavioral standards.

**Prevention and Intervention**
School personnel are responsible for developing and using strategies that promote optimal learning and positive behavior throughout a student’s school experience. They are also responsible for addressing behaviors which disrupt learning. Administrators, teachers, school counselors, social workers, psychologists and other school staff are expected to engage students, including students with disabilities, in intervention and prevention strategies that address a student’s behavioral issues and discuss these strategies with the student and his/her parent. Intervention and prevention approaches may include guidance support and services to address personal and family circumstances; social and emotional learning (SEL), such as conflict resolution/peer mediation/negotiation, anger management, and/or communication skills acquisition; implementation of Response to Intervention (RtI) behavior strategies, the use of alternative instructional materials and/or methods; enrichment services; alternate class placement; and/or development or review of functional behavior assessments and behavior intervention plans which should be developed and/or reviewed as an early intervention strategy. If, at any time, school officials suspect that a student’s difficulties may be the result of a disability which may require special education services, the student should be referred immediately to the Committee on Special Education. Through the use of intervention and prevention strategies that engage students and give them a clear sense of purpose, school staff facilitate students’ academic and social-emotional growth and assist them in following school rules and policies.
Attendance

Attendance at school is vital to a student’s academic progress and success. School personnel will ensure that appropriate outreach, intervention and support are provided for students who exhibit attendance problems that may manifest themselves as truancy or patterns of unexcused absence or educational neglect.

In cases of truancy, school personnel must meet with the student and parents and guardians in order to determine needed supports and an appropriate course of action which may include, but is not limited to: an intervention, referral for counseling, and/or referral to after-school programs.

The school’s administration should review the data of chronic absenteeism and/or truancy and should involve teachers, school counselors, social workers and other school staff in facilitating a resolution. Cases of suspected educational neglect must be called into the New York State Central Register in compliance with law.

School refusal describes when a student refuses to go to school on a regular basis or has problems staying in school due to mental health issues.

Symptoms
Children with school refusal may complain of physical symptoms shortly before it is time to leave for school or repeatedly ask to visit the school nurse during the day. If the student is allowed to stay or return home, the symptoms quickly disappear, only to reappear the next morning. In some cases, the student may refuse to leave the house.

Reasons
Starting a new school, moving, and other stressful life events may trigger the onset of school refusal. Other reasons include the student’s fear that something will happen to a parent while she is in school, fear that she won’t do well in school, or fear of another student.

Often a symptom of a deeper problem, anxiety-based school refusal commonly takes place at times of transition, such as entering middle and high school.

Students who suffer from school refusal can often have average or above-average intelligence. But they may develop serious educational or social problems if their fears and anxiety keep them away from school and friends for an extended period of time.

What Parents Can Do to Help – Tips to help you and your child develop coping strategies:

- Obtain a comprehensive evaluation from a mental health professional. Referrals are available from KCSD health offices for convenience, but the KCSD does not endorse any of the individuals or organizations provided as referrals. The evaluation will reveal the reasons behind the school refusal and can help determine what kind of treatment will be best.
- Keep your student in school. Missing school reinforces anxiety rather than alleviating it.
- Expose children to school in small degrees, increasing exposure slowly over time. Eventually this will help them realize there is nothing to fear and that nothing bad will happen.
- Talk with your child about feelings and fears, which can help reduce them.
- Emphasize the positive aspects of going to school: being with friends, learning a favorite subject, or participating in an extra-curricular sport or activity.
- Arrange a meeting with your child’s teacher away from the classroom.
- Meet with the school guidance counselor for extra support and direction.
- Help your child establish a support system. A variety of people should be in your child’s life—other children as well as family members or teachers who are willing to talk with your child should the occasion arise.
- If your child has an anxiety disorder, learn about treatment options.
You may make a referral to the CSE or for a Section 504 Meeting.

ACKNOWLEDGEMENT OF CODE OF CONDUCT

DISSEMINATION OF CODE OF CONDUCT

Pursuant to Education Law §2801(4) and 8 NYCRR §100.2(I)(2)(iii)(b), the District will ensure that the community is aware of this Code of Conduct (Standards for Community-wide Conduct and Intervention Supports) by:

1) Providing a public hearing prior to Board adoption or amendment of the Code of Conduct
2) Providing copies of a summary of the Code to all students, in an age-appropriate, plain language version, at a general school assembly held at the beginning of the school year
3) Making copies of the Code available to all parents at the beginning of the school year
4) Providing a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request
5) Providing all current teachers and other staff members with access to the Code and any amendments to the Code as soon as practicable after adoption
6) Providing all new employees with a copy of the current Code of Conduct when they are first hired
7) Making copies of the Code available for review by students, parents and other community members and provide opportunities to review and discuss this Code with the appropriate personnel

Note: The District will make every effort to provide written, audio and video versions of the plain language summary in multiple languages.

ACKNOWLEDGEMENT OF CODE OF CONDUCT

ACKNOWLEDGEMENT OF RECEIPT:
STANDARDS FOR COMMUNITY-WIDE CONDUCT AND INTERVENTION SUPPORTS

Please sign one form for each Kingston City School District student in your household and return it to your student’s school.

(Note: Failure to sign and return this form to the school does not relieve the student from the responsibility of conforming to the Kingston City School Code of Conduct)

I have received a copy of Kingston City School District Code of Conduct

___________________________________  _____________________________________
Student’s Name (please print)    Student’s School (please print)

___________________________________  _____________________________________
Name of Parent or Guardian (please print)    Signature of Parent or Guardian
ACKNOWLEDGEMENT OF COMPUTER USE IN
INSTRUCTION/ACCEPTABLE USE POLICY

(Note: Failure to sign and return this form does not relieve the student from the responsibility of conforming to this policy.)

As a student user of the Kingston City School District communication system, I agree that the technology components that are part of the communications system are the property of the Kingston City School District. I furthermore agree not to access or to retrieve any electronic communication from these resources other than those that I have been granted prior authorization to access or to retrieve.

As a student user of the communications systems, I agree to comply fully with the Kingston City School District Computer Use in Instruction/Acceptable Use Policy (4526) and administrative regulation.

I am aware that the District may authorize appropriate use of a cell phone in class, when it is used for educational purposes only and only when authorization is given by the classroom teacher.

I am aware that the Kingston City School District reserves the right to review, audit, intercept, access and disclose all matters of the Kingston City School District electronic communications systems at any time, with or without notice to its users, and that such rights may be exercised during or after normal working hours and even if the electronic communications appear to have been deleted from the systems. I acknowledge that I have no expectations as to privacy or confidentiality of any electronic communication in the Kingston City School District communications systems.

I understand that if I fail to comply with the policy or administrative regulation and I am discovered to be in violation of the rules dictated in either, I may be subject to disciplinary action and/or applicable legal consequence as prescribed.

___________________________________  _____________________________________
Signature of Student User    Date

As the parent or legal guardian of the student user who had signed this acknowledgement, I (check appropriate box) □ Grant    □ Deny  permission for the student user to access Kingston City School District’s communications systems in accordance with applicable policy and regulation. I understand that individuals and families may be held liable for violation and that some materials on the Internet may be objectionable, but I accept responsibility to assist in setting and conveying standards for the student user to follow when using Kingston City School District’s communications systems.

___________________________________  _____________________________________
Signature of Parent or Guardian    Date
INTERVENTION RESPONSE: POSITIVE RELATIONSHIPS

Research shows that positive relationships help children learn. When our communities, schools, and homes are free from fear, anger, and other distractions, human development can occur in the best possible setting. We know that students are more likely to succeed when they feel connected to others in their community, and are less likely to act out in ways that cause disruption to the school environment. *(For more on this topic, see Bonnie Bernard’s Fostering Resiliency in Kids or Robert Blum’s “A Case for School Connectedness,” Educational Leadership, April 2005)*

**Tips for Calming Conflict**

Show students that you understand. Listen well, with sincere concern, to create positive relationships among students and adults. Trust then becomes the foundation for academic success and conflict resolution.

*Ask open-ended questions.* Say, for example, “What was that like for you?” or “Tell me more about that.” This gets more than a “Yes” or “No” response, and helps students to tell their story.

*Use reflective listening when intervening in a conflict.* Get the attention of an angry person by reflecting back the feelings you hear in a nonjudgmental way. Let students tell their story – say just enough to help them do it.

*Help students to problem-solve disputes.* Use open-ended questions and reflective listening to help students think about what happened. Trust that, with guidance, students will identify a solution that works for them.

**Skills and Strategies for Building Positive Relationships**

- Communicating understanding
- Structuring tasks for student success
- Reinforcing student behavior in a positive manner
- Setting rules, limits, and consequences
- Creating a safe and trusting environment
- Remaining neutral
- Using nonjudgmental language
- Responding only when a response is necessary
- Staying calm in tense situations
- Listening and repeating what students say (reflective listening)
- Identifying and labeling feelings, values and topics to be resolved (strategic listening)
- Asking open-ended questions
- Assisting people in using a positive problem-solving process

**Suggested Practices for Establishing Positive Relationships**

**Morning Meetings:** Classroom meetings in which the teacher and all students come together are usually for one of two purposes: to build community at a relatively peaceful time or to resolve a conflict. At the morning meeting, students sit in a circle and do activities together that help build caring within the group and between individuals. The meeting provides a place students come to understand the truest meaning of “finding common ground.” They come to see, tolerate and appreciate the ways of one another, including their teachers. The most basic element of caring that aids this process is the genuine willingness to listen attentively.

**Student Government:** The goal of the Student Government at Kingston High School is to involve students in decision making, the problem solving of student body issues, and to engage students in activities that promote student connectedness and belonging to the school experience. Student Ambassadors serve as the youth voice for
the student body. The students participate in team-building activities and plan and conduct activities with their peers, like Homecoming and Winter Carnival. These efforts are aimed at maintaining a positive school climate.

**Additional Intervention Strategies**

To help students conduct themselves appropriately, the following strategies may be used prior to or in addition to any disciplinary response to student behavior.

**Behavior Intervention Plan (BIP):** An approach to correcting inappropriate or disruptive student behavior through a plan designed by school staff to offer positive behavioral interventions, strategies and supports. This plan is appropriate for students with and without disabilities. A BIP is developed based on the results of a Functional Behavior Assessment.

**Community Service:** Our KCSD curriculum, as well as extra-curricular clubs, enable students to participate in activities to serve and benefit the community. Examples include working in a soup kitchen, cleaning up public spaces, helping at a facility for the aged, and more.

**Conference:** Involves students, parents and guardians, teachers, school staff and principals in discussion about student misbehavior and potential solutions that address social, academic and personal issues related to the behavior.

**Functional Behavior Assessment (FBA):** Involves gathering information about students’ inappropriate or disruptive behavior and determining approaches that school staff should take to correct or manage student behavior. This information is used to develop a Behavior Intervention Plan for the student.

**Individual Education Program (IEP) teams:** Includes groups of individuals who are responsible for identifying and evaluating students with disabilities; developing, reviewing and revising IEP’s for students with disabilities, Functional Behavior Assessments and Behavior Intervention Plans, and determining the placement of students with disabilities in a least restrictive environment. (Note: Specific to students with disabilities or students suspected of having a disability)

**Parent Outreach:** Requires school staff to inform parents or guardians of their children’s inappropriate or disruptive behavior. Outreach made in writing or by telephone is intended to make parents aware of the student’s behavior, task completion and achievement, and can include a request for parents to accompany students to a meeting at school.

**Peer Court:** Provides an environment for students to learn about the justice system and courtroom procedures while providing alternative consequences to their peers through the principles of restorative justice.

**Referral to appropriate substance abuse counseling services:** Occurs for behavior related to substance abuse, or with those for whom there is reason to believe substance abuse counseling is needed. Service can be school or community based.

**Referral to community-based organizations:** Can involve a variety of services, including after-school programming, individual or group counseling, leadership development, conflict resolution and tutoring.

**The Safe or Sorry (SOS) Peer Education Team** at Kingston High School offers students peer educator training, wellness workshops, and job skills training.

**PREVENTATIVE PRACTICES/INTERVENTION STRATEGIES**
Referral to school-based health and mental health clinics or other social services: Provides counseling and assessment to students in need. Students are encouraged to privately share issues or concerns that lead to inappropriate or disruptive behavior or negatively affect academic success. In counseling sessions, students discuss goals and learn techniques that help them overcome personal challenges.

Progressive Consequences

Consequences are most effective with a student when they deal directly with the problem, in a way that the student views as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when warranted and to place emphasis on the students’ ability to grow in self-discipline.

When choosing interventions and consequences for a student’s behavior, teachers, administrators, and staff must balance the District’s goals of eliminating school disruptions and maximizing student instruction time. Prior to disciplining students, the following factors shall be considered:

1. Age, health, and disability or special education status of the student
2. Appropriateness of student’s academic placement
3. Student’s prior conduct and record of behavior
4. Student’s understanding of the impact of their behavior attitude
5. Student’s willingness to repair the harm caused by their behavior
6. Seriousness of the behavior offense and the degree of harm caused
7. Impact of the incident on overall school community
8. Whether the student’s violation threatened the safety of any student or staff member
9. The likelihood that a lesser intervention would adequately address the violation

Where appropriate, discipline will be progressive. This means that a student’s first violation will usually merit a consequence of a lesser degree than subsequent violations, taking into account all factors relevant to the severity of the current violation. However, in instances where a student’s conduct is dangerous or threatens the safety of others, a more severe form of disciplinary action may be warranted, even if it is the student’s first offense.

Understanding consequences as “teachable moments” is fundamental to a positive approach to discipline. Progressive consequences use incremental interventions to address inappropriate behavior with the ultimate goal of teaching pro-social behavior. Progressive consequences do not seek punishment. Instead, progressive consequences seek concurrent accountability and behavioral change.

The goal is prevention of a recurrence of negative behavior by helping students learn from their mistakes. Essential to the implementation of progressive discipline is helping students who have engaged in unacceptable behavior to:

- Understand why the behavior is unacceptable and the harm it has caused
- Understand what they could have done differently in the same situation
- Take responsibility for their action
- Be given the opportunity to learn pro-social strategies and skills to use in the future
- Understand the progression of more stringent consequences if the behavior reoccurs

Every reasonable effort should be made to correct student misbehavior through interventions and other school-based resources and the least severe disciplinary responses. Interventions are essential because inappropriate behavior may be symptomatic of more serious problems that students are experiencing. It is, therefore, important that school personnel be sensitive to issues that may influence the behavior of students and respond in a manner that is most supportive of their needs.

Appropriate disciplinary responses should emphasize prevention and effective intervention, prevent disruption to students’ education, and promote the development of a positive school culture.
INAPPROPRIATE AND DISRUPTIVE BEHAVIORS: LEVELS OF RESPONSE

When students are disruptive or act inappropriately, school staff and principals respond logically, appropriately and consistently. Kingston City School District Jefferson Code of Conduct describes four levels of possible response to inappropriate and disruptive behavior. Each inappropriate or disruptive behavior is assigned to one or more of these levels of intervention and response. Principals and school staff should use only the levels suggested for each behavior.

If the inappropriate or disruptive behavior is assigned to two or more levels, then, wherever possible, the lowest level of disciplinary response should be used first. For example, if a student refuses to follow directions, school staff and principals should first use intervention strategies and then responses in Level 1.

When principals and school staff respond to student behavior, they are expected to take into account numerous factors. (See prior page for a comprehensive list.)

LEVELS OF INTERVENTIONS AND RESPONSES

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS: LEVEL 1

1. Unexcused tardiness to school/class
2. Lewd, foul or offensive language or gesture
3. Wearing attire or displaying symbols that encourage illegal activity or will cause a substantial disturbance or interfere with the educational process (wearing clothing that will insult a person or group or otherwise not be proper for school) (Refer: Educational Community Standard of Dress Policy #5340)
4. Inappropriate affectionate behavior in a public place
5. Using items in a manner which will cause a substantial disturbance or interfere with the core educational mission of the District (for example: blowing a loud horn in class).
6. Disruptive behavior on school property or at a school sponsored activity
7. Causing minor damage to school property
8. Littering
9. Loitering
10. Eating or drinking in prohibited areas
11. Failure to wear the district issued identification badge
12. The use of electronic devices that causes a minor disturbance (such as, but not limited to, audio, text, photo, etc.), will likely cause a disturbance, compromise safety, or interfere with the educational process during regular school hours

Example of Classroom Interventions and Responses

These interventions aim to teach correct and alternative behavior so students can learn and demonstrate safe and respectful behavior. Teachers are encouraged to try a variety of teaching and classroom management strategies. Teachers should use these responses in a graduated fashion, when age appropriate.

- Establish relationships with students
- Parents and guardians accompany student to school
- Contact parent via telephone, e-mail or text message
- Daily progress sheet on behavior
- Verbal correction
- In-class time out
- Reminders and redirection (e.g. role play)
- Establish buddy teacher system
• Written reflection or apology
• Loss of classroom privileges
• Seat change
• Teacher or student conference
• Parent or guardian conference
• Detention

Confiscated items will be returned to parents and guardians.

**INAPPROPRIATE AND DISRUPTIVE BEHAVIORS: LEVEL 2**

1. Insubordinate absence from class/school, provided that students will not be suspended out of school for truancy
2. Misrepresentation of a signature (forgery)
3. Being disrespectful to staff
4. Use and/or possession of tobacco, nicotine and/or paraphernalia (such as, but not limited to, e-cigarettes, vaporizers in any shape or form, other smoking or delivery devices) lighters, matches and incendiary devices on school premises or during school-sponsored activities (Public Health Law & District Policy)
5. Intentional misuse or unauthorized use of school district property
6. Possession, distribution, or use of unauthorized medicines (including over-the-counter medicines)
7. Unauthorized sale or vending on school property
8. Continuing or repeating Level I offenses after prior corrective measures have been taken

**Examples of Administrative Interventions and Responses**

These interventions can involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school. Staff should use these responses in a graduated fashion.

• Restorative justice strategies
• Change in schedule or class
• Reprimand by appropriate administrator
• Parent or guardian notification
• Revision to IEP (for students with disabilities)
• Loss of privilege
• Restitution
• Assignment of work projects
• Academic Sanction (e.g. reduced grade, a grade of zero, inability to make-up the test or assignment)
• Detention of over 5 days possible
• Up to three days assignment to the in-school suspension program
• Out-of-school suspension
• Mentoring
• Conflict resolution
• Peer Court
• Potential PINS petition

**INAPPROPRIATE AND DISRUPTIVE BEHAVIORS: LEVEL 3**

1. Harassment and/or bullying based on someone’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, including gender identity and gender expression, sex, political, social, socio-economic and lifestyle differences. (Policy #5320 Harrassment and Bullying Prevention and Intervention)
2. Foul or offensive language or gestures used in a confrontational manner
3. Insubordination (deliberate and/or defiant refusal to follow a reasonable rule and/or request)
4. Intentional plagiarism (using someone else’s work and claiming it as your own, lack of attribution) (academic sanction only)
5. Giving, requesting or obtaining test information, cheating on tests not involving theft (academic sanction only).
6. Behavior, which interferes with the operation of a school bus
7. Confrontations involving physical contact
8. Stealing
9. Reckless or intentional conduct or unauthorized use of school district property, which causes significant damage
10. Gambling
11. Extortion (a threatening demand for goods or services)
12. Student-to-person threat, bullying and/or harassment
13. Giving false information concerning school-related offenses (lying)
14. Lewd or sexual behavior on school premises or during school-sponsored activities
15. Reckless or intentional conduct, which could cause physical injury
16. Intentional misuse of any school district computer hardware/software in any fraudulent or destructive manner, including but not limited to sending a harmful or threatening message, unauthorized entry into a file, altering software programs vandalizing hardware or software components. (Refer District Computer & Internet Use)
17. Forcing someone to commit a dangerous or demeaning act (hazing including initiations)
18. Willful actions or language that substantially disrupts the normal operations of school
19. Aiding and/or abetting in any level three offenses
20. Defacement of ID badges which alters photo, student name, student number, and/or barcode
21. Vandalism
22. The use of electronic devices and/or social media that causes a substantial disturbance and/or compromises safety (such as, but not limited to, audio, video, text, photo, etc.)
23. Willful and deliberate attempt to leave or actually leaving the KHS campus during the school day without authority.
24. Continuing or repeating Level II offenses after prior corrective measures have been taken

Examples of Suspension and Referral Responses

- Parents and guardians notification
- Referral to Committee on Special Education (CSE) team or 504 committee (students with disabilities)
- In-school suspension
- Short-term suspension (one to five days)
- Develop Functional Behavioral Assessment and Behavior Improvement Plan
- Referral to Student Support Team (SST) for potential pre-referral interventions

These interventions may involve the short-term removal of a student from the school environment because of the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as practicable while adequately addressing the behavior. Staff should use these responses in a graduated fashion.

Intervention Plan

- Referral to substance abuse counseling
- Referral to community organizations, including community
- Referral to the Credit Recovery Program, conferencing and community mediation
- Restorative Justice strategies, including voluntary school and community service

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS: LEVEL 4

1. Bringing and/or possessing unauthorized weapons or explosives to school or a school-sponsored activity
2. Making a bomb scare/false alarm
3. Burglary
4. The willful or reckless setting of a fire
5. Distribution, sale or manufacture of controlled substances, illegal substances, synthetic substances (“designer drugs”), or the inappropriate use of prescriptions and/or over-the-counter medicines on school property or at a school-sponsored activity
6. Falsification of official school documents (any document bearing the official school seal, such as, but not limited to, transcripts, diplomas, or attendance records)
7. Conduct which causes physical, emotional, or psychological injury
8. Upon investigation by school officials, there is a serious and validated student to staff threat
9. Possession, use, or being under the influence of a controlled substance, illegal substance, synthetic substance, whether or not illegal (“designer drugs”) inappropriately used prescription and/or over-the-counter medicine, alcohol, or being in possession of drug paraphernalia on school property or at a school-sponsored event, whether on or off of school premises.
10. Aiding and/or abetting in any level four offense
11. Conduct so serious that it requires more than Level III consequences

Example of Long-Term Suspension and Referral Responses
These interventions involve the removal of a student from the school environment because of the severity of the behavior. They may involve the placement of the student in a safe environment that provides additional structure to address behavior. These interventions focus on monitoring the safety of the school community and ending self-destructive and dangerous behavior. Staff should use these responses in a graduated fashion.

- Parents and guardians notification
- Alternative education placement by the Central Administration
- Long Term Suspension
- Functional Behavioral Assessment
- Behavioral Intervention Plan
- Community conferencing
- Community mediation
- Referral to community organizations
- Referral to substance abuse counseling
- Expulsion (serious behavioral infractions)
- Referral to Committee on Special Education (CSE) team/504 team (students with disabilities)
- Restorative Justice strategies, including school and manifestation determination, community service

RIGHTS AND RESPONSIBILITIES OF THE SCHOOL COMMUNITY

Dignity for All Students
The Dignity for All Students Act (The Dignity Act) and Board Policy ensure that no student is subject to discrimination or harassment (including bullying and cyberbullying), based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity/gender expression, sex political, social, socio-economic and lifestyle differences by school employees, students or third parties on school property, on a school bus, at a school function, whether or not on school grounds, or that is initiated off school grounds and continued at school.

Harassment may include, among other things, the use, both on and off school property, of information technology, including, but not limited to email, instant messaging, blogs, chat rooms, pages, cell phone, gaming systems and social media websites, to deliberately harass or threaten others. This type of harassment is generally referred to as “cyber-bullying.”

The District is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all District students have the right to:
1. Expect a school environment that is conducive to learning
2. Be treated respectfully by those in the school community
3. Take part in all District activities on an equal basis regardless of race, color, creed, national origin, religion, gender, sexual orientation, disability or other discriminatory classifications (consistent with the District’s Anti-Bullying Prevention and Intervention Policy 5320).

4. Be provided with school rules, and when necessary, receive an explanation of those rules from school personnel.

5. Present their version of the relevant events to school personnel authorized to impose a disciplinary consequence, in connection with the imposition of the consequence.

**STUDENT RIGHTS AND RESPONSIBILITIES**

**Students have the right to:**

1. To attend school in the district in which one’s legal parent or legal guardian resides and receive a free and appropriate public education from age 5 to 21, as provided by law.

2. To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.

3. To be respected as an individual and treated courteously, fairly and respectfully by other students and school staff.

4. To express one’s opinions verbally or in writing.

5. To dress in such a way as to express one’s personality in accordance with the Educational Community Standard of Dress Policy 5340.

6. To be afforded equal and appropriate educational opportunities.

7. To take part in all school activities on an equal basis regardless of race, color, creed, weight, religion, religious practices, sex, sexual orientation, gender, including gender identity and gender expression, national origin, ethnic group, political affiliation, age, marital status, disability, social, socio-economic and lifestyle differences.

8. To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.

9. To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity and expression, sexual orientation, disability, political, social, socio-economic and lifestyle differences by employees or students on school property or at a school sponsored event, function or activity, whether on or off of school property.

**Students have the responsibility to:**

1. To attend school daily, regularly and on time, perform assignments, strive to do the highest quality work possible, be prepared to learn, and be granted the opportunity to receive a good education.

2. To accept responsibility for his/her actions.

3. To be aware of all rules and expectations regulating student’s behavior and conduct themselves in accordance with these guidelines.

4. To respect everyone in the school community and to treat others in the manner that one would want to be treated.

5. To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict the rights and privileges of others.

6. To obey school rules and regulations made by school authorities.
7. To respect school property and help keep it free from damage.
8. To recognize that teachers and administrators assume the role of a surrogate parent in matters of behavior and discipline when at school, as well as during any school-sponsored activities.
9. To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting.
10. To be aware of available educational programs in order to use and develop one’s capabilities to their maximum.
11. To work to the best of one’s ability in all academic and extracurricular activities, as well as being fair and supportive of others.
12. To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.
13. To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.
14. To use their own ideas, works, creations and knowledge in completing examinations, projects and reports. Students who cheat and/or plagiarize (use the ideas or words of another without full acknowledgment or attribution) will receive an academic sanction, which may include a reduced grade or a grade of zero on the examination or assignment, requiring the completion of a replacement examination or assignment or not permitting the making up of the examination or assignment).

PARENT AND GUARDIAN RIGHTS AND RESPONSIBILITIES

Parents and guardians have the right to:
1. Be actively involved in their children’s education.
2. Be treated courteously, fairly and respectfully by all school staff and principals.
3. Receive information about the policies of the Kingston City School District Board of Education and procedures that relate to their children’s education.
4. Receive regular reports, written or oral, from school staff regarding their children’s academic progress or behavior, including but not limited to report cards, behavior progress reports and conferences.
5. Receive information and prompt notification of inappropriate or disruptive behaviors by their children and any disciplinary actions taken by principals or school staff.
6. Receive information about due process procedures for disciplinary matters concerning their children, including information on conferences and appeals.
7. Receive information from school staff about ways to improve their children’s academic or behavioral progress, including but not limited to counseling, tutoring, after school programs, academic programs, and mental health services within the Kingston City School District and the community.
8. Receive information about services for students with disabilities and English language learners, when applicable.
9. Receive communication through provided translators.

Parents and guardians have the responsibility to:
1. Make sure their children attend school regularly and on time and, when children are absent, let schools know why.
2. Tell school officials about any concerns or complaints in a respectful and timely manner and to cooperate with them in jointly resolving any school-related problem.

3. Work with principals and school staff to address any academic or behavioral problems their children may experience.

4. Support Kingston City School District by being a role model for their children, talking with their children about school and expected behavior.

5. Read and become familiar with the policies of the Board of Education.

6. Give updated contact information to Kingston City School District and their children’s individual school.

7. To inform school officials about changes in the home situation that may affect student conduct or performance.

8. Give their children a space to complete their homework or allow participation in after-school programs that permit the completion of homework.

9. Be respectful and courteous to staff, other parents/guardians and students while on school premises and at school activities.

10. To foster a feeling of pride in their child for their school.

11. Teach their children respect and dignity for themselves and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity and expression, sex, political, social, socio-economic and lifestyle differences which will strengthen the child’s confidence and promote learning in accordance with the Dignity for All Students Act.

** RIGHTS AND RESPONSIBILITIES OF THE SCHOOL COMMUNITY

**PRINCIPAL AND SCHOOL STAFF RIGHTS AND RESPONSIBILITIES**

**Principals and school staff have the right to:**

1. Work in a safe and orderly environment.

2. Be treated courteously, fairly and respectfully by students, parents and guardians and school staff.

3. Communicate concerns, suggestions and complaints to Kingston City School District’s central office.

4. Receive supportive professional development and training.

5. Receive the necessary resources to deliver quality instruction.

6. Modify instruction, if consistent with the policies of the Kingston City School District’s Board of Education and with system regulations.

**Principals and school staff have the responsibility to:**

1. Attend work daily, be punctual and use well-planned, creative and engaging instructional plans every day.

2. Maintain safe and orderly schools by using prevention and intervention strategies, and by following the Kingston City School District’s policies and Code of Conduct.

3. Be respectful and courteous to students and parents and guardians, serving as role models for students.

4. Be knowledgeable about the policies of the Board of Education and administrative regulations and rules, and enforce them fairly and consistently.

5. Be knowledgeable about federal and state laws and regulations about the disciplinary process for students with disabilities.

6. Communicate policies, expectations and concerns, and respond to complaints or concerns from students and parents and guardians in a timely manner and in a language they understand.
7. Make sure that students are referred to the appropriate committees, departments, offices, divisions, agencies or organizations when outside support is necessary.

8. Keep parents and guardians informed of student academic progress and behavior, create meaningful opportunities for their participation, and provide regular communication in a language they understand.

9. Provide make-up work for students with lawful absences, including those students who are absent for disciplinary reasons.

10. Participate in required professional development opportunities.

11. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity and expression, sex, political, social, socio-economic and lifestyle differences with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students’ self-image and promote confidence to learn.

12. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.

13. Address personal biases that may prevent equal treatment of all students and staff in the school or classroom setting.

14. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the teacher, school counselor, student support services personnel, or other staff, to the building administrator and/or Dignity Act Coordinator (DAC), in a timely manner.

15. Principals: Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal’s attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC). Names and contact information for the DACs in each school building can be found on the district website www.kingstoncityschools.org and posted in each school building.

16. Maintain confidentiality in accordance with State and Federal laws.

17. Comply with state laws and regulations regarding corporal punishment, mandated reporting of suspected child abuse in the domestic setting and in the educational setting.

**DISTRICT ADMINISTRATOR RESPONSIBILITIES**

Kingston City School District Administrators have the responsibility to:

1. Create and implement policies and procedures that encourage safe and orderly schools for all students, school staff and principals.

2. Protect the legal rights of school staff, principals, students and parents and guardians.

3. Be courteous, respectful and fair with students, parents and guardians, school staff and principals.

4. Provide a broad-based and varied curriculum to meet individual school needs.

5. Inform the community, students, parents and guardians, school staff and principals about policies of the Board of Education.

6. Ensure the protection of legal rights of students with disabilities.

7. Provide staff who are trained to meet the needs of students.

8. Provide support and professional development training to principals and school staff to help them support students.

9. Support principal and school staff in the fulfillment of their disciplinary responsibilities.

10. Contact and involve parents and guardians on disciplinary issues.

11. Maintain confidentiality in accordance with State and Federal laws.
12. Address personal biases that may prevent equal treatment of all students and staff in the school or classroom setting.

13. Comply with state laws and regulations regarding corporal punishment, mandated reporting of suspected child abuse in the domestic setting and in the educational setting.

**Kingston City School District Superintendent also has the responsibility to:**

1. Promote a safe, orderly, respectful and stimulating environment, free from intimidation, discrimination and harassment, supporting active teaching and learning.

2. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.

3. Inform the School Board about educational trends, including student discipline.

4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.

5. Address all areas of school-related safety concerns.

**BOARD OF EDUCATION RESPONSIBILITIES**

**The Board of Education has the responsibility to:**

1. Collaborate with students, teachers, administrator and parent organizations, school safety personnel, other school personnel and the community to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and other persons on school property and at school functions.

2. Adopt and annually review the District’s Code of Conduct to evaluate the Code’s effectiveness and the fairness and consistency of its implementation. Update the Code of Conduct as necessary.

3. Appoint a Dignity Act Coordinator in each school building and a Districtwide Dignity Act Coordinator(s). The Dignity Act Coordinators will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex, political, social, socio-economic and lifestyle differences. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

4. Lead by example by conducting Board meetings in a professional, respectful, courteous manner. It is further expected that, the Board of Education will take appropriate measures where violations of the Code of Conduct occurs.

5. Maintain confidentiality in accordance with State and Federal laws.

6. Address personal biases that may prevent equal treatment of all students and staff in the school or classroom setting.

7. Comply with law and regulations regarding mandated reporting of suspected child abuse in an educational setting.

**SCHOOL VOLUNTEER RESPONSIBILITIES**

The Board of Education recognizes that the use of volunteers strengthens school/community relations through positive participation, builds an understanding of school programs among interested citizens, and can assist District employees in providing more individualized and enriched opportunities in instruction. The Board encourages volunteers from all backgrounds and age groups who are willing to share their time, training, experience or personal characteristics to benefit the students of the District. Volunteers may be involved in many facets of school operation from mentor/tutor relationships to clerical tasks. Volunteers shall not be used to provide transportation services.
School personnel who are responsible for tasks or projects that involve the use of volunteers shall identify appropriate tasks, time schedules, and space for such volunteer activities, as well as make provisions for adequate supervision and evaluation.

Persons who wish to volunteer must contact the supervising administrator. All volunteers must sign the school’s volunteer agreement and expectations form, while only Tier 2 and Tier 3 volunteers [see below] must also complete a volunteer application. The volunteer application form shall require the volunteer applicant to disclose any criminal convictions and identify two non-family member personal references. The supervising administrator shall be responsible for verifying that the individual is of good moral character, and for ensuring both references are contacted before the volunteer begins rendering volunteer services. The supervising administrator shall identify the volunteer activity as Tier 2 or Tier 3 on the volunteer application form.

- Tier 1-Someone who volunteers occasionally and in a highly public setting with little or no contact with students and who are under constant supervision by KCSD personnel will not be required to complete a volunteer application, although they will need to sign the school’s volunteer agreement and expectations form. A volunteer fitting this example might be someone working at a school field day or fundraising event or someone working in the concession stand or making an occasional classroom visit.
- Tier 2-Regular volunteers during the typical school day/academic setting with student contact under constant supervision of KCSD personnel must complete a volunteer application and agreement acknowledging district expectations for volunteers. A volunteer fitting this example might include a room parent, class readers, front office volunteers and single day field trip chaperones.
- Tier 3-Regular volunteers outside the typical school/academic setting with student contact under the direct supervision of KCSD personnel must complete a volunteer application and agreement acknowledging district expectations for volunteers and have a background check performed. A volunteer fitting this example might include assisting with extra, co-curricular clubs/activities and athletics that meet regularly.

Copies of all volunteer applications must be sent to the personnel office. Tier 2 and Tier 3 volunteers must be approved by the Board of Education. However, the Superintendent, or his/her designee, may grant emergency approval for volunteers, pending future board approval. Tier 3 volunteers must have a background check done. All background checks will be done at district expense.

The District shall retain a complete record of all information obtained through the application process for the same period of time it retains information regarding District employees.

All volunteers are required to act in accordance with the volunteer agreement and expectations, District policies, regulations, and school rules. Any staff member who supervises volunteers shall report any volunteer who violates District policies, regulations, or school rules to the supervising administrator, who may ask the volunteer to leave school grounds.

Each supervising administrator shall be responsible for maintaining a current and complete list of all active volunteers and their assignments and shall forward same to the Personnel office.

This policy is not intended to apply to student volunteers.
EDUCATIONAL COMMUNITY STANDARD OF DRESS (POLICY #5340)

The Kingston City School District recognizes that decisions regarding dress and grooming require a careful balance of the right of self-expression against the District’s obligations to ensure an appropriate educational environment for the provision of the health, safety, and welfare of the school community. It is within the responsibility of the Board of Education to set a standard of dress appropriate for our educational community. In order to be certain that these provisions are reflective of the community standards, they have been developed collaboratively with teachers, administrators, students, and parents.

This Standard of Dress is to be followed in school and on school grounds during regular school hours and at school functions, whether or not on school premises. The principal or his/her designee may waive application of parts of the Dress Standard for special events.

Members of the educational community are expected to be clean and well-groomed in their appearance. They represent our District and community, but more importantly, each represents himself or herself as an individual. Teachers, District personnel, and parents should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

The following are deemed to be inappropriate, either because they interfere with the health and safety of our students and staff, or because they are not appropriate to the educational setting, or are disruptive to the educational process:

- Any dress or appearance which is vulgar, obscene, libelous, or advocates discrimination or denigrates others on the basis of race, color, weight, religion, creed, national origin, sex, gender/gender identity and expression, sexual orientation, disability, political, social, socio-economic and lifestyle differences.
- Any dress or appearance which advocates or encourages illegal activities, violent crimes, or gang related activity and/or colors.
- Any dress with messages that encourage or advocate sexual activity, the use of controlled substances, illegal drugs, alcohol and/or tobacco.
- Headwear: Caps, doo-rags, bandanas, sports caps, stocking caps, visors, hoods of hooded sweatshirts – This does not include hair adornment of a utilitarian nature (barrettes, hair bands, scrunchies), or headwear worn for religious or medical reasons.
- Jewelry: jewelry which can injure the student or others.
- Sunglasses
- Shirts (including blouses and tops): shirts, blouses, and tops which extend below the fingertips either at the sleeve or in overall length; shoulder straps must be the wearer’s second and third fingers or more in width; exposure of bare midriffs, backs, or cleavage (front and back), e.g., halter tops, strapless tops.
- Skirts/Shorts/Pants: Skirts, shorts, and pants with inappropriate messages/sayings on the rear of the clothing. Skirts, shorts, and skirt slits shorter than one inch beyond the wearer’s fingertips.
- Outerwear: Any form or article of clothing designed primarily for outdoor use while attending class or before/after school indoor activities (e.g., parkas, rain or trench coats, vests, jackets, gloves, mittens).
- Sleepwear/Undergarments: Visible undergarments; Sleepwear, including bedroom slippers, and any dress similar in nature to sleepwear.
- Clothing that reveals or exposes to sight the private parts of the body (e.g., extremely plunging necklines or waist lines)
- Bathing Suits

In Addition to the above the following apply:

- Footwear: Footwear must be worn at all times to ensure personal safety and the safety of others. (Flip-flops are permitted).
Protective Clothing: Students must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories, home and career skills classes, and recess/playground activities.

Students who violate the dress code will be required to modify their appearance by covering or removing the offending item, and if necessary and/or practical, replacing it with an acceptable item. Any student who refuses to do so may be subject to discipline in accordance with the Code of Conduct.

Dress code violations warrant either a Level 1 or Level 2 response; students should not be suspended or otherwise removed from their educational program because of a dress code violation.

Any student who refuses to comply shall be subject to discipline, up to and including school suspension. Any student who repeatedly fails to comply shall be subject to further discipline, up to and including out of school suspension.

STANDARDS FOR PORTABLE ELECTRONIC DEVICES

ELECTRONIC DEVICES
The possession and use of electronic devices (E-Devices) is a privilege, not a right on the KHS campus. The school may revoke the privilege of possessing and using E-Devices at any time at its sole discretion. E-Devices include devices used to communicate, receive, send, store, record or listen to voice, text digital, audio, video, photo, electronic or internet/cyberspace data, images and/or information which shall include, but not limited to, cellular phones, iPods, personal digital assistants (PDAs), MP3 players, cameras, video cameras, GPS, iPads/tablets, etc. The school is not responsible for lost or stolen E-Devices or any damage to the E-Device, its programs or its contents.

- E-Devices may be carried by students during the school day, but must be carried in an off or silent mode.
- E-Devices shall not be used to connect to district electronic equipment or district electronic networks at any time.
- E-Devices may be used as followed:
  1. Grade 9 students may not use electronic devices in the Scholars’ Academy. Students in Grades 10-12 may use only 1 visible earbud in the hallways during passing times and before 7:50 am or after 3:00 pm, but doing so shall be in violation of this policy if it results in a disruption to the educational environment or any school activity or impairs the morale or good conduct of other students.
  2. E-Devices may be used, viewed or listened to (with 1 earbud) by all students during the students’ assigned lunch periods, but doing so shall be in violation of this policy if it results in a disruption to the educational environment or any school activity or impairs the morale or good conduct of other students.
  3. Students may not make phone calls; take photographs, record video and/or audio of any kind during passing times in the hallways.
  4. Teachers may use their discretion on what is allowable in their classroom, as it relates to the educational outcomes of their specific curricular needs. Videotaping and photography using E-Devices must be approved by department administrators.
  5. No camera or video-capable E-Device may be used in the locker rooms or restrooms at any time.
  6. Students who use their E-Devices in violation of the school Jefferson Code (cheating, bullying, disruptive, harassment, confrontation, etc.) will be held to the appropriate level of consequences as identified in the code.
  7. Students violating the E-Device policy may subject their electronic device to the possibility of confiscation and search by administration in accordance with the law. Confiscated E-devices may either be returned to the student or a parents and guardians dependent on the severity of the violation.
  8. The school district is not responsible for lost or stolen electronic devices, or for any communication bill associated with the authorized or unauthorized use of said devices.
9. 5. Police, Law/Enforcement Officials of a Government Agency, School Safety/Security and School Administrative Staff have authorization to possess and operate communication equipment for the conduct of appropriate business

Note: The District may authorize appropriate use of a cell phone in class, when it is used for educational purposes ONLY.

REPORTING STUDENT VIOLATIONS

All District staff authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff that are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized and if appropriate, or refer the matter to a staff member who is authorized to impose an appropriate sanction if appropriate.

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function must report this information immediately to a teacher, the building principal, the principal’s designee or the Superintendent.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved, and the appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution.

The building principal or his or her designee should only notify law enforcement when there is a violation of the Code of Conduct that requires referral to the police.

The building principal or his or her designee must notify appropriate law enforcement of those violations which constitute or may constitute a crime, and which, in his or her judgment, substantially affect the order or security of a school, its students and/or its staff, as soon as practicable. The notification may be made by telephone or direct report, and may be followed by a letter. The notification must identify the student and explain the conduct which violated the Code of Conduct and which constitutes or may constitute a crime.

STUDENT CONSEQUENCE PROCEDURES

A. Imposition of Consequences
Students who are found to have violated the District’s Code of Conduct may be subject to the following consequences, either alone or in combination. The school personnel identified after each consequence are authorized to impose that consequence, consistent with the student’s right to due process. The person selecting the consequence will give all consideration to age appropriateness.

1. Oral warning or admonition – any member of the District staff
2. Written warning – bus drivers, hall and lunch monitors, teacher aides, coaches, guidance counselors, teacher, assistant principal, vice principal, principal, Superintendent
3. Written notification to parent – bus driver, hall and lunch monitors, teacher aides, coaches, guidance counselors, teachers, assistant principal, vice principal, principal, Superintendent
4. Detention – teachers, assistant principal, vice principal, principal, Superintendent
5. Suspension from transportation – principal, Superintendent
6. Suspension from athletic participation – coaches, principal, Superintendent, Athletic Director
7. Suspension from social or extracurricular activities – activity sponsor, assistant principal, vice principal, principal, Superintendent
8. Suspension of other privileges – principal, Superintendent
9. Academic sanction (for academic violations) - teacher, principal
10. In-school suspension – assistant principal, vice principal, principal, Superintendent
11. Removal from classroom – teachers, assistant principal, vice principal, principal, Superintendent
12. Short-term (five days or less) suspension from school – principal, acting principal, Superintendent, Board of Education
13. Long-term (more than five days) suspension from school – Superintendent, Board of Education.

B. Procedures
The amount of due process a student is entitled to receive before a consequence is imposed depends on the consequence being imposed. In all cases the school personnel, authorized to impose the consequence, must inform the student of the alleged misconduct and must reach a determination concerning the facts surrounding the alleged misconduct. All students will be afforded an opportunity, if requested, to present their version of the facts to the school personnel imposing the disciplinary consequence.

Students who are to be given consequences other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the consequence is imposed. These additional rights are explained below.

1. Detention. Teachers, principal and the Superintendent may use after school detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention must be served within one school day from the date of issuance. Exceptions can be made for illness or extenuating circumstances and the student and/or parent notifies the appropriate person, if circumstances allow. Detention takes precedence over extra-curricular activities, athletic practices or events and student employment. Detention will be imposed as a consequence only after the student’s parent has been notified to confirm there is no parental objection to the consequence and that the student has appropriate transportation home following the detention. Failure to serve detention will result in another day of detention or in-school or out-of-school suspension unless an exception to extenuating circumstances applies.

2. Suspension from transportation. If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal’s attention. Students may have their riding privileges suspended by their principal, vice principal, assistant principal, or the Superintendent or their designees. In such cases, the student’s parent will become responsible for seeing that his or her child gets to and from school safely.

If suspension from transportation will result in the student not being able to attend school, the transportation suspension will be revoked and another Intervention consequence will be used with the Level of offense.

A student subjected to a suspension from transportation is not entitled to a hearing pursuant to Education Law §3214 (unless the suspension from transportation will amount to a suspension from attendance). However, the parents shall be given notification of such action as soon as possible, and the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal’s designee to discuss the conduct and the consequence involved. Should the suspension from transportation amount to a suspension from attendance at school; the procedures of §3214 will be followed.
3. **Suspension from athletic participation, extra-curricular activities and other privileges.** A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a hearing pursuant to Education law §3214. However, the parents shall be given notification of such action, as soon as possible, and the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension, to discuss the conduct and the consequence involved.

4. **Academic Sanctions.** The consequences for academic violations such as for plagiarism, cheating, reusing one’s own paper/project can affect the student’s grade (lowering the grade or assigning a grade of zero), require the student to complete a replacement test or assignment or not permit the student to make-up a test or assignment.

5. **In-school suspension.** The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the Superintendent to place students who would otherwise be suspended from school as the result of the Standards for Community-wide Conduct and Intervention Supports violation in an “in-school suspension.”

A student subjected to an in-school suspension is not entitled to a hearing pursuant to Education Law §3214. However, the parents shall be given notification of such action as soon as possible, and the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension, to discuss the conduct and the consequence involved.

6. **Teacher removal of disruptive students.** A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student’s behavior, and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to sit in a designated area of the room or briefly leaving the classroom to give the student an opportunity to regain his or her composure/self-control under the supervision of an aide or other adult supervisor. Use of classroom management techniques such as these does not constitute disciplinary removal for purposes of these Standards, so long as the student is not sent to the care or custody of someone other than the classroom teacher.

On occasion, a student’s behavior may become disruptive. For purposes of these Standards, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom, i.e., interrupts or interferes with a student’s ability to learn or impedes or interferes with a teacher’s ability to teach or to maintain order in the classroom. A substantial disruption of the educational process or substantial interference with a teacher’s authority occurs when a student demonstrates a persistent and/or vociferous unwillingness to comply with the teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules in a manner which interferes with the process of instruction in the class. Examples include repeated and/or severe instances of speaking loudly or disrespectfully to the teacher or others, speaking out of turn, leaving his or her seat without permission, physical contact with another or throwing items.

A classroom teacher may remove a disruptive student from class for up to four days (including the day on which the removal occurs) when other behavior management techniques have been used but have not been successful in eliminating the disruptive conduct, or the conduct is so severe that such techniques cannot feasibly be used. The removal from class, only applies to the class of the removing teacher. Removal of a student with a disability, under certain circumstances, may cause a change in the student’s placement.
Accordingly, any special education student who has received nine previous days of suspension and/or removal, may be removed only with verification from the principal or Chairperson of the Committee on Special Education, such that removal will not violate the student’s rights under state or federal law.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class. However, if the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must document the removal of the student in writing, and verbally notify the Principal immediately to explain the circumstances of the removal and to present the removal letter.

Within 24-hours after the student’s removal, the principal must notify the student’s parents that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal to discuss the reasons for the removal.

The principal may require the teacher who ordered the removal to attend the informal conference within working hours. If at the informal meeting the student denies the charges, the principal must explain why the student was removed and give the student and the student’s parent a chance to present the student’s version of the relevant events. The informal meeting must be held within 48 hours of the student’s removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

The principal may overturn the removal of the student from class, if the principal finds any one of the following:

1. The charges against the student are not supported by substantial evidence.
2. The student’s removal is in violation of law, including the District’s Standards for Community-wide Conduct and Intervention Supports.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

Where an informal conference has been requested, the principal is to issue his/her decision by the close of business on the day following the 48-hour period for the informal conference. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever occurs first.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities, alternative means of instruction, until he/she is permitted to return to the classroom. The alternative instruction shall be provided by personnel in the school. The alternative instruction shall begin as soon as practicable, but in no event later than the second day of removal. Mechanisms for the provision of such services at each school shall be developed, and the principal shall be responsible for assuring that alternative instruction is provided to each eligible student. A day of removal shall not be counted as a day of absence for purposes of the District’s attendance policy (unless the student fails to attend the alternative instruction which is provided).

Each teacher must keep a written log (on a District provided form) for all cases of removal of students from his or her class. The principal must keep a written building log (on a District provided form) of all removals of students from class.
The principal may designate another administrator to carry out his or her duties under this section, and the term “principal” as used in these removal procedures shall be deemed to include any such designee.

6. Suspension from school. Suspension from school is a significant consequence, which may be imposed upon students who violate the Code of Conduct and warrant a Level 3 or Level 4 response.

(a.) Are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others;

(b.) Engage in off-campus conduct (not at school or while not under the supervision of school authority or any employee or board member of the district), that adversely affects the educative process or endangers the health, safety or morals of students, or poses a threat of harm to him or herself, or to school property.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the building principals.

Any staff member may recommend to the Superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the Superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension, and in no event later than the end of the next school day.

These procedures are also applicable where the student is suspended by an administrator from only one (or more) classes rather than from his or her entire educational program.

C. Short Term Suspension Process

Any suspension from school less than five school days shall be considered a short-term suspension.

Prior to a proposed suspension from school for between one and five days by a Building Principal or an acting Principal in the absence of the Building Principal, the student and his/her parent(s)/guardian(s) shall be notified, in writing, by personal delivery, express mail or overnight service, and by telephone, if possible, within 24 hours of the decision to propose suspension.

Such written notice shall include a description of the incident(s) resulting in the suspension and shall inform the parent(s)/guardian(s) of their right to request an immediate informal conference with the Principal at which the student and/or his/her parent may present the student’s version of the event and ask questions of complaining witnesses. Upon such request, an informal conference with the Principal and other parties involved shall be convened as soon as possible, [at which time questions may be asked of complaining witnesses by the parent(s)/guardian(s).] The right to an informal conference with the Principal shall also extend to a student if 18 years of age or older. The notice and informal conference shall be in the dominant language or mode of communication used by the parent. If 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, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

D. The Long-term Suspension Process: Suspension for More than Five School Days

Any suspension from school in excess of five school days shall be considered a long-term suspension. Unless there is an agreement between the person requesting the suspension and the parent, a long-term suspension may be done only after the Superintendent of Schools or the Board of Education has conducted a hearing.
When a student is subject to a long-term suspension, a hearing shall be conducted by the Superintendent if the Building Principal, acting Building Principal or the Superintendent has made the original suspension, or before the Board where that body has made the original suspension. The Superintendent of Schools or Board of Education may designate a Hearing Officer to make findings of fact with respect to the charges of infractions under this Code of Conduct, as well as consequence recommendation pursuant to the consequence parameters described herein.

E. Hearing Procedures

Any appeal brought by the parent or student over the age of 18 of a Principal’s suspension must be presented to the Board of Education prior to filing any further appeal.

In the event of the suspension of a student over the age of 18, the notice, as described above, shall be delivered or mailed to the student, as well as to the student’s parent(s), if any. Emancipated minors shall be entitled to the same notice rights as a student beyond the age of 18 years.

- **Notice of Hearing.** In the event of the suspension of a student under the age of 18 years, the notice of suspension will be mailed or delivered to the parent(s)/guardian(s), who shall have a minimum of 48 hours’ notice of the time and place of the hearing, as well as the nature of the charge(s) and the facts, sufficiently stated so that a proper defense may be placed upon the record on behalf of the student. All notices of long-term suspension hearings shall contain provisions indicating that the student has the right to be represented by an attorney or lay counsel, that a transcript of the hearing will be which designated him/her immediately upon the conclusion of the long-term suspension hearing.

The Superintendent or Board, whichever designated the Hearing Officer, shall make its own findings of fact and consequence decision, by adopting those of the designated Hearing Officer, where applicable, in whole or in part, or by reaching independent findings of fact and consequence determinations. This process shall be concluded within the five school day period from the time of the initial suspension if the student is to be continuously suspended. The decision may be communicated to the student’s representative and/or student (where over the age of 18) beyond the five school day period in cases where the student has been reinstated to attendance in school pending the final determination on the charges and consequence by the Superintendent or the Board, in cases to be decided by them, respectively.

- **Alternate instruction.** When a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take steps to provide continued educational programs and activities, by alternative means of instruction, for the student. The alternative instruction may be provided by personnel in the school, or at an alternative school, by home instruction, or by a school suspension instruction program. The alternative instruction shall begin as soon as practicable, but in no event later than the third day of suspension. Mechanisms for the provision of such services at each school shall be developed by the District, and the principal shall be responsible for assuring that alternative instruction is provided to each eligible student. When a student above compulsory attendance age is suspended from school, the District will consider providing alternative instruction on a case-by-case basis.

F. Minimum Period of Suspension

1. **Students who bring a weapon to school.**

   Any student, including students with disabilities pursuant to Federal and State Laws and Commissioner’s Regulations Part 200 and 201, found guilty of bringing a weapon, including, but not limited to, a knife, rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun (Commissioner’s Decision No. 14,733, No. 15,041); onto school property will be subject to suspension from school for at least one calendar year. Any student found guilty of bringing an imitation gun onto school property may be subject to the same consequence. Before being suspended, the student
will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the consequence, the Superintendent may consider the following:

1) Age, health, and disability or special education status of the student
2) Appropriateness of student’s academic placement
3) Student’s prior conduct and record of behavior
4) Student’s understanding of the impact of their behavior attitude
5) Student’s willingness to repair the harm caused by their behavior
6) Seriousness of the behavior offense and the degree of harm caused
7) Impact of the incident on overall school community
8) Whether the student’s violation threatened the safety of any student or staff member
9) The likelihood that a lesser intervention would adequately address the violation
10) The Superintendent may recommend that a threat assessment, special intervention, health examination, or mental health examination be completed by a certified District employee or designee in order to determine if a student suspended for bringing a weapon to school pursuant to the Code of Conduct is eligible for a return to school from a long-term suspension prior to the original date of return and/or to determine and promote the educational interests of the student.

2. Violent students who commit an act(s) other than bringing a weapon to school.

Any student, other than a student with a disability, who is found to have committed an act which makes him a violent student as defined in these Standards, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed consequence is the minimum five school day suspension, the student and the student’s parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed consequence exceeds the minimum five school day suspension, the student and the student’s parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The suspending authority has the authority to modify the minimum five school day suspension on a case-by-case basis. In deciding whether to modify the consequence, the Superintendent may consider the factors considered in modifying a one-year suspension for possessing a weapon.

3. Students who are repeatedly substantially disruptive of the educational process or who repeatedly substantially interfere with the teacher’s authority over the classroom.

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom, will be suspended from school for at least five days. For purposes of the Code of Conduct “repeatedly is substantially disruptive” means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214 (3-a) and these Standards on four or more occasions during a semester. If the proposed consequence is the minimum five-day suspension, the student and the student’s parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed consequence exceeds the minimum five-day suspension, the student and the student’s parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The suspending authority has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the consequence, the suspending authority may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

G. Referrals to Outside Organizations

In deciding whether to modify the consequence, the suspending authority may consider the same factors considered in modifying a one-year suspension for possessing a weapon.
1. Counseling and Human Services Agencies
KCSD staff may be a resource to parents for referrals of students to counseling and human services agencies.

2. Person in Need of Supervision (PINS) Petitions
The District may in appropriate cases seek the assistance of the Family Court through a PINS petition when students exhibit a pattern of unexcused absences, in accordance with the District’s Attendance Policy. In addition, any student who is found to have brought a weapon to school, any violent student or any student who commits criminal acts on school property will be referred to the proper law enforcement agency in accordance with the terms of these Standards.

3. Juvenile Delinquents and Criminal Offenders
The Superintendent is required to refer the following students to the County Attorney or District Attorney, as appropriate for a juvenile delinquency proceeding before the Family Court or proceedings before the appropriate criminal court:
(a) Any student who is found to have brought a weapon to school, or
(b) Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).
(c) Any student committing an offense against the District, the school or any school personnel.

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district’s student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York’s Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

DEFINITIONS
For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

Behavioral Intervention Plan (BIP) means a plan that is based on the results of a functional behavioral assessment and that, 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.

Controlled substance means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).

Disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:
   a. For more than 10 consecutive school days; or
   b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student’s behavior is substantially similar to the student’s behavior in previous incidents that...
resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.

**Illegal drug** means a controlled substance, illegally used or misused prescription drugs, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.

**Interim alternative educational setting (IAES)** means a temporary educational placement, other than the student’s current placement at the time of the behavior precipitating the IAES placement. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student’s individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

**Manifestation review** means a review of the relationship between the student’s disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.

**Manifestation team** means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parents and guardians, and relevant members of the committee on special education as determined by the parents and guardians and the district.

**Removal** means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.

**School day** means any day, including a partial day, that students are in attendance at school for instructional purposes.

**Serious bodily injury** means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

**Student presumed to have a disability for discipline purposes** means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.

**Suspension** means a suspension pursuant to §3214 of New York’s Education Law.

**Weapon** means the same as the term “dangerous weapon” under 18 USC §930(g)(2) which includes 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.

**Authority of School Personnel to Suspend or Remove Students with Disabilities**

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law may order the placement of a student with a disability into an IAES, another
setting or suspension for a period not to exceed five consecutive school days.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student’s behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student’s behavior was not a manifestation of the student’s disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. 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 district’s jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district’s jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student’s behavior is a manifestation of the student’s disability. However, the committee on special education will determine the IAES.

Procedures for the Suspension or Removal of Students with Disabilities by School Personnel

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student’s parent or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.

2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a consequence phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student’s behavior was a manifestation of his or her disability. The consequence phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student’s disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student’s disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change
of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the Definitions section of this policy, unless:

1. The manifestation team determines that the student’s behavior was not a manifestation of the student’s disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above. School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district’s code of conduct.

In addition, school personnel may not suspend or remove a disabled student in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

Parents and guardians Notification of a Disciplinary Change of Placement
The district will provide the parents and guardians of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

Authority of an Impartial Hearing Officer to Remove a Student with a Disability
An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student’s behavior is a manifestation of the student’s disability.

Manifestation Review
A review of the relationship between a student’s disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student’s disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or
3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement. The manifestation team must determine that the student’s conduct was a manifestation of the student’s disability if it concludes that the conduct in question was either:
   a. Caused by or had a direct or substantial relationship to the student’s disability, or
   b. The direct result of the district’s failure to implement the student’s individualized education program. The manifestation team must base its determination on a review of all relevant information in the student’s file including the student’s individualized education program, any teacher observations, and any relevant information provided by the parents and guardians.

If the manifestation team determines that the student’s conduct is a manifestation of the student’s disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and guardians and the district agree to a change in placement as part of the modification of the behavioral intervention plan. If the manifestation team determines that the conduct in question was the direct result of the district’s failure to implement the student’s individualized education program, the district will take immediate steps to remedy those deficiencies.

**Services for Students with Disabilities during Periods of Suspension or Removal**

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.

3. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student’s teachers, will determine the extent to which services are needed to comply with this requirement. In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur. In such an instance, the committee on special education will determine the appropriate services to be provided.

**Students Presumed to Have a Disability for Discipline Purposes**

The parents and guardians of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student’s parents and guardians 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. Such expression may be oral if the parents and guardians does not know how to write or has a disability that prevents a written statement; or

2. The student’s parents and guardians has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student directly to the district’s director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district’s receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student’s parents and guardians has not allowed an evaluation of the student; or
2. The student’s parents and guardians has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability. If 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 non-disabled student who engaged in comparable behaviors. However, if the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

**Expedited Due Process Hearings**

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement;
2. The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings;
3. The student’s parents and guardians regarding a determination that the student’s behavior was not a manifestation of the student’s disability; or
4. The student’s parents and guardians relating to any decision regarding placement, including but not limited to, any decision to place the student in an IAES. The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner’s regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations. When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first, unless the student’s parents and guardians and the district agree otherwise.

**Referral to Law Enforcement and Judicial Authorities**

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).
CORPORAL PUNISHMENT/PHYSICAL RESTRAINT (5335)

The Board of Education of the Kingston City School District prohibits the use of corporal punishment against a student by any teacher, administrator, officer, employee or agent of this School District.

As used in this policy, corporal punishment means any act of physical force upon a student for the purpose of punishing that student, except as otherwise provided herein.

In situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed and after issuing a verbal command to attempt to stop the objectionable conduct against persons or property, any of the above-enumerated persons may use reasonable physical force for the following purposes:

1. To protect oneself from physical injury;
2. To protect another student or teacher or any person from physical injury;
3. To protect the property of the school or others; or
4. To restrain or remove a student whose behavior is interfering with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to comply with the request to refrain from further disruptive acts.

Whenever a school employee uses physical force against a student, the school employee shall report the incident to the building principal within the same school day. The building principal shall immediately investigate the incident and shall make a report to the Superintendent describing in detail the circumstances and the nature of the action taken, if any.

The Superintendent of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, setting forth the substance of each complaint about the use of corporal punishment received by the School District during the reporting period, the results of each investigation, and the action, if any, taken by the School District in each case.

STUDENT SEARCHES AND INTERROGATIONS (5330)

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary consequence on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent of Schools, a Deputy Superintendent of Schools, Building Principals, Vice Principals, Assistant Principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable individualized suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct. The Board directs that no student be searched by school officials unless there exists reasonable individual suspicion, that the search will reveal evidence that the student has violated or is violating either the law or the District Code of Conduct.

The reasonableness of the search will depend upon: the student’s age; the student’s history and record in school; the prevalence and seriousness of the problem to which the search is directed; the urgency
requiring an immediate search; and the probative value and reliability of information used as justification for the search.

The request for a search of a student or a student’s possessions will be directed to the Building Principal who, if the requester has furnished a reasonable suspicion basis for a student search shall seek voluntary consent from the student to conduct the search and may also attempt to obtain an admission from the student of possession of the contraband or illegal property.

Whenever practicable, the search should be conducted in the presence of the student, where applicable and in the privacy of the Principal’s office with another adult staff member being present. The search shall be limited in scope to the extent necessary to locate the illegal contraband or illegal property.

The Principal shall be responsible for the prompt recording in writing of each student search. Such writing should include the reasons for the search, information received that established the need for the search and the name of the informant (informants other than school district employees will be considered reliable if they have previously supplied information which was accurate and verified), the persons present when the search was conducted, any substances or objects located, and the disposition of such substances or objects. The Principal shall be responsible for the custody, control, and disposition of any illegal or dangerous contraband or illegal property taken from a student. The police will be immediately notified whenever school officials come into possession of illegal substances and/or illegal weapons in order to receive direction regarding the disposition of such items.

A search based upon the reasonable suspicion that the health and safety of others is immediately threatened may be conducted with as much speed as is required to protect persons and property.

Desks, school lockers, storage spaces, and computers are the property of the School District and, therefore, students have no reasonable expectation of privacy in such locations. Students shall be informed by the administration that desks, lockers, storage spaces and computers are not their private property, but are the property of the School District and, as such, may be opened and subject to inspection at any time by school officials. Further, the School District may invite the police with K-9 units for the purpose of detecting the presence of illegal drugs and/or other illegal substances in such spaces. Police dogs shall not be brought to search the persons present (sniffing students and other persons in our schools).

No police officer shall perform a student search unless authorized by a search warrant or court order or upon demonstrating probable cause to establish that the commission of an illegal act is occurring on school premises (hot pursuit doctrine).

When authorized to search by a warrant, the Principal shall first attempt to inform the student’s parents and guardians of the police demand to search in order to afford the parents and guardians an opportunity to be present at the search. In the event that the parents and guardians cannot be contacted prior to a police search, the parent or guardian shall be informed of the search in writing by the Principal immediately thereafter.

Student Lockers, Desks and other School Storage Places
The rules regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

**Personal Searches**

A personal search is a search that requires a student to remove not only outer clothing but also inner clothing that may reveal the private parts of their anatomy. If an authorized school official believes it is necessary to conduct a personal search of a student, the school official may do so only if the search is authorized in advance by the Superintendent or Deputy Superintendent in his absence, after consultation with the school attorney. The Superintendent of Schools or Deputy Superintendent in his absence may determine to call the police to conduct the search. If the personal search is to be conducted by school officials it must be based upon a heightened degree of reasonable suspicion and the reasonableness of its scope giving due consideration to the necessity to conduct a personal search based upon the danger posed by the suspected contraband or illegal property and must be conducted by two administrators and/or nurses of the same sex as the student. The only exception to this rule requiring advance authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

**Documentation of Searches**

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

- Name, age and grade of student searched.
- Reasons for the search.
- Name of any informant(s).
- Purpose of search (that is, what item(s) were being sought).
- Type and scope of search.
- Person conducting search and his or her title and position.
- Witnesses, if any, to the search.
- Time and location of search.
- Results of search (that is, what items(s) were found). Disposition of items found.

**Time, manner and results of parental notification**

The Principal or the Principal’s designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.
Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search warrant; or
2. An arrest warrant; or
3. Probable cause to believe a crime has been committed on school property or at a school function; or

Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The Principal or designee 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 are entitled to be afforded by the police the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

Child Protective Services (“CPS”) Investigations

The District must give CPS workers and members of a CPS multidisciplinary team access to and an opportunity to interview “any child named as victim in a report of suspected abuse or maltreatment” as well as “any sibling or other child residing in the same home as the named victim” without parental permission or a court order. All requests by CPS to interview a student on school property should be made to the Building Principal who shall require that CPS workers and other members of a multidisciplinary team who accompany a CPS worker, provide professional identification and also identify the specific children they are seeking to access and/or interview.

The Building Principal may authorize a District staff member to observe the interview either from the same or a different room.

CPS and/or the CPS multidisciplinary team must also comply with all visitor policies or procedures of the school or school district which would not unreasonably interfere with CPS interviews or investigation. For example, this might include building procedures such as “sign-in and sign-out”, keeping cell phones on vibrate so as not to disrupt instruction, or similar procedures.

The parent or guardian should not be called prior to or following the CPS interview.

A CPS worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be
subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

VISITORS TO THE SCHOOL (1300)

The Board encourages parents and other citizens to visit the District’s schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

The Board of Education and staff of the School District welcome parents and other interested citizens in visiting our schools periodically during the course of the school year.

The Superintendent of Schools is directed to establish regulations which will encourage and permit access of authorized persons to the school, and at the same time safeguard the educational program from disruptions and distractions and maintain safety and security.

For the purpose of this policy, a visitor is defined as employees/students outside of their home school, Board members, parents, other adults, other residents, and non-students. Furthermore, principals are authorized to establish additional rules or other procedures to define regulations about visitors in their schools, as long as those rules do not conflict with Board policies or the Superintendent's regulations or directions.

The Board recognizes that many visitations will occur as part of scheduled open community events or specifically inviting a particular category of visitors, e.g., open houses, parent-teacher conference meetings, athletic or music events, parent-teacher organization meetings, etc. At these times it is impractical to have everyone sign in at the office, although there may be a requirement that visitors are asked to sign in elsewhere.

All visitors must report immediately to the office or reception area upon entering a school building. All visitors who stay are expected to sign a ledger and wear appropriately the designation as a visitor.

Any unauthorized person on school property, anyone engaging in questionable or inappropriate conduct, or an individual where a question exists about their visitor status shall be immediately reported to an administrator, a security officer or other responsible staff member.

Visits to school buildings shall be in accordance with Board policies, administrative regulations and school-based rules. Signs directing visitors to the office/reception area where copies of such procedures will be readily available are to be posted in conspicuous places around the building.

Board of Education members who visit schools of their own volition have no more authority than any other citizen and are expected to follow this policy as any other visitor. The Board of Education realizes its responsibility to protect the rights of students to teach, teachers to teach and of all persons associated with providing School District service to perform their duties free from undue interference. The professional and educational activities of the School District can flourish only in a safe and secure environment where the behavior of individuals is characterized by respect, civility, following established rules and self-restraint.

Parents or guardians may wish to visit their child's classroom at other than regularly scheduled times. This kind of visitation may be scheduled after talking with the principal and/or the teacher to discuss how to best accommodate and schedule the request. Parents should realize that teachers' first obligation is to the students, therefore, lengthy discussion or conferences must be scheduled for another time. Such visits are encouraged.
Visitors are expected to have a purpose and a particular designation in mind and, therefore, are not free to roam school property, unescorted.

Persons not following this policy, administrative regulations, or school-based rules/procedures will be asked to leave by school personnel. Any individual who refuses will be considered as trespassing and the police will be contacted.

**Enforcement for Persons Other Than Students**

For all persons other than students, violation of this Code shall be subject to the following provisions.

**A. Consequences**

Persons who violate these Standards shall be subject to the following consequences:

1. **Visitors.** Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection, or to arrest and prosecution, at the discretion of the Principal and the police. Where warranted, they may be excluded from school property and/or functions in the future.

2. **Tenured faculty members and administrators.** They shall be subject to disciplinary action, up to and including discharge, as the facts may warrant in accordance with Education Law §3020-a and any other legal and contractual rights that they may have.

3. **Staff members in the classified service of the Civil Service entitled to the protection of Civil Service Law §75.** They shall be subject to disciplinary action, up to and including discharge, as the facts may warrant in accordance with Civil Service Law §75 and any other legal and contractual rights that they may have.

4. **District employees other than those described in subdivisions 2 and 3.** They shall be subject to warning, reprimand, suspension, dismissal or other disciplinary action, as the facts may warrant in accordance with any legal and/or contractual rights they may have.

**B. Enforcement**

Each building principal or his or her designee shall be responsible for enforcing the conduct required by this Code.

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and ask the individual to stop such behavior. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person’s conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, KCSD security and/or law enforcement authorities will be contacted to assist in dealing with the person.

Following such an incident, the building principal or his or her designee shall report the incident to security and to local law enforcement, if they have not already been notified.

The District will consider violations of these Standards as a possible basis for disciplinary action against any staff member. In addition, the District reserves its rights to pursue a civil or criminal legal action against any person violating these Standards and/or the law at or in connection with school.

The building principal or his or her designee must notify the appropriate local law enforcement agency of the standards violations which constitute or may constitute a crime and which, in his or her judgment, substantially affect the order or security of a school its students and/or its staff, as soon as practicable. The notification may be
made by telephone or direct report, and may be followed by a letter. The notification must identify the student and explain the conduct which violated the code of conduct and which constitutes or may constitute a crime.

**TRAINING**

Staff training will be provided as needed to ensure that the disciplinary practices in each school are effective and that relevant policies and procedures are equitably applied.

Training may include such topics as child and adolescent development and psychology; age-appropriate responses; culture competence; restorative justice techniques; special accommodations for students with disabilities; practices proven to improve school climate, and the creation of safe spaces for lesbian, gay, bisexual, transgender, and questioning students.

**ANNUAL DATA COLLECTION AND REVIEW**

Schools will annually review their school climate and submit a publicly available written report. Based on the review, schools will make changes consistent with the intent of this and other policies.

The review will include the following:

a. Overall Enrollment – Three-Year Trend
b. Racial/Ethnic Distribution by School
c. Accountability Subgroups Distribution by School
d. Free & Reduced Lunch Enrollment
e. Four Year Graduation Rate – Three-Year Trend
f. Traditional Regents Exam % of Students at Each Performance Level
g. AP Exams% of Students at Each Performance Level
h. Grade 3 – 8 ELA, Math & Science Performance Trends
i. School Accountability Status

**DISSEMINATION AND REVIEW**

The Board of Education will review the Code of Conduct regularly and update as necessary. In conducting the review, the Board will consider how effective the Standard’s provisions have been and whether the Standards have been applied fairly and consistently. The Board may appoint an advisory committee to assist in reviewing the Code of Conduct and the District’s response to violations. The committee will be made up of representatives of student, teacher, administrator, parents and community-based organizations, school safety personnel and other school personnel. Revisions to the Code of Conduct will be made only after at least one public hearing, which provides for the participation of school personnel, parents, students and any other interested party.

The District shall post the complete Code of Conduct on the District website. The District shall file a copy of the Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

**1st Reading: January 9, 2019**
**Public Hearing & Adoption : January 23, 2019**
DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district’s student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York’s Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

Definitions

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. Behavioral intervention plan (BIP) means a plan that is based on the results of a functional behavioral assessment and that, 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.

2. Controlled substance means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).

3. Disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:

   a. For more than 10 consecutive school days; or
   
   b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student’s
behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.

4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed healthcare professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.

5. *Interim alternative educational setting* (IAES) means a temporary educational placement, other than the student’s current placement at the time of the behavior precipitating the IAES placement. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student’s individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

6. *Manifestation review* means a review of the relationship between the student’s disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.

7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent/guardian, and relevant members of the committee on special education as determined by the parent/guardian and the district.

8. *Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.

9. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.

10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.

12. *Suspension* means a suspension pursuant to §3214 of New York’s Education Law.

13. *Weapon* means the same as the term “dangerous weapon” under 18 USC §930(g)(2) which includes 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.

**Authority of School Personnel to Suspend or Remove Students with Disabilities**

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student’s behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student’s behavior was not a manifestation of the student’s disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:
1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. 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 district’s jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district’s jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student’s behavior is a manifestation of the student’s disability. However, the committee on special education will determine the IAES.

**Procedures for the Suspension or Removal of Students with Disabilities by School Personnel**

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student’s parent or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.

2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student’s behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student’s disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student’s disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.
Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the Definitions section of this policy, unless:

1. The manifestation team determines that the student’s behavior was not a manifestation of the student’s disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district’s code of conduct.

In addition, school personnel may not suspend or remove a disabled student in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

Parent/Guardian Notification of a Disciplinary Change of Placement

The district will provide the parent/guardian of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

Authority of an Impartial Hearing Officer to Remove a Student with a Disability

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student’s behavior is a manifestation of the student’s disability.

Manifestation Review

A review of the relationship between a student’s disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student’s disability will be made by the manifestation team immediately, if possible, but
in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or
3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student’s conduct was a manifestation of the student’s disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student’s disability, or
2. The direct result of the district’s failure to implement the student’s individualized education program.

The manifestation team must base its determination on a review of all relevant information in the student’s file including the student’s individualized education program, any teacher observations, and any relevant information provided by the parent/guardian.

If the manifestation team determines that the student’s conduct is a manifestation of the student’s disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parent/guardian and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district’s failure to implement the student’s individualized education program, the district will take immediate steps to remedy those deficiencies.
Services for Students with Disabilities during Periods of Suspension or Removal

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.

2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student’s teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur. In such an instance, the committee on special education will determine the appropriate services to be provided.
Students Presumed to Have a Disability for Discipline Purposes

The parent/guardian of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student’s parent/guardian 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. Such expression may be oral if the parent/guardian does not know how to write or has a disability that prevents a written statement; or
2. The student’s parent/guardian has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student directly to the district’s director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district’s receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student’s parent/guardian has not allowed an evaluation of the student; or
2. The student’s parent/guardian has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

If 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 non-disabled student who engaged in comparable behaviors. However, if the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.
Expedited Due Process Hearings

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement;
2. The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings;
3. The student’s parent/guardian regarding a determination that the student’s behavior was not a manifestation of the student’s disability; or
4. The student’s parent/guardian relating to any decision regarding placement, including but not limited to, any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner’s regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first, unless the student’s parent/guardian and the district agree otherwise.

Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

Cross-ref: 5500, Student Records

Ref: Individuals with Disabilities Education Act, 20 USC §1415(k); 34 CFR § 300.530 et seq.

Adopted: October 1, 2008
<table>
<thead>
<tr>
<th>LEVEL</th>
<th>BEHAVIOR</th>
<th>HEARING APPEAL PROCESS</th>
<th>RANGE OF OUTCOMES PER LEVEL</th>
</tr>
</thead>
</table>
| I     | 1. unexcused tardiness to school/class
2. foul or offensive language or gesture
3. wearing attire or displaying symbols that interfere with the rights of others or will cause a substantial disturbance or interfere with the educational process (wearing clothing that will insult a person or group or otherwise not be proper for school) (Refer: Educational Community Standard of dress)
4. inappropriate affectionate behavior in a public place
5. using items which interfere with the rights of others or will cause a disturbance, compromise safety, or interfere with the educational process during regular school hours |
|       | 6. disruptive behavior on school property or at a school sponsored activity
7. causing minor damage to school property
8. littering
9. loitering
10. eating or drinking in prohibited areas
11. failure to wear the district issued identification badge
12. The use of electronic devices that causes a minor disturbance (such as, but not limited to, audio, text, photo, etc.)
13. Failure to practice safe road crossing |
|       | Informal hearing before the person imposing the disciplinary outcomes and/or mediation |
|       | Verbal reprimand and/or short-term detention
Voluntary alternative outcomes may include community service
Less severe outcomes may be substituted by Administration
Outcomes issued by KHS Peer Court |
| OTHER OUTCOMES: | Confiscated items will be returned to parent/guardian |
| II    | 1. insubordinate absence from class/school/detention
2. misrepresentation of a signature (forgery)
3. being disrespectful to staff
4. use of and/or possession of tobacco, nicotine and/or paraphernalia (such as, but not limited to, e-cigarettes, vaporizers in any shape or form, other smoking or delivery devices) on school premises or during school-sponsored activities (Public Health Law & District Policy)
5. intentional misuse or unauthorized use of school district property
6. possession, distribution, or use of unauthorized medicines (including over-the-counter medicines)
7. unauthorized sale or vending on school property
8. continuing or repeating Level I behaviors after prior corrective measures have been taken |
|       | Informal hearing before the assistant principal, vice principal or their designee and/or mediation |
|       | Same as Level I and parents are notified (Exception #4 – mandatory detention)
Detention over five days
Up to three days assignment to the in-school suspension program or form
Outcomes issued by KHS Peer Court |
| OTHER OUTCOMES: | Offense #1 potential PINS petition (Family Court Action) and Confiscation |
| III   | 1. action, verbal assault and/or abuse based on differences (e.g., racial, ethnic, religious, political, social, life-style differences, or gender expression, etc.)
2. foul or offensive language or gestures used in a confrontational manner
3. insubordination (deliberate and/or defiant refusal to follow a reasonable rule and/or request)
4. intentional plagiarism (using someone else’s work and claiming it as your own)
5. giving, requesting or obtaining test information (cheating on tests)
6. behavior which interferes with the operation of a school bus
7. confrontations involving physical contact
8. stealing
9. reckless or intentional conduct or unauthorized use of school district property which causes significant damage
10. gambling
11. extortion (a threatening demand for goods or services)
12. student-to-person threat, bullying and/or harassment
13. giving false information concerning school-related behaviors (lying)
14. lewd or sexual behavior on school premises or during school-sponsored activities |
|       | 15. reckless or intentional conduct which could cause physical injury
16. intentional misuse of any school district computer hardware/software in any fraudulent or destructive manner, including but not limited to sending a harmful or threatening message, unauthorized entry into a file, altering software programs vandalizing hardware or software components. (Refer District Computer & Internet Use)
17. forcing someone to commit a dangerous or demeaning act (hazing including initiations) (District Code of Conduct)
18. Willful action or language that substantially disrupts the normal operations of school
19. aiding and/or abetting in any level three behavior
20. defacement of ID badges which alters photo, student name student number, and/or barcode
21. vandalism
22. The use of electronic devices and/or social media that causes a substantial disturbance and/or compromises safety (such as, but not limited to, audio, video, text, photo, etc.)
23. Willful and deliberate attempt to leave or actually leaving the KHS campus.
24. continuing or repeating Level II behaviors after prior corrective measures have been taken |
|       | Superintendent’s hearing as provided by law where there is a potential for criminal charges |
|       | Up to 5 days out of school suspension or preferable 5 days assignment to the in-school suspension program and/or loss of privileges.
Outcomes issued by KHS Peer Court |
| OTHER OUTCOMES: | Offense #5 – If the exam is a Regents exam, student may be barred from future Regents exams |
|       | Potential criminal and/or civil lawsuits |
|       | Financial restitution (paying for damages) |
|       | Confiscation |
|       | Expulsion and/or longer out of school suspension as authorized by the laws of New York State and/or more than five days assignment to the in-school suspension program |
| IV    | 1. bringing and/or possessing unauthorized weapons or explosives to school or a school-sponsored activity
2. making a bomb scare/false alarm
3. burglary
4. the willful or reckless setting of a fire
5. distribution, sale of controlled substances, illegal substances, synthetic substances (“designer drugs”), or the inappropriate use of prescriptions and/or over-the-counter medicines on school property or at a school-sponsored activity
6. falsification of official school documents (any document bearing the official school seal, such as, but not limited to, transcripts, diplomas, or attendance records) |
|       | 7. assault or reckless conduct which causes physical emotional, psychological injury (assault – verbal sexual, physical confrontation causing serious injury)
8. upon investigation by school officials, there is a serious and validated student to staff threat
9. possession, use, or being under the influence of a controlled substance, illegal substance, synthetic substance (designer drug) inappropriately used prescription and/or over-the-counter medicine, alcohol, or in possession of drug paraphernalia on school property or at a school-sponsored activity
10. aiding and/or abetting in any level four behavior
11. conduct so serious that it requires more than Level III outcomes |
|       | Superintendent’s hearing as provided by law |
|       | Expulsion and/or longer out of school suspension as authorized by the laws of New York State and/or more than five days assignment to the in-school suspension program |
| OTHER OUTCOMES: | Behaviors #1-9 – potential criminal charges, juvenile delinquency petitions
Possible removal from class |
|       | Loss of library/computer privileges |
|       | Confiscation |
STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

The Board of Education is committed to providing an educational environment that promotes respect, dignity and equality. The Board recognizes that discrimination, such as harassment, hazing and bullying are detrimental to student learning and achievement. These behaviors interfere with the mission of the district to educate its students and disrupts the operation of the schools. Such behavior affects not only the students who are its targets but also those individuals who participate in and/or witness such acts.

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events as described in this policy. The Board also prohibits discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, including cyberbullying, which creates or would foreseeably create a risk of substantial disruption within the school environment where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

DEFINITIONS

Bullying
Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below).

Cyberbullying
Cyberbullying is defined as harassment or bullying through any form of electronic communication. In order to be actionable under this Policy, cyberbullying that occurs off campus must create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Discrimination
Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs.

Hazing
Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.
Harassment
The creation of a hostile environment by conduct or by threats, intimidation or abuse, whether verbal or non-verbal, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Discrimination or harassment within the meaning of this policy shall include a single severe incident or multiple incidents that are pervasive in nature that creates a hostile environment or reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.

The discriminating behavior or harassing behavior may be based on any characteristic, including but not limited to a person’s actual or perceived:

- race,
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression)

In order to streamline the wording of this policy and regulation the term bullying will be used throughout to encompass harassment, intimidation, cyberbullying and hazing behaviors.

The Kingston City School District believes in the use of positive behavior support, which is the application of evidence-based strategies and systems to assist schools to increase academic performance, increase safety, decrease problem behavior, and establish positive school cultures. The positive behavior support process results in the creation of effective intervention plans that will impede problem behaviors, teach new skills, and create support systems for the student. Attention is focused on creating and sustaining schoolwide (Tier 1), classroom (Tier 2) and individual (Tier 3) systems of support that improve lifestyle results (personal, health, social, family, work, recreation) for all children and youth by making problem behavior less effective, efficient, and desired behavior more functional.
Prevention
In order to implement this program, the Board will designate at its annual organizational meeting a Dignity for All Students Act (DASA) Coordinator for each school in the district. In addition, the Board shall appoint a district-wide DASA coordinator. The role of each DASA coordinator is to oversee and enforce this policy.

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with, and respect for others, is a key district value. A program geared to prevention is designed to not only decrease incidents of bullying, but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Staff members and students will be sensitized, through district-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur. The components of such an effort involve the following:

- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students.
- Establishing clear school wide and classroom rules about bullying.
- Training adults in the school to respond sensitively and consistently to bullying.
- Providing adequate adult supervision, particularly in less structured areas such as in the hallways, cafeteria and playground.
- Raising parental awareness and involvement in addressing problems.
- Providing instruction in civility, citizenship and character education that emphasizes tolerance and respect for others.

Intervention
Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building. In addition, intervention will focus upon the safety of the target/victim. Staff is expected, when made aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy.

Training
The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent and the Districtwide DASA Coordinator and the District Professional Development Committee will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and monitors and all staff who have contact with students. Vendor employees (e.g., cafeteria, bus, etc.) shall be trained by the District or by the vendor in accordance with this policy. The DASA Coordinators will be thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion,
religious practice, disability, sexual orientation, sex and gender (including gender identity/expression).

**Incident Reporting and Investigation**

Students who have been bullied, parents whose children have been bullied, or other students who observe bullying behavior are expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to the building principal within one school day and to fill out the district reporting form within two school days. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy. Where the nature of the bullying or harassment also warrants investigation under another District Policy that addresses wrongful discriminatory practices (e.g., Title VI CRA, Title IX ESEA, Section 504 RATA Title II ADA, Disability Discrimination), there shall be a coordinated investigation. The building principal will prepare a quarterly report for the Superintendent based on complaints filed.

An equitable and thorough investigation will be carried out by the building principal or the Building DASA Coordinator. If either of the parties disagrees with the results of the investigation, they can appeal the findings to the Superintendent of Schools. In the event that the complaint involves the Superintendent of Schools, the appeal of the complaint shall be filed with the Board of Education for its review and decision. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation.

If the Building Principal or the Building DASA Coordinator who conducted the investigation believes that any harassment, bullying or discrimination constitutes a crime, he or she will immediately report the incident to the appropriate law enforcement agency and immediately notify the Superintendent of Schools and submit a written report to him or her within one day.

The Board will receive the annual VADIR report, as well as any other state required report relevant to bullying and/or school climate, for each building and for the district as a whole. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

**Confidentiality**

It is district policy to respect the privacy of all parties and witnesses to complaints of bullying. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual’s need for confidentiality must be balanced with the district’s legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the
district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

**Dissemination, Monitoring and Review**

This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the district’s website. The district will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board for its consideration.

The district will ensure that reporting of information to the public in conjunction with this policy will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

**Cross-ref:** 0100, Equal Opportunity  
9620, Anti-Harassment in the School District  
5300, Student Conduct  

**Ref:** Dignity for All Students Act, Education Law, §10 – 18  
Americans with Disabilities Act, 42 U.S.C. §12101 et seq.  
Individuals with Disabilities Education Law, 20 U.S.C §§1400 et seq.  
Executive Law §290 et seq. (New York State Human Rights Law)  
Education Law §§313(3), 3201, 3201-a  
_Davis v. Monroe County Board of Education_, 526 U.S. 629 (1999)  
_Franklin v. Gwinnett County Public Schools_, 503 U.S. 60 (1992)  

**1st Reading of Revision:** April 20, 2016  
**Adoption Date:** May 4, 2016
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. Upon the recommendation of the Superintendent of Schools, and 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 video surveillance cameras in its middle/high school, surrounding school grounds, and on school buses. District video surveillance cameras will only be utilized in areas where there is no “reasonable expectation of privacy.” With the exception of transportation, video surveillance does not include audio surveillance.

To further the Board’s objective, the School District’s Districtwide Safety Team shall meet as appropriate and/or deemed necessary to review district and building level safety practices, including the use of video surveillance cameras. The team may also make recommendations to the Superintendent regarding the use of video surveillance cameras. However, 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 video surveillance cameras by the School District.

The Superintendent will be responsible for appropriate use of video surveillance, and he/she or designee will determine the need to view and/or review video surveillance recordings. The Superintendent or designee may specifically authorize an individual with technology expertise to view live video-streaming, only as necessary, in order to determine repairs to the system. Finally, the Superintendent or designee will grant viewing of live video-streaming to law enforcement only when there is a crime or emergency in progress that threatens safety and security of students/building occupants.

Any video recording used for video surveillance purposes in school buildings 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 video recordings shall be retained for a minimum of thirty (30) days from the date of its creation. When a recording may be used as evidence in a student disciplinary matter or hearing pursuant to Education Law 3214 it shall be retained in a secured location by the district, and in its original format, for the period provided for in the Records Retention and Disposition Schedule ED-1, or until the conclusion of any such disciplinary or legal proceeding, whichever is longer.

Disciplinary Hearings

In the event a student is brought up on disciplinary charges pursuant to Education Law 3214, relative to alleged misconduct that has been recorded on a district-owned video recording, the charged student or student’s parent/guardian may request to view such video
recording. Requests for viewing such video recording must be made in writing to the Superintendent or designee. The Request for Viewing Form will require a statement detailing the reason for the request. 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 video recording be duplicated and/or removed from district premises, unless in accordance with a court order and/or subpoena, or at the discretion of the Superintendent.

A student who is disciplined as a result of the contents of a video recording, as well as his/her parents or legal guardian, shall have an opportunity to view the tape which is the basis for the disciplinary action. However, should the results of a formal investigation that is conducted by the district, relative to a student’s misconduct, be unfounded, the student and/or parent/guardian to which the video recording allegedly pertains, shall not be entitled to view such video recording.

**Signage/Notification Regarding Use of Video Surveillance Cameras in School Buildings, School Buses and/or 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 video surveillance cameras.

Students will receive additional notification, as appropriate, regarding the use of video surveillance cameras in the schools, on school grounds, and on school buses. Such notification may include, but is not limited to, publication in the district calendar and on the district web site, and in student handbooks. Such notification does not preclude, as deemed appropriate by administration, the discussion of the use of video surveillance cameras with staff and students to heighten awareness and help foster a sense of security.

**Cross-ref:**
6920 Comprehensive Safety and Security
8410 Transportation Policy

**First Reading:** January 16, 2013
**Adoption Date:** February 6, 2013
STUDENT SEARCHES AND INTERROGATIONS

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary consequence on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent of Schools, a Deputy Superintendent of Schools, Building Principals, Vice Principals, Assistant Principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable individualized suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct. The Board directs that no student be searched by school officials unless there exists reasonable individual suspicion, that the search will reveal evidence that the student has violated or is violating either the law or the District Code of Conduct.

The reasonableness of the search will depend upon: the student’s age; the student’s history and record in school; the prevalence and seriousness of the problem to which the search is directed; the urgency requiring an immediate search; and the probative value and reliability of information used as justification for the search.

The request for a search of a student or a student’s possessions will be directed to the Building Principal who if the requester has furnished a reasonable suspicion basis for a student search shall seek voluntary consent from the student to conduct the search and may also attempt to obtain an admission from the student of possession of the contraband or illegal property.

Whenever practicable, the search should be conducted in the presence of the student, where applicable and in the privacy of the Principal's office with another adult staff member being present. The search shall be limited in scope to the extent necessary to locate the illegal contraband or illegal property.

The Principal shall be responsible for the prompt recording in writing of each student search. Such writing should include the reasons for the search, information received that established the need for the search and the name of the informant (informants other than school district employees will be considered reliable if they have previously supplied information which was accurate and verified), the persons present when the search was conducted, any substances or objects located, and the disposition of such substances or objects. The Principal shall be responsible for the custody, control, and disposition of any illegal or dangerous contraband or illegal property taken from a student. The police will be immediately notified whenever school officials come into possession of illegal substances and/or illegal weapons in order to receive direction regarding the disposition of such items.
A search based upon the reasonable suspicion that the health and safety of others is immediately threatened may be conducted with as much speed as is required to protect persons and property.

Desks, school lockers, storage spaces, and computers are the property of the School District and, therefore, students have no reasonable expectation of privacy in such locations. Students shall be informed by the administration that desks, lockers, storage spaces and computers are not their private property, but are the property of the School District and, as such, may be opened and subject to inspection at any time by school officials. Further, the School District may invite the police with K-9 units for the purpose of detecting the presence of illegal drugs and/or other illegal substances in such spaces. Police dogs shall not be brought to search the persons present (sniffing students and other persons in our schools).

No police officer shall perform a student search unless authorized by a search warrant or court order or upon demonstrating probable cause to establish that the commission of an illegal act is occurring on school premises (hot pursuit doctrine).

When authorized to search by a warrant, the Principal shall first attempt to inform the student’s parents and guardians of the police demand to search in order to afford the parents and guardians an opportunity to be present at the search. In the event that the parents and guardians cannot be contacted prior to a police search, the parent or guardian shall be informed of the search in writing by the Principal immediately thereafter.

Student Lockers, Desks and other School Storage Places

The rules regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

Personal Searches

A personal search is a search that requires a student to remove not only outer clothing but also inner clothing that may reveal the private parts of their anatomy. If an authorized school official believes it is necessary to conduct a personal search of a student, the school official may do so only if the search is authorized in advance by the Superintendent or Deputy Superintendent in his absence, after consultation with the school attorney. The Superintendent of Schools or Deputy Superintendent in his absence may determine to call the police to conduct the search. If the personal search is to be conducted by school officials it must be based upon a heightened degree of reasonable suspicion and the reasonableness of its scope giving due consideration to the necessity to conduct a personal search based upon the danger posed by the suspected contraband or illegal property and must be conducted by two administrators and/or nurses of the same sex as the student. The only exception to this rule requiring advance authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.
Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

- Name, age and grade of student searched.
- Reasons for the search.
- Name of any informant(s).
- Purpose of search (that is, what item(s) were being sought).
- Type and scope of search.
- Person conducting search and his or her title and position.
- Witnesses, if any, to the search.
- Time and location of search.
- Results of search (that is, what items(s) were found). Disposition of items found.

Time, manner and results of parental notification

The Principal or the Principal’s designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search warrant; or
2. An arrest warrant; or
3. Probable cause to believe a crime has been committed on school property or at a school function; or

   Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The Principal or designee 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 are entitled to be afforded by the police the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.
Child Protective Services ("CPS") Investigations

The District must give CPS workers and members of a CPS multidisciplinary team access to and an opportunity to interview “any child named as victim in a report of suspected abuse or maltreatment” as well as “any sibling or other child residing in the same home as the named victim” without parental permission or a court order. All requests by CPS to interview a student on school property should be made to the Building Principal who shall require that CPS workers and other members of a multidisciplinary team who accompany a CPS worker, provide professional identification and also identify the specific children they are seeking to access and/or interview.

The Building Principal may authorize a District staff member to observe the interview either from the same or a different room.

CPS and/or the CPS multidisciplinary team must also comply with all visitor policies or procedures of the school or school district which would not unreasonably interfere with CPS interviews or investigation. For example, this might include building procedures such as “sign-in and sign-out”, keeping cell phones on vibrate so as not to disrupt instruction, or similar procedures.

The parent or guardian should not be called prior to or following the CPS interview.

A CPS worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

Cross-ref: 5300 Student Conduct
5305 Kingston High School Student Code of Conduct (Jefferson Code)
5460 Child Abuse in a Domestic or Educational Setting

Ref: New Jersey v. TLO, 469 U.S. 325 (1985)
People v. Scott D., 34 NY2d 483 (1974)
M.M. v. Anker, 477 F.Supp. 837, aff’d. 607 F.2d 589 (2d Cir. 1979)
US v. Albarado, 495 F 2d 799 (2d Cir. 1974)
In Re Ronald B., 61 AD2d 204 (1978)
People v. Haskins, 48 AD2d 480 (1975)
People v. Overton, 24 NY2d 522 (1967)
Opinion of Counsel, 1 EDR 800 (1959)
Opinion of Counsel, 12 EDR 7866 (1952)

1st Reading: March 8, 2017
Adopted March 22, 2017
CORPORAL PUNISHMENT/PHYSICAL RESTRAINT

The Board of Education of the Kingston City School District prohibits the use of corporal punishment against a student by any teacher, administrator, officer, employee or agent of this School District.

As used in this policy, corporal punishment means any act of physical force upon a student for the purpose of punishing that student, except as otherwise provided herein.

In situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed, any of the above enumerated persons may use reasonable physical force for the following purposes:

1. To protect oneself from physical injury;
2. To protect another student or teacher or any person from physical injury;
3. To protect the property of the school or others; or
4. To restrain or remove a student whose behavior is interfering with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to comply with the request to refrain from further disruptive acts.

Whenever a school employee uses physical force against a student, the school employee shall report the incident to the building principal within the same school day. The building principal shall immediately investigate the incident and shall make a report to the Superintendent describing in detail the circumstances and the nature of the action taken, if any.

The Superintendent of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, setting forth the substance of each complaint about the use of corporal punishment received by the School District during the reporting period, the results of each investigation, and the action, if any, taken by the School District in each case.

Rules of the Board of Regents Section 19.5
8 New York Codes of Rules and Regulations
(NYCRR) Section 100.2(1)(3)(i)

Adoption Date: October 5, 2005
Amended: October 22, 2008
EDUCATIONAL COMMUNITY STANDARD OF DRESS

The Kingston City School District recognizes that decisions regarding dress and grooming require a careful balance of the right of self-expression against the District’s obligations to ensure an appropriate educational environment for the provision of the health, safety, and welfare of the school community. It is within the responsibility of the Board of Education to set a standard of dress appropriate for our educational community. In order to be certain that these provisions are reflective of the community standards, they have been developed collaboratively with teachers, administrators, students, and parents.

This Standard of Dress is to be followed in school and on school grounds during regular school hours and at school functions, whether or not on school premises. The principal or his/her designee may waive application of parts of the Dress Standard for special events.

Members of the educational community are expected to be clean and well groomed in their appearance. They represent our District and community, but more importantly, each represents himself or herself as an individual. Teachers, District personnel, and parents should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

The following are deemed to be inappropriate, either because they interfere with the health and safety of our students and staff, or because they are not appropriate to the educational setting, or are disruptive to the educational process:

- Any dress or appearance which is vulgar, obscene, libelous, or advocates discrimination or denigrates others on the basis of actual or perceived race, color, weight, national origin, ethnic group, creed, religion, religious practice, gender (including gender identity and expression), sexual orientation, age, marital/parental status, disability, political, social, socio-economic, lifestyle differences or predisposing genetic characteristic.
- Any dress or appearance which advocates or encourages illegal activities, violent crimes, or gang related activity and/or colors.
- Any dress with messages that encourage or advocate sexual activity, the use of a controlled substance, illegal drugs, alcohol and/or tobacco
- **Headwear**: Caps, doo-rags, bandanas, sports caps, stocking caps, visors, hoods of hooded sweatshirts – This does not include hair adornment of a utilitarian nature (barrettes, hair bands, scrunchies), or headwear worn for religious or medical reasons.
- **Jewelry**: jewelry which can injure the student or others.
- **Sunglasses**
- **Shirts, (including blouses and tops)** which extend below the fingertips either at the sleeve or in overall length; SHOULDER STRAPS MUST BE THE WEARER’S SECOND AND THIRD FINGERS OR MORE IN WIDTH; exposure of bare midriffs, backs, or cleavage (front and back), e.g., halter tops, strapless tops.
- **Skirts/Shorts/Pants**: Skirts, shorts, and pants with inappropriate messages/sayings on clothing. Skirts, shorts, and skirt slits shorter than one inch beyond the wearer’s fingertips;
- **Outerwear**: Any form or article of clothing designed primarily for outdoor use while attending class or before/after school indoor activities (e.g., parkas, rain or trench coats, vests, jackets, gloves, mittens).
- **Sleepwear/Undergarments**: Visible undergarments; sleepwear, including bedroom slippers, and any dress similar in nature to sleepwear.
- **Clothing** that reveals or exposes to sight the private parts of the body (e.g., extremely plunging necklines or waist lines)
- **Bathing Suits**

**In Addition to the above the following apply:**

- **Footwear**: Footwear must be worn at all times to ensure personal safety and the safety of others. (Flip-flops are permitted).
- **Protective Clothing**: Students must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories, home and career skills classes, and recess/playground activities.

Students who violate this Standard of Dress shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to comply shall be subject to discipline, up to and including school suspension. Any student who repeatedly fails to comply shall be subject to further discipline, up to and including out of school suspension. This policy will be reviewed annually.

Cross Ref: 5300 Student Code of Conduct
5305 Kingston High School Student Code of Conduct (Jefferson Code)
WELLNESS POLICY

Kingston City School District is committed to creating school environments and experiences that promote and protect student’s health, well-being and ability to learn by supporting healthful eating and daily physical activity opportunities. Therefore, it is the policy of the Kingston City School District that a District Wellness Policy is created where:

• Schools will provide nutrition promotion, nutrition education, physical activity and physical education; promote lifelong habits of healthy eating and physical activity; and will establish linkages between health education and school meal programs with related community services
• Meet or exceed current nutrition requirements established by local, state, and Federal statutes and regulations.
• All students in pre-school through grade 12 will have opportunities, support and encouragement to be physically active on a regular basis;

This policy applies to all students, staff, and schools in the District.

School Health and Wellness Advisory Committee

Health and Wellness Advisory Committee Role and Membership
The District has a representative district wellness committee to establish goals for and oversee the development, implementation, and periodic review and update of this district-level wellness policy (hereafter referred as “wellness policy”).
The committee membership includes, to the extent possible, but not be limited to: parents, students, representatives of the school food authority, teachers including physical education teachers, school health professionals, school administrators, school board members, and the general public.

Leadership
The District will designate one or more local educational agency officials or school officials, as appropriate, to ensure that each school complies with the local school wellness policy.

Implementation, Monitoring, Accountability and Community Engagement

The District will inform and update the public (including parents, students and others in the community) about the content and implementation of the wellness policy.
The District will periodically measure and make available to the public an assessment on the implementation of the wellness policy, including:
1. Extent to which schools are in compliance with the wellness policy;
2. The extent to which the wellness policy compares to model local school wellness policies; and
3. A description of the progress made in attaining the goals of the wellness policy.
**Nutrition**
The goal is to promote student health and reduce childhood obesity by ensuring that all foods and beverages provided to students meet or exceed the USDA Nutrition Standards for School Meals and are consistent with the nutrition standards for competitive foods which meets the Smart Snacks in School nutrition standards for all foods sold in school outside the school meals program under the Healthy Hunger-Free Act of 2010.

**Water**
The District will make drinking water available to students free of charge, as nutritionally appropriate, potable water for consumption in the place where school meals are served during meal services.

**Competitive Foods and Beverages**
Foods and beverages sold, served, or marketed on the school property during the school day will meet the nutrition guideline requirements of the USDA Nutrition Standards in the National School Lunch and School Breakfast Programs, [http://www.fns.usda.gov/sites/default/files/allfoods_summarychart.pdf](http://www.fns.usda.gov/sites/default/files/allfoods_summarychart.pdf), recommendations of the U.S. Dietary Guidelines for Americans, the Healthy, Hunger-Free Kids Act of 2010, and the Smart Snacks in Schools standards.

**Celebrations and Rewards**
The District will make every effort to ensure that all foods offered on the school campus will meet or exceed the USDA Smart Snacks in School nutrition standards.

**Fundraising**
Foods and beverages that meet or exceed the USDA Smart Snacks in Schools nutrition standards may be sold through fundraisers on the school campus during the school day.

**Nutrition Promotion**
The District provides nutrition promotion and education which positively influence lifelong eating behaviors in a positive manner by encouraging healthy nutrition choices. Nutrition promotion encourages students to participate in the school meals programs and includes marketing and advertising of healthy, nutritious foods and beverages. The District will promote healthy food and beverage choices for all students throughout the school campus, as well as encourage participation in school meal programs.

**Nutrition Education**
Nutrition education is designed to provide students with knowledge and skills necessary to promote their health and make positive food and nutrition choices. Nutrition education teaches behavior-focused skills and will be offered at each grade level as part of a sequential, comprehensive, standards-based health education curriculum that meets state and national standards. These concepts will also be reinforced during classroom snack times and integrated into other classroom instruction through subjects such as math, science, language arts, social sciences, and elective subjects to encourage adoption of healthy eating habits and other nutrition-related behaviors conducive to health and wellbeing.
Marketing in Schools
The District strives to teach students how to make informed choices about nutrition, health, and physical activity. It is the intent of the District to protect and promote student’s health by permitting marketing for only those foods and beverages that are permitted to be sold on the school campus, consistent with the District’s wellness policy.

Any foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the USDA Smart Snacks in School nutrition standards.

Physical Activity
The District will provide opportunities, support, and encouragement for every student to regularly participate in physical activity and develop the knowledge and skills for specific physical activities.
Physical activity during the school day will not be withheld as punishment for any reason; this does not include participation on sports teams that have specific academic requirements.

Physical Education
The District will provide students with physical education, using an age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education. The physical education curriculum will promote the benefits of a physically active lifestyle and will help students develop skills to engage in lifelong healthy habits, as well as incorporate essential health education concepts.
All students will be provided equal opportunity to participate in physical education classes. The District will make appropriate accommodations to allow for equitable participation for all students and will adapt physical education classes and equipment as necessary.
A written physical education curriculum/program for each grade level has been developed and kept on file with the Director of Physical Education and shall meet National Association of Sport and Physical Education (NASPE) and New York State Learning Standards.

Other School-Based Activities that Promote Student Wellness
The District will make every effort to integrate wellness activities across the entire school setting and to coordinate and integrate other initiatives related to physical activity, physical education, nutrition education and promotion, and other wellness components to promote student well-being, optimal development, and strong educational outcomes.

Community Partnerships
The District will continue relationships with community partners in support of this wellness policy’s implementation. Existing and new community partnerships and sponsorships will be evaluated to ensure that they are consistent with the wellness policy and its goals.

Community Health Promotion and Engagement
The District will promote to parents/caregivers, families, and the general community the benefits of and approaches for healthy eating and physical activity throughout the school year. Families will be informed and invited to participate in school-sponsored activities and will receive information about health promotion efforts.
The District will use electronic mechanisms (such as email or displaying notices on the district’s website), as well as non-electronic mechanisms, (such as newsletters, presentations to parents, or sending information home to parents), to ensure that all families are actively notified of opportunities to participate in school-sponsored activities and receive information about health promotion efforts.

**Professional Learning**
When feasible, the District will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom and school.

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1st Reading of Revised Policy: September 2, 2015
Adoption Date: September 16, 2015
STUDENT HEALTH SERVICES

The Board of Education recognizes that good student health is vital to successful learning and acknowledges its responsibility, along with that of parent(s) or guardian(s), to protect and foster a safe and healthful environment for the students.

The school shall work closely with students' families to provide detection and preventive health services. In accordance with law, the school will provide vision, hearing, dental inspection and scoliosis screening. Problems shall be referred to the parent(s) or guardian(s) who shall be encouraged to have their family physician/dentist provide appropriate care.

In order to enroll in school a student must submit a health certificate within 30 calendar days after entering school, and upon entering prekindergarten or kindergarten, and first, third, fifth, seventh, ninth and eleventh. The examination, which must conform to state requirements, must have been conducted no more than 12 months before the first day of the school year in question. If a student is unable to furnish the health certificate, the school will provide a physical examination by a licensed provider. A request for exemption from the physical examination, or the requirement to provide a health certificate, must be made in writing to the school principal or designee, who may require documents supporting the request. The only basis for exemption is a claim that the physical examination is in conflict with the parent or guardian’s genuine and sincere religious belief.

New York Public Health Law 2164 requires that parents vaccinate their children against serious diseases. Public school officials may not admit unvaccinated children to school in excess of 14 days unless: (1) the student is transferring from out-of-state or from another country and can show good faith effort to get the necessary certification or other evidence of immunizations, in which case the 14-day period may be extended to not more than 30 days; or (2) the student has been legally exempted for medical reasons or because the child’s parents hold genuine and sincere religious beliefs which are contrary to vaccination practices. (PHL 2164 [7]{a}, [8], [9]; Education law 914 [1].)

The McKinney-Vento liaison shall assist homeless students covered by that law in accessing health services described in this policy and accompanying regulation.

The Board recognizes that the State of New York may authorize and require the collection of data from health certificates in furtherance of tracking and understanding health care issues that affect children. The Board supports these efforts and expects administrators to cooperate and to observe the appropriate laws and regulations in carrying out those responsibilities, including those that relate to student privacy.

In addition, students will be asked to provide a dental health certificate when they enroll in school and in accordance with the same schedule as the health certificate.
A permanent student health record shall be part of a student's cumulative school record and should follow the student from grade to grade and school to school along with his/her academic record. This record folder shall be maintained by the school nurse.

Schools shall also provide emergency care for students in accidental or unexpected medical situations. Each school in the district will include in its emergency plan a protocol for responding to health care emergencies, including anaphylaxis, opioid overdose and head injury.

Parents/guardians will be notified of any emergency medical situation as soon as is practicable. Every effort will be made to notify parents/guardians of non-emergent medical situations that have been reported to the nurse.

**Communicable Diseases**

It is the responsibility of the Board to provide all students with a safe and healthy school environment. To meet this responsibility, it is sometimes necessary to exclude students with contagious and infectious diseases, as defined in the Public Health Law, from attendance in school. Students will be excluded during periods of contagion for time periods determined on an individual basis.

It is the responsibility of the Superintendent of Schools or his/her designee, working through district health personnel, to enforce this policy and to contact the county or local health department when a reportable case of a communicable disease is identified in the student or staff population.

**Administering Medication to Students**

Neither the Board nor district staff members shall be responsible for the diagnosis or treatment of student illness. The administration of prescribed medication to a student during school hours shall be permitted only when failure to take such medicine would jeopardize the health of the student, or the student would not be able to attend school if the medicine were not made available to him/her during school hours, or where it is done pursuant to law requiring accommodation to a student's special medical needs (e.g., Section 504 of the Rehabilitation Act of 1973). “Medication” will include all medicines (both prescription and over the counter) prescribed by an authorized medical provider.

Before any medication may be administered to or by any student during school hours, the Board requires:

1. the written request of the parent(s) or guardian(s), which shall give permission for such administration and relieve the Board and its employees of liability for administration of medication; and

2. the written order of the prescribing authorized medical provider, which will include the purpose of the medication, the dosage, the time at which or the special circumstances under which medication shall be administered, the period for which medication is prescribed, and the possible side effects of the medication.
3. that in order for a student to carry and use a rescue inhaler, an epinephrine auto-injector, insulin, or glucagon and associated testing supplies, written permission must be provided both by the parent and the prescribing authorized medical provider in accordance with state law and regulation.

Students are allowed to carry and apply parentally provided sunscreen without a prescription from a medical provider, assuming that the sunscreen is FDA approved and that the sunscreen is not treating a medical condition. Parents need to provide the district with written permission for students to use sunscreen.

Permission slips and medical orders shall be kept on file in the office of the school nurse.

In addition, the district shall make a nebulizer available on-site in school buildings where nursing services are provided. Students with a patient-specific order, who require inhaled medications, shall have access to the nebulizer for use with the student's own prescribed medication. The district will ensure that it is maintained in working order.

*Life-Threatening Allergies and Anaphylaxis Management*

The Board recognizes its role and responsibility in supporting a healthy learning environment for all students, including those who have, or develop, life-threatening allergies. The district will work cooperatively with the student, their parent/guardian and healthcare provider to develop a plan which will allow the child to participate as fully and as safely as possible in school activities. When a student has a known life threatening allergy reported on their health form or if the district has been informed by the parent of the presence of a life-threatening allergy, the district will assemble a team, which may include the parent, the school nurse, the child’s teacher, the building principal and other appropriate personnel, which will be charged with developing an individual health care plan and/or an emergency action plan. The plans will be maintained by the school nurse. The plans will guide prevention and response. If the student is eligible for accommodations based upon the IDEA, Section 504 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding identification, evaluation and implementation of accommodations.

*Epinephrine Administration*

Epi-Pen Administration may be provided by the Registered Nurse and other unlicensed personnel in accordance with NYS laws and guidelines.

*Opioid Antagonists*

As per Education Law §922 and Public Health Law §3390, the school district will provide and maintain in each school where nursing services are provided, an opioid antagonist for use during emergencies to anyone suspected of having an opioid overdose whether or not there is a previous history of opioid abuse.

*Training*

Training to support the fulfillment of staff responsibilities in regard to student health services will be provided as part of the district’s ongoing professional development plan and in conformity with Commissioner’s regulations.
Regulations

The Superintendent shall develop comprehensive regulations governing student health services. Those regulations shall include the provision of all health services required by law, procedures for the maintenance of health records, and procedures for the administering of medication to students. The Superintendent shall also develop protocols, in consultation with the school physician and other appropriate district staff, for the management of injury, with particular attention to concussion.

Cross-ref: 4321, Programs for Students with Disabilities
5020.3, Students with Disabilities and Section 504
5151 Homeless Students
5280, Interscholastic Athletics
5280.1 Concussion Management Policy
5550 Student Privacy
8130 School Safety Plans and Teams
9700, Staff Professional Development

Ref: Education Law §§310 (provisions for appeal of child denied school entrance for failure to comply with immunization requirements); 901 et seq. (medical, dental and health services, BMI reporting); 919 (provide and maintain nebulizers); 6909 (emergency treatment of anaphylaxis) Public Health Law §§613 (annual survey); 2164 (immunization requirements) 8 NYCRR § 64.7 (administration of agents to treat anaphylaxis); § 135.4 (Physical 4 Policy #5420 Page 4 of 4 Education); Part 136 (school health services program) Administration of Medication in the School Setting Guidelines, State Education Department, revised April 2002 Immunization Guidelines: Vaccine Preventable Communicable Disease Control, State Education Department, revised August 2000 Making the Difference: Caring for Students with Life-Threatening Allergies, New York State Department of Health, New York State Education Department, New York Statewide School Health Service Center, June 2008 Concussion Management Guidelines and Procedures, www.nysphsaa.org

1st Reading of Revised Policy 03/25/15
Adoption Date: 04/22/15
1st Reading of Revised policy 02/03/16
Adoption Date: 02/17/16

1st Reading & Adoption of Revised Policy: April 20, 2016
1st Reading of Revision: April 18, 2018 Revision Adopted: May 2, 2018
1st Reading of Revision: June 6, 2018 Adoption: June 20, 2018
CONFIDENTIALITY OF STUDENT COMMUNICATIONS

The Board of Education recognizes that a reasonable expectation of privacy in communications is desirable in order to encourage students with problems to seek appropriate aid from qualified District professional personnel. The Board also recognizes that parents/guardians have an expectation that they will be notified in the event their child is engaging in at-risk behavior or conduct that implicates the child’s health, safety and welfare, such as unprotected sexual activity and pregnancy.

Student communications to staff members regarding sensitive issues, such as sexual activity and pregnancy, are not legally privileged; staff shall not promise to hold such information in confidence. It is the policy of the Board of Education that upon learning of a student’s at-risk behavior or pregnancy, professional personnel shall notify the building principal and encourage the student to disclose the issue to the student’s parent/guardian, including offering to personally meet with the student and his/her parents/guardians. In the event that the student is unwilling or unable to inform his/her parents/guardians, the professional staff member will personally notify the parents/guardians of the pregnancy or at-risk behavior. Where a student’s life, physical or mental well being appears to be in danger, the building principal or his/her designee shall be immediately consulted and the parents/guardians will be immediately notified. In the event that a crime has or may have been committed, the police will also be immediately notified.

Adoption date: February 2, 2011
NOTIFICATION OF SEX OFFENDERS

The Board of Education encourages local law enforcement to notify the district when a registered sex offender is residing in the community, in accordance with the provisions of the Sex Offender Registration Act, commonly known as Megan’s Law. The purpose of this notification is to protect members of the community, particularly children, by notifying the district of the presence of individuals in their midst who may present a danger. Consistent with its duty to protect the school community and students under its care, the district shall cooperate with local law enforcement and other agencies in this endeavor.

Any information provided by local law enforcement officials pursuant to Megan’s Law shall be maintained in all school building offices. In addition, the superintendent or designee shall disseminate any such information to all staff who might come into contact with the offender in the course of doing their jobs including, but not limited to, principals, staff who issue visitors’ passes, the transportation department, custodians, monitors, security personnel, and coaches. All other staff members and community residents shall be informed of the posting requirement for such information established by this policy and of the availability of the information, upon request. All staff requests for information provided by the law enforcement agencies shall be directed to the building principals, or, as appropriate, other administrators.

The superintendent shall establish any necessary regulations for implementing this policy with the advice of the school district attorney.

Note: A copy of this policy shall be disseminated once a year to all district parents.

Adopted 11/7/2007
CHILD ABUSE IN A DOMESTIC SETTING

The Board of Education recognizes the duty of school officials, as mandated reporters, to report suspected incidents of domestic child abuse or maltreatment to the Statewide Central Register for Child Abuse and Maltreatment orally or by facsimile, on an immediate basis and with a follow-up report in writing, within 48 hours to the County Department of Child Protective Services.

**Mandated Reporters**

Pursuant to law, school officials who are mandated reporters include all district-wide administrators, building level administrators, teachers, teaching assistants, guidance counselors, social workers, psychologists, therapists licensed by the New York State Education Department, registered nurses and coaches. They are under a duty to report as set forth below in this policy.

**Other Reporters**

The Board expects employees other than the mandated reporters to report suspected incidents of child abuse and maltreatment to the Building Principal at the school in which the child attends.

**Reporting**

Mandated reporters shall call the Statewide Central Register telephone number either with the Building Principal or alone, in the absence of the Building Principal, to report an incident of suspected child abuse. They shall ask for the call identification number to keep in the school district’s record. A personal copy may be retained.

Within 48 hours the mandated reporter and the Building Principal or the mandated reporter alone, in the absence of the Building Principal, shall complete and submit the LDSS-2221-A form to the County Department of Social Services, office of child protective services.

In instances when the Building Principal receives information from other reporters, he or she shall follow the process described above for incident reporting.

Only one report per incident is required from the mandated reporters in the school district.

**Suspecting Child Abuse or Maltreatment**

Mandated reporters and other reporters are expected to report suspected incidents of child abuse or maltreatment as described in Regulations that accompany this policy. It is not the duty of mandated or other reporters to conduct an investigation once evidence of suspected child abuse or maltreatment is presented or is apparent. The district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse.

**No Family Contact**

School employees and officials will not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.
Incidents Involving Death

Any school official or employee who has cause to suspect that the death of any child is a result of child abuse or maltreatment must report that fact to the appropriate medical examiner or coroner.

Penalty for Failure to Report

In accordance with the law, any employee who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor and may be held liable for the damages caused by the failure to report. The law grants employees and other persons who report instances of child abuse immunity in good faith from any liability that might otherwise be incurred.

Training

The school district shall inform employees of the availability of the NYS mandated training program for the identification and reporting of child abuse and mistreatment. Attendance at sessions of this training program shall be required of all district employees who come in contact with students. Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

The Superintendent shall develop, with input from appropriate personnel, a plan for implementation of such a training program, to be approved by the Board. In addition, the policy and regulations will be included in all employee handbooks and distributed annually to all personnel who are not covered under existing handbooks. The Superintendent will prepare and implement all regulations as are necessary to accomplish the intent of this policy.

Policy Dissemination

A copy of this policy, along with the administrative regulations explaining the reporting requirements, shall be distributed to all members of the professional staff.

Cross-ref: 5314, Corporal Punishment Complaints 5500, Student Records

Ref: Child Protective Services Act of 1973
Social Services Law §§411 et seq.
Family Court Act §1012
Family Educational Rights and Privacy Act,
20 USC §1232g, 45 CFR §99.36
Education Law §3209-a

First Reading: February 17, 2016
Adoption date: March 3, 2016
CHILD ABUSE IN AN EDUCATIONAL SETTING

The Board of Education recognizes that children have the right to an educational setting that does not threaten their physical and emotional health and development. Child abuse by school personnel and school volunteers violates this right and therefore is strictly prohibited.

Allegations of child abuse by school personnel and school volunteers shall be reported in accordance with the requirements of Article 23-B of the Education Law.

Required Reporters

Any person holding any of the following positions/offices shall be required to promptly report written and oral allegations of child abuse in an educational setting:

- school administrator
- teacher
- school nurse
- school guidance counselor
- school psychologist
- school social worker
- coaches
- monitors
- security guards
- other school personnel required to hold a teaching or administrative license or certificate
- school board member

For purposes of this policy, persons holding these positions shall be referred to as “required reporters.”

Definitions

“Educational setting” means the buildings and grounds of the district, the vehicles provided by the district to transport students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school district grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee and volunteer and a child has allegedly occurred.

“Child” means a person under the age of 21 enrolled in a New York State school district, other than New York City.

“Child abuse” means any one of the following acts committed in an educational setting by an employee or volunteer against a child:

- intentionally or recklessly inflicting physical injury, serious physical injury or death; or
• intentionally or recklessly engaging in conduct that creates a substantial risk of physical injury, serious physical injury or death; or

• any child sexual abuse as prohibited by sections 130 or 235 of the Penal Law; or

• the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.

Reporting Requirements

In any case where a written or oral allegation of child abuse by an employee or volunteer in an educational setting is made to a required reporter, the required reporter shall:

1. promptly complete the required State Education Department report form; and

2. personally deliver it to the Principal of the school in which the child abuse allegedly occurred.

If the allegation involves a child who was allegedly abused by an employee or a volunteer of a school in another school district, the required reporter must promptly forward the report form to the Superintendent of the district of attendance and the Superintendent of the school district where the abuse allegedly occurred (if different).

Upon receiving a written report, the Principal shall determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. In those circumstances where the Superintendent receives the written report directly, he or she will be responsible for making the reasonable suspicion determination.

If the Principal/Superintendent determines there is reasonable suspicion to believe that an act of child abuse has occurred, he or she shall promptly notify the parent of the alleged child victim (assuming that the parent is not the person who originally reported the alleged abuse) that an allegation of child abuse in an educational setting has been made and promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Regulations of the Commissioner of Education.

If the person making the allegation of abuse is someone other than the child or the child’s parent, the Principal/Superintendent shall contact the person making the report to learn the source and basis for the allegation.

The Principal shall also promptly provide a copy of the written report to the Superintendent and send a copy to the appropriate law enforcement authorities. In no event shall the Principal delay in sending the report to law enforcement because of an
inability to contact the Superintendent.

The Superintendent shall send to the Commissioner of Education any written report forwarded to the local law enforcement authorities where the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the department.

Rights of Employees and Volunteers

Any employee or volunteer against whom an allegation of child abuse has been made and against whom the district intends to take adverse action shall be entitled to receive a copy of the report and to respond to the allegations. In addition, such persons are entitled to seek disclosure of reports involving them under the Freedom of Information Law.

Confidentiality

All reports, photographs, and other written material submitted pursuant to this policy and Article 23-B of the Education Law shall be confidential and may not be redisclosed except to law enforcement authorities involved in investigating the alleged abuse or except as expressly authorized by law or pursuant to a court-ordered subpoena. The Principal and Superintendent shall exercise reasonable care to prevent unauthorized disclosure.

Willful disclosure of a written record required to be kept confidential to a person not authorized to receive or review such record is a class A misdemeanor.

Penalties

Willful failure of an employee to prepare and submit a written report of alleged child abuse in an educational setting required by Article 23-B of the Education Law shall be a class A misdemeanor.

Willful failure of any Principal or Superintendent to submit a written report of alleged child abuse in an educational setting to an appropriate law enforcement authority, as required by Article 23-B of the Education Law, shall be a class A misdemeanor. In addition, the Commissioner of Education may, following an administrative determination, impose a civil penalty of up to $5,000 on any administrator who fails to submit a report of child abuse to an appropriate law enforcement authority.

The law further prohibits any Principal or Superintendent from agreeing to withhold from the appropriate law enforcement authorities, a superintendent or the Commissioner of Education, where appropriate, an allegation of child abuse in an educational setting on the part of any employee or volunteer as required by law, in return for the resignation or voluntary suspension of the alleged perpetrator. Violation of this prohibition can result in a class E felony charge and a civil penalty of up to $20,000.
Record Retention

Any report of child abuse by an employee or volunteer that does not result in a criminal conviction shall be expunged from the records kept by the district with respect to the subject of the report after five years from the date the report was made.

The Superintendent shall be responsible for establishing and implementing on an ongoing basis a training program for all current and new required reporters on the procedures required under Article 23-B.

Ref: Education Law §§1125-1133
Penal Law §§130, 235, 263
8 NYCRR §100.2 (hh) (Reporting of Child Abuse in an Educational Setting)

First Reading: February 17, 2016
Adoption date: March 2, 2016
# Child Abuse in an Educational Setting Exhibit - Confidential Report of Allegation

## Subject Child

<table>
<thead>
<tr>
<th>Name</th>
<th>Last</th>
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<tbody>
<tr>
<td>Address</td>
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<td>School</td>
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<tr>
<td>Grade</td>
<td>Sex (M, F, Unknown)</td>
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<td>Age or Birthday (Mo/Day/Yr)</td>
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## Parent of Subject Child

<table>
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<td>Address (if different)</td>
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## Source of Allegation (Check as Appropriate)

- [ ] Child
- [ ] Parent
- [ ] Other – Name

## Alleged Perpetrator (Employee or Volunteer)

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>School District</td>
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<tr>
<td>School Building</td>
<td>School Position</td>
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## Specific Allegation

Use this space to provide information to describe or explain the circumstances surrounding the allegation. (attach additional sheets if necessary)

## Reporter Information

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<tr>
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<tr>
<td>School Address</td>
<td>School Telephone</td>
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<tr>
<td>Relationship to Child (if any)</td>
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</tbody>
</table>

- [ ] Teacher
- [ ] School Guidance Counselor
- [ ] School Nurse
- [ ] School Psychologist
- [ ] Administrator
- [ ] School Board Member
- [ ] School Social Worker

School personnel required to hold teaching or administrator license or certification

Date Submitted to Administrator / / Signature

## For Administrator Use Only

Reasonable Suspicion | Yes | No
Date Submitted to Superintendent / / Name/Signature

## For Superintendent of School Use Only

Reasonable Suspicion | Yes | No
Date Submitted to Law Enforcement / / Name/Signature

Date Submitted to Commissioner / / Name/Signature

Date Submitted to Law Enforcement / / Name/Signature
STUDENT RECORDS

The Board of Education recognizes its legal responsibility to maintain the confidentiality of student records. As part of this responsibility, the Board will ensure that eligible students and parents/guardians have the right to inspect and review education records, the right to seek to amend education records and the right to have some control over the disclosure of information from the education record. The procedures for ensuring these rights shall be consistent with state and federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations.

The Board also recognizes its responsibility to ensure the orderly retention and disposition of the district’s student records in accordance with Schedule ED-1 as adopted by the Board in policy 1120.

The District will use reasonable methods to provide access to student educational records only to those authorized under the law and to authenticate the identity of the requestor. The district will document requests for and release of records, and retain the documentation in accordance with law. Furthermore, pursuant to Chapter 56 of the Laws of 2014, the district will execute agreements with third-party contractors who collect, process, store, organize, manage or analyze student personally identifiable information (PII) to ensure that the contractors are aware of their obligation to comply with the law in using appropriate means to safeguard the data.

The Superintendent of Schools shall be responsible for ensuring that all requirements under law and the Commissioner’s regulations are carried out by the district.

Definitions

Authorized Representative: an authorized representative is any individual or entity designated by a State or local educational authority or a Federal agency headed by the Secretary, the Comptroller General or the Attorney General to carry out audits, evaluations, or enforcement or compliance activities relating to educational programs.

Education Record: means those records, in any format, directly related to the student and maintained by the district or by a party acting on behalf of the district, except:

(a) records in the sole possession of the individual who made it and not accessible or revealed to any other person except a substitute (e.g. memory joggers);
(b) records of the district’s law enforcement unit;
(c) grades on peer-graded papers before they are collected and recorded by a teacher.

Eligible student: a student who has reached the age of 18 or is attending postsecondary school.

Legitimate educational interest: a school official has a legitimate educational interest if they need to review a student’s record in order to fulfill his or her professional responsibilities.
Personally identifiable information: is information that would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Such data might include social security number, student identification number, parents’ name and/or address, a biometric record, etc.

School official: a person who has a legitimate education interest in a student record who is employed by the district as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a member of the Board of Education; a person or company with whom the district has contracted to perform a special task (such as attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official performing his or her tasks.

Third party contractor: is any person or entity, other than an educational agency, that receives student data or teacher or principal A.P.P.R. composite score/rating data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency, including but not limited to data management or storage services, conducting studies or audit or evaluation of publicly funded programs.

Annual Notification

At the beginning of each school year, the district will publish a notification that informs parents, guardians and students currently in attendance of their rights under FERPA and New York State Law and the procedures for exercising those rights. A “Parents’ Bill of Rights for Data Privacy and Security” (“Parents’ Bill of Rights”) will be posted on the district website, provided to parents, guardians and students who enroll during the school year and included in any agreements with third-party contractors.

The annual notice and Parents’ Bill of Rights will include a statement that the parent/guardian or eligible student has a right to:

1. inspect and review the student’s education records;
2. request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student’s privacy rights;
3. consent to disclosure of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent; and
4. file a complaint with the United States Department of Education alleging failure of the district to comply with FERPA and its regulations; and/or file a complaint regarding a possible data breach by a third party contractor with the district and/or the New York State Education Department’s Chief Privacy Officer for failure to comply with state law.

The annual notice and Parents’ Bill of Rights will inform parents/guardians and students:

1. that it is the district’s policy to disclose personally identifiable information from student records, without consent, to other school officials within the district whom the district has
determined to have legitimate educational interests. The notice will define ‘school official’ and ‘legitimate educational interest.’

2. that, upon request, the district will disclose education records without consent to officials of another school district in which a student seeks to or intends to enroll or is actually enrolled.

3. that personally identifiable information will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement or compliance purposes.

4. that the district, at its discretion, releases directory information (see definition below) without prior consent, unless the parent/guardian or eligible student has exercised their right to prohibit release of the information without prior written consent. The district will not sell directory information.

5. that, upon request, the district will disclose a high school student’s name, address and telephone number to military recruiters and institutions of higher learning unless the parent or secondary school student exercises their opt-out right to prohibit release of the information without prior written consent.

6. of the procedure for exercising the right to inspect, review and request amendment of student records.

7. that the district will provide information as a supplement to the Parents’ Bill of Rights about third parties with which the district contracts that use or have access to personally identifiable student data.

The district may also release student education records, or the personally identifiable information contained within, without consent, where permitted under federal law and regulation. For a complete list of exceptions to FERPA’s prior consent requirements see accompanying regulation 5500-R, Section 5.

The district shall effectively notify parents, guardians and students who have a primary or home language other than English.

In the absence of the parent or secondary school student exercising their right to opt out of the release of information to the military, the district is required to, under federal law, release the information indicated in number five (5) above.

**Directory Information**

The district has the option under FERPA of designating certain categories of student information as “directory information.” “Directory information” is information that generally would not be considered harmful if released from a student’s record. The Board directs that “directory information” include a student’s:

- Name
- ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems (only if the ID cannot be used to gain access to education records except when used in conjunction with one or more factors
that authenticate the student’s identity), (limited to teachers and school administrators)

- Address,
- Telephone number
- Date and place of birth
- Major course of study
- Participation in school activities or sports
- Weight and height if a member of an athletic team
- Dates of attendance
- Degrees and awards received
- Most recent school attended
- Grade level
- Photograph
- Video with voice print (limited to student performances/athletic events)
- School E-mail address (limited to teachers, administrators & classmates)
- Enrollment status

Social security numbers or other personally identifiable information will not be considered directory information.

Students who opt out of having directory information shared are still required to wear their student ID badges.

Once the proper FERPA notification is given by the district, a parent/guardian or student will have 14 days to notify the district of any objections they have to any of the “directory information” designations. If no objection is received, the district may release this information without prior approval of the parent/guardian or student for the release. Once the student or parent/guardian provides the “opt-out,” it will remain in effect after the student is no longer enrolled in the school district.

The district may elect to provide a single notice regarding both directory information and information disclosed to military recruiters and institutions of higher education.

Cross-ref: 1120, School District Records
4321, Programs for Students with Disabilities Under IDEA and Part 89
5550, Student Privacy

Ref: Family Educational Rights and Privacy Act, as amended, 20 USC 1232g; 34 CFR Part 99
No Child Left Behind Act, 20 USC §7908 (Military Recruiter Access)
10 USC §503 as amended by §544 of the National Defense Reauthorization Act for FY 2002
Education Law §§ 2-a; 2-b; 2-c; 2-d; 225;
Public Officers Law §87(2)(a)
Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law)
8 NYCRR 185.12 (Appendix I) Records Retention and Disposition, Schedule ED-1 for Use by School Districts and BOCES “Guidance for Reasonable Methods and Written Agreements,”
Parents’ Bill of Rights for Data Privacy and Security, July 29, 2014:
Family Policy Compliance Office website:

First Reading: 02/04/15
Adoption date: 02/18/15
MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS

In compliance with the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB); and the National Defense Authorization Act, and in accordance with the Family Educational Rights and Privacy Act (FERPA), the School District shall comply with a request by a military recruiter for secondary students' names, addresses, and telephone listings, unless the student or his/her parent/guardian has "opted out" of providing such information.

Further, in compliance with the NCLB, the District shall give military recruiters the same access and no additional access to secondary school students as they provide to postsecondary institutions or to prospective employers. The Superintendent will develop regulations which define access, and monitor the frequency of access, by military recruiters, postsecondary institutions, and prospective employers.

Under FERPA, the School District must provide notice to parents and 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 parent and student rights to request that the information not be disclosed without prior written consent; and further requires that parents and students be notified that the School District routinely discloses students' names, addresses, and telephone listings to military recruiters upon request, subject to a parent or student request not to disclose such information without written consent.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents and students of the above information is sufficient to satisfy the notification requirements of both FERPA and the NCLB. The notification shall advise the parent and student of how to opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so.

If a parent or student opts out of providing directory information (or any subset of such information) to third parties, the opt-out request must apply to military recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, the District may not disclose telephone numbers to military recruiters.

The Superintendent/designee shall ensure that appropriate notification is provided to parents and students informing them of their right to opt-out of the release of designated directory information without prior written consent.

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
National Defense Authorization Act Section 544
MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS
AND INFORMATION ON STUDENTS (Cont'd.)

10 United States Code (USC) Section 503
Family Educational Rights and Privacy Act of 1974
20 United States Code (USC) Section 1232(g)
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

Adoption Date: 02/01/06
Amended: 10/22/08
Amended: 08/09/11
STUDENT PRIVACY

I. Student Surveys

In accordance with the Protection of Pupil Rights Amendment (PPRA) of the No Child Left Behind Act, the district is committed to protecting the rights and privacy interest of parents/guardians and students with regard to administering surveys to students which include one or more of the following items:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
7. religious practices, affiliations or beliefs of the student or the student's parent; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

U.S. Department of Education Funded Surveys. The district shall make instructional materials available for inspection by parents/guardians if the materials will be used in connection with a U.S. Department of Education funded survey, analysis or evaluation in which their children participate and it addresses one or more of the above items. In addition, the district shall obtain prior written parent/guardian consent before minor students are required to participate in any such survey, analysis or evaluation.

Surveys Funded by Other Sources. The parent/guardian has a right to inspect, upon request, a survey created by a third party (other than the U.S. Department of Education) which addresses one or more of the above items before the survey is administered or distributed by the school to the student. Such request must be submitted by the parent/guardian to the Building Principal at least 10 days prior to the administration or distribution of any survey.

II. Instructional Materials

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 after such request is received by the district. Requests shall be submitted by the parent/guardian, in writing, to the Building Principal. “Instructional material” is defined as: “instructional content that is provided to a student, regardless of format including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). It does not include academic tests or academic assessments.”
III. Physical Examinations or Screenings

The district shall provide parents/guardians with the opportunity to opt their child out of 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 that is not necessary to protect the immediate health and safety of the student and/or other students. The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injecting into the body, but does not include any physical examination or screening required or permitted by law (e.g., hearing, vision, or scoliosis screening).

IV. Collection, Disclosure or Use of Personal Information

Unless required or authorized by federal or state law and/or regulation, it is the policy of the Board to not permit the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information or otherwise providing that information for that purpose, unless otherwise exempted pursuant to law. "Personal Information" is defined as information that would allow a reasonable person in the school or community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Such data might include social security number, student’s name or identification number, parents’ name and/or address, a biometric record, etc.

This provision shall 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:

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 in schools;
d. Tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information for students or to generate other statistically useful data for the purpose of securing such tests and assessments, and the subsequent analysis and public release of the aggregate data from such tests and assessments;
e. The sale by students of products or services to raise funds for school-related activities;
f. Student recognition programs.
V. Notification to Parents

The district shall provide parents with a copy of this policy at the beginning of each school year, and within a reasonable period of time after adoption or substantive change in this policy.

The district shall provide parents/guardians with notification, 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.

The district shall provide notification to parents/guardians and offer them the opportunity to opt their child out of participation in the following activities:

1. Activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information, or providing it to others for that purpose.

2. The administration of any survey containing one or more of the items listed above;

3. 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 or safety of the student or other students.

VI. Miscellaneous

The provisions of the Family Rights and Privacy Act (FERPA) and this policy do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). In addition, PPRA does not supersede any of the requirements of FERPA.

The rights provided to parents/guardians under PPRA transfer to the student when he/she turns 18 years of age or is an emancipated minor under applicable state law.

Cross-ref: 5420, Student Health Services
5500, Student Records

Ref: 20 USC §1232h (No Child Left Behind Act)
34 CFR Part 98
Education Law §903

Adoption date: February, 2005 Updated 4/18/08 Prior Policy No. 7250
1st Reading of Revision: May 16, 2018 Adopted: June 6, 2018
STUDENTS AND PERSONAL ELECTRONIC DEVICES

The Board of Education recognizes that there are personal electronic devices that have educational applications such as tablets, calculators, voice recorders, digital cameras and music listening devices. In some instances a “smart phone” may include applications that permit these functions. These devices shall be allowed to be used in classrooms if the following criteria are met:

- The teacher has authorized use of personal devices either in their classroom generally or for a particular exercise.
- The student uses the personal device to access the Internet or authorized applications through the district’s network, under the terms of policy 4526, Computer Use in Instruction.
- Maintenance and repair of personal devices is the owner’s responsibility. The district’s technology department will not troubleshoot, service or repair any personal device.

The Board acknowledges that cellular phones and electronic devices can be a positive means to facilitate communication; however, the display and/or use of such devices can cause disruption to the educational process.

Therefore, to prevent such disruption, the display and/or use by students of cellular phones and/or other electronic devices shall be prohibited from the time students arrive at school until the end of the regular school day, unless specifically permitted to be used by a teacher or administrator. Such devices must be turned off and stored out of sight during this time period. The district is not responsible for stolen, lost or damaged personal electronic devices.

In emergency situations, exceptions to the prohibition of the use of cellular phones, pagers, and 2-way communication systems may be granted by teachers or administrators.

Misuse of any of these electronic devices will result in its confiscation and possibility of search by administration in accordance with the law. Confiscated E-devices may either be returned to the student or a parent and/or guardians dependent on the severity of the violation, as outlined in the code of conduct. Some uses of personal electronic devices may constitute a violation of the school district code of conduct and in some instances, the law. The school district will cooperate with law enforcement officials as appropriate.

Cellular Telephones and Testing

In order to ensure the integrity of testing, in accordance with state guidelines, students are not allowed to bring cell phones or other electronic devices into classrooms or other exam locations during testing. The exception to this policy is if a teacher gives specific permission for a cell phone or other electronic device to be used during a classroom non-state assessment.
Test proctors, monitors and school officials shall have the right to collect cell phones and other prohibited electronic devices prior to the start of the test and to hold them for the duration of the test taking time. Admission to the test will be prohibited to any student who has a cell phone or other electronic device in their possession and does not relinquish it.

Students with individualized education plans (IEPs), 504 Plans, or documentation from a medical practitioner that specifically requires the use of an electronic device may do so as specified.

Cross-ref: 4526, Computer Use in Instruction
5300, Code of Conduct


First Reading: June 7, 2017
Adoption date: July 6, 2017
VIOLENT AND DISRUPTIVE INCIDENT REPORTING

The Board of Education is committed to promoting and maintaining the safety of all students, staff and visitors to the schools. Consistent with this commitment, and in accordance with state law and regulation, the district shall submit an annual report to the Commissioner of Education regarding violent and disruptive incidents. In addition, the Board shall use this data to assess the safety of its schools and, where appropriate, identify and take steps to improve the safety and security of its students, staff and visitors.

Reporting Requirement

Each Building Principal shall be responsible for preparing on regular basis a report of all the violent and disruptive incidents that have occurred on school grounds, at a school function, or at a school-sponsored event and forwarding the report to the Superintendent of Schools. The Superintendent or designee shall be responsible for compiling the reports received from the Building Principals into the annual report and submitting the report to the Commissioner. The summary report shall contain all the information required by law and shall be filed with the Commissioner on or before a date set by the Commissioner. The Superintendent shall also present this summary report to the Board at its first meeting following the filing of the report with the Commissioner.

The district is responsible for assuring that copies of each VADIR report, both individual and summary reports, are retained until the youngest person involved in a reported incident is 27 years old.

Confidentiality

Any violent or disruptive incident report prepared in accordance with law shall be available for inspection by the State Education Department upon request. All names and other personally identifiable information included in any report shall be confidential and shall not be disclosed to any person for use by any person for purposes other than the reporting purposes in Education Law §2802, except as otherwise authorized by law.

Ref: Education Law §2802 (Uniform Violent Incident Reporting System)
     8 NYCRR 100.2 (gg) (Uniform Violent Incident Reporting System)
     8 NYCRR 185.11 (Appendix I) (Records Retention and Disposition Schedule ED-1)
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 Kingston School District. 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 of Schools, with the assistance of the Assistant Superintendent for Business, will have overall responsibility for preparation of the budget. This shall include developing a budget calendar in accordance with regulation 6110-R, and adhering to that calendar. The budget calendar shall be approved by the Board of Education in advance of the preparation of the district’s annual budget.

The budget shall be designed to reflect the Board’s objectives for the education of the children of the district. It shall be carefully organized and planned to provide adequate accounting for each program expenditure, understanding of the financial needs of anticipated program developments, and be within the financial limitations of the district, taking into consideration the statutory limits on the tax levy, and the possibility of voters overriding the limit if necessary. To assist in budget and long-range planning, ongoing studies of the district’s educational programs will include estimates of the fiscal implications of each program.

The budget for the ensuing school year shall be thoroughly reviewed by the Board before its presentation to the voters for final adoption.

The Board may use district monies to present educational and informational material about the annual budget and related information to the voters. It shall not, however, use these funds to urge voters to cast their ballots in a particular fashion.

Ref: Education Law, 1608(2)-(4); 1716(2)-(4); 1804(4); 1906(1); 2002(1); 2003(1); 2004(1); 2022(2); 2023; 2023-a; 2601-a;
Fiscal Management (NYSSBA, 1997)

Adoption date: November 19, 2008
Amended – 1st Reading: March 21, 2012
Adopted: April 11, 2012
PROPERTY TAX EXEMPTION FOR SENIOR CITIZENS

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

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

The District may permit a property tax exemption to an otherwise eligible senior citizen even if a child who attends a public school resides at that address. The Board must adopt a resolution allowing such an exemption following a public hearing on this specific issue.

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

Public Health Law Section 2801
Real Property Tax Law Section 467

Adoption Date: July 15, 2009
BUDGET TRANSFERS

The transfer of funds between and within functional unit appropriations of the General Fund is commonly required during the school year. The Superintendent of Schools, in accordance with the Regulations of the Commissioner of Education, is authorized to make budget transfers between line item accounts as follows:

(1) intra-category transfers may not exceed $250,000 without prior Board approval, this includes all cumulative transfers into or from any single budget line.

(2) all inter-category transfers shall require prior Board approval.

The Superintendent will report any transfer to the Board as an information item in the next board packet.

Ref: Education Law §1718
8 NYCRR §170.2(1)
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Public Health Law Section 2801
Real Property Tax Law Section 467

Adoption Date: July 15, 2009
DISTRICT INVESTMENTS

The objectives of the district’s investment policy are to safeguard district funds and to minimize risk, to ensure that investments mature when cash is required to finance operations, and to ensure a competitive rate of return. In accordance with this policy, the Treasurer or his/her designee is authorized to invest and/or deposit all funds, including proceeds of obligations and reserve funds, in time-deposit accounts, certificates of deposit, short-term government securities, repurchase agreements or other investment instruments permitted by law, subject to the investment regulations approved by the Board of Education.

To the extent feasible, investments and deposits shall be made in and through local or regional financial institutions. Concentration of investments in a single financial institution should be avoided. Diversification of investments and deposits is encouraged. Investments may be made either directly from an authorized trading partner, or by participation in a cooperative investment agreement with other authorized municipal corporations pursuant to General Municipal Law Article 5-G and in accordance with General Municipal Law Article 3-A.

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

Ref: Education Law 1604-a; 1723-a; 3652
Local Finance Law 165.00
General Municipal Law 6-c-6-e; 6-j-6-n; 10; 11; 39

Adoption Date: April 5, 2006
Revised & Adopted: December 13, 2017
FUND BALANCE POLICY

The following policy has been adopted by the Board of Education in order to recognize the requirements of Governmental Accounting Standards Board (“GASB”) Statement No. 54, Fund Balance Reporting and Governmental Fund Definitions. This policy will help the District assess if it is maintaining adequate fund balances and reserves in order to:

1. Provide sufficient cash flow for daily financial needs,
2. Secure and maintain investment grade bond ratings,
3. Offset significant economic downturns or revenue shortfalls, and
4. Provide funds for unforeseen expenditures related to emergencies.

GASB Statement No. 54 changed the classification of fund balance in order to bring greater clarity and consistency to fund balance reporting. Effective for financial statements for periods ending June 30, 2011 and after, fund balance is reportable in five categories as follows:

Non-spendable Fund Balance
The non-spendable fund balance amount represents the portion of the fund balance that is not in a spendable format in the current period either because of their form or because they must be maintained intact. Examples include inventories, prepaid items, and the principal of endowments.

Restricted Fund Balance
The restricted fund balance amount represents the portion of fund balance that is subject to an externally and legally enforceable purpose. The restrictions are imposed by creditors, grantors, laws and regulations of other governments, or through constitutional provision or enabling legislation. Examples include: Unemployment Reserve, Workers’ Compensation Reserve, Employee Benefits Accrued Liability Reserve, Tax Certiorari Reserve, Capital Reserve, Repair Reserve, Liability Reserve, Property Loss Reserve, Reserve for Debt Service, and Reserve for Tax Reduction.

Committed Fund Balance
The committed fund balance amount represents the portion of the fund balance that is constrained for a specific purpose by the school district, through the adoption of a formal resolution by the Board of Education. Committed funds also require the board to take formal action to subsequently remove or change the constraints. Although the action to constrain the resources must occur prior to fiscal year end, the amount may be determined in the subsequent period. The State Comptroller does not believe that school districts will typically have restrictions that will be accounted for in this category.

Assigned Fund Balance
The assigned fund balance amount represents amounts that are intended to be used for specific purposes, but are not restricted or committed. Examples include appropriated fund balance and outstanding encumbrances.
**Unassigned Fund Balance**
Funds in this category represent funds that are not classified in any of the other four categories. Typically, only the General Fund will contain Unassigned Fund Balance.

The Board recognizes that Real Property Tax Law, Section 1318, limits the amount of Unassigned Fund Balance to no more than 4% of the next year’s budgeted appropriations. Funds properly retained under other sections of the law (i.e., reserves established pursuant to General Municipal Law or Education Law) are excluded from the 4% limitation. The Unassigned Fund Balance is maintained to provide the District with financial stability and a margin of safety to fund unanticipated contingent expenditures that may happen during the fiscal year.

Any and all District reserve funds shall be properly established and maintained to promote goals of creating an open, transparent and accountable use of public funds. The creation of reserve funds, funding of, expenditure from, termination and reallocation of any balances shall be determined by the applicable Education Law, General Municipal Law, Commissioner’s Regulations or Comptroller’s Guidance. The Board of Education shall make the necessary decisions to adequately maintain and manage the District’s reserve fund balances while mindful of its role and responsibility as a fiduciary of public funds.

Delegation of Responsibility: The Superintendent or Business Official shall be responsible for the enforcement of this policy.

1st Reading June, 6, 2018
Adoption Date: June 20, 2018
GIFTS, GRANTS, SCHOLARSHIPS, MEMORIAL FUNDS AND BEQUESTS

Only the Board of Education may accept gifts, grants, scholarships, memorial funds and/or bequests of money and/or real or personal property which, in the 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.

The Board reserves the right to refuse to accept any gift which does not contribute towards the achievement of the district’s goals or the ownership of which would tend to deplete the resources of the district. 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 any restrictions or encumbrances on future Boards, or result in unreasonable additional or hidden costs to the district.

The Board will not formally consider the acceptance of any gift, grant, scholarship or memorial fund until and unless it receives the offer in writing from the donor/grantor. Any such gift or grant donated to the Board and accepted on behalf of the 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.

In granting or withholding its consent, the Board will review the following factors:

1. The terms of the gift must identify:
   a. the subject of the gift
   b. the purpose of the gift
   c. the beneficiary or beneficiaries if any
   d. all conditions or restrictions that may apply.
2. The gift must not benefit a particular or named individual or individuals.
3. If the purpose of the gift is an award to a single student, the determination of the recipient of such award shall be made on the basis that all students shall have an equal opportunity to qualify for it in conformance with federal and state law.
4. If the gift is in trust, the obligation of the investment and reinvestment of the principal shall be clearly specified and the application of the income or investment proceeds shall be clearly set forth.
5. No gift or trust will be accepted by the Board unless:
   a. it is in support of and a benefit to all or to a particular public school in the district, 
or
   b. it is for a purpose for which the school district could legally expend its own funds, 
or
   c. it is for the purpose of awarding scholarships to students graduating from the 
district.

Gifts and grants of money, scholarships and/or memorial funds to the district shall be annually 
accounted for under the trust and agency account in the bank designated by the Board. Grants 
for which the district applies, and where such application is successful, will be reported to the 
board on a quarterly basis.

   All gifts, grants, scholarships, memorial funds and/or bequests approved by the Board 
shall become district property. A letter of appreciation, signed by the President of the Board and 
the Superintendent, will be sent to the donor/grantor in recognition of his/her contribution to the 
school district.

   Any gift rejected by the Board shall be returned to the donor or his/her estate within 60 
days together with a statement indicating the reasons for the rejection of such gift.

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

Ref: N.Y.S. Constitution, Art. 8, §1
     Education Law 1709(12)

Cross Ref: 2160, School District Officer and Employee Code of Ethics

Adoption date: November 19, 2008
1st Reading of Revision: November 16, 2011
Revised Adoption: December 7, 2011
AUTHORIZED SIGNATURES

The Board of Education authorizes the single signature of the District Treasurer on all District checks. In the absence of the Treasurer, the Deputy Treasurer is authorized to sign all checks; provided, however, that the payment to be made has been properly audited by the District’s claims auditor. Student activity account checks shall be signed by both the manager of the student activity accounts and the Board appointed Treasurer of the extracurricular activity accounts.

The Board hereby authorizes the use of a software program with safeguards including confidential passwords for the School District’s protection and with facsimile signatures of the District Treasurer and Deputy Treasurer. Passwords and safeguards shall be maintained in the exclusive and secured possession of the Treasurer and Deputy Treasurer, respectively. The District Treasurer has the responsibility of preventing unauthorized use of confidential passwords and signature facsimiles.

Contracts authorized by Board resolution shall be signed by the Board President or in his/her absence the Vice-President, unless a different signatory is identified in the Board resolution. While Memoranda of Agreement may be signed by the Superintendent, or his/her designee, if there is a fiscal impact, the same must be approved by prior board resolution. Purchase orders for goods and/or services identified in the various budget codes of the School District budget may be executed by the purchasing agent responsible for the procurement of such goods and/or services, providing the purchase of such items does not exceed the approved budget appropriation.

The Board authorizes the payment in advance of audit of claims by the claims auditor for all public utility services, postage, freight and express charges, in accordance with law.

Ref: §§1720, 1724, 2523 Education Law
8-A NYCRR §§170.1©,(d), 172

Revised & Adopted: August 1, 2007
Renumbered 6410 December 08 previous policy 5561
Kingston City School District

Policy No. 6415

ELECTRONIC OR WIRE TRANSFERS

Procedures will be implemented specifying who is authorized to initiate, approve, transmit, record, review and reconcile electronic transactions. Authorization and transmitting functions will be segregated whenever possible. All transfers will be reviewed by the Internal Claims Auditor.

The District will enter into wire transfer security agreements for District bank accounts which will include established procedures for authenticating wire transfer orders.

All non-routine wires must be authorized by the Assistant Superintendent for Business or the current Business Official.

The Internal Auditor will routinely confirm the wire transfers have appropriate signatures, verifications and authorization of proper personnel.

Ref: Education Law Section 2116-a
General Municipal Law Article 2 Section 5-a

Adopted: January 5, 2011
FISCAL ACCOUNTING AND REPORTING

The Board of Education insists on clear, complete, and detailed accounting of all financial transactions for which the Board is held accountable.

Accounting and Reporting Systems

The system of accounts will conform to the Uniform System of Accounts for School Districts, as defined by the State Comptroller’s Office. In addition, accounting and reporting will adhere to generally accepted governmental accounting standards. The accounting system will yield information necessary for the Board to make policy decisions and perform its oversight function.

The Board directs the District Treasurer to keep informed of changes in state and/or Government Accounting Standards Board (GASB) accounting requirements and implement changes, as appropriate. The Board expects that the District Treasurer will communicate new standards and/or requirements to the Board, as necessary, so that the Board can carry out its responsibilities.

Proposed expenditures will be budgeted under and the actual expenditures will be charged to categories that most accurately describe the purpose for which monies are to be spent.

The Board directs the Treasurer to keep it informed of the financial status of the district through monthly cash reconciliation and budget status reports and annual fiscal reports, including periodic projections of the end of year fund balance. The Treasurer should highlight any deviation in actual fiscal conditions from planned fiscal conditions and offer recommendations to the Board to remedy the situation. The Assistant Superintendent for Business and Operations will prepare and submit, through the Superintendent, to the Board and the Commissioner of Education, such reports as are prescribed by law. These shall be filed with appropriate governmental bodies as required under law or regulation. The district will cooperate with governmental agencies and research organizations as required by law for data concerning the fiscal operations of the district.

The district shall be audited annually by an independent certified public accountant or a public accountant. The auditor's report shall be adopted by resolution and a copy shall be filed with the Commissioner of Education.

The Superintendent is hereby directed to respond to all audit findings and recommendations. Such response is to include a statement of the corrective actions taken or proposed to be taken, or if action is not taken or proposed, an explanation of reasons, as well as a statement on the status of corrective actions taken on findings or
recommendations contained in any previous report of examination or external audit, or any management letter for which a response was required.

The Superintendent shall also ensure that the provisions contained in the General Municipal Law in regard to audit reports are followed.

Cross-ref: 1120, School District Records
6660, Independent/External Audit

Ref: Education Law §§1610; 1721; 2117; 2528; 2577; 2590-i
General Municipal Law §§33; 34
8 NYCRR §§155.1; 170.1; 170.2

Adoption date: June 1, 2011
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 Kingston City School District's governance and control environment will include the following:

a) The District's code of ethics addresses conflicts of interest 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 External Auditor’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. Extra-classroom activity fund reports, and
5. Fund balance projections.

e) The District has long-term financial plans for both capital projects and operating expenses.

f) The District strongly recommends 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.

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.

8 New York Code of Rules and Regulations (NYCRR) Section 170.12

Revised and Adopted: 03/07/07
Renumbered: 09/16/09
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 of $1,000 and that have a useful life of five (5) years or more and continuous and accurate physical characteristics not appreciably affected by use or consumption shall be adjusted and recorded on an annual basis. Fixed assets and equipment shall include land, buildings, equipment and materials.

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;
f) Estimated useful life;
g) Replacement cost;
h) Current value;
i) Salvage value;
j) Date and method of disposition; and
k) Responsible official.

For insurance purposes the School Business Official shall arrange for an annual updated appraisal of School District property, equipment and material. Any discrepancies between an updated appraisal and the District's property records on file should be traced and explained. For insurance purposes all items with a value of $500.00 or greater, or a life-expectancy of five years, must be included on the District’s inventory.
HAZARDOUS WASTE AND HANDLING OF TOXIC SUBSTANCES BY EMPLOYEES

The Board of Education recognizes the need to protect human health and the environment from damage resulting from the improper handling and disposal of hazardous wastes.

The management of hazardous waste from its point of generation to the ultimate disposal is regulated through specific Federal and State laws.

The Board directs the Superintendent to adopt rules to ensure District implementation of applicable Federal and State laws pertaining to the identification, transportation, treatment, storage, and disposal of hazardous wastes.

Environmental Protection Agency
40 Code of Federal Regulations (CFR) 261 and 262
6 New York Code of Rules and Regulations (NYCRR) Part 371

Adoption Date: 04/05/06
CLAIMS AUDITOR

The Board of Education will annually designate and appoint a claims auditor for the District. The claims auditor shall serve at the pleasure of the Board. The claims auditor shall be bonded in accordance with Board policy. The claims auditor shall report directly to the Board the results of audits of claims.

The claims auditor may not be a member of the Board of Education; the clerk or treasurer of the Board; the Superintendent of Schools or other official of the district responsible for business management; a close or immediate family member of an employee, officer or contractor proving services to the District as defined in the Commissioner’s Regulations; the person designated as purchasing agent; and/or clerical or professional personnel directly involved in accounting and purchasing functions of the District; the internal audit function designee; or the independent auditor. The individual claims auditor and/or organization through which the claims auditor is to be engaged must meet the test of independence as described in the Commissioner’s Regulations.

The claims auditor is responsible for formally examining, allowing or rejecting all accounts, charges, claims or demands against the school district. The auditing process should determine:

1. that the proposed payment is for a valid and legal purpose;
2. that the obligation was incurred by an authorized district official;
3. that the items for which payment is claimed were in fact received or, in the case of services, that they were actually rendered;
4. that the obligation does not exceed the available appropriation;
5. that the submitted voucher is in proper form, mathematically correct, does not include previously paid charges, and is in agreement with the purchase order or contract upon which it is based;
6. that reimbursements for expenses authorized by law or Board policy are determined to be just and necessary; and
7. that all payments for which there is a prerequisite for competitive bidding or a request for proposals are in accordance with legal and Board policy mandates.

The claims auditor shall provide periodic written reports as may be requested by the Board.

The claims auditor shall be supervised by the Superintendent of Schools for the purposes of time, attendance and location.

Cross-ref: 6680, Internal Audit Function
Ref: Education Law 1604(35); 1709(20-a); 1724; 2509; 2526; 2554(b); General Municipal Law 77-b; 8 NYCRR 170.2

Adopted: January 17, 2007; Renumbered 6650 (formerly 1335) December 3, 2008
INDEPENDENT/EXTERNAL AUDITS

As required by law, the school district shall obtain an annual audit of its records by an independent certified public accountant or an independent public accountant. The report of such annual audit shall be presented to the Board of Education by such accountant.

The district shall, within 90 days of the receipt of such report or letter, prepare a corrective action plan in response to any findings contained in the annual external audit report or management letter, or any final audit report issued by the state comptroller. This corrective action plan shall be presented to the Board for review. To the extent practicable, implementation of such corrective action plan shall begin no later than the end of the next fiscal year.

The district shall use a competitive request for proposals (RFP) process when contracting for such annual audit. In addition, pursuant to law, no audit engagement shall be for a term longer than five consecutive years; provided, however, that the district, in its discretion, may permit an independent certified public accountant or an independent public accountant engaged under an existing contract for such services to submit a proposal in response to an RFP or to be awarded a contract to provide such services under a RFP process.

Cross-ref: 6600 Fiscal Accounting and Reporting
6690 Finance and Audit Committee

Ref: Education Law §2116-a(3) and (b)

Adoption date: December 3, 2008
Policy No. 6670

PETTY CASH FUNDS

A petty cash fund of not more than one hundred dollars ($100) shall be maintained in the district office, each school building, cafeteria, and the district warehouse. The Board of Education shall appoint a custodian for each petty cash fund who shall administer and be responsible for such fund.

Payments from petty cash funds may be made for materials, supplies or services only when payment is required upon delivery. At the time of reimbursement, an itemized statement of expenditures, together with substantiating receipts, shall be submitted. Such accounts shall be authorized by Board resolution at their annual meeting.

Appropriate regulations shall be developed for implementation of this policy.

Cross-ref: 6700, Purchasing
6670-R, Petty Cash Funds Regulation

Ref: Education Law §§1604(26); 1709(29)
8 NYCRR §170.4

Adoption date: December 3, 2008
EXTRACLASSROOM ACTIVITIES FUND

Definition:

Extraclassroom activity funds are defined in the Regulations of the Commissioner of Education as “funds raised other than by taxation or through charges of a board of education, for, by, or in the name of a school, student body or any subdivision thereof.”

Purpose

Student extraclassroom activities may only be formed for educational purposes and may only be formed by students in districts with educational programs beyond the sixth grade.

Organizational Procedures:

Students desiring to form an extraclassroom activity shall petition their principal in writing. The petition shall state the purpose of, and describe the activities of, the proposed extraclassroom activity, and shall be signed by at least seven students before it is presented to the principal for action. If the purpose of the proposed extraclassroom activity falls within the scope of educational or school service purposes, and if the necessary space and equipment are available, the principal, in conjunction with the petitioning students, shall seek a suitable adviser. When these procedures have been accomplished, the building principal shall recommend to the Superintendent that the extraclassroom activity be approved by the board of education. Thereafter, all accounts will be reviewed by the Board of Education as part of the annual external audit.

All extraclassroom activities shall be approved by the board of education. The Assistant Superintendent for Business shall maintain an up-to-date register of all extraclassroom activities that are approved or discontinued. Each extraclassroom activity shall have a faculty adviser, appointed by the principal, recommended by the superintendent, and approved by the board of education. The faculty adviser shall attend all meetings of the extraclassroom activity. In addition, annually, by October 31, each extraclassroom activity shall register a slate of duly elected officers with the Assistant Superintendent of Business, and this slate shall be recommended by the principal to the Superintendent and approved by the Board.

An inactive extraclassroom activity shall be defined as one having no financial activity for one full school year. If an inactive club is identified, the central treasurer is directed to expend leftover funds as voted by the organization controlling these funds, or if no such designation exists, then liquidate the leftover funds of these club(s) in accordance with the following: Leftover funds of inactive or discontinued extraclassroom activities and of graduating classes shall automatically revert to the account of the general student organization or student council.

All transactions involving Extraclassroom funds shall be on a cash basis and no accounts shall remain unpaid at the end of the school year. The building principals, with the approval of the Superintendent of Schools, shall establish procedures for receipt and payment from the extraclassroom activity fund in their respective buildings in accordance with administrative regulations. The President and Treasurer of each extraclassroom activity shall be trained with the faculty advisor in their responsibilities relating to the financial accounting of their activity.

All Extraclassroom Activity Clubs shall comply with the requirements and procedures in the New York State Education Department Finance Pamphlet 2 The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds, or successor document.

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

Cross Ref: 2210 Board Organizational Meeting
6660 Independent/External Audits

Adopted: August 18, 2009
Revision Adopted: March 20, 2013
INTERNAL AUDIT FUNCTION

The Board of Education recognizes its responsibility to ensure sound fiscal management of the District. To this end, the Board establishes an internal audit function, to be performed by an individual or entity appointed as the “internal auditor”. The internal auditor shall be appointed annually and shall serve at the pleasure of the Board. The internal auditor shall report directly to the Board and shall be supervised by the Superintendent of Schools.

The internal auditor shall perform the following tasks as the internal audit function in accordance with generally accepted accounting standards:

1. Develop an annual risk assessment of district fiscal operations which shall include but not be limited to:
   a. review of financial policies and procedures, and
   b. testing and evaluation of the District’s internal controls, taking into account risk, control weaknesses, size and complexity of operations.

2. Review and update such risk assessment annually;

3. Prepare reports, at least annually or more frequently as the Board may direct, which:
   a. Analyze significant risk assessment findings,
   b. Recommend changes for strengthening controls and reducing identified risks, and
   c. Specify time frames for implementation of such recommendations.

To fulfill this function, the District may use inter-municipal cooperative agreements, BOCES shared services, or independent contractors as long as such personnel or entities performing the internal audit function comply with the Commissioner’s Regulations. The District may also use existing personnel to fulfill this function, but only if such persons do not have any responsibilities for other business operations of the District while performing such function. The individual or entity engaged as the internal auditor must meet the test of independence as described in the Commissioner’s Regulations.

Personnel or entities performing this function shall report directly to the Board. The district’s Audit and Finance Committee shall assist in the oversight of this internal audit function.

Cross-ref: 6690 Finance and Audit Committee

Reference: Education Law 2116-b; 8NYCRR 170.12

Adopted: January 17, 2007
Renumbered and revised: December 3, 2008
MEDICAID COMPLIANCE

The Board of Education recognizes its obligation to put a plan and program in place to prevent or otherwise detect fraud, waste and abuse in the Medicaid program. In general, the Board expects that its officers and employees will operate with integrity and in conformance with its adopted code of ethics (policy 2160). The Board directs the Superintendent and the internal auditor to ensure that the following program elements are in place and are implemented effectively:

1. **Written procedures:** Accompanying this policy, and the cross-referenced policies listed below, are more detailed procedures and descriptions of how each element of the compliance program will be implemented. Written procedures will address how the district will accomplish the following:

   a. **Keep informed regarding Medicaid coverage:** The Assistant Superintendent for Student Services will keep abreast of services that are covered by Medicaid so that the district files compliant claims. The Board expects that district staff and/or contractors and agents will avoid filing false claims which would subject the district to civil and criminal liability.

   b. **Prohibit use of “excluded” providers:** Ensure that the district does not hire or contract with service providers who have been excluded from Medicare or the Medicaid program. The Assistant Superintendent for Student Services will check the credential of the provider before the district engages their services. District employees will be required to sign an agreement that said employee will inform the Compliance Officer and the Assistant Superintendent for Personnel and Administration upon receipt of any notification or knowledge that the individual’s license has been suspended, revoked or lapsed, or if they have been excluded from participation in the Medicaid program. Upon notice by the employee, the district will take remedial steps as soon as possible. Contracts with outside providers will include provisions to address this requirement.

   c. **Review of Providers:** The Assistant Superintendent for Personnel and Administration will check the list of excluded providers routinely to determine if any district employees who deliver Medicaid-covered services, or if any contractors, have been added to the list or have been reinstated. If any have been excluded, it will be reported immediately to the Superintendent who will initiate remedial action.

2. **Appoint a Compliance Officer, who is an employee, vested with responsibility for the day-to-day operation of the program:** The Board will appoint a Medicaid Compliance Officer at its annual organization meeting. The role of the Compliance Officer shall be:

   - To monitor the day-to-day operation of school supportive health services programs (SSHSPs) for compliance with mandatory reporting and credentialing requirements;
• To receive, investigate, and respond to any and all reports of non-compliance;

• To develop a method by which he/she may receive anonymous and confidential reports or suspected violations;

• To supervise all internal and external audits of the school district's SSHSPs;

• To develop and provide compliance training to the Board as well as to all school employees, contractors and agents who provide or oversee the provision of SSHSPs to students;

• To recommend modification to the plan on an as needed basis to the Board; and

• To report quarterly to the Board's Audit and Finance Committee, which in turn will report to the full Board, on the school district's Medicaid compliance activities.

3. **Training and education of officers and employees:** All employees involved in Medicaid covered services, as well as those responsible for oversight, will receive annual training in accordance with state and federal requirements. Board members will also receive appropriate training so that they can fulfill their responsibilities. The district will keep appropriate records documenting the training program.

4. **Lines of communication:** The district will work towards ensuring that its culture encourages communication among all parties involved in the Medicaid compliance program. The New York State Education Department and Health Department outlined the requirements of a disclosure mechanism that enables employees to report anonymously any practice or billing procedure that the employee deems inappropriate to the district’s Compliance Officer and/or the State’s Compliance Officer. The district will inform employees of this mechanism in conformance with that policy.

5. **Disciplinary consequences for school employees:** Failure of district employees to comply with this policy, and the reporting requirements pursuant to policy 9645, may result in a range of disciplinary actions, up to and including termination, in conformance with applicable laws and collective bargaining agreements.

6. **A system to routinely identify compliance risk areas:** Medicaid claims will be included as part of the district’s risk assessment. The claims will be reviewed annually as part of the district’s risk assessment or as directed by the Audit and Finance Committee or Board of Education. In addition, the Medicaid claims function will be tested and reviewed as part of the district’s internal audit plan routinely, or as directed by the Audit and Finance Committee or Board of Education. When the internal audit reveals weaknesses, a corrective action plan will be initiated by the Superintendent.
7. **Non-Retaliation**: The Compliance Officer and Board is charged with responsibility for enforcing district policy 9645, Disclosure of Wrongful Conduct, which protects individuals who, in good faith, report or investigate suspected cases of fraud, waste or abuse in the district’s Medicaid program from retaliation or intimidation.

The Medicaid Compliance Program is part of a comprehensive effort to manage all of the district’s resources and is in conformance with the Five Point Plan which was enacted by Chapter 263 of the Laws of 2005 and includes the following elements:

1. **Claims Auditor** – (policy 6650) – establishes that the Board will either act as claims auditor for the district, or appoint one. The claims auditor is responsible for examining, allowing or rejecting all charges, claims or demands against the district.

2. **Independent/External Audits** – (policy 6660) – establishes that the district will obtain an annual audit of its records by an independent public accountant.

3. **Internal Audit Function** – (policy 6680) – establishes an internal audit function to develop an annual risk assessment and provide reports to the Board at least annually, or upon request.

4. **Audit and Finance Committee** – (policy 6690) – establishes the composition and charge of the audit committee. The committee shall recommend internal and external audit plans to the Board, as well as receive and review audit reports.

5. **Orienting/Training New Board Members** – (policy 2510) – Board members will be trained on their fiscal oversight, accountability and fiduciary responsibilities.

The ongoing review and implementation of these policies address Medicaid compliance, as well.

The Superintendent is responsible for developing regulations which will further detail the procedures associated with this policy. The Board will periodically review and update this policy and the associated plan.

**Dissemination of Policy**

The Board directs the Superintendent to ensure that this policy, as well as the cross-referenced policies, are disseminated to employees as well as those entities providing Medicaid covered services, with particular attention to those employees involved in administering the programs and services associated with Medicaid and their billing.

**Cross-ref:**
- 2160, School District Officer and Employee Code of Ethics
- 2210, Board Organizational Meeting
- 2520, Orienting/Training New Board Members
- 6650, Claims Auditor
- 6660, Independent/External Audits
- 6680, Internal Audit Function
- 6690, Audit and Finance Committee
- 9645, Disclosure of Wrongful Conduct
9700, Staff Development

State Finance Law §§187 et seq. (New York False Claims Act)
Social Services Law §§145-b (False Statements); 145-c (Sanctions);
363-d (Provider Compliance Program)
Labor Law §740 (Prohibits Retaliation)
18 NYCRR §§521.1 et seq. (Provider Compliance Program regulations)

1st Reading for Revision: November 16, 2011
Adoption Date: December 7, 2011
PURCHASING

The Board of Education views purchasing as serving the educational program by providing necessary supplies, equipment and related services. Purchasing will be centralized in the business office under the general supervision of the Purchasing Agent designated by the Board.

It is the goal of the Board to purchase competitively, without prejudice or favoritism, and to seek the maximum educational value for every dollar expended. Competitive bids or quotations shall be solicited in connection with purchases pursuant to law. The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding $20,000 and public work contracts involving an expenditure of more than $35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Purchases of the same commodity cannot be artificially divided for the purpose of avoiding the threshold. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

The district's purchasing activity will strive to meet the following objectives:

1. to effectively supply all administrative units in the school system with needed materials, supplies, and contracted services;
2. to obtain materials, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed as determined by the Purchasing Agent in conformance with state law and regulation and in cooperation with the requisitioning authority. The educational and physical welfare of the students is the foremost consideration in making any purchase;
3. to ensure that all purchases fall within the framework of budgetary limitations and that they are consistent with the educational goals and programs of the district;
4. to maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and
5. to ensure, through the use of proper internal controls, that loss and/or diversion of district property is prevented.

Opportunities shall be provided to all responsible suppliers to do business with the school district. Suppliers whose place of business is situated within the district may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors. Where permitted by law, purchases will be made through available cooperative BOCES bids, or by “piggybacking” onto contracts of the United States or agencies thereof or the federal General Services Administration (GSA), the New York State Office of General Services (OGS), departments or agencies of New York State, any New York State, county, or any state or any county or political subdivision or district therein, whenever such purchases are in the best interests of the district or will result in cost savings to the district. In addition, the district will make purchases from correctional institutions and severely disabled persons through charitable or non-profit-making agencies, as provided by law.
In accordance with law, the district shall give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats. The term “alternative format” shall mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the district (or program of a BOCES), including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file in a format compatible with alternative format conversion software that is appropriate to meet the needs of the individual student.

The Board is also aware of the need to reduce exposure of students and staff to potentially harmful chemicals and substances used in cleaning and maintenance. In accordance with law, regulation and guidelines set forth by the Office of General Services (OGS), the district will purchase and utilize environmentally sensitive cleaning and maintenance products in its facilities whenever feasible. Cleansers purchased must, first and foremost, be effective so that the district may continue to purchase non-green products as necessary. Environmentally sensitive cleaning and maintenance products will be procured in accordance with standard purchasing procedures as outlined in this policy and regulation.

In order to ensure that the district avails itself of advantageous purchasing opportunities, the Board authorizes the Purchasing Agent to represent the district in applying for federal programs designed to discount prices for goods and services. Specifically, the Purchasing Agent will abide by the rules and regulations associated with applying for telecommunications service discounts through the Universal Service Fund (E-Rate), in addition to complying with the local purchasing policies set forth by the Board. As with all purchasing activity, appropriate documentation of the application and purchase through any federal program will be maintained by the business office.

**Competitive Bidding**

Purchase contracts and public works contracts subject to competitive bidding will be awarded to the lowest responsible bidder, however, the Board authorizes that purchase contracts may be awarded on the basis of best value, as defined in State Finance Law §163.

In addition, the Board authorizes the receipt of sealed bids for purchase contracts in electronic format, pursuant to the provisions of General Municipal Law §103(1) which addresses proper documentation, authentication, security, and confidentiality of electronic bids.

The district shall comply with the requirements of General Municipal Law §103-g, which prohibits, with few exceptions, competitive bidding contracts with entities that invest significantly in the Iranian energy sector, as outlined in the accompanying regulation.

Competitive bidding, even if the dollar value of the purchase meets the threshold established above, is not required in the following circumstances:

1. emergencies where time is a crucial factor;
2. procurements for which there is no possibility of competition (sole source items); or
3. professional services that require special skill or training (see policy 6741 for guidance on purchasing professional services).
4. purchases, such as surplus or second-hand items from governmental entities, certain food and milk items, or goods and services from municipal hospitals; or
5. where the district is purchasing through (or is “piggybacking” onto) the contract of another governmental entity.

Purchasing when Competitive Bidding Not Required

Goods and services which are not required by law to be procured by the district through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, except as permitted by state law for procurements:

1. under a county contract;
2. under a state contract;
3. under a federal contract;
4. under a contract of another political subdivision;
5. of articles manufactured in state correctional institutions; or
6. from agencies for the blind and severely disabled.

The district will provide justification and documentation of any contract awarded to an offeror other than the lowest responsible dollar offeror, setting forth the reasons why such award is in the best interests of the district and otherwise furthers the purposes of section 104-b of the General Municipal Law.

General Purchasing Provisions

The Superintendent of Schools, with the assistance of the Purchasing Agent, shall be responsible for the establishment and implementation of the procedures and standard forms for use in all purchasing and related activities in the district. Such procedures shall comply with all applicable laws and regulations of the state and the Commissioner of Education.

No Board member, officer or employee of the school district shall have an interest in any contract entered into by the Board or the district, as provided in Article 18 of the General Municipal Law.

Comments will be solicited from those administrators involved in the procurement process before enactment of the district’s policies regarding purchasing and from time to time thereafter. The policies must then be adopted by Board resolution. All district policies regarding the procurement processes will be reviewed by the Board at least annually.
The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law or the district’s policies regarding procurement will not be grounds to void action taken nor give rise to a cause of action against the district or any officer or employee of the district.

Cross-ref: 6741, Contracting for Professional Services

Ref: Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195)
Education Law §§305(14); 409-i; 1604(29-a); 1709(4-a)(9)(14)(22); 2503(7-a); 2554(7-a)
General Municipal Law §§102; 103; 103-g; 104; 104-b; 109-a; 800 et seq.
State Finance Law §§97-g(3), (4), (5); 163; 163-b; 165-a
County Law §408-a(2)
8 NYCRR Part 114

First Reading: June 5, 2013, February 7, 2018
Adoption date: June 19, 2013
Revised: November 18, 2015, March 7, 2018
PURCHASING REGULATION

The following sets forth the procedures for the procurement of goods and services by the district:

I. Definitions

Best value: optimizing quality, cost and efficiency. The basis for best value shall reflect, whenever possible, objective and quantifiable analysis, and may also take into consideration small businesses or certified minority- or women-owned businesses as defined in State Finance Law §163.

Purchase Contract: a contract involving the acquisition of commodities, materials, supplies or equipment

Public Work Contract: a contract involving services, labor or construction

II. General Municipal Law

The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding $20,000 and public work contracts involving an expenditure of more than $35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

III. Competitive Bidding Required

A. Method of Determining Whether Procurement is Subject to Competitive Bidding

1. The district will first determine if the proposed procurement is a purchase contract or a contract for public work.

2. If the procurement is either a purchase contract or a contract for public work, the district will then determine whether the amount of the procurement is above the applicable monetary threshold as set forth above.

3. The district will also determine whether any exceptions to the competitive bidding requirements (as set forth below) exist.

4. All advertised bids shall include the following statement required by General Municipal Law 103-g: “By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the state finance law.”

B. Contract Combining Professional Services and Purchase
In the event that a contract combines the provision of professional services and a purchase, the district, in determining the appropriate monetary threshold criteria to apply to the contract, will determine whether the professional service or the purchase is the predominant part of the transaction.

C. Opening and Recording Bids; Awarding Contracts

The Purchasing Agent will be authorized to open and record bids. Contracts will be awarded to the lowest responsible bidder or a purchase contract bid of best value (as recommended by the Purchasing Agent), who has furnished the required security after responding to an advertisement for sealed bids.

In order to be considered a responsible bidder, entities must certify that they are not on the list created and maintained by the State Office of General Services cataloging significant investment in the Iranian energy sector. Such statement may be submitted electronically pursuant to General Municipal Law §103(1).

Entities that cannot make this certification may only be awarded the bid if:

1. The entity’s investment activities in Iran were made before April 12, 2012; the investment activities in Iran have not been expanded or renewed after that date; and the entity has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or

2. The district makes a determination, in writing, that the goods or services are necessary for the district to perform its functions and that, absent such an exemption, the district would be unable to obtain the goods or services for which the contract is offered.

D. Documentation of Competitive Bids

The district will maintain proper written documentation which will set forth the method in which it determined whether the procurement is a purchase or a public work contract.

E. Purchase of Instructional Materials

In accordance with Education Law, the district shall give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats (i.e., any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the district, including but not limited to Braille, large print, open and closed captioned, audio or an electronic file in an approved format).

The district will establish and follow a plan to ensure that every student with a disability who needs his or her instructional materials in an alternative format will
receive those materials at the same time that they are available to non-disabled students.

F. Leases of Personal Property

In addition to the above-mentioned competitive bidding requirements, section 1725 of the Education Law requires that the district will be subject to competitive bidding requirements for purchase contracts when it enters into a lease of personal property.

Documentation: The district will maintain written documentation such as quotes, cost-benefit analysis of leasing versus purchasing, etc.

G. Environmentally-Sensitive Cleaning and Maintenance Products

The district will purchase and utilize environmentally sensitive cleaning and maintenance products whenever feasible. The purchasing agent will consult with the Green Guidelines provided by the Office of General Services.

Any legal issues regarding the applicability of competitive bidding requirements will be presented to the school attorney for review.

IV. Exceptions to Competitive Bidding Requirements

The district will not be subject to competitive bidding requirements when the Board of Education, in its discretion, determines that one of the following situations exists:

1. emergency situations where:
   a. the situation arises out of an accident or unforeseen occurrence or condition;
   b. a district building, property, or the life, health, or safety of an individual on district property is affected; or
   c. the situation requires immediate action which cannot await competitive bidding.

   However, when the Board passes a resolution that an emergency situation exists, the district will make purchases at the lowest possible costs, seeking competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances.

   Documentation: The district will maintain records of verbal (or written) quotes, as appropriate;

2. when the district purchases surplus or second-hand supplies, materials or equipment from the federal or state governments or from any other political subdivision or public benefit corporation within the state.
Documentation: The district will maintain market price comparisons (verbal or written quotes) and the name of the government entity;

3. when the Board separately purchases eggs, livestock, fish and dairy products (other than milk), juice, grains and species of fresh fruits and vegetables directly from New York State producers or growers or associations of producers and growers, subject to the requirements of General Municipal Law § 103(9) and Commissioner’s Regulations §114.3. The amount expended in any fiscal year by the district may not exceed an amount equal to fifteen cents multiplied by the number of days in the school year multiplied by the total enrollment of the district.

Documentation: The district will maintain documentation consistent with sections 114.3 of the Regulations of the Commissioner of Education;

4. when the Board separately purchases milk directly from licensed milk processors employing less than forty (40) people. The amount expended in any fiscal year by the district may not exceed an amount equal to twenty-five cents multiplied by the number of days in the school year multiplied by the total enrollment of the district or exceed the current market price.

Documentation: The district will maintain documentation consistent with section 114.4 of the Regulations of the Commissioner of Education;

5. when the district purchases goods, supplies and services from municipal hospitals under joint contracts and arrangements entered into pursuant to section 2803-a of the Public Health Law.

Documentation: The district will maintain the legal authorization, Board authorization and market price comparisons; or

6. when there is only one possible source from which to procure goods or services required in the public interest (sole source).

Documentation: The district will maintain written documentation of the unique benefits of the item or service purchased as compared to other items or services available in the marketplace; that no other item or service provides substantially equivalent or similar benefits; and that, considering the benefits received, the cost of the item or service is reasonable, when compared to conventional methods. In addition, the documentation will provide that there is no possibility of competition for the procurement of the goods.

7. when the district purchases professional services that require special skill or training, such as but not limited to, audit, medical, legal or insurance services, or property appraisals.

Documentation: The district will keep proper documentation in accordance with policy 6741.
8. when the district purchases through the contracts of (or “piggybacks” onto) other governmental entities as authorized by law, for certain goods and services permitted by law. Factors relevant to the decision to “piggyback” may include cost, staff time, delivery arrangements, quality of goods and services, and suitability of such goods and services to the district’s needs.

Documentation: The district will keep documentation indicating why “piggybacking” is in the best interests of the district, and that the originating contract was let in a manner consistent with applicable competitive bidding requirements.

V. Quotes When Competitive Bidding Not Required

Goods and services which are not required by law to be procured by the district through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies in the best interests of the taxpayers. Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, as set forth below.

A. Methods of Documentation

1. Verbal Quotations: the telephone log or other record will set forth, at a minimum, the date, item or service desired, price quoted, name of vendor, name of vendor’s representative;
2. Written Quotations: vendors will provide, at a minimum, the date, description of the item or details of service to be provided, price quoted, name of contact. For example, with regard to insurance, the district will maintain documentation that will include bid advertisements, specifications and the awarding resolution. Alternatively, written or verbal quotation forms will serve as documentation if formal bidding is not required.
3. Requests for Proposals: the district will utilize RFP’s to engage professional services providers in accordance with policy 6741.

B. Purchases/Public Work: Methods of Competition to be Used for Non-Bid Procurements; Documentation to be Maintained

The district will require the following methods of competition be used and sources of documentation maintained when soliciting non-bid procurements in the most cost-effective manner possible:

1. Purchase Contracts up to $20,000
   a. Contracts under $2,500 are at the discretion of the Purchasing Agent.
   b. Contracts in excess of $2,500 to $10,000: Three verbal quotes
   c. Contracts in excess of $10,000 to $20,000: Three written quotes
2. Public Work Contracts up to $35,000
   a. Contracts under $2,500 are at the discretion of the Purchasing Agent.
b. Contracts in excess of $2,500 to $5,000: Three verbal quotes

c. Contracts in excess of $5,000 to $35,000: Three written quotes

VI. Quotes Not Required When Competitive Bidding Not Required
The district will not be required to secure alternative proposals or quotations for those procurements as permitted by state law:

1. under a county contract;
2. under a state contract;
3. under a federal contract;
4. under a contract of another political subdivision;
5. of articles manufactured in state correctional institutions; or
6. from agencies for the blind and severely disabled.

VII. Procurements from Other than the “Lowest Responsible Dollar Offeror”
The district will provide justification and documentation of any contract awarded to an offeror other than the lowest responsible dollar offeror, setting forth the reasons why such award is in the best interests of the district and otherwise furthers the purposes of section 104-b of the General Municipal Law.

VIII. Internal Control
The Board authorizes the Superintendent of Schools, with the assistance of the Purchasing Agent, to establish and maintain an internal control structure to ensure, to the best of their ability, that the district’s assets will be safeguarded against loss from unauthorized use or disposition, that transactions will be executed in accordance with the law and district policies and regulations, and recorded properly in the financial records of the district.

Comments will be solicited from those administrators involved in the procurement process before enactment of the district’s regulations regarding purchasing and from time to time thereafter. The regulations must then be adopted by Board resolution. All district regulations regarding the procurement processes will be reviewed by the Board at least annually.

The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law or the district’s regulations regarding procurement will not be grounds to void action taken or give rise to a cause of action against the district or any officer or employee of the district.

Adoption date: June 19, 2013
Revised: November 18, 2015, March 7, 2018
AUDIT AND FINANCE COMMITTEE

The Board of Education recognizes the necessity for strong oversight of District financial operations in order to promote the fiscal integrity of the District. Accordingly, the Board shall appoint a Audit and Finance Committee of at least three Board members, to assist in the oversight of both internal and external audit functions. The appointment of the Audit and Finance Committee shall be determined annually by the Board of Education. The Board may appoint, on an annual basis, non-Board members to the Audit and Finance Committee if the Board deems that such composition is advisable to provide the requisite accounting, auditing, and financial reporting expertise. Employees of the District are prohibited from serving on the Audit and Finance Committee, although the Superintendent may be invited to attend meetings.

The role of the Audit and Finance Committee shall be advisory. Recommendations made to the Board shall not be substituted for appropriate review and action by the Board of Education.

The Audit and Finance Committee shall develop a formal, written charter describing its purpose, mission, duties, responsibilities and membership. This charter shall be submitted to the Board of Education for approval and reviewed annually.

The Audit and Finance Committee is to provide assistance to the Board in the oversight of the following matters:

- Assist the Board in providing oversight of the internal and external audit functions, including the appointment of the internal and external auditors.
- Review corrective action plans and necessary improvement based on audit findings and recommendations received from external and internal auditors.
- Provide a communications link between the external and internal auditors and the Board.
- Review the District’s finance and business needs as deemed necessary by the Board of Education and/or Audit and Finance Committee.
- Assist with the budget process and development as necessary.
- Administer other related duties as prescribed by the Board of Education including a review of all PILOTS and DEVIATED PILOTS made known to the district.
- Consult with the Medicaid Compliance Officer.

External Audit Focus:
- Recommend selection of the external auditor to the Board of Education.
- Meet with the external auditor prior to commencement of the audit to review the engagement letter.
- Review and discuss with the external auditor any risk assessment of the district’s fiscal operations developed as part of the auditor’s responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards, if applicable.
- Review the external auditor’s assessment of the district’s system of internal controls.
♦ Receive and review the draft annual audit report and accompanying draft management letter and, working directly with the external auditor, assist the Board of Education in interpreting such documents.
♦ Make a recommendation to the Board of Education on accepting the annual audit report.
♦ Review any corrective action plan developed by the school district and assist the Board of Education in the implementation of such plans.

**Internal Audit Focus:**
♦ Make recommendations to the Board of Education regarding the appointment of the internal auditor and claims auditor.
♦ Assist in the oversight of the internal audit function.
♦ Review the annual internal audit plan to ensure that high-risk areas and key control activities are periodically evaluated and tested.
♦ Review the results of internal audit activities and significant recommendations and findings of the internal auditor.
♦ Monitor implementation of the internal auditor’s recommendations by management.
♦ Provide input on the performance evaluation of the internal auditor.

The Audit and Finance Committee shall not participate in or be responsible for the day-to-day operations of the District or in the decisions that are the responsibility of the Superintendent of Schools, the Business Administrator, or any other District administrators. The Audit and Finance Committee will meet minimally four times each year; all meetings are subject to the Open Meetings Law requirements. Periodic written reports of the Audit and Finance Committee activities are an important communication link between the Audit and Finance Committee and the Board on key decisions and responsibilities. The Audit Committee’s reporting requirements are to:
♦ Report on the scope and breadth of committee activities so that the Board of Education is kept informed of its work.
♦ Make available minutes of meetings and work sessions, which clearly record the actions, and recommendations of the Committee.
♦ Report on their review of the District’s draft annual audit report and accompanying management letter and their review of significant findings and recommendations of the internal auditor.
♦ Report on suspected fraud or abuse or material defects in the internal control systems.
♦ Report on material or significant non-compliances with laws or District policies and regulations.
♦ Report on any other matters that should be disclosed to the Board of Education.

The Audit and Finance Committee shall be subject to the regulations of the Commissioner of Education.

Reference: Education law 2116-C, 8 NYCRR 170.12(d)

**Adopted:** April 25, 2007  
**Amended:** August 9, 2011  
**1st Reading of Revision:** November 2, 2011  
**Adoption Date:** April 11, 2012  
**Revised & adopted:** September 6, 2018
CONTRACTING FOR PROFESSIONAL SERVICES

The Board of Education will make certain that professional services are secured in a manner that protects the integrity of the process, ensures the prudent use of taxpayer dollars and provides a high quality standard of service, in accordance with law and regulation. Professional services are defined as services requiring special skill and/or training, such as legal services, medical services, auditing services, property appraisals or insurance.

Purchasing professional services does not require competitive bidding. The Board directs the purchasing agent to take measures to ensure that a highly qualified professional is secured through the prudent and economical use of public money, which may include:

1. reviewing trade journals;
2. checking professional listings; and/or
3. inquiring of other districts or other appropriate sources.

The designated district staff will prepare a comprehensive written request for proposals (RFP), which will contain critical details of the services sought. The RFP will specify that the proposal include the structure of the relationship between the district and the provider, including, if applicable, the terms of the retainer, the hourly fees and other associated costs.

In reviewing the RFPs, the district will consider, at a minimum, the following factors:

1. the suitability of the individual/firm for the district’s needs;
2. the special knowledge or expertise of the individual/firm;
3. the credentials and applicable certifications of the individual/firm;
4. the quality of the service provided by the individual/firm;
5. cost;
6. the staffing available from the firm or the time available from the individual;

The district will periodically, but not less frequently than every five years, issue professional service RFPs and may conduct interviews as part of the RFP process. The written proposals submitted by applicants shall be maintained for at least six years.

- continued -
The district will not be subject to the RFP procedure when the district purchases professional services that require specific, special and unique skill or training.

The Board of Education will review the proposals and select the professional service provider best suited to the district’s needs when the appointment is for a professional service provider who reports directly to the Board of Education (i.e. attorney or auditor). For all others the Superintendent, after a thorough review of the proposals, in consultation with the purchasing agent will recommend the professional service provider best suited to the district to the Board of Education for its approval.

In the alternative to an RFP procedure, except in the case of the External Auditor, the District may undertake a Request for Quotes (RFQ) procedure for professional services from among professional service providers with expertise and substantial experience in servicing New York State Public School Districts, and the Board may waive the requirements of this policy based upon a long term satisfactory relationship with such a professional services provider.

Regardless of when during the year the professional service provider was engaged by the Board, at the annual organizational meeting the Board will appoint the attorney, physician, external auditor, or other professional, as applicable. Professional service providers selected and appointed in this manner will not be considered employees of the district.

Cross-Ref: 2210, Board Organizational Meeting
6700, Purchasing
9500, Compensation and Benefits

Ref: General Municipal Law § 104-b
2 NYCRR §§ 315.2, 315.3
Trane Co. v Broome County, 76 A.D.2d 1015
Appeal of Lombardo, 38 Educ. Dept. Rep. 730
Opn. St. Comp. 92-33

Adoption date: July 7, 2010
Revision Adoption Date: 11/20/13
TRAVEL, CONFERENCE ATTENDANCE AND EXPENSE REIMBURSEMENT

The Board of Education recognizes the value of participation at professional conferences, meetings and out-of-district visitations as one way of ensuring that the Kingston City School District’s educational programs are current and state of the art. Further, attendance at, or support of, such activities can help the Board identify future trends that could benefit our children.

The Superintendent of Schools or designee may direct employees or approve requests from employees to attend meetings, conferences or visitations as a representative of the School District, except as provided herein.

Board approval is required two months prior to:

1. Out of state travel in excess of 200 miles one-way by members of the Board of Education, the Superintendent of Schools and District Clerk. The Board resolution will contain the name of the activity, date(s) and location, as well as the names of persons attending. The resolution will indicate whether expenses are included. The Board will act on this resolution before the event occurs, except in emergencies.

2. travel by employees and students outside of the country. The Board resolution will include the name of the travel activity, the person(s) attending, the dates of travel and, if applicable, the amount the Board authorizes towards the cost of such travel. If an employee has requested a leave for the purpose of such travel, the Board will entertain that request as a separate resolution.

3. travel by employees and students that involves appropriations for domestic airfare. The Board resolution will include the name of the activity, the name of those attending, the dates of the activity, and the amount the Board authorizes towards the cost of such travel.

The school district assumes no responsibility or liability for trips planned without having received the prior approval of the Superintendent of Schools or Board of Education, as appropriate. Without prior approval, these trips are considered non-school sponsored trips, and the school district's liability insurance will not cover the students, staff members or other individuals chaperoning or accompanying the trip. The organizer(s) of any non-school sponsored trip shall assume all responsibility and liability and shall indemnify and hold harmless the Kingston City School District, its officers, employees and agents, from and against any claim, suit, demand, action, judgment, cost, expense and liability, including the costs of defense of any such claim, including reasonable attorney's fees, which may arise or result, directly or indirectly, from the planning or operation of a trip without such prior approval. In September, this policy, or a plain language summary thereof, shall be distributed to all staff members by
their building principal. The Superintendent is charged with the enforcement of this policy, and will take appropriate disciplinary action for non-compliance, if needed.

If an employee is invited to travel outside of the country by an organization other than the School District (e.g., New York State Education Department, Federal Government, Foreign Government, etc.) for an educationally-related purpose which will benefit the School District, the employee shall submit a written request for Board approval to the Superintendent of Schools, including all available information, at least two months prior to the date of travel. If the inviting organization will not pay for all or part of the expenses, the Board may act by resolution to pay for some or all of the costs of travel outside of the country. In the event full funding is not available, the employee may opt to pay for all of his/her own expenses. If the employee has requested a leave for the purpose of such travel, the Board will entertain that request as a separate resolution. The employee who participates in any such Board approved activity is expected to submit a report in writing regarding the benefits gained from such travel experience.

School district officers, employees and members of the Board of Education will be reimbursed for appropriate and reasonable out-of-pocket expenses incurred while traveling for school related activities. Only expenses necessary for the purpose of travel shall be reimbursable. Transportation costs, such as taxicabs, are allowable only for essential transportation. Mileage for travel by personal vehicle will be paid at the rate fixed annually by the Board. Tax exemption certificates shall be issued and utilized as appropriate.

The Superintendent of Schools shall determine, in the first instance, whether attendance by District staff at any conference or professional meeting is in the best interest of the District, and eligible for reimbursement of expenses under this policy.

To obtain reimbursement, the claimant must complete and sign an expense voucher, attach all itemized receipts or other expense documentation, together with a copy of the approved conference attendance request form and evaluation report (if required), and submit the same to the appropriate administrator.

Regulations concerning expense reimbursement shall be attached to this policy, shall be reviewed annually, and shall be revised as appropriate.

Cross Ref: 2521 Attendance by Board Members at Conferences, Conventions and Workshops

Ref: Education Law §§1604(27); 1709(3); 1804; 2118; 2523; 2524; 3023; 3028; 3813
General Municipal Law §77-b

Amended-1st Reading: April 17, 2013, Adopted: May 1, 2013
MEAL SERVICES

The Board of Education recognizes that the nutrition of district students is an important factor in their educational progress. Therefore, the Kingston City School District is committed to provide the opportunity for all students to access nutritious meals in a cost-effective manner. The district will participate in federally funded school breakfast/lunch programs, will provide free/reduced meal services to qualified district students, and will establish procedures to handle meal charges that are both sensitive to student needs, yet mindful of the fiscal responsibilities of the meal service program. If eligible, the district will provide federally funded meal services during the summer months. The availability of food service offerings during the summer recess will be advertised on the district web site, local social service agencies, and other locations as determined.

Meal Charges
It is the responsibility of the parents/guardians to ensure that money is deposited in their child’s individual meal account and that a positive balance is maintained, or money is sent each day so that the student can purchase meals in school, or children are sent to school with food for lunch. All students will access their individual meal account upon entering their identification number, and the cost of the meal will be deducted from the student’s individual meal account.

If parent/guardians make deposits by check and the check is returned for nonpayment, the District may require that all future payments be made either in cash, or by money order or certified check. The parents/guardians will be responsible for reimbursement to the District for any bank charges related to a returned check. All students in pre-kindergarten through grade 12 will be permitted to charge meals. No charges will be permitted for snack or a la carte offerings. Adults will not be permitted to charge meals or snacks.

- When a student charges a meal, the date, student’s name and amount charged will be noted in a Point of Sale (POS) system at the school.

- It is expected that meal charges will be paid on the following school day.

- If a student accumulates three (3) full meal charges, the student’s name and amount charged will be provided to the Principal’s Office by the Senior Food Service Helper. The Principal or designee will send a letter home to the parents requesting that payment be made to the cafeteria. The letter will encourage parents to notify the school if the family has emergency circumstances. In addition, the Food Service Office will send negative balance letters home monthly with elementary students, mail letters monthly to secondary students’ homes, and will electronically send a negative balance list to all principals.

Free and Reduced Meals

Availability:
Notice of the availability of the free/reduced meal programs will be sent to the homes of students, local media, the local unemployment office, large employers experiencing layoffs in the area from which the district draws its attendance, and will be included on the district web site. Any child who is a member of a family unit whose income is below the federally established scale shall be eligible to receive such services, and families are strongly encouraged to apply. Students who receive free/reduced meals will not be identifiable.
Application:
To apply for the free/reduced price meal program:

- Application forms will be available in the Main Office of each school building and on the district web site, and can be completed and submitted at any time during the year.

- Completed forms must be submitted to the Building Principal of the school which the student attends prior to any determination of eligibility. The Principal will submit completed applications to the building kitchen staff to be delivered to the Food Service Office.

- The Food Service Office will inform the parent/guardian of the eligibility determination within three days of receiving a properly completed application.

- All applications will be kept confidential.

- Upon a written request, denials can be appealed in compliance with federal regulations governing the National School Lunch Program.

Program Options – Free Meals:
School districts have the option, at local expense, to provide free meals to students otherwise eligible for reduced price meals.

Program Options – Direct Certification:
Whenever possible, the district will explore expanding programs to increase the number of families eligible to receive free/reduced meals:

- Direct certification for students in certain households receiving Medicaid benefits (those at or below 133% of the federal poverty level for family size). This data will be provided three times per school year, and will be alongside TANF (Temporary Assistance for Needy Families) and SNAP (Supplemental Nutrition Assistance Program) information. The district will send a notice to those families apprising them of their student’s eligibility to participate in the school meal programs without further application. Parents may decline participation by informing the district in writing. If the service is declined, the student will be removed from the eligibility list.

- Children in ‘Head Start,’ or who have been determined to be homeless, migrant or runaway, or in foster care can be directly certified to participate in the district free and reduced price meal program by virtue of being designated in those status categories. The Superintendent will develop implementing regulations.

- Community Eligibility: If the district can show that the percentage of students eligible for free school meals at any one school, or group of schools, or the entire school district, is at least 40%, the district may elect for the school, schools, or district to participate in the Community Eligibility option. Pursuant to federal law and regulations, the school would provide all students at that school or schools with free breakfast and lunch, pursuant to federal regulations. The district would receive federal reimbursement corresponding to the percentage of eligible students. If the reimbursement received by the district is not sufficient to cover total nonprofit school food service program costs, non-federal funds must be used to pay the difference.
Pursuant to federal regulations, under the Community Eligibility option, student eligibility is based on household receipt of food assistance (Supplemental Nutrition Assistance Program (SNAP) or Food Distribution Program on Indian Reservations (FDPIR), income assistance (TANF), or Medicaid benefits (for certain income levels), student participation in Head Start, or recognition of the student as homeless, runaway, migrant, or in foster care.

Families will be notified, in writing, at least annually, prior to the start of school, and on the school web site, of the District’s meal services policy.

Ref: 42 USC §1779 (Child Nutrition Act of 1966)
42 USC §§1758(f)(1); 1766(a) (National School Lunch Act)
2 CFR §200.426 (accounting for debt in federal programs)
7 CFR §§210.9 210.12; 210.19; 220.13; 245.5 (accounting in federal school meal programs)
Healthy, Hunger-Free Kids Act (Public Law 111-296), §143
Student Meal Charge Policy, NYSED Guidance Memo, (5/30/17), http://www.cn.nysed.gov/content/student-meal-charge-policy

1st Reading of Revision: January 6, 2016, Adoption: January 20, 2016
Revised & Adopted: October 18, 2017, Revised & Adopted January 9, 2018
MEALS AND REFRESHMENTS

The Board of Education recognizes that on certain occasions it is appropriate to provide refreshments and/or meals at District expense, such as events which are being held for a District or educational purpose. Any expenditure on such refreshments and/or meals must be approved in advance by the Superintendent of Schools or building principal and falls within budgetary appropriations. Meal requests may be approved when:

- Officers and/or employees of the District will be prevented from taking time off for food consumption due to a pressing need to complete the business at hand;

- The District is faced with business of an immediate nature and meetings of District employees and/or officers are essential at meal time;

- The District wishes to recognize the services provided by volunteers (in such cases, however, only the meals of those being recognized may be paid for and the cost of the meals must be reasonable).

- Staff members are participating in day long grading of standardized tests or orientation sessions overlapping meal periods.

All requests for food, refreshments and/or meal expenditures submitted for approval must include: the purpose of the meeting, meeting date and time, the group in attendance, the number of people in attendance, and why attendees required food and refreshments to conduct school business.

The actual expenditures for food refreshments and/or meals must be appropriately documented with itemized receipts and submitted to the Claims Auditor for purposes of pre-payment audit. Costs shall be reasonable and prudent.

Funding for approved functions shall come from the operating budget, grants or donated funds.

Adopted: 01/17/07
Renumbered: 09/16/09
BENEFIT PROCEDURES

The Board of Education recognizes the obligation of the district to effectively and efficiently administer benefits to employees and retirees. It is important that employees and retirees receive the benefits to which they are entitled and it is essential that the district administer the program in a manner that is fiscally responsible. To this end, the Board requires that the Assistant Superintendent for Personnel and Administration oversees the benefits program and develop procedures to minimize the risk of fraud, waste and abuse.

Procedures instituted by the business office shall include periodic monitoring of the status of all employees and retirees and their spouses and/or dependents to verify eligibility. The district will make every effort to keep its records up to date, utilizing databases, annual canvasses/questionnaires or other resources, as appropriate, to avoid making payments that are inaccurate, or payments to or on behalf of individuals who are ineligible.

The Board further expects that the district’s system of internal controls and its various audit functions will include this aspect of district operations and be included in applicable reports, as appropriate.

Cross-reference: 6650, Claims Auditor  
6680, Internal Audit Function

First Reading: October 5, 2011
2nd Reading: October 19, 2011
Adoption Date: November 2, 2011
DISPOSAL OF DISTRICT PROPERTY

Building administrators and support staff supervisors are responsible for identifying obsolete or surplus equipment and supplies within their area(s) of responsibility. Each year, a determination shall be made of which equipment, supplies and/or materials are obsolete and cannot be salvaged or utilized effectively or economically by the school district. Such equipment, supplies, or materials shall be sold through bid procedures, if possible, for the highest possible price. The net proceeds from the sale of school property shall be deposited in the General Fund.

The Assistant Superintendent for Business and Operations shall be authorized to dispose of obsolete or surplus equipment and supplies in the following manner:

1. reassign the items, as needed, to other locations within the school district;
2. centralize the storage of items of potential usefulness;
3. discard or sell as surplus those items determined to be of no further use or worthless; and/or
4. if textbooks, donate to a charitable organization.

Following approval by the Board of Education, items may be sold in the following manner:

1. offer to sell the items to local municipalities or local non-profit organizations;
2. sell items at a public sale or on a Board-approved public online auction site. In the event of a public sale, notice of availability of such equipment, supplies and materials and requests for bids shall be disseminated through announcements in local newspapers and such other appropriate means. The general public, as well as staff members who are not Board members, officers, or involved in the purchasing function, shall be eligible to bid on the equipment, supplies and/or materials; and
3. sell remaining items as scrap for the best obtainable amount or discard in the safest, least expensive manner.

If computer hardware disposal is warranted, such disposal will be conducted in an environmentally safe manner. Further, if computers are donated/sold, any digital storage will be sanitized prior to donation/sale to protect the confidentiality of district information.

Ref: General Municipal Law §§51; 800 et seq.
Ross v. Wilson, 308 NY 605 (1955)

1st Reading 11/20/13
Adoption date: 12/04/13
EXPENDITURES OF SCHOOL DISTRICT FUNDS

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

All claims shall be properly confirmed and verified before payment.

Complete records of all expenditures shall be maintained for future analysis and reporting within the time frame required by the current Records Retention and Disposition Schedule ED-1.

Education Law Section 1720
COMPREHENSIVE SAFETY AND SECURITY

It is the policy of the Kingston City School District to provide a safe and secure environment for all students, staff, and visitors, who lawfully enter upon District property, or who travel in District or contracted vehicles on district business or for school-sponsored activities.

It will be the responsibility of the Superintendent, or his/her designee, to establish and implement written regulations to address the safety and security of the district in accordance with federal and state laws, regulations and codes.

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, inclusive of 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.

School Safety Plans

The District has developed, and will update as necessary by July 1 of each succeeding year, a comprehensive Districtwide School Safety Plan and Building-Level School Safety Plans, as enumerated in Education Law and Commissioner’s Regulations, and in a form as prescribed by the Commissioner of Education. These plans will be designed to prevent or minimize the effect 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.

The Board of Education will adopt the Districtwide and building-level school safety plans in accordance with the procedures outlined in Article 55, Section 2801-a(6) of the laws of New York State.

The District shall file a copy of its comprehensive Districtwide 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.
Crisis Response (Post Incident Response)

Effective and responsible communication following a crisis is critical. Therefore, the District shall develop and maintain a crisis response team, and identify a media spokesperson who will be briefed on all details. This spokesperson shall be the Superintendent or his/her designee.

Fire Drills, Bomb Threats and Bus Emergency Drills

The Superintendent will establish protocols and regulations to conduct fire drills, bus emergency drills, and to respond to bomb threats to ensure the safety of all staff, students, and visitors to the district.

Cardiac Automated External Defibrillators (AEDs) in Public School Facilities

The School District shall provide and maintain on-site in each occupied school facility functional cardiac automated external defibrillator (AED) equipment, as defined in Public Health Law Section 3000-b for use during emergencies.

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 events.

The School District will train at least two persons per occupied school facility in the operation and use of the AED equipment, and ensure the immediate calling of 911 whenever the AED is used. Pursuant to Public Health Law Section 3000-a and 3000-b, the School District or any employee or other agent of the School District, who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation, renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured, shall not be liable for damages for injury or death unless caused by gross negligence.

Adopted: 06/06/07
Renumbered: 09/16/09
Revised: 05/19/10
Reviewed: 04/13/18
EXPOSURE CONTROL PROGRAM

The District shall establish an exposure control program designed to prevent and control exposure to blood borne pathogens. Regulations will be established consistent with the New York State Department of Labor's Division of Safety and Health and OSHA standards.

Occupational Safety and Health Administration (OSHA)
29 Code of Federal Regulations (CFR) 910.10:30

Adoption Date: 04/05/06
CONSTRUCTION SAFETY

The Board of Education recognizes the district’s responsibility to provide a safe school environment for students and staff during construction and maintenance projects.

The Superintendent of Schools shall be responsible for ensuring that district procedures for safeguarding the safety and health of students and staff are consistent with state law and regulation, including the Uniform Code of Public School Building Inspections, Safety Rating and Monitoring and the Uniform Safety Standards for School Construction and Maintenance Projects. Specifically, the Superintendent shall be responsible for the following items at the specified phase of the construction project:

Pre-Construction

1. Ensure proper planning for the safety of building occupants during construction or maintenance activities.
2. Hire a New York State licensed architect or engineer for projects costing more than $35,000.
3. Ensure safety issues are addressed for bid specifications and contract documents.
4. Provide notice to parents, staff and the community in advance of any construction project costing $35,000 or more to be conducted in an occupied school building. The notice is to be given at least two months prior to date on which construction is to begin, except in the case of emergency construction projects, in which case notice will be given as soon as practical. The notice will provide information on the district’s obligation to provide a safe school environment during construction projects. The notice may be given by publication in the district newsletter, on the district website, direct mailings, or by holding a public hearing on the project.
5. Revise the district’s emergency management plan, when appropriate, to accommodate the construction process including a revised emergency exit plan and emergency evacuation and relocation procedures during the construction process.
6. Ensure that all areas to be disturbed through renovation or demolition are tested for any appropriate hazardous material.

During Construction

1. Monitor construction and maintenance activities to check for safety violations and to ensure that certificate of occupancy requirements are continuously maintained.
2. Investigate and respond to health and safety complaints.
3. Conduct fire drills during construction to familiarize students and staff with revised emergency procedures.
4. Ensure compliance with statutory and regulatory requirements regarding noise abatement, exits, ventilation, air quality, fire and hazard prevention, chemical fumes, gases and other contaminants, asbestos abatement and lead paint and radon testing and mitigation.
Post Construction

1. Conduct a walk-through inspection to confirm the area is ready to be reopened for use.

Cross-Ref.: 8110, School Building Safety

Ref.: Education Law §§409-d (Comprehensive Public School Building Safety Program; 409-e (Uniform Code of Public School Buildings Inspection, Safety Rating and Monitoring)
8 NYCRR Part 155.4 (Uniform Code of Public School Building Inspections, Safety Rating and Monitoring)
8 NYCRR Part 155.5 (Uniform Safety Standards for School Construction and Maintenance Projects)
9 NYCRR Parts 600-1250 (Uniform Fire Prevention & Building Code)
NAMING OF FACILITIES

The Board of Education, with advice from the Superintendent of Schools, is solely responsible for the naming of school district facilities, grounds or any parts thereof. All requests to name an entire building or a section of a particular building or its property must be formally approved by the Board at a public meeting.

Adoption date: June 18, 2008
SCHOOL BUILDING SAFETY

The Board of Education recognizes that a safe, secure and healthy school environment is necessary to promote effective learning. The Board is committed to ensuring that all school buildings are properly maintained and preserved to provide a suitable educational setting.

Consistent with the requirements of state law and regulations, the Board will:

1. Appoint a Health and Safety Committee composed of representation from district administration, school staff, bargaining units and parents that shall participate in monitoring the condition of occupied school buildings to assure that they are safe and maintained in a state of good repair.
2. Review and approve all annual building inspections and building condition surveys.
3. Take immediate action to remedy serious conditions in school buildings affecting health and safety and report such conditions to the Commissioner of Education.

The Superintendent of Schools shall be responsible for the development of procedures for investigating and resolving complaints related to the health and safety issues in the district’s buildings consistent with requirements of state law and regulations.

Cross-Ref.: 7365, Construction Safety
8220 Facilities: Inspection, Operation & Maintenance

Ref.: Education Law §§ 409-d (Comprehensive Public School Building Safety Program); 409-e (Uniform Code of Public School Buildings Inspection, Safety Rating and Monitoring)
8 NYCRR Part 155 (Educational Facilities)
9 NYCRR Parts 600-1250 (Uniform Fire Prevention and Building Code)

Adoption date: June 18, 2008
First Reading: January 16, 2013
Revised & Adopted: February 6, 2013
Reviewed: April 13, 2018
ID – Badge

The Kingston City School District recognizes that maintaining a safe school environment is a priority, and the ability to identify those who belong in the Kingston School District plays a significant role in achieving this goal.

**Staff**
All Staff members are solely responsible for their identification badge provided by the District and must wear the badge in a highly visible location above their waist, at all times, while working.

**Students**
All high school students are solely responsible for their identification badge provided by the District and must wear their badge in a highly visible location above their waist, at all times, while on the school campus.

**Visitors**
All visitors to all school buildings must report to the main office, sign in and be issued a visitor’s permit, which must be displayed at all times.

The permit must be returned to the main office of the building and visitors must sign out at the conclusion of the visit.

Any visitor who fails to obtain a visitor’s permit before walking through the building, will be directed to the main office to pick up the proper identification badge. Unauthorized visitors shall be requested to leave school premises immediately, and will be subject to arrest and prosecution for trespassing, pursuant to the New York State Penal Law, if they refuse to comply with the request.

Implementation of the policy is the responsibility of building administration.

**Adopted: June 17, 2009**
PESTICIDES AND PEST MANAGEMENT

The Board of Education is committed to maintaining the integrity of school buildings and grounds while protecting the health and safety of students and staff and maintaining a productive learning environment.

The Board recognizes that pests can pose a significant risk to health and property and there may be significant risks inherent in using chemical pesticides in the school environment. Generally, pesticides will not be used on district playgrounds, turf, athletic or playing fields, unless there is an emergency. Emergencies will be handled in accordance with applicable law and regulation.

Provisions will be made for a least toxic approach to integrated pest management (IPM) for all school buildings and grounds in accordance with the Commissioner’s regulations. Integrated pest management is a systematic approach to managing pests focusing on long term prevention or suppression with minimal impact on human health, the environment and nontargeted organisms.

Notification of Pesticide Application

All district staff and parents/guardians will be notified of pesticide applications performed at any school facility. A notice will be sent at the beginning of the school year which will include:

1. Notification of periodic pesticide applications throughout school year.
2. The availability of 48-hour prior written notification of pesticide applications to parents and staff who request such notice.
3. Instructions on how to register with the school to receive this prior written notification.
4. The name and number of the school representative who can provide further information.

A separate notice will be sent to staff and parents within two days of the end of winter and spring recess and within 10 days of the end of the school year which includes the date, location and product used for each pesticide application which required prior notification and each emergency application.

The Superintendent of Schools shall ensure the dissemination of this policy and conduct any training necessary to ensure that all staff are fully informed about pesticides and pest management.

Cross-ref: 8110, School Building Safety
8220, Building and Grounds Maintenance and Inspection

- continued -
Ref:

Environmental Conservation Law, Art.33 (Pesticides)
Education Law § 409-h (Requirements for Notification of Pesticide Applications); §409-k (Pesticide Alternatives)
6 NYCRR Part 325 (Application of Pesticides)
8 NYCRR 155.4 (Uniform Code of Public School Building Inspections, Safety Rating and Monitoring)


*IPM Workbook for New York State Schools*, Cornell Cooperative Extension Community IPM Program with support from New York State Dept. of Environmental Conservation, August 1998

Adoption Date: June 1, 2011
SCHOOL SAFETY PLANS AND TEAMS

Emergencies and violent incidents in schools are critical issues that must be addressed in an expeditious and effective manner. The Board of Education recognizes its responsibility to adopt and keep current a comprehensive district-wide school safety plan and building-level emergency response plan(s) which address violence prevention, crisis intervention, emergency response and management.

Taken together, the district-wide and building level plans shall provide a comprehensive approach to addressing school safety and violence prevention, and provide the structure where all individuals can fully understand their roles and responsibilities for promoting the safety of the entire school community. The plans shall be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the district’s coordination with local and county resources. The plans shall also address risk reduction/prevention, response and recovery with respect to a variety of types of emergencies and violent incidents in district schools.

In accordance with state law and regulation, the district shall have the following safety teams and plans to deal with violence prevention, crisis intervention and emergency response and management:

Comprehensive district-wide school safety team and plan

The Board shall annually appoint a district-wide school safety team that includes, but is not to be limited to, a representative from the following constituencies: the Board, students, teachers, administrators, and parent organizations, school safety personnel and other school personnel. This team shall be responsible for the development and annual review of the comprehensive district-wide school safety plan. The plan shall cover all district school buildings and shall address violence prevention (taking into consideration a range of programs and approaches that are designed to create a positive school climate and culture), crisis intervention, emergency response and management including communication protocols, at the district level. It shall include all those elements required by law and regulation.

Building-level safety team and emergency response plans

Each Building Principal shall be responsible for annually appointing a school safety team that includes representation from teachers, administrators, parent organizations, school safety personnel, other school personnel, local law enforcement officials, local ambulance and other emergency response agencies. The school safety team shall be responsible for the development and review of a building-level emergency response plan for each district building. The plan(s) shall address communication, emergency response (including insuring that local responders have access to floor plans, blueprints, and other appropriate maps of school property and the immediate surrounding area), and evacuation at the building level and shall include all components required by law and regulation.

Within each building, the school safety team shall designate:
• an emergency response team that includes appropriate school personnel, local law enforcement officials and representatives from local, regional and/or state emergency response agencies to assist the school community in responding to a serious violent incident or emergency; and

• a post-incident response team that includes appropriate school personnel, medical personnel, mental health counselors and other related personnel to assist the community in coping with the aftermath of a serious violent incident or emergency.

The Building Principal shall be responsible for conducting at least one test every school year of the emergency response procedures under this plan including procedures for sheltering and early dismissal.

To maintain security and in accordance with law, the building-level emergency response plan(s) shall be confidential and shall not be subject to disclosure under the Freedom of Information Law or any other law. A summary of the building-level plan will be made available for public inspection.

Crisis Response (Post Incident Response)

Effective and responsible communication following a crisis is critical. Therefore, the District shall develop and maintain a crisis response team, and identify a media spokesperson who will be briefed on all details. This spokesperson shall be the Superintendent or his/her designee.

The Superintendent will establish protocols and regulations to conduct fire drills, bus emergency drills, to ensure the safety of all staff, students, and visitors to the district.

Cardiac Automated External Defibrillators (AEDs) in Public School Facilities

The School District shall provide and maintain on-site in each occupied school facility functional cardiac automated external defibrillator (AED) equipment, as defined in Public Health Law Section 3000-b for use during emergencies.

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 events.

The School District will train at least two persons per occupied school facility in the operation and use of the AED equipment, and ensure the immediate calling of 911 whenever the AED is used. Pursuant to Public Health Law Section 3000-a and 3000-b, the School District or any employee or other agent of the School District, who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation, renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured, shall not be liable for damages for injury or death unless caused by gross negligence.
Annual Review and Report

All plans shall be reviewed and updated, if necessary, by the appropriate safety team every year. In conducting the review, the teams shall consider any changes in organization, local conditions and other factors including an evaluation of the results of the annual test of the emergency response procedures which may necessitate updating of plans. If the plan requires no changes, then it shall remain in effect. If the district-wide plan requires change, then the updated plan shall be submitted to the Board of Education in time to allow 30-days of public comment and to hold a public hearing which provides for the participation of school personnel, students and other interested parties prior to Board adoption. If the building-level plan requires change, a summary of it will be made available for public comment and public hearing. All plans must be adopted by the Board of Education by July 1.

The Superintendent of Schools shall be responsible for filing the district-level school safety plan and any amendments to the plan with the Commissioner within 30 days after their adoption. The district-wide plan will be posted on the district’s website. Each Building Principal shall be responsible for filing the building-level safety plan for his or her building and any amendments to the plan with the appropriate local law enforcement agency and the state police within 30 days after their adoption.

Cross-ref: 0115, Bullying and Harassment Prevention and Intervention
5300, Code of Conduct
9700, Staff Development

Ref: Education Law §2801-a (school safety plans)
Executive Law §2B (state and local natural and manmade disaster preparedness)
8 NYCRR Part 155 (Educational Facilities)
School Safety Plans Guidance, New York State Education Department, June 2010

1st Reading: January 8, 2014
Adoption date: January 22, 2014
Reviewed: April 13, 2018
UNSAFE SCHOOL TRANSFER CHOICE

The Board of Education recognizes that, in accordance with law, there may be instances in which it must offer students the choice to transfer to a safe public school at the same grade level. Such transfer choice must be offered if:

1. the school a student would normally attend is designated a “persistently dangerous school” by the Commissioner of Education; or
2. a student becomes the victim of a “violent criminal offense” that occurs on the grounds of the school the student currently attends.

In accordance with federal and state law and regulations, the option to transfer to a safe school will be available only if there is a safe public school that eligible students can transfer to at the same grade level within the district. Therefore, the Board directs the Superintendent of Schools to develop a list identifying any school(s) designated by the Commissioner of Education as persistently dangerous that also includes any alternative safe public school(s) within the district for each grade level to which students may transfer. The list shall be revised annually and presented to the Board.

Notification of Transfer Rights

The Superintendent shall notify parents of all students in a school designated as persistently dangerous, and the parents of any student who becomes a victim of a violent criminal offense on school grounds, of their child’s right to transfer out of the school they currently attend. The notice shall:

1. explain that students may transfer only to a safe public school at the same grade level within the district,
2. identify the school(s) a student may transfer to,
3. explain the procedures for transfer, including the need for parents wanting their child to transfer to inform the Superintendent of their decision within the time frame stated in the notice.
4. inform parents of their right to request that their child be returned to the school of origin if they later reconsider their decision to allow the transfer.

The required notice shall be sent first class mail within 10 days after the district receives notice from the Commissioner of Education of the school’s designation as persistently dangerous. In the case of a student who is deemed to be the victim of a violent criminal offense on school grounds the notice shall be sent first class mail within 24 hours of any such determination by the Superintendent.

To the extent practicable, the notice will be provided in the dominant language or mode of communication used by the parents.
Procedures for Transfer

The transfer of any student attending a school that is deemed to be persistently dangerous generally will occur within 30 school days after the district finds out about the designation. The transfer of a student determined to be a victim of a violent criminal offense on school grounds will occur generally within 10 calendar days of the determination.

A student transferring from a persistently dangerous school has the right to remain at the safe school he or she transfers to for as long as the school of origin continues to be identified as persistently dangerous. But such a student will remain at the safe school until he or she completes the highest grade level there if it is determined to be in the best educational interest of the student to remain there. The district will make such a determination based on the student’s educational needs and other factors affecting his or her ability to succeed if returned to the school of origin.

A student who transfers because he or she became the victim of a violent criminal offense at his or her school of origin remains at the school transferred to until he or she completes the highest grade level there.

Upon parental request, any student who exercised his or her right to transfer to a safe school may return to the school of origin. Any such transfer back will be effective at the start of classes in the next school year following the request.

Transportation

The district shall provide transportation to students transferring to a safe school within the transportation limits established under New York’s Education Law.

Procedures for Determining Whether a Student Has Become the Victim of a Violent Criminal Offense on School Grounds

In accordance with district procedures for the reporting of violations that constitute crimes, the Building Principal or designee shall promptly notify both local law enforcement and the Superintendent of all reports that involve the infliction of a serious physical injury upon another, a sex offense involving forcible compulsion, or any other offense that involves the use or threatened use of a deadly weapon under applicable provisions of New York’s Penal Law.

Following receipt of any such report, the Superintendent shall proceed to determine whether any of the students involved in the reported incident has become the victim of a violent criminal offense on school grounds. In making this determination, the Superintendent shall:
1. consult with any law enforcement agency investigating the alleged violent criminal offense, and document his or her consultation with law enforcement officials,
2. consider any reports or records provided by law enforcement agencies investigating the situation, and
3. consult with the district’s attorney prior to making any final determination,
4. document his or her findings.

A criminal conviction is not required for the Superintendent of Schools to make a determination that a student indeed has become the victim of a violent criminal offense on school grounds. However, a Superintendent’s determination that a violent criminal offense has occurred cannot be used as evidence in any student disciplinary proceeding initiated against either the alleged victim or the perpetrator of the offense.

Upon a finding that a student has become the victim of a criminal violent offense on school grounds, the Superintendent will provide the student’s parents with notice of the student’s right to transfer to a safe school in accordance with the notice procedures established by this policy above. The Superintendent will document compliance with the notification requirements and the procedures followed to carry out the student’s transfer if the parents elect to have the student transfer to another school.

**Appeal of a Superintendent’s Determination Regarding a Violent Criminal Offense**

Parents may appeal to the Board of Education a Superintendent’s determination regarding whether their child has become the victim of a violent criminal offense on school grounds.

**Cross-ref:** 5300 Student Code of Conduct
5710, Violent or Disruptive Incident Reporting

**Ref:** 20 USC §7912(a)
Education Law §2802(7)
Penal Law §10.00(1), (12)
8 NYCRR §120.5

**Adoption date:** February 4, 2009
FACILITIES: INSPECTION, OPERATION & MAINTENANCE

The Board of Education, through the Superintendent and his/her staff, has the responsibility of protecting the district investment in plant and facilities through a systematic maintenance program.

Operation and Maintenance

The Superintendent of Schools is charged with the responsibility for administering plant operations in the most efficient and economical manner possible while placing the highest priority on health and safety of students and conservation of natural resources.

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.

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 informed of the results of such inspections in a timely fashion.

Comprehensive Public School Building Safety Program

To ensure that all school facilities are properly maintained and preserved and provide suitable educational settings, the Board requires that all occupied school facilities which are owned, operated or leased by the district comply with the provisions of the Comprehensive Public School 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 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 comprehensive long-range facilities development plan which will include an appraisal of the following: the educational philosophy of the district, with resulting administrative organization and program requirements; present and projected student enrollments; space use and State-rated student capacity of existing facilities; the allocation of instructional space to meet the current and future education program and service needs, and to serve students with disabilities in settings with non-disabled peers; priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and the provision of additional facilities.
- A district-wide building inventory including the number and type of facilities; the age, capacity, use and size of each building; and each building’s safety ratings, energy
• sources, probable useful life, major system repairs needed and summary of triennial asbestos inspection reports.
• 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.
• A building condition survey shall be conducted for all occupied school buildings once every five years by a team that includes at least one licensed architect or engineer.
• A district-wide monitoring system which includes the establishment of a Health and Safety Committee, developing detailed plans and a review process for all inspections, and procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the district’s Health and Safety Committee for oversight and a copy kept on permanent file.

Cross-Ref.: 7365 Construction Safety
8110 School Building Safety
8115 Pesticides and Pest Management

Ref: 29 CFR 1910 et seq (OSHA Hazard Communication)
40 CFR Part 763 (Asbestos Hazard Emergency Response Act)
Education Law 409-d (Comprehensive Public School Safety Program); 409-e (Uniform Code of Public School Buildings Inspections, Safety Rating and Monitoring);
807-a (Fire Inspections); Labor Law 875-883(toxic substances); Public Health Law 4800-4808 (Right to Know, toxic substances); Environnemntal Conservation Law 33-0725 (Pesticides);6 NYCRR Part 325 (Pesticides) ; 8 NYCRR 155.1(Educational Facilities); 155.4 (Uniform Code of Public School Buildings Inspection, Safety Rating and Monitoring); 155.8 (Fire and Building Safety Inspections); 9 NYCRR Parts 600-1250 (Uniform Fire Prevention & Building Code); 12 NYCRR Part 56 (Industrial Code Rule concerning asbestos); Appeal of Anibaldi, 33 Educ. Dep’t Rep. 166 (1993) (district required to monitor student’s physical symptoms when air quality caused health problems) Guidelines for the Evaluation and Control of Lead-Based point Hazards in Housing, U.S. Department of Housing and Urban Development, Washington D.C., June 1995) IPM Workbook for New York State Schools, Cornell Cooperative Extension Community IPM Program with support from New York State Dept. of Environmental Conservation, August 1998

Adoption date: March 4, 2009
1st Reading of Revision: January 16, 2013
Adoption date: February 6, 2013
AUTHORIZED USE OF DISTRICT OWNED MATERIALS AND EQUIPMENT

The Board of Education permits the use of district-owned materials and equipment (e.g., laptop computers, cell phones, audio-visual equipment, etc.) by Board members, officers, and employees of the district when such material and equipment is needed for district-related purposes.

The Superintendent of Schools, in consultation with the School Business Official, shall establish regulations governing the loan and use of such equipment. Such regulations must address:

- the individuals who may properly authorize the use of such material and/or equipment;
- the lack of authority of the borrower to use such material or equipment for private, non-business purposes;
- the responsibilities of the borrower for proper use, care and maintenance;
- that, regardless of condition or other factors, all loaned equipment must be returned to the district. No item may be sold to or purchased by the borrower unless such equipment has been returned to the district for evaluation and, if necessary, disposal in accordance with district policy and procedures.

All equipment shall be inventoried and a list shall be maintained of the date such equipment was loaned, to whom it was loaned, and the date of expected and actual return.

Individuals borrowing district-owned equipment shall be fully liable for any damage or loss occurring to the equipment during the period of its use, and shall be responsible for its safe return. In addition, since Board members, officers and employees are issued district owned equipment in connection with their work responsibilities, the individual using the district owned equipment should not have an expectation of privacy with respect to information contained on the device.

The Business Office shall maintain records of all equipment that is loaned for long-term use and shall review such list yearly.

Cross-ref: 8332, Use of District Owned Cell Phones
8630, Computer Resources and Data Management

Adoption date: March 4, 2009
Revised: April 6, 2011
USE OF DISTRICT OWNED CELL PHONES

The Board of Education recognizes that certain district employees will be required to carry district-owned cell phones in order to meet their job responsibilities. Such phones should be provided only when a less costly alternative is not available or is not appropriate in the circumstances.

A list of job titles requiring district-owned cell phones shall be maintained in the Business Office and reported to the Board for its approval each year at its organizational meeting in July. All cellular telephone contracts shall be secured through the appropriate purchasing process (e.g., competitive bid, RFP process) and shall be subject to review and approval by the Board.

Cell phones are to be used for school district business purposes only and anything other than incidental private use is prohibited. Failure to follow these guidelines may result in revocation of the phone and discipline of the employee. In addition, since employees are issued district owned cell phones in connection with their work responsibilities, employees should not have an expectation of privacy with respect to information contained on the device (e.g., text messages, records of phone calls).

As with any district-owned equipment, employees must take proper care of cell phones and take all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must be reported immediately to the Business Office. Since employees are responsible for the safe return of district-owned cell phones, employees who use district-owned cell phones may be liable for damages or loss which occur during the period of its use.

At least once per year, the Business Office shall evaluate and report to the Board on the cost and effectiveness of the district’s cellular telephone plan.

Ref:  Fourth Amendment, U.S. Constitution
       Fourteenth Amendment, U.S. Constitution

Adoption date:  January 17, 2007
Revised:        April 6, 2011
USE OF CREDIT AND PAYMENT CARDS

The Board of Education permits the use of district credit cards and/or payment cards (known as p-Cards) by certain school officials and Board members to pay for actual and necessary expenses incurred in the performance of work-related duties for the district and to purchase goods for the district where a purchase order is not an effective means of procuring the goods or services. A list of those individuals that will be issued a district credit and/or p-Card will be maintained in the Business Office and reported to the Board each year at its annual reorganizational meeting in July. All credit cards and p-Cards will be in the name of the school district.

The district shall establish an aggregate credit limit of $25,000 for all cards issued to the district.

The Board shall ensure that credit and p-Cards are secured through the OGS or RFP process or through a cooperative bid/RFP and the relationship between the district and credit or p-Card company is such that the district preserves its right to refuse to pay any claim or portion thereof that is not expressly authorized, does not constitute a proper district share, or supersedes any laws, rules, regulations or policies otherwise applicable. In addition, the Board will ensure that no claim shall be paid unless an itemized voucher approved by the officer whose action gave rise or origin to the claim, shall have been presented to the Board or sub-committee of the Board, and shall have been audited and allowed.

Credit and p-Cards may only be used for legitimate school district business expenditures. The use of these cards is not intended to circumvent the district’s policy on purchasing.

Users must take proper care of these cards and take all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must be reported immediately to the Business Office and to the appropriate financial institution. Failure to take proper care of credit and p-Cards or failure to report damage, loss or theft may subject the employee to financial liability. Individuals authorized to used district credit and/or p-Cards shall agree, in writing, to accept financial responsibility for any inappropriate usage by that individual.

Purchases that are unauthorized, illegal, represent a conflict of interest, are personal in nature or violate the intent of this policy shall result in credit and/or p-Card revocation and discipline of the employee.

Each cardholder shall be apprised of the procedures governing the use of the credit card and p-Card, respectively, and a copy of this policy and accompanying regulations shall be given to each cardholder. Users must submit detailed documentation, including itemized receipts for commodities, services, travel and/or other actual and necessary expenses which have been incurred in connection with school-related business for which the credit or p-Card has been used.

The Deputy Superintendent for Human Resources and Business shall periodically, but no less than twice a year, monitor the use of each credit and p-Card and report any serious problems and/or discrepancies directly to the Superintendent and the Board.

Cross-ref: 6700 - Purchasing
6830 - Expense Reimbursement

Ref: Education Law §§1724(1); 2524(1) (itemized, audited and approved vouchers required)
Opns. St. Compt. No. 79-202 (use of multi-purpose credit cards by municipal employees)
Opns. St. Compt. No. 79-494
Opns. St. Compt. No. 78-897 (gas credit cards)

Adopted: January 17, 2007  Revised: December 9, 2015
TRANSPORTATION POLICY

INTRODUCTION
The Board of Education affirms its goal of providing a safe and economical transportation system for district students. Transportation shall be provided at district expense to those students who are eligible as established under Education Law, and authorized through voter approval.

It is the intent of the Board of Education to comply with the letter and spirit of the New York State Education Law, the regulations of the Department of Motor Vehicles and of the Department of Transportation, and with the Commissioner of Education’s regulations and decisions pertinent to student transportation. These shall govern any questions not covered by specific regulations or policy.

The safe transportation of students to and from school is of primary concern. All state laws and regulations pertaining to the safe operation of school buses shall be observed by drivers, students and school personnel.

The superintendent, or his/her designee, shall have the responsibility to promulgate procedures governing student safety regulations, establishment of bus routes and bus stops, and the provision and maintenance of required services.

ELIGIBILITY
All eligible public elementary school students in elementary and middle school residing one-half mile or more from the school serving the attendance area, or such school as the board of education may designate, will be transported to/from that school. (Eligible students residing less than one-half mile from an established bus stop may be required to walk to/from the bus stop.)

All eligible public school students in high school residing more than one and one-half miles from the high school serving the attendance area, or such school as the board of education may designate, will be transported to/from that school. (Eligible students residing less than one and one-half miles from an established bus stop may be required to walk to/from the bus stop.)

Measurement to establish transportation distance limitations is to be accomplished by several District selected mapping technologies, followed by the use of a district vehicle if the distance is in question, from the nearest property line of the home to the designated “node” of the school over the most direct (shortest) public road which could be used by students.
TRANSPORTATION OF STUDENTS WITH DISABILITIES
Special transportation for disabled students will be provided, as approved by the board of education, upon the recommendation of the committee on special education.

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.

REQUEST FOR TRANSPORTATION TO AND FROM NON-PUBLIC SCHOOLS
The parent/guardian of a parochial/private school student residing in the school district who desires transportation to a parochial/private school during the next school year must submit a written request to the transportation supervisor no later than April 1 of the preceding year, or within thirty (30) days of establishing residency in the district. No late request from a parent or guardian shall be denied when a reasonable explanation is provided for the delay, and no additional expense is incurred by the district.

The board of education will not provide transportation to a private/parochial school at a distance greater than fifteen miles from the student’s residence unless required by law.

TRANSPORTATION OF NON-RESIDENT STUDENTS
Non-resident families must provide their own transportation.

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 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, when authorized by the administration, and where parent permission has been given. When such circumstances exist, the driver must be accompanied by a second adult, and approved seatbelt/car seats must be used, per Vehicle and Traffic Law Section 142 and Federal Motor Vehicle Safety Standard 213. When personal cars are used to transport students, the vehicle owner’s insurance is primary, and the district’s insurance is secondary.

USE OF VIDEO CAMERAS ON SCHOOL BUSES
Video cameras may be used to monitor student behavior on school buses transporting students to and from school or extracurricular activities.

Education Law Sections 1604, 1709, 1804, 1903, 1950, 2503, 2554, 2590-e, 3621(15), 3623-a(2c), 3635,
Vehicle and Traffic Law Section 375(20)(1) and 375(21-i)
Vehicle and Traffic Law Section 142 and Federal Motor
Vehicle Safety Standard 213

Adopted: September 3, 2008
1st Reading of Revision: October 18, 2017
Adopted: November 1, 2017
QUALIFICATIONS AND TESTING FOR SCHOOL BUS DRIVERS

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 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 provide for alcohol and drug testing of school bus drivers through its transportation contracts. All school bus drivers who drive a vehicle which is designed to transport sixteen (16) or more passengers (including the driver), shall be subject to this requirement.

The District will comply with federal regulations through its contracts, and require that the school bus drivers be tested for alcohol and drugs at the following times:

a) Drug testing will be conducted after an offer to hire, but before actually driving the school bus for the first time.
b) School bus drivers are also subject to a random drug and/or alcohol test on an unannounced basis just before or just after driving his/her route.
c) In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol.
d) There will also be post-accident testing conducted after accidents on employees whose performance could have contributed to the accidents.
e) School bus drivers who have had a positive drug and/or alcohol test result will not be approved to return to driving for the district.

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.

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.

a) Reporting for duty or remaining on duty while having an alcohol concentration of 0.04 or greater.
b) Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken, with the exception of student-specific medication.
c) Using alcohol while driving a school bus.
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d) Using alcohol six (6) hours or less before duty.
e) When required to take a post-accident alcohol test, using alcohol within eight (8) hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
f) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.
g) Reporting for duty or remaining on duty when the driver uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the driver that the substance does not adversely affect the driver’s ability to safely operate a CMV.
h) Reporting for duty and/or remaining on duty if the driver tests positive for controlled substances.

Any employee who is tested and found to have an alcohol concentration of at least 0.02, but less than 0.04, shall be removed from the position until his or her next regularly scheduled duty period, but not less than 24 hours following administration of the test. Any employee found to have violated this requirement may be disciplined in accordance with the provisions of the applicable collective bargaining agreement, district policy, and/or law.

If a driver has an alcohol concentration of 0.04 or greater, or has engaged in prohibited alcohol or controlled substance use, he or she will be removed from driving duties, and referred to a substance abuse professional. The employee may be required to complete a treatment program and/or be disciplined pursuant to district policy and/or collective bargaining agreement. No driver who has abused controlled substances and/or alcohol may return to duty unless he/she has successfully passed a required return to duty test. Thereafter, the driver will be subject to follow-up testing.

Should the district receive a dilute test result in which the creatinine concentration is greater than 5mg/dL in the case of any pre-employment, return-to-duty, follow-up, reasonable suspicion, or random test, it is the policy of the district that the individual shall be re-tested and that re-test will become the test of record.

The Board of Education shall only contract with transportation companies whose policies require that each school bus driver receives a copy of the alcohol and drug testing regulations. The District will further make mandatory post-accident drug and alcohol testing a subject of all contractual agreements, when there has been a human fatality, bodily injury with immediate medical treatment away from the scene, disabling damage to any motor vehicle requiring tow away, or at the discretion of the district.

Supervisors must receive at least two hours of training on alcohol misuse and controlled substances use, for the purpose of determining whether reasonable suspicion exists requiring a driver to undergo reasonable suspicion testing. Documentation of supervisors’ reasonable suspicion training must be maintained by the contractor and the district.
Any violation of this policy and applicable federal and state laws by a contract employee shall result in discontinuation of driving privileges for the district.

In addition, in accordance with New York State law, a bus driver convicted of driving a school bus with one or more student passengers while impaired by the use of drugs or alcohol will have his/her license revoked for one year and is subject to fines ranging from $500 to $5,000 and/or imprisonment.

Any bus driver convicted more than once in 10 years for such crimes will have his/her license revoked for three years and is subject to a fine of $1,000 to $5,000 and/or imprisonment.

Lastly, in addition to the current physical qualifications for drivers (49 CFR 391.41), Kingston City Schools will require mental health clearance for all mental health conditions that may affect the safety and well-being of students while being transported on our school buses.

49 U.S.C. §521(b)
49 CFR Part 391
49 CFR Part 382
49 CFR Part 40
49 CFR Part §395.2
Vehicle and Traffic Law Section §§509-1; 1192; 1193
The Board of Education recognizes the dangers inherent in alcohol and controlled substance use by employees especially those in safety-sensitive positions. To ensure the safety of its students, the Board requires alcohol and controlled substance testing of certain district employees, mainly “drivers,” operators of “other school buses,” and any other employee who is subject to such testing, in accordance with and as set forth in the applicable federal and state requirements.

Definitions

1. A “driver” is defined as any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

2. “Other school buses” include those covered by applicable federal regulations (see list below) and any other motor vehicle either owned by the district or by a private company, operated to transport students, children of students, teachers, and other supervisory persons to or from school or school activities.

Testing Responsibilities

Consistent with federal regulations, the district shall directly, by contract, or through a consortium, implement and conduct a program to provide alcohol and controlled substance testing of drivers who operate a commercial motor vehicle, perform in a safety-sensitive position, and are required to hold a commercial driver’s license. Employees holding such positions include:

1. drivers of vehicles designed to transport 16 or more passengers, including the driver;
2. drivers of commercial motor vehicles whose manufacturer’s rating is 26,001 lbs. or more; or
3. any other employee who may drive or service a listed vehicle (e.g. a mechanic who performs test drives, repairs, inspects, or loads or unloads a listed vehicle).

Controlled substance and alcohol tests will be conducted for operators of all “other school buses” consistent with the procedures applicable to the implementation of federal regulations. Volunteers who drive a bus with passengers fewer than 30 days per year are not subject to such testing.

Generally, the required testing will be conducted at or prior to the time of employment and randomly throughout the school year. However, drivers are subject to additional testing under federal regulations when a supervisor has a reasonable suspicion that a driver has engaged in prohibited alcohol or controlled substance use; after certain accidents; prior to return to duty when the driver has been found to violate district policy and federal regulations; and after the driver’s return to duty.
Driving Prohibition
In accordance with federal and state law, a driver may not drive if he or she:

1. possesses, consumes or is reasonably believed to possess or have consumed alcohol or a controlled substance, while on duty;
2. uses or is under the influence of alcohol or a controlled substance that is not lawfully prescribed within eight (8) hours or less before duty;
3. has an alcohol concentration of 0.02 or higher, or tests positive for a controlled substance; or
4. refuses to take a required alcohol or controlled substance test.

Also, no driver shall use alcohol after being involved in an accident in which there was a fatality or in which the driver was cited for a moving violation and a vehicle was towed from the scene or an injury was treated away from the scene until he/she has been tested or eight (8) hours have passed, whichever occurs first.

Enforcement of Driving Prohibitions
The school district will not require or permit drivers of vehicles listed above, as well as operators of all “other school buses” defined above, to be on duty or operate a listed vehicle or other school bus, if it appears that they have consumed a drug/controlled substance (except those lawfully prescribed) or alcohol within the preceding eight hours. This shall be based on the person’s general appearance, conduct, or other substantiating evidence. Those who maintain repair, or garage listed vehicles or school buses that involves incidental driving without passengers, are exempt from this requirement, but are still prohibited from consuming controlled substances and alcohol within six hours of going on duty.

Response to Positive Testing Results
Any driver who is tested and found to have an alcohol concentration of at least 0.02, but less than 0.04, shall be removed from the position until his or her next regularly scheduled duty period, but not less than 24 hours following administration of the test. Any driver found to have violated this requirement may be disciplined in accordance with the provisions of the applicable collective bargaining agreement, district policy, and/or law. Operators of “other school buses” subject to random testing pursuant to New York Law will be subject to the same consequences based upon an alcohol concentration of at least 0.02 but less than 0.04 as drivers listed above.

If a driver has an alcohol concentration of 0.04 or greater, or has engaged in prohibited alcohol or controlled substance use, he or she will be removed from driving duties, and referred to a substance abuse professional. The driver may be required to complete a treatment program and/or be disciplined pursuant to district policy and/or collective bargaining agreement. No driver who has abused controlled substances and/or alcohol may return to duty unless he/she has successfully passed a required return to duty test. Thereafter, the driver will be subject to follow-up testing. Operators of “other school buses” subject to random testing pursuant to New York Law will be subject to the same consequences based upon an alcohol concentration of 0.04 or greater or a positive drug test as drivers listed above.

Re-Testing
Should the district receive a dilute test result in which the creatinine concentration is greater than 5mg/dL in the case of any pre-employment, return-to-duty, follow-up, reasonable suspicion, or
SCHOOL MEALS

The Board of Education recognizes that on occasion, students may not have enough funds for a meal. To ensure that students do not go hungry, the Board will allow students who do not have enough funds to “charge” the cost of meals to be paid back at a later date subject to the terms in this policy.

To comply with State guidelines and maintain a system for accounting for charged meals, regarding both full and reduced-price meals, the Board shall:

1. allow only regular reimbursable meals to be charged, excluding extras, à la carte items, side dishes, additional meals, and snacks (“competitive foods”); and
2. use a computer-generated point of sale system, which identifies and records all meals as well as collects repayments.

Charged meals must be counted and claimed for reimbursement on the day that the student charged (received) the meal, not the day the charge is paid back. When charges are paid, these monies are not to be considered “à la carte” transactions, as a section on the daily cash report or deposit summary reads “charges paid.”

Students shall not be denied a reimbursable meal, even if they have accrued a negative balance from other cafeteria purchases, unless the parent/guardian has provided written permission to the school to withhold a meal.

If school food authorities (SFAs) suspect that a student may be abusing this policy, written notice will be provided to the parent/guardian.

Students who cannot pay for a meal or who have unpaid meal debt shall not be publicly identified or stigmatized (including wristbands or hand stamps), required to do chores or work to pay for meals, or have meals thrown away after they have been served. District staff shall not discuss a student’s unpaid meal debt in front of other students. The district shall not take any action directed at a student to collect unpaid school meal fees. However, the district may discretely notify students of their account balances, and why certain items (e.g., à la carte, etc.) could not be provided with charged meals.

**Student Account Balance Notification**

The district shall discretely notify parents/guardians of students with negative balances of at least five meals, determine if the student is directly certified to be eligible for free meals, and attempt to reach the parent/guardian to assist them in the application process for free and/or reduced price meals, and determine if there are other issues within the household causing the insufficient funds and offer appropriate assistance. If a parent/guardian regularly fails to provide meal money and does not qualify for free or reduced price meals, the district may take other actions as appropriate, including notifying the local department of social services if neglect is suspected.
The school district shall notify all parents/guardians in writing on an annual basis at the start of the school year and to families transferring during the year, outlining the requirements of this policy. The policy shall also be published in appropriate school and district publications. All staff involved in implementing and enforcing this policy shall also be notified of these requirements and their responsibilities. The district’s enrollment process shall include the application process for free and reduced price meals. If the district becomes aware that a student is so eligible, it shall file an application for the student. Staff responsible for assisting foster, homeless and migrant students shall coordinate with the food services staff to ensure such students receive free school meals.

**Unpaid Meal Charges and Debt Collection**

Unpaid meal charges are a financial burden to the district and taxpayers and can negatively affect the school program. Unpaid meal charges shall be considered “delinquent” as per the district’s accounting practices. The district shall attempt to recover unpaid meal charges before the end of the school year, but may continue efforts into the next school year. The district shall notify parents/guardians of unpaid meal charges at regular intervals, and may engage in collection activities by district staff, which do not involve debt collectors as defined in federal law (15 USC §1692a), and may not charge fees or interest. The district shall offer repayment plans, and may take other actions that do not result in harm or shame to the child, until unpaid charges are paid.

**Remaining Account Balances**

Remaining funds may be carried over to the next school year. When students leave the district or graduate, the district will attempt to contact the parent/guardian to return remaining funds. Parents/guardians may request that funds be transferred to other students (e.g., siblings, unpaid accounts). All transfer requests must be in writing. Unclaimed funds remaining after three months shall be absorbed by the school meal account.

**Staff**

Staff members are allowed to purchase food from the district’s food services. However, all purchases must be paid for at the point of sale. Staff members are not allowed to charge meals to be repaid later.

Building Principals, working with the head of food services, shall ensure that all district and food service staff with responsibilities under this policy will be trained on the provisions of this policy and the requirements of Education Law section 908.

**Cross-ref:** 8520, Free and Reduced Price Meal Services

**Ref:**

42 USC §1779 (Child Nutrition Act of 1966)
42 USC §§1758(f)(1); 1766(a) (National School Lunch Act)
2 CFR §200.426 (accounting for debt in federal programs)
7 CFR §§210.9 210.12; 210.19; 220.13; 245.5 (accounting in federal school meal programs)
Healthy, Hunger-Free Kids Act (Public Law 111-296), §143
15 USC §1692a (debt collector defined)

Education Law §908


*Unpaid Meal Charges: Guidance and Q&A*, USDA FNS Memo SP 57-2016 (09/16/16), https://fns-prod.azureedge.net/sites/default/files/cn/SP57-2016os.pdf


*New York State Legislation - Prohibition Against Meal Shaming*, NYSED Memo (5/1/18), http://www.cn.nysed.gov/content/prohibition-against-meal-shaming

*Meal Charge Plan Template*, NYSED (5/1/18), http://www.cn.nysed.gov/content/meal-charge-and-prohibition-against-meal-shaming-policy-template

1st Reading:  June 6, 2018    Adoption date:  June 20, 2018
COMPUTER RESOURCES AND DATA MANAGEMENT

The Board of Education recognizes that computers are a powerful and valuable education and research tool and as such are an important part of the instructional program. In addition, the district depends upon computers as an integral part of administering and managing the schools’ resources, including the compilation of data and record keeping for personnel, students, finances, supplies and materials. This policy outlines the Board’s expectations in regard to these different aspects of the district’s computer resources.

General Provisions

The Superintendent shall be responsible for designating a computer network coordinator who will oversee the use of district computer resources. District staff will be appointed to oversee the development of a map that infuses technology into the curriculum, prepare in-service programs for the training and development of other district staff in computer skills, appropriate use of computers and the incorporation of computer use in subject areas.

The Superintendent, or his/her designee, working in conjunction with appropriate district staff will be responsible for the purchase and distribution of computer software and hardware throughout the schools. They shall prepare and submit for the Board’s approval a comprehensive multi-year technology plan which shall be revised as necessary to reflect changing technology and/or district needs.

The Superintendent, or his/her designee, shall establish regulations governing the use and security of the district’s computer resources. The security and integrity of the district computer network and data is a serious concern to the Board, and the district will make every reasonable effort to maintain the security of the system. All users of the district’s computer resources shall comply with this policy and regulation, as well as the district’s policy on internet safety. Failure to comply may result in disciplinary action, as well as suspension and/or revocation of computer access privileges.

All users of the district’s computer resources must understand that use is a privilege, not a right, and that use entails responsibility. Users of the district’s computer network must not expect, nor does the district guarantee, privacy for electronic mail (e-mail) or any use of the district’s computer network. The district reserves the right to access and view any material stored on district equipment or any material used in conjunction with the district’s computer network.
Management of Computer Records

The Board recognizes that since district data is managed by computer, it is critical to exercise appropriate control over computer records, including financial, personnel and student information. The Superintendent, working with the Assistant Superintendent for Curriculum and Instruction, and other appropriate staff, shall establish procedures governing management of computer records. The procedures will address:

- Passwords
- System administration
- Separation of duties
- Remote access
- Data back-up (including archiving of e-mail)
- Record retention
- Disaster recovery plans

Review and Dissemination

Since computer technology is a rapidly changing area, it is important that this policy be reviewed periodically by the Board and the district’s external auditor. The regulation governing appropriate computer use will be distributed annually to staff and students and will be included in both employee and student handbooks.

Adopted: January 21, 2009
INFORMATION SECURITY BREACH AND NOTIFICATION

The Board of Education acknowledges the heightened concern regarding the rise in identity theft and the need for secure networks and prompt notification when security breaches occur. To this end, the Board directs the Superintendent of Schools, in accordance with appropriate business and technology personnel, to establish regulations which:

- Identify and/or define the types of private information that is to be kept secure. For purposes of this policy, “private information” does not include information that can lawfully be made available to the general public pursuant to federal or state law or regulation;
- Include procedures to identify any breaches of security that result in the release of private information; and
- Include procedures to notify persons affected by the security breach as required by law.

Additionally, pursuant to Labor Law §203-d, the district will not communicate employee “personal identifying information” to the general public. This includes social security number, home address or telephone number, personal electronic email address, Internet identification name or password, parent’s surname prior to marriage, or driver’s license number. In addition, the district will protect employee social security numbers in that such numbers shall not: be publicly posted or displayed, be printed on any ID badge, card or time card, be placed in files with unrestricted access, or be used for occupational licensing purposes. Employees with access to such information shall be notified of these prohibitions and their obligations.

Any breach of the district’s information storage or computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the district shall be promptly reported to the Superintendent and the Board of Education.

Cross-ref: 1120, District Records
5500, Student Records
8630, Computer Resources and Data Management

Ref: State Technology Law §§201-208
Labour Law §203-d

1st Reading: January 7, 2015
Adoption date: January 21, 2015
SCHOOL DISTRICT COMPLIANCE WITH COPYRIGHT LAW

The Board of Education acknowledges the necessity of complying with federal laws governing the use of copyrighted material.

Infringement on copyrighted material, whether prose, poetry, graphic images, music, video or computer code, is a serious offense against federal law and contrary to the ethical standards required of staff and students alike. It is each staff member’s responsibility to comply with the district’s copyright procedures. The district is not responsible for violations of the copyright laws by its staff or students.

Use of Copyrighted Materials

It is well-recognized that limited use of copyrighted material for educational purposes, without permission, is allowable under the “fair use” doctrine. In order to determine if the use of copyrighted material is permitted under the fair use doctrine, the following factors must be weighed:

1. The purpose and character of the use (i.e., is it for instructional purposes?);
2. The nature of the copyrighted work (i.e. is it a newspaper article or photograph?);
3. The amount and substantiality of the portion used in relation to the work as a whole (i.e., is it a short excerpt?)
4. The effect of the use upon the potential market for or value of the copyrighted work (i.e. by reproducing it, does it impact the ability of the author/owner to sell it?)

Staff members should consult with Assistant Superintendent for Curriculum & Instruction when they have a question as to the use of copyrighted material or if they need assistance in obtaining proper authorization for the use of material.

Materials Created by District Employees or Others

The district is the holder of the copyright for works made for hire (e.g., materials prepared by an employee within the scope of his/her employment, including instructional texts, tests, answer sheets, etc.). The district shall be considered the author and owner of the copyright unless there is a separate written agreement with the employee that specifies a different arrangement.

When work is specifically commissioned, and the author is not an employee of the district, there shall be a written agreement specifying authorship and copyright arrangements.
The Superintendent of Schools is hereby directed to keep accurate records of all materials involving copyright laws and to develop such rules and regulations as he/she may deem appropriate to carry out this policy.

Cross-ref: 4526, Computer Use in Instruction 8630, Computer Resources and Data Management

Ref: 17 U.S.C. §§101; 106; 107; 117; 201; 302
STAFF-STUDENT RELATIONS

The Board of Education accepts the principle that the relationship between staff and students should be one of cooperation, understanding and respect. The Board believes that the Superintendent of School and each building level administrator, as instructional leaders, must exhibit a visible, involved relationship with pupil activities to create an appropriate environment for learning.

Staff members shall be expected to regard each student as an individual, and to afford each the rights and respect due to any individual. Students shall be treated with courtesy and consideration.

Students shall be expected to regard staff members as individuals, employed to provide direct or indirect contributions to learning. No student shall have the right to interfere with the efforts of the instructional staff to coordinate or otherwise implement a learning program. Nor shall a student have the right to interfere with the motivation to learn or the learning activities and efforts of other students.

The Board of Education requires that all School District employees maintain a professional and 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 (including, but not limited to, phone, e-mail, letters, notes, instant messaging, text messaging, or social networking web sites) 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 student, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to any staff member or either the employee’s supervisor, the student’s principal, or the District’s designated complaint officer. In all events such reports shall be forwarded to the designated complaint officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students shall also be investigated by the District. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, Policy #5460 Child Abuse in a Domestic or Educational Setting) must also follow the District’s reporting procedures for such allegations, and such information must be reported to the NYS Central Register for Child Abuse and Maltreatment (school officials and any personnel who hold a teaching or administrative license or certificate) and the building principal. All other staff must report the information to the building principal who is required to file such report with the Central Register.

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.

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.

The principal of each school, program supervisors, and Central Administration shall be responsible for informing students, staff, parents, 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 during new teacher orientation, upon commencement of employment, and at other times, when appropriate, to staff, students and parents. Further, this topic shall be addressed in the district’s code of conduct.

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.

Ref: Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.

Education Law Article 23-B
Social Services Law Sections 411-428
8 New York Code of Rules and Regulations (NYCRR) Part 83

Cross-ref: 5030 Student Complaints and Grievances

5300 Student Conduct
5320 Bullying
5460 Child Abuse in a Domestic or Educational Setting
9140 Staff Complaints and Grievances
9620 Anti-Harassment in the School District
9645 Disclosure of Wrongful Conduct
9700 Staff Development

1st Reading: March 21, 2012
Adopted: April 11, 2012
STAFF COMPLAINTS AND GRIEVANCES

The Board of Education recognizes that staff complaints and grievances regarding work rules arise from time to time. In many instances the complaint process is covered by collective bargaining agreements, and in those instances, the grievance procedure outlined in the agreement shall be used. In order to address staff complaints not covered by bargaining agreements, and/or for those employees not covered by such an agreement, the Board establishes this policy. The Board acknowledges that staff members have the right to present complaints and grievances in accordance with these procedures free from coercion, interference, restraint, discrimination or reprisal.

The district shall implement a multi-stage grievance procedure and an appellate stage for the settlement of grievances pursuant to the General Municipal Law.

This policy and regulation shall be filed with the District Clerk and the State Civil Service Commission within 15 days of adoption and/or amendment, as required by law.

Staff complaints that are not covered under the General Municipal Law, or cannot be resolved under procedures of policies 0100, Equal Opportunity or 9620, Anti-Harassment in the School District, shall be subject to the discretion of the Board of Education as to the method by which the complaint may be brought.

Cross-ref: 0100, Equal Opportunity
9620, Anti-Harassment in the School District

Ref: General Municipal Law, Article 15-c
Civil Service Law, Article 14

Adoption date: March 2, 2011
STAFF USE OF PERSONAL ELECTRONIC DEVICES
FOR WORK-RELATED DUTIES

The Board of Education authorizes staff use of personal electronic devices to access the district’s wireless network to carry out job duties in accordance with this policy and regulation. Any other staff use of personal electronic devices must not interfere with performance of work responsibilities or disrupt school operations.

If a staff member wishes to use his/her personal device the following is required:

- Seek approval from building administrator/supervisor.
- Register the device with the IT Department using the appropriate district procedure.
- Abide by the rules of acceptable network use outlined in policy 8630, Computer Resources and its associated regulation.
- Use only the district’s guest network to access the Internet or district applications while on school grounds; do not use other gateways to the Internet to conduct district business.

Staff members who choose to use their own personal device will not be reimbursed or will not receive an annual/monthly allowance. The District is not responsible for lost, stolen or damaged personal devices.

Maintenance and repair of personal devices is the staff person’s responsibility. The district’s technology department will not troubleshoot, service or repair any personal device.

Privacy
To ensure district compliance with federal and state confidentiality requirements, the district’s technology department will monitor district computer network activity. The district maintains its right to access and monitor the district’s network. In order to avoid an invasion of privacy of personal devices, staff is advised to keep all district files separate from personal files by properly using the district’s computer network to perform work functions and maintain district records. Employees should not have an expectation of privacy if the district’s network is used for personal purposes.

Violations of Policy
Violation of this policy may result in revocation of permission to use a personal electronic device for work purposes and/or discipline of the employee in accordance with applicable negotiated agreements.

Separation from Employment
When staff leaves district employment access to the district’s network will be discontinued.

The Superintendent, or his/her designee, will develop procedures and maintain records to implement and monitor this policy.

Cross-ref: 1120, District Records
5500 Student Records
8630 Computer Resources

1st Reading: June 7, 2017
Adoption Date: July 6, 2017
NON-ALIGNED EMPLOYEES:
SALARY, BENEFITS AND CONDITIONS OF EMPLOYMENT

I. Salary

(a) Salaries and benefits are determined by the board of education annually, based on the management needs of the district, with the recommendation of the Superintendent. An evaluation and performance review of each employee, based upon job description and mutually selected objectives, is held annually between the employee and his/her immediate supervisor. Informal reviews are held as needed.

(b) Longevity - Non-aligned employees are eligible for longevity increments as follows:

The non-aligned individual’s hiring date shall be used to begin their longevity payments.
- After 10 years of service in the District a longevity increment of $1,200.
- After 15 years of service in the District an additional longevity increment of $1,200 (total $2,400)
- After 20 years of service in the District an additional longevity increment of $1,200 (total $3,600)
- After 25 years of service in the District an additional longevity increment of $1,200 (total $4,800)
- After 30 years of service in the District an additional longevity increment of $1,200 (total $6,000)

(c) Overtime Compensation

Overtime compensation shall be the overtime rate of time and a half paid for each hour worked beyond the regular 40 hour work week. To qualify for additional compensation, overtime must be assigned by the Superintendent or his/her designee.

II. Leave

(a) Annual Leave (Vacation) - During the first year of full-time service, following successful completion of the probationary period, the non-aligned employee will accrue one (1) vacation day per month with a maximum up to five (5) days. Furthermore, the employee will be entitled to vacation time as follows:

- After 1 full year of service – 2 weeks paid vacation
- After 3 full years of service – 3 weeks paid vacation
- After 5 full years of service – 4 weeks paid vacation

The use of vacation days shall be subject to the approval of the employee’s immediate supervisor for up to one (1) week of vacation; the Superintendent’s designee for up to two (2) consecutive weeks of vacation; and the Superintendent, or the Superintendent’s designee for more than two (2) consecutive weeks of vacation.
School Calendar: Holiday and holiday vacation periods, as stated in the official school calendar, will be non-duty days for non-aligned employees.

(b) Sick Leave - Non-aligned employees shall be entitled to accumulate 13 sick days and four (4) personal days per year (17 aggregate days/year) to be used for purposes of absence from work for illness or physical disability, including pregnancy and family illness leave.

The beneficiary of any non-aligned employee shall receive, upon the non-aligned employee’s death, the total dollar amount of sick leave due to the non-aligned employee subject to the following terms.

1. $25.00 per day
2. The beneficiary must be the person/persons designated as beneficiary for retirement system purposes.

(c) Unused Sick Leave - Payment of unused sick leave shall be made to all non-aligned employees upon termination of employment with the District, up to a maximum of 225 days, at the rate of $50.00 per day.

(d) Workers’ Compensation - Non-aligned employees are covered by the provisions of the Workers’ Compensation laws. Employees who are absent from work because of occupational injury or disease as defined by the Workers’ Compensation Laws will, pending adjudication of their case, be granted a leave with full pay. Such leave will not be charged against sick leave provided the employees pay to the district the Workers’ Compensation salary benefits received for such absence. However, this compensation shall not extend beyond one (1) calendar year from the date of injury.

(e) Bereavement Leave – Non-aligned employees will be granted up to five (5) days of personal leave with pay for a death in their immediate family. The term “immediate family” refers to father, mother, brother, sister, husband, wife, son, daughter, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law; grandparents and grandchildren of the unit member or spouse, and significant other residing in household.

III. Insurance

(a) Non-aligned employees shall be eligible for health, dental, and/or optical insurance.

(b) Non-aligned employees shall have a choice of all insurance plans offered by the district.

(c) Non-aligned employees may opt out of the district’s health insurance program and receive a payment of $2,500 subject to all applicable deductions.

1. Such a payment shall be made by the district in two installments, the first to be made on or before October 1st and the second to be made on or before April 15th of each year.
2. The application and proof of alternative healthcare coverage shall be provided to the health benefits clerk in writing by June 1st in order to opt out as of July 1st.

3. New employees may choose this option and receive this benefit on a prorated basis, provided that an application and proof of other insurance is furnished to the health benefits clerk.

4. Reentry into the district's health insurance program shall be allowed at any time subject to the waiting period, if any, of the district's Health Insurance program rules and regulations.

5. Reentry into the district's health insurance program shall be conditioned upon the employees repaying 1/12th of the annual buyout amount for each month remaining in the school year.

6. In the event that the employee’s services are terminated for any reason, or the employee is granted an unpaid leave, the employee shall be required to repay the appropriate portion of the buyout or the district is authorized to recoup payment from any unpaid salary or compensation otherwise due to the employee.

(d) Non-aligned employees shall be eligible to participate in the district sponsored Section 125 Internal Revenue Code Flexible Benefits Plan.

(e) The District will pay 90% of the cost for an individual or family health insurance plan for non-aligned employees who were employed by the District in a non-aligned capacity as of and since December 31, 2014.

The District will pay 85% of the cost for an individual or family health insurance plan for non-aligned employees who became non-aligned employees on or after January 1, 2015 and whose salary is at or above $60,000.

(f) In the event that both spouses or domestic partners are employed by the Kingston City School District, there will be either a mandatory health insurance buyout by one spouse, or both spouses, or domestic partners, will be offered individual health insurance.

IV. Retirement

Terminal Year Salary - Any non-aligned employee who meets the qualifications below shall receive an additional amount upon retirement of $2,500. The following qualifications must be met to be eligible:

(1) The non-aligned employee must have completed fifteen (15) years or more of service in the District at the effective date of his/her retirement.

(2) The non-aligned employee must submit his/her irrevocable letter of resignation at least six (6) months in advance of the retirement date.
V. Miscellaneous

Professional Development: District will pay up to $1,000.00 per semester per non-represented employee, not to exceed two (2) semesters per fiscal year, toward the cost of any relevant course/courses which are related to the non-aligned employee’s work assignment and which has had prior approval of the Superintendent. The non-aligned employee shall submit evidence of successful completion of the course prior to reimbursement. The claim for reimbursement must be submitted during the fiscal year in which the course was taken.

VI. Recognition

The following positions, listed with current titles, are not represented by a bargaining unit:

Secretary to the Superintendent of Schools
Confidential Managerial Secretary
Administrative Assistant
Public Information Specialist
Payroll Supervisor
Payroll Clerk (2)
Confidential Personnel Clerk
Purchasing Coordinator
Coordinator of Personnel & Benefits
Network & Technology Services Specialist (3)
District Clerk
Network and Technology Service Specialist
District Treasurer
Principal Account Clerk/Deputy Treasurer
Director of Facilities II
Director of Food Service
Director of Network/Technology
Director of Transportation
Director of Safety and Security

This policy contains the benefits and conditions of employment for Non-aligned employees, except as modified in the terms and conditions agreement covering the employment of the Director of Facilities II.
RECRUITING AND HIRING

Through its employment policies, the Board of Education directs the Superintendent of School and/or his/her designee to attempt to attract, secure, and retain the best-qualified personnel available. The selection program will be based upon finding outstanding candidates who will devote themselves to the education and welfare of the children attending the public schools.

Recruiting procedures shall enable the district to seek highly qualified candidates from a variety of sources, including present staff. Any current employee of the district may apply for any position for which he/she meets certification and other stated requirements.

The Board and school district adhere to the practice of recruiting, hiring and assigning personnel without regard to religion, creed, race, color, marital status, national origin, political affiliation, sex, sexual orientation, disability, gender identification or any other status protected by federal or state law.

It will be the responsibility of the Superintendent, and of people delegated by him/her, to determine the personnel needs of the district and to locate excellent candidates to recommend for employment to the Board. He/She shall ensure that persons nominated for employment in the schools will meet all certification requirements for the positions assigned.

The Superintendent’s recommendation is necessary before the Board can consider any personnel appointments. For purposes of full transparency, no member of the superintendent’s family, nor that of his/her Cabinet, shall be appointed without disclosure of the relationship to the Board of Education.

No appointment or assignment shall be made that would result in a member of an administrator’s immediate family working under the administrator’s direct supervision, except under temporary conditions or unusual circumstances in which the Superintendent would notify all Board members.

No person shall be considered employed until a resolution to that effect has been approved by the Board and a contract executed by the employee. The Superintendent or designee shall notify each employee of his/her appointment. Notwithstanding the above, the Board authorizes the Superintendent to place new employees on the payroll and utilize their services on an interim basis prior to Board action, subject to Board approval at its next meeting.
Ref: Age Discrimination in Employment Act (ADEA), 29 USC §§ 621 et seq. (prohibiting discrimination on the basis of age)
Americans with Disabilities Act (ADA), 42 USC §§ 12101 et seq. (prohibiting discrimination on the basis of disability)
Civil Rights Act of 1964 (Title VII), 42 USC §§ 2000e et seq. (prohibiting discrimination on the basis of color, national origin, race, religion and sex)
Rehabilitation Act of 1973 (Section 504), 29 USC § 794 (prohibiting discrimination on the basis of disability)
Title IX, 20 USC §§ 1681 et seq. (prohibiting discrimination on the basis of sex)
New York State Constitution, article V, § 6 (requiring public employees be appointed on the basis of merit and fitness)
Civil Service Law §§ 22, 40-44, 61(1) (rules on classified positions)
Education Law §§ 1604(8), 1709(16), 2503(3), 2554(2), 3012(1)(a) (board’s authority to hire employees)
Education Law §§ 1604(39), 1709(39), 1804(9), 1950(4), 2503(18), 2554(25) (fingerprinting requirements)
Executive Law §§ 290 et seq. (prohibiting discrimination on the basis of age, color, creed, disability, marital status, national origin, race or sex)

Updated: April 22, 2009
CONDITIONAL APPOINTMENT - STUDENT SAFETY

The Board of Education recognizes that there may be instances in which it is necessary, upon recommendation of the Superintendent of Schools, for the Board to conditionally appoint or to make an emergency conditional appointment of a prospective employee. To provide for the safety of students who have contact with an employee holding a conditional appointment or an emergency conditional appointment, the Board adopts the following policy.

No district employee who holds a conditional or emergency conditional appointment shall be in contact with students other than to provide instruction and/or other required services.

No district employee who holds a conditional or emergency conditional appointment shall teach a class or provide services to students with his/her classroom or office door closed unless the Building Principal has provided express prior permission to do otherwise.

The Building Principal or his/her designee shall, at least twice a week, monitor the activities of such employees while on school district property during the period of their conditional or emergency conditional appointment.

In addition, the district will ensure that all personnel, including conditional and emergency conditional appointed employees, are aware of and receive training regarding the prohibition against child abuse in an educational setting and of their responsibility for reporting any such abuse. All conditionally appointed and emergency conditionally appointed employees receive this training at the time of their initial contingency appointment.

For purposes of this policy, the terms “conditionally appointed” and “emergency conditional appointment” shall refer to any employee holding conditional or emergency conditional appointment, as defined in Section 1709 of the Education Law.

Cross-ref: 5460 Child Abuse in a Domestic or Educational Setting

Ref: Education Law §§1125-1133, 1709
     8 NYCRR §§100.2 (hh); Part 87

Adoption date: April 22, 2009
DRUG-FREE WORKPLACE

The Board of Education prohibits the illegal, improper or unauthorized manufacture, distribution, dispensing, possession or use of any controlled substances in the workplace. "Workplace" shall mean any site on school grounds, at school-sponsored activities, or any place in which an employee is working within the scope of his/her employment or duties. "Controlled substances" shall include all drugs which are banned or controlled under federal or state law, including those for which a physician's prescription is required, as well as any other chemical substance which is deliberately ingested to produce psychological or physiological effects, other than accepted foods or beverages.

The Superintendent of Schools or his/her designee shall implement related regulations which outline the requirements of the federal Drug-Free Workplace Act of 1988.

Ref: Drug-Free Workplace Act (DFWA), 41 U.S.C. §§702-707
     Controlled Substances Act, 21 U.S.C. §812
     21 CFR §§1300.11-1300.15
     34 CFR Part 85 (U.S. Dept. of Ed. Regulations under the DFWA)
     Civil Service Law §75
     Education Law §3020-a
     Patchogue-Medford Congress of Teachers v. Board of Education,
     70 NY2d 57 (1987)

Adoption date: April 1, 2009
EVALUATION OF STAFF  
(NOT COVERED BY 3012-d OF EDUCATION LAW)  

The Board of Education believes that the regular, rigorous and meaningful evaluation of all staff is necessary to continuously improve the achievement of students and the operation of the district. To this end, the Superintendent of Schools shall be responsible for ensuring that all district employees are evaluated annually and receive appropriate levels of support based upon that evaluation, if necessary, to improve their skills.

Administrators

All administrators, other than building principals who are covered by policy 9240.1, shall be evaluated annually by the Superintendent or his/her designee in accordance with this policy, applicable state law, regulation and collective bargaining agreements.

Professional Employees (not covered by 3012-d)

All professional employees shall be evaluated annually in accordance with state law and regulation, as well as any applicable collective bargaining agreement and the district’s Part 100.2(o) Professional Performance Review Plan (APPR). The plan shall include the required regulatory elements such as: (a) criteria for evaluating teachers and other professional employees, (b) assessment methods, (c) how quality rating categories/criteria will be used to differentiate professional development, compensation and promotion; (d) how timely and constructive feedback from evaluations will be provided; (e) plans to improve teacher performance for those rated ineffective, and; (f) training for evaluators.

The Superintendent shall collaborate with teachers, pupil personnel professionals, administrators and parents in developing the plan, which may be a multi-year plan. The Superintendent shall be responsible for selecting those individuals with whom he or she will collaborate in the development of the plan. The Superintendent shall meet with a group of such individuals at least once each year to determine if changes are necessary after its initial adoption.

The Superintendent shall submit the district’s Professional Performance Review Plan, with any recommended changes, to the Board at its organizational meeting. At that meeting, the Board may request that the Superintendent reconsider or reexamine certain aspects of the plan, in which case, the Superintendent will resubmit the plan at the Board’s first regular meeting in August.

The Board will provide members of parent organizations and the president of the applicable bargaining units the opportunity to comment on the plan, prior to its adoption, at a meeting at which the plan is considered. The Board must approve the plan before it becomes effective. The approved plan for each school year will be available in the district offices by September 10 of each year.
Each year, the Superintendent shall provide a report to the State Education Department on information related to the district’s efforts to address the performance of non-classroom teachers rated ineffective.

Support Staff

Support staff (those staff not required to be evaluated under the Professional Performance Review Plan) shall be evaluated annually in accordance with any applicable collective bargaining agreement and this policy.

Reporting

The Superintendent will prepare an annual report for the Board that provides data on the evaluation ratings so that the Board can assess the effectiveness of the district’s evaluation program. Data may include the number of employees evaluated, a summary of the final evaluation ratings, the rates of staff turnover and other relevant information. Personally identifiable data will not be released to the public.

Training

The Superintendent shall ensure that all staff that are required to evaluate other staff are provided appropriate and sufficient training in assessment and evaluation, in accordance with state law and regulation.

Cross-ref: 9160: Personnel Records
9215: Non-Aligned Employees: Salary & Benefits and Conditions of Employment (04/03/13)
9420.1, Building Principal and Classroom Teacher Evaluation
9700, Staff Development

Ref: Education Law §3012-d
8 NYCRR § 100.2(o) (Professional Performance Review Plans)
BUILDING PRINCIPAL AND CLASSROOM TEACHER EVALUATION

In accordance with state law and regulation, it is the goal of the Board of Education to have a high quality evaluation program for staff including building principals and classroom teachers which results in an effective teacher in every classroom and an effective leader in every building in the district. In order to achieve that goal, the Superintendent of Schools shall be responsible for ensuring that building principals and classroom teachers are evaluated annually, in accordance with state law and regulation. Evaluations will be a significant factor in employment decisions, including, but not limited to, promotion, retention, tenure determination, termination and supplemental compensation.

Annual Professional Performance Review Plan

The district will submit the required annual professional performance review plan to the State Education Department in a timely manner, in conformance with state law, Regents Rules and Commissioner’s Regulations. The Superintendent will provide periodic reports to the Board of Education on the progress of negotiations regarding the negotiable parts of the plan, salient information about the preparation of the plan, present the plan for Board approval and apprise the Board when the plan has been approved by the State.

The plan shall include a description of the required elements, including the following:

(a) the process for transmitting accurate data to the State Education Department,
(b) scoring methods that ensures the integrity of the testing process,
(c) how quality rating categories/criteria will be used to differentiate professional development, compensation and promotion;
(d) how timely and constructive feedback from evaluations will be provided;
(e) plans to improve teacher performance for those rated ineffective, and
(f) training for evaluators.

Once the district has received approval of the plan by the State Education Department, the plan will be posted on the district’s website within 10 days, or by September 10th, whichever is later.

Classroom Teachers and Principals (covered by Education Law §3012-d)

Classroom teachers and buildings principals will receive a composite performance rating as part of the annual professional performance review, in accordance with state law, by September 1st of the following school year. The composite performance rating will fall into one of four categories: highly effective; effective; developing and ineffective. This composite rating will be made up of multiple measures of effectiveness and will include student performance on state and local tests, in accordance with the terms of the annual professional performance review plan.
Teacher and Principal Improvement Plans

When a teacher or principal is rated as developing or ineffective as a result of the annual performance review, the Superintendent or his/her designee must formulate and commence an improvement plan (TIP/PIP). The improvement plan will be developed in accordance with negotiated agreements, but must be in place no later than October 1 in the school year following the school year for which the performance was rated. The Superintendent will prepare an annual summary report for the Board on the number of TIPs/PIPs issued and other relevant data to support assessment of the effectiveness of the district’s approach to improvement plans. In the event that the assessment reveals that progress isn’t being made, the administration will recommend changes to the approach.

Appeals

For classroom teachers and principals, an appeal of an evaluation may be commenced once the composite evaluation score has been received. The right to appeal and the process of the appeal is prescribed by the annual professional performance review plan.

Training

The Superintendent is the lead evaluator for the district and shall plan his/her own professional development in order to maintain his/her expertise in this area. The Superintendent shall ensure that all staff that are required to evaluate other staff are provided appropriate and sufficient training in assessment and evaluation, in accordance with state law and regulation.

Parental Rights to Annual Professional Performance Review Composite Scores & Quality Ratings Under Education Law Section 3012-e

In Accordance with the provisions of Section 3012-e (10)(b) of the Education Law, the Board of Education shall facilitate the disclosure of the Annual Professional Performance Review final quality ratings and numerical composite effectiveness scores of the classroom teachers and building principals to the parents/legal guardians of students under their supervision for the current school year.

In the interest of protecting the privacy rights of the professional educators while facilitating parental access, the District shall require reasonable verification of identity prior to releasing information to parents/legal guardian.

The Superintendent of Schools shall develop a parental notice and information access form that shall be exhibits to this policy and an integral part hereof. The parental notice shall be posted in conspicuous locations within the District and the notice and form shall be made available on the District website.

Cross-ref: 9140: Employee Complaints and Grievances
9420: Evaluation of Staff
9700: Staff Development
Ref: Education Law §3012-d (10)
State Education Department Guidance Document Section “P”
8 NYCRR Subpart 30-2
8 NYCRR § 100.2(o)(2) (Professional Performance Review Plans)

Guidance on New York State’s Annual Professional Performance Review for Teachers and Principals to Implement Education law §3012-d and the Commissioner's Regulations, Updated, August 30, 2013

1st Reading: January 8, 2014
Adoption date: January 22, 2014
Revised: October 4, 2017
COMPENSATION AND BENEFITS

The Board of Education believes that the district’s employees should receive fair compensation and benefits for the work it provides in serving the children of our community. To this end, the Superintendent of Schools shall be responsible for establishing and administering the compensation and benefits provided to the district’s employees.

The Board and the school district will comply with all applicable federal and state laws that require minimum compensation and benefits be provided to employees.

Employees Covered by Collective Bargaining Agreements

The compensation and benefits for employees who are represented by recognized or certified employee organizations are established by collective bargaining agreements negotiated between the employee organizations and the district. The district will negotiate in good faith over these issues, as required by law, and will fully comply with the requirements of the Taylor Law and the collective bargaining agreements it enters into with its employees.

To ensure that the compensation and benefits provided to employees are fair and within the parameters of the district budget, the Board reserves its right to approve all additional funding required by the provisions of a tentative collective bargaining agreement, in addition to any right of ratification that is secured by the district’s negotiation representative(s).

Employees Not Covered by Collective Bargaining Agreements

The compensation and benefits for employees who are not represented by recognized or certified employee organizations shall be determined by the Superintendent, with approval by the Board.

Ref:
Consolidated Omnibus Budget and Reconciliation Act of 1985 (COBRA), 42 USC §§ 300bb-1 et seq. (federal law that requires the continuation of health insurance benefits under certain circumstances)
Fair Labor Standards Act (FLSA), 29 USC §§ 200 et seq. (federal law that requires a minimum wage and overtime for non-exempt employees)
Family and Medical Leave Act of 1993 (FMLA), 29 USC §§ 2610 et seq. (federal law that requires an unpaid leave of absence for certain family and medical situations)
Civil Service Law §§ 200 et seq. (“Taylor Law,” requires school districts to negotiate with unions)
Education Law § 3005-b (requires a minimum sick leave allotment and accumulation for teachers)

Adoption date: 02/18/09
STAFF ALCOHOL AND SUBSTANCE ABUSE

The Board of Education recognizes that all staff members are perceived as role models in the school and in the community. Since substance abuse has become a national problem, the Board believes that school employees must exemplify the positive effects of a drug-free lifestyle. The Board will not tolerate the illegal use, illegal possession, sale, or manufacture of drugs or use, possession, sale or manufacture of alcohol within the workplace. As a result, employees found to be in illegal possession of, illegally using, selling or manufacturing drugs on school property will be reported to the appropriate law enforcement authorities. Such employees as well as employees found in possession of or using alcohol on school property will also be subject to district disciplinary proceedings. The Board likewise will not tolerate the use of alcohol or illegal use of drugs elsewhere when such use impairs the performance of the duties of such employees within the workplace. As a result, employees found in violation of this policy shall be subject to district disciplinary proceedings.

The Board in collaboration with the district’s collective bargaining units has established and will maintain an employee assistance program which makes available to employees appropriate and confidential prevention, intervention, assessment, referral, support and follow-up services for substance use/abuse related problems, alcohol use/abuse related problems, emotional problems, mental health problems and other similar problems affecting human beings. District staff will be informed about such services and encouraged, when appropriate, to seek such assistance voluntarily.

The district recognizes that it has no right to intervene in the personal problems of its employees unless such problems adversely affect their job performance. Under those circumstances, the district’s supervisory personnel will encourage employees to manage and pursue a resolution of their problems on their own or with the help of the employee assistance program. An employee’s participation in the employee assistance program shall in no way prohibit the authorities of the school district from taking disciplinary action which may be necessary due to the employee’s conduct or activity. However, if such employee seeks such assistance, and offers proof thereof to the district, such remedial action will be considered by the Board in determining whether any disciplinary proceedings shall be commenced against said employee and in determining what, if any, disciplinary measures will be imposed.

Disciplinary measures for district staff shall include those described in sections 2508(5) and 3020-a of the Education Law, Article 75 of the Civil Service Law, and any other applicable law now or hereafter in effect. Such measures shall
be imposed only in conformance with law and the provisions of relevant collective bargaining agreements.

The school district’s attorney shall be consulted before any tests are conducted of any employees for alcohol or drug testing.

Ref: Drug-Free Schools and Communities Act (20 U.S.C. §§3171 et seq.)
Omnibus Transportation Employee Testing Act of 1991
Civil Service Law §75
Education Law §§2508; 3012; 3020-a
Patchogue-Medford Congress of Teachers v. Board of Education,
70 NY2d 57 (1987)
Appeal of Board of Education of Community School District 19, 32 EDR 354 (1992)

Adoption date: April 1, 2009
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, weight, religion, national origin, political affiliation, sex, sexual orientation, gender identification or expression, age, marital status, military status, veteran status, or disability 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 actual or perceived heterosexuality, homosexuality, bisexuality, asexuality, gender identification and expression, whether actual or perceived.

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

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

For purposes of this policy, harassment shall mean communication (verbal, written or graphic) and/or physical conduct based on an individual's actual or perceived race, color, creed, weight, religion, national origin, political affiliation, sex, sexual orientation, gender identification or expression, age, marital status, military status, veteran status, or disability 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.

The School District will act to promptly investigate all complaints, 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.
ANTI-HARASSMENT IN THE SCHOOL DISTRICT (Cont'd.)

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

Based upon the results of this investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with applicable laws and/or regulations, District policy and regulation, and the District Codes 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.

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

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.

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

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

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

This policy should not be read to abrogate other District policies and/or regulations or the District Codes 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.

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

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

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


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

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

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

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

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621. Military Law Sections 242 and 243

Dignity for All Students Act, Education Law, 10-18

NOTE: Refer also to Policies #5030 – Student Complaints and Grievances #9140.1- Staff Complaints and Grievances

Adoption Date: 04/13/05
Revised: 01/06/10
Revised: 01/04/12
DISCLOSURE OF WRONGFUL CONDUCT
(Whistleblower Policy)

The Board of Education expects officers and employees of the district to fulfill the public’s trust and to conduct themselves in an honorable manner, abiding by all district policies and regulations and by all applicable state and federal laws and regulations.

However, when district officers or employees know or have reasonable cause to believe that serious instances of wrongful conduct (e.g., mismanagement of district resources, unethical behavior, violations of law or regulation, and/or abuse of authority) have occurred, they should report such wrongful conduct to the Board or one of its designated officers.

For purposes of this policy, the term “wrongful conduct” shall be defined to include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- actions that compromise the security and integrity of the district’s or state’s testing program;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

Disclosure and Investigation

Employees and officers who know or have reasonable cause to believe that wrongful conduct has occurred shall report such mismanagement, fraud or abuse to the Superintendent of Schools, the School Attorney or the Internal Auditor. Each of these Board-designated officers, upon receiving a report of alleged wrongful conduct, shall take immediate steps to conduct an investigation.

Staff members who suspect that a violation of state testing procedures has occurred shall report their concerns to the Building Principal, the Superintendent, or the State Education Department. Any Building Principal receiving such a report shall relay this information to the Superintendent.

The Superintendent, School Attorney or the Internal Auditor shall maintain a written record of the allegation, conduct an investigation to ensure that the appropriate unit (auditors, police, SED, etc.) investigates the disclosure, and notify the Board when appropriate to do so.

Except as otherwise provided in either state and/or federal law, the Board-designated officer shall make all reasonable attempts to protect the identity of the employee making the disclosure in a confidential manner, as long as doing so does not interfere with conducting an investigation of the specific allegations or taking corrective action.
The district shall not take adverse employment action against an employee who has notified the district of wrongdoing, allowing the district the opportunity to investigate and correct the misconduct.

Complaints of Reprisal

An employee who has been subject to an adverse employment action based on his or her prior disclosure of alleged or actual wrongful conduct may contest the action by filing a written complaint of reprisal with the Board President. The Board President, or his/her designee, will review the complaint expeditiously to determine:

- whether the complainant made a disclosure of alleged wrongful conduct before an adverse employment action was taken;
- whether the responding party could reasonably have been construed to have had knowledge of the disclosure and the identity of the disclosing employee;
- whether the complainant has in fact suffered an adverse employment action after having made the disclosure; and
- whether the complainant alleges that adverse employment action occurred as a result of the disclosure.

If the designee determines that all of the above elements are present, he or she shall appoint a review officer or panel to investigate the claim and make a recommendation to the Board. At the time of appointment, the designee shall inform the complainant and the respondent, in writing, of:

- the intent to proceed with an investigation;
- the specific allegations to be investigated;
- the appointment of the review officer or panel; and
- the opportunity of each party to support or respond, in writing, to the allegation.

Once the review officer or panel has conducted a review and considers the investigation to be complete, the officer or panel will notify the designee of its completion. From the date of that notice, the review officer has 30 days to report his or her findings and make any recommendations he or she deems appropriate to the designee. The designee, in conferral with the appropriate administrator shall issue a letter of findings to both the complainant and the respondent.

The decision of the review officer or panel is binding.

Nothing in this policy is intended to interfere with legitimate employment decisions.

The Superintendent of Schools shall establish regulations necessary to implement this policy.
This policy and accompanying regulations shall be published in employee handbooks, posted in employee lounges and given to all employees with fiscal accounting and/or money handling responsibilities on an annual basis.

The Superintendent of Schools, the Internal Auditor, the School Attorney and others involved in implementing this policy shall meet with the Board once a year to evaluate the effectiveness of this policy and to make appropriate adjustments, if any, to the policy and accompanying regulations.

Ref: Civil Service Law §75-b
Labor Law §740
8 NYCRR §§102.3, 102.4
Garrity v. University at Albany, 301 A.D. 2d 1015 (3rd Dept. 2003) (Article 75-b protections only apply if employee first discloses wrongdoing to employer, allowing for investigation and correction prior to disclosure to outside agencies)

Cross-Reference: #9130 Staff-Student Relations

First Reading: July 17, 2013
Adoption date: August 14, 2013
First Reading of Revision: October 15, 2014
Adoption Date: November 5, 2014
STAFF DEVELOPMENT

The Board of Education believes that staff training and development help ensure the success of educational programs and improve the efficiency of the district. Therefore, the district will provide development opportunities to staff to increase their effectiveness and job performance. The Superintendent of Schools shall be responsible for implementing and administering staff development programs for the district’s employees.

Administrators

All administrators in the school district will receive appropriate training and professional development in accordance with law, regulation or any applicable collective bargaining agreement. The Superintendent will be responsible for providing such training and development.

Teachers

All teachers will be provided with substantial professional development opportunities directly related to their current teaching assignment and to student learning in accordance with any applicable collective bargaining agreement, the district’s Professional Development Plan, and DCIP. Level III teaching assistants and long-term substitute teachers (employed for more than 40 days in a school year) shall have the opportunity to participate in the district’s professional development program. The plan shall include:

- A needs analysis, goals, objectives, strategies, activities and evaluation standards for professional development in the district and a description of how the district will provide all teachers substantial professional development activities directly related to student learning needs identified in school report cards and other sources.

- A description of how the professional development provided will align with New York standards and assessments, teacher capacities and student needs, including linguistic, cultural diversity and special needs. Activities must be articulated across grade levels and subject areas and show how they will be provided and measured in a continuous manner.

- A description of how it will provide teachers holding a professional certificate with opportunities to maintain their certificate in good standing by successfully completing 175 hours of professional development every five years.

- A mentoring program to provide support for new teachers in order to ease the transition from teacher preparation to practice, thereby increasing retention of teachers in the public schools, and to increase the skills of new teachers in order to improve student achievement.
STAFF DEVELOPMENT (cont’d)

• Unless granted an exemption by the Commissioner of Education, a description of how the district will provide professional development to teachers and Level III teaching assistants to address the needs of English Learners.

The Board shall establish a Professional Development Plan Committee to review and revise the district’s Professional Development Plan annually. The Board shall appoint members to the team at the first regular Board meeting in September.

The Professional Development Plan Committee shall meet on or before October 1. The Superintendent or his/her designee will serve as the chair of the team and will be responsible for ensuring the timely review and revision of the district’s Professional Development Plan.

The Professional Development Plan Committee will submit any recommended revisions to the District Leadership Committee and then to the Board by June 30. The Board will consider the recommendations at its first regular meeting thereafter. The Board may accept or reject the recommendations of the team in whole or in part. The Board may also request any additional information or data needed to evaluate the success of the program in achieving its objectives.

Any further changes in the plan must be submitted to the Board by July 30. The Board will consider and act on the revised plan by August 30th. The Board reserves the right to make changes to the revised plan.

Other Professional Staff and Support Staff

Holders of professional certificates in educational leadership service (i.e. school building leader, school district leader, school district business leader) are required to complete at least 100 hours of continuing education during every 5 year registration period. Unless the district is granted an exemption by the Commissioner of Education, at least 15 percent of those hours shall address the language acquisition needs of English Language Learners.

The district will provide staff development activities for other professional staff and support staff within the financial constraints of the district budget and in accordance with applicable collective bargaining agreements.

Other Staff Development Opportunities

The Board recognizes that many staff development opportunities are provided through non-school district sources. Within budgetary restraints, district employees may attend conferences, workshops, study councils, in-service courses, summer study grants, school visitations, and other relevant staff development opportunities.
STAFF DEVELOPMENT (cont’d)

Released time and reimbursement for such activities will be available upon approval of the Superintendent and in accordance with applicable collective bargaining agreements. The Superintendent may establish regulations pursuant to this policy to establish the circumstances under which such released time and reimbursement may be available. Staff members who attend such activities will be required to prepare a report or summary of the activity attended.

Cross-ref: 9420, Staff Evaluation

Ref: Education Law § 3604(8) (Superintendent Conference days)

8 NYCRR §100.2(dd) (Professional Development Plans)
8 NYCRR §100.2(o)(iii)(b)(5) (required training on conducting staff evaluations)

Adoption date: June 3, 2009
Revised & Adopted: December 13, 2017