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

**FOREWORD**

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

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

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

Policy should accomplish the following:

a) State a position taken by the District;

b) Grant the authority to act;

c) Be sufficiently detailed to give adequate direction;

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

e) Provide for impartial procedures.

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

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or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education.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

POLICY MANUAL CONTENTS

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SECTION 2000  INTERNAL OPERATIONS
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SECTION 4000  ADMINISTRATION
SECTION 5000  NON-INSTRUCTIONAL/BUSINESS OPERATIONS
SECTION 6000  PERSONNEL
SECTION 7000  STUDENTS
SECTION 8000  INSTRUCTION

The following abbreviations will be used in the Policy Manual:

Federal:
USC  United States Code
CFR  United States Code of Federal Regulations

State:
NYCRR  New York Code of Rules and Regulations
8 NYCRR  Regulations of the Commissioner of Education
EDUCATIONAL PHILOSOPHY OF THE OLEAN CITY SCHOOL DISTRICT

Educational Philosophy
For 21st Century Learners

Olean City School District is committed to affording all learners the opportunity to engage in and master a rigorous curriculum; promote community, confidence, and entertainment through participation in co-curricular activities; and achieve personal excellence in the areas of physical, social, and emotional well-being.

All classroom education will be models of learning - encouraging and embracing innovation, creativity, collaboration, technological literacy, and college/career readiness skills - that prepare each learner to be an active and productive citizen.

The District will foster a respectful and safe environment committed to diversity, excellence, and enhanced achievement through a positive and collaborative relationship with our extended community.

Adopted: 3/5/13
Olean City School District

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Olean City School District

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SUBJECT: SCHOOL DISTRICT AND BOARD OF EDUCATION LEGAL STATUS

The Constitution of New York State instructs the Legislature to provide for a system of free public schools wherein all children of the State may be educated.

The Legislature of the State has implemented this constitutional mandate through the creation of school districts of various types. The Olean City School District is governed by the laws set forth for Small City School Districts under Education Law for cities with populations under 125,000.

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

Legally, then, local boards are instruments of the New York State Constitution, the New York Statutes and the regulations of the State Education Department and its Commissioner.

New York State Constitution
Education Law Articles 51

Adopted: 11/4/02
SUBJECT: BOARD OF EDUCATION AUTHORITY

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

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

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

Education Law Sections 2502 and 2503

Adopted: 11/4/02
SUBJECT:  NUMBER OF MEMBERS AND TERMS OF OFFICE

The Board of Education of the Olean City School District shall consist of nine (9) members elected by the qualified voters of the School District at the annual election as prescribed by law.

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

The Superintendent of schools shall be an ex-officio member of the Board of Education.

Education Law Section 2502

Adopted:  11/4/02
Revised:  1/17/06
SUBJECT: BOARD OF EDUCATION MEMBERS: QUALIFICATIONS

A Board of Education member of the Olean City School District must meet the following qualifications:

a) A citizen of the United States;
b) Eighteen (18) years of age or older;
c) Able to read and write;
d) A legal resident of the School District for at least one (1) year prior to the election;
e) Cannot be an employee of the Olean City School District;
f) The only member of his/her family (that is, cannot be a member of the same household) on the Olean City School District Board;
g) May not simultaneously hold another, incompatible public office;
h) Must not have been removed from a school district office (e.g., any board of education member or board appointee such as District Clerk or Treasurer) within one year preceding the date of election to the Board;
i) A convicted felon is ineligible for a Board seat if his or her maximum prison sentence has not expired or if he or she has not been pardoned or discharged from parole.

Education Law Section 2502(7)
Public Officers Law Section 3
Election Law Section 5-106(6)

Adopted: 11/4/02
SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION

a) Candidates for the members of the Board of Education in the District shall be nominated by a petition directed to the Board and signed with valid signatures by at least one hundred persons qualified to vote at school elections in the District. Such petition shall contain the names and residences of the candidates for the vacancies on the Board to be filled at the annual election. Such petition shall be filed with the Clerk of the Board on or before the twentieth day preceding the day of the annual election. The Clerk shall refuse to accept petitions signed by an insufficient number of qualified voters or petitions which are untimely.

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

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

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

e) The candidates receiving the largest number of votes shall be declared elected in accordance with Education Law. In cases where more than one Board seat vacancy occurs with different terms of expiration, the candidate with the greatest amount of votes will be awarded the seat with the longest term (e.g., If there are three year and five year term vacancies on the Board, the candidate with the greatest numbers of votes will fill the five year vacancy).

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

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

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

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

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

Education Law sections 2502, 2602, 2608, and 2610

Adopted: 11/4/02
Revised: 1/9/03
SUBJECT: REPORTING OF EXPENDITURES

Each candidate for the position of member of the Board of Education whose expenses exceed $500 must file a statement accounting for his or her campaign expenditures and contributions with the District Clerk and an additional statement with the Commissioner of Education. In the event the expenses do not exceed $500, then a sworn statement to that effect must be filed with the District Clerk. The first statement shall be filed ten (10) days before the election. The second statement shall be filed within twenty (20) days after the election. All statements must be sworn before a notary public, a commissioner of deeds, a lawyer or a public official authorized by New York State law to administer oaths.

Education Law Sections 1528 and 1529

Adopted: 11/4/02
SUBJECT: RESIGNATION AND DISMISSAL

Board members may resign at any Board meeting. The resignation shall be automatically accepted and reflected in the Board minutes.

A Board member may also resign by filing a written resignation with the District Clerk.

The resignation shall take effect upon the date specified in the letter of resignation; however, if no effective date is specified, it shall take effect on the date of 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 consecutive meetings of the Board after having been regularly notified and a satisfactory cause for each non-attendance is not shown, the Board will proceed to declare that office vacant.

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

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

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

Education Law Sections 2103, 2113 and 2502(6)(8)
Public Officers Law Sections 30, 31 and 35

Adopted: 11/4/02
SUBJECT: POWERS AND DUTIES OF THE BOARD

The Board of Education shall have powers and duties as set forth in New York State Education Law, principally Articles 35, 37, and 51 and other applicable Federal and State laws and regulations. In general, the Board shall have in all respects the superintendence, management and control of the educational affairs of the District and shall have all the powers necessary to exercise these powers expressly granted to it by the laws of New York State and the Commissioner of Education.

Individual Members

It is understood that the members of the Board have authority only when acting as a Board legally in session. The Board shall not be bound in any way by any individual Board member except when such statement or action is in pursuance of specific instructions from the Board.

No Board member, by virtue of his office, shall exercise any administrative responsibility with respect to the schools or as an individual command the services of any school employee.

Education Law Sections 2502, 2503 and 2551

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

Adopted: 11/4/02
SUBJECT: NOMINATION AND ELECTION OF BOARD OFFICERS

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

The elected officers of the Board of Education are:

a) President;

b) Vice President.

Education Law Sections 2504
Public Officers Law Section 10

Adopted: 11/4/02
SUBJECT: DUTIES OF THE PRESIDENT OF THE BOARD OF EDUCATION

The President's duties include the following:

a) Presides at all meetings of the Board;

b) Calls special meetings as necessary or on request;

c) Appoints members to all committees of the Board;

(i) In making Board appointments, the President should take into consideration the individual preferences of Board Members.

(ii) The Board recognizes that periodically modifying the constituency of standing committees can benefit the Board by adding new perspectives at the committee level, and the President is encouraged to take this factor into account when making committee appointments.

(iii) The President has the authority to appoint Committee Chairs, except that the President shall not appoint any single individual to serve as Chair of the same committee for more than two consecutive school years.

(iv) All committee appointments and the appointments of Chairs shall be made in open session, at first meeting of the Board of Education following the annual reorganization meeting.

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

e) Executes documents on behalf of the Board;

f) Works with the Superintendent and the Board Vice-President to prepare the meeting agenda;

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

Education Law Section 2504

Adopted: 11/4/02

Operations Committee Review: 06/01/20
BOE 1st Reading: 06/10/20
BOE 2nd Reading: 06/23/20
BOE Adoption: 06/23/20
SUBJECT:  DUTIES OF THE VICE PRESIDENT OF THE BOARD OF EDUCATION

The Vice President shall have the power to exercise the duties of the President in case of the absence or disability of the President. In case of vacancy in the office of the President, the Vice President shall act as President until a President is elected. The Vice President shall work with the Superintendent and the Board President to prepare the meeting agenda.

Education Law Section 2504

Adopted: 11/4/02
SUBJECT: APPOINTMENTS AND DESIGNATIONS BY THE BOARD OF EDUCATION

Appointments

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

The following shall be appointed annually:

a) District Clerk;
b) District Treasurer;
c) Tax Collector and Deputies;
d) External (Independent) Auditor;
e) Central Treasurer, Extraclassroom Activities Account;
f) Faculty Auditor, Extraclassroom Activities Account;
g) Copyright Officer;
h) Medicaid Compliance Officer

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

a) Census Enumerator if District conducts census;
b) District Physician;
c) Supervisors of Attendance;
d) Committee on Special Education and Committee on Preschool Special Education;
e) Records Access Officer;
f) Records Management Officer;
g) Asbestos Hazard Emergency Response Act Local Educational Agency (LEA) designee;
h) Title IX/Section 504/ADA Compliance Officer;
i) Claims Auditor;
j) Internal Auditor

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

k) Dignity Act Coordinator (one in each building);
l) Liaison for Homeless Children and Youth;
m) Chemical Hygiene Officer

The following may also be appointed:

a) School Attorney;
b) Insurance Advisor.

Designations

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

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

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

Authorizations

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

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

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

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

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

d) Establish mileage reimbursement rate;

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

McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the No Child Left Behind Act of 2001
29 CFR Section 1910, 1450
Education Law Sections 305(31), 1709, and 2503
8 NYCRR Part 185
21 NYCRR Parts 1401, 9760

Adopted:02/16/10

Reviewed by Finance: 02/13/14
1st Reading by BOE: 02/25/14
2nd Reading by BOE: 03/18/14
Adopted: 03/18/14
SUBJECT: DUTIES OF THE DISTRICT CLERK

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

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

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

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

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

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

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

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

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

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

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

k) Enters reports in a suitable record for same and keeps an accurate record of the accounts of the School District, and shall present to the treasurer and collector payment orders of payments for monies which have been approved by the Board of Education;

l) Assumes other duties customary to the office.

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

Education Law Section 2121 and 2503(15)  
Public Officers Law Section 104  
Adopted: 11/4/02
SUBJECT: DUTIES OF THE SCHOOL DISTRICT TREASURER AND THE TAX COLLECTOR

District Treasurer

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

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

b) Pays all authorized obligations of the District as directed;

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

d) Makes all such entries and posts all such financial ledger records and reports as may be properly required to afford the District an acceptable and comprehensive financial accounting of the use of its monies and financial transactions;

e) Safeguards either his/her electronic signature and/or

f) Safeguards the check-signing machine and signature place;

g) Personally, or Board of Education approved designee, overseeing all preparation of checks;

h) Assumes other duties customary to the office.

Tax Collector

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

a) Has prepared and mails tax notices;

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

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

d) Deposits daily with the deposit slip delivered to the School District Treasurer, all money collected by virtue of any tax list and warrant issued;

(Continued)
SUBJECT: DUTIES OF THE SCHOOL DISTRICT TREASURER AND THE TAX COLLECTOR (Cont'd.)

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

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

g) Carries out such other duties of the position as prescribed in the Real Property Tax Law.

Duties-Education Law Section 1720, 2503(15) and 2506
Bond-Education Law Section 2130, Part 5
Real Property Tax Law Sections 922
8 New York Code of Rules and Regulations (NYCRR) Sections 170.2(o) and (p)

Adopted: 11/4/02

Reviewed by Finance: 02/13/14
1st Reading by BOE: 02/25/14
2nd Reading by BOE: 03/18/14
Adopted: 03/18/14
SUBJECT: DUTIES OF THE INDEPENDENT AUDITOR

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

Education Law Section 2526
8 NYCRR Sections 170.2

Adopted: 11/4/02
SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR

The Board by law shall obtain an annual audit of its records by an independent certified public accountant (CPA) or an independent public accountant (PA). The audit shall also include all extracurricular activity funds. The independent accountant shall present the report of the annual audit to the Board. The Board shall adopt a resolution accepting the audit report and file a copy of the resolution with the Commissioner. In addition to the annual audit, the District shall be subject to State audits conducted by the State Comptroller.

In addition, the independence and objectivity of the auditor may be enhanced when the Board of Education and Audit Committee perform an oversight role with respect to the hiring and performance of the auditor, as required by law.

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

Duties and Responsibilities

The independent auditor must conduct the audit in accordance with Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States. Standards of GAGAS are organized as general, fieldwork, and reporting.
SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR

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

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

Qualifications

The Claims Auditor must have the necessary knowledge and skills to effectively audit claims, including experience with purchasing, bidding and claims. The Claims Auditor must be bonded or included in the District's blanket undertaking, prior to assuming his/her duties.

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

a) A member of the Board;
b) The Clerk or Treasurer of the Board;
c) The Superintendent or official of the District responsible for business management;
d) The Purchasing Agent;
e) Clerical or professional personnel directly involved in accounting and purchasing functions of the District or under the direct supervision of the Superintendent;
f) The individual or entity responsible for the internal audit function (the Internal Auditor);
g) The External (Independent) Auditor responsible for the external audit of the financial statements;
h) A close or immediate family member of an employee, officer, or contractor providing services to the District. A "close family member" is defined as a parent, sibling or nondependent child; an "immediate family member" is a spouse, spouse equivalent, or dependent (whether or not related).

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

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

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

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

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

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

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

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

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

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

Education Law Sections 1604(35), 1709(20-a), 2526 and 2554(2)
8 NYCRR Section 170.12(c)
SUBJECT: DUTIES OF THE EXTRACLASSROOM ACTIVITIES FUNDS TREASURER(S)

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

The Treasurer's duties include the following:

a) Countersigns all checks disbursing funds from the Extraclassroom Activities Account;

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

c) Maintains records of all receipts and expenditures;

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

e) Assumes other duties customary to the position.

8 NYCRR Part 172

Adopted: 11/4/02
SUBJECT:  DUTIES OF THE SCHOOL ATTORNEY(S)

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

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

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

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

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

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

b) Supervises routine examinations of school children by the appropriate professional medical personnel to detect the presence of contagious diseases and physical defect. Additionally, to have conducted by appropriate professional medical personnel such special examinations as may be indicated for children who have, or may have, a disability;

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

d) Reports to the Board annually on school health services;

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

f) Develops the program of health service in accordance with policies approved by the Board and as directed by the Superintendent of Schools;

g) Supervises physical exams by appropriate professional medical personnel of all occasional drivers of students and food service personnel;

h) Supervises physical exams by appropriate professional medical personnel of all new employees (instructional and non-instructional);

i) Supervises medical evaluation by appropriate professional medical personnel, of any employee at the request of the Board of Education;

j) Supervises medical examinations by appropriate professional medical personnel of applicants for employee certificates (Working Papers).

Education Law Sections 902 and 913

Adopted: 11/4/02
SUBJECT: POLICY

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

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

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

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

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

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

Education Law Section 2503(2)

Adopted: 11/4/02
SUBJECT:  EXECUTION OF POLICY: ADMINISTRATIVE REGULATIONS

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

Adopted: 11/4/02
SUBJECT: REGULAR BOARD MEETINGS

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

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

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

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

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

The Superintendent or his/her designee 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 Superintendent or his/her designee 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.
SUBJECT:  REGULAR BOARD MEETINGS (Cont'd.)

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

Public Officers Law Article 7
Education Law Sections 1708 and 2504

NOTE:  Refer also to Policy #1520 -- Special Meetings of the Board of Education

Adopted:  1/9/03
SUBJECT: SPECIAL MEETINGS OF THE BOARD OF EDUCATION

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

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

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

Education Law Section 2504
Public Officers Law Section 104

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

Adopted: 11/4/02
SUBJECT:  ANNUAL ORGANIZATIONAL MEETING

The Annual Organizational Meeting of the Board of Education shall be held during the first fifteen days of the month of July.

Education Law Section 1707

Adopted:  1/9/03
SUBJECT: USE OF VOTING MACHINES

a) The form of ballot shall conform substantially in size and type to that prescribed by the Election Law of the State of New York for use on standard voting machines.

b) The voting machines shall be those owned by the City of Olean, but if such voting machines are not available, voting machines may be obtained from some other source satisfactory to the Board, or its designee.

c) For each voting machine used, at least two (2) qualified voters of the District shall be appointed by the Board to act as Election Inspectors.

d) The District shall pay all expenses necessary or incidental to the use or rental, as the case may be, of voting machines including but not limited to the operation and sealing thereof and the training of the Election Inspectors in the use thereof.

e) Immediately before any voting machine is used at meetings, elections or votes, annual, special or however otherwise denominated or designated, the Election Inspectors shall examine it and see that all counters are set at zero (000), and that the ballot labels are properly placed, and that the machine is, in all respects, in proper condition for use.

f) In the event voting machines belonging to the City of Olean are used, each such voting machine shall be returned to the City of Olean. Upon return of said voting machines to the City, the City will insure that said voting machines shall remain locked against voting for the period of at least seven (7) days following the Annual Vote at which some have been used; however, the City will extend such a period because of an existing or threatened contest of the result of the Annual Vote.

Adopted: 1/9/03
SUBJECT: ABSENTEE BALLOTS

The Board of Education authorizes the District Clerk to provide absentee ballots to qualified District voters. Absentee ballots shall be used for the election of School Board members and the adoption of the annual budget.

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

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

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

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

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

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

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

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

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

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

or Board designee to the election inspectors on the day of the District election/vote. In addition, any qualified voter may challenge the acceptance of the absentee voter's ballot of any person on such list by making his/her reasons known to the election inspector before the close of the polls.

Education Law Section 2613

Adopted:  3/18/03
SUBJECT: SUBMISSION OF QUESTIONS AND PROPOSITIONS AT ANNUAL ELECTIONS AND SPECIAL DISTRICT MEETINGS

Questions and Propositions at Annual District Elections

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

a) Questions or propositions shall be submitted by petition directed to the Clerk of the School District and shall be signed by one hundred (100) qualified voters.

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

c) Each petition shall be filed with the Clerk of the School District. Petitions relating to an Annual Election must be filed not later than forty-five (45) days preceding the election at which the question or proposition is to be voted upon.

d) Questions or propositions submitted in accordance with these rules and accepted by the Board of Education will be printed on the ballot for the voting machine.

e) The Board of Education shall cause the rules and regulations set forth in this policy to be distributed within the District.

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

Questions or Propositions to be Submitted at Special District Meetings

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

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

Adopted: 3/18/03
Reviewed by Operations: 12/02/12
BOE 1st Reading: 12/16/14
BOE 2nd Reading: waived
Adopted: 12/16/14
SUBJECT: QUORUM

A majority of the members of the Board shall constitute a quorum. However, an affirmative vote of a majority of all members, whether present or not, is necessary for approval of any action. An exception to this is where more than a majority vote is required by law.

General Construction Law Section 41

Adopted: 1/9/03
SUBJECT: MINUTES

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

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

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

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

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

Public Officers Law Section 106

Adopted: 1/9/03
Olean City School District

INTERNAL OPERATIONS

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BOARD OF EDUCATION ACTIVITIES

3.1 Membership in Associations .................................................................2310
3.2 Attendance by Board Members at Conferences, Conventions and Workshops ....2320
SUBJECT: ORIENTING NEW BOARD MEMBERS

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

a) The electee shall be given selected material on the responsibility of being part of the Board, which may include but not limited to materials supplied by the New York State School Boards Association, the National School Boards Association, and/or other professional organizations;

b) All school board members who are elected, re-elected or appointed to a term beginning on or after July 1, 2005, must complete a minimum of six (6) hours of financial training in a curriculum approved by the commissioner of education, in consultation with the state comptroller;

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

d) The opportunity shall be provided for new Board members to attend the New York State School Boards Association orientation program and other training programs that are available;

e) The Superintendent, Business Administrator and District Clerk will provide all new Board members with an orientation program designed to provide an overview of the duties and responsibilities associated with being a Board member. The orientation will provide additional information on the school operation and administrative functions.

Adopted: 11/21/06
SUBJECT: USE OF PARLIAMENTARY PROCEDURE

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

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

Adopted: 3/18/03
SUBJECT:  MEMBERSHIP IN ASSOCIATIONS

The School District may be a member of the New York State and the County School Boards Associations. Additionally, the Board may maintain membership and participate cooperatively in other associations.

Education Law Section 1618
Comptroller's Opinion 81-255

Adopted: 3/18/03
SUBJECT: ATTENDANCE BY BOARD MEMBERS AT CONFERENCES, CONVENTIONS AND WORKSHOPS

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

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

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

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

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

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

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

Adopted: 3/18/03
Olean City School District

SCHOOL COMMUNITY RELATIONS

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Olean City School District

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SUBJECT: COMMUNICATION WITH THE PUBLIC

The Board of Education recognizes the importance of keeping the public informed about the operation of the school district. A continuous program of community information is maintained to promote two-way communication between the Board, District employees, parents, students and the general public.

A variety of channels will be used to communicate information about the schools. These include but are not limited to, electronic dissemination, school publications, news releases to the press, radio, school and community organization, student-carried bulletins, and any other appropriate means.

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

Adopted: 6/25/03
SUBJECT: DISTRIBUTION OF LITERATURE AND OTHER PRINTED OR ELECTRIC MATERIALS

The distribution of literature and other printed materials on school property and at school-related functions shall be under the control and supervision of the Superintendent of Schools or his designated representative. This policy covers requests that materials be distributed on behalf of or by non-school individuals or groups as well as individual students or student organizations of any type.

No materials shall be distributed which:

a) Are obscene, vulgar or in bad taste as to minors according to current legal definitions;

b) Are libelous and/or are discriminatory according to current legal definitions;

c) Create a material and substantial disruption of the normal school activity or appropriate discipline in the operation of the school; or

d) Advertise services not permitted to minors.

Requests to distribute material(s) must be made in writing to the Superintendent of Schools in a timely manner, normally at least forty-eight (48) hours in advance of the requested distribution date.

Adopted: 6/25/03
Revised: 1/17/06
SUBJECT: RELATIONS WITH GOVERNMENT ENTITIES AND OTHER EDUCATIONAL INSTITUTIONS

It is the policy of the Board to promote, establish and maintain a positive working relationship with bodies of government and their agencies at all levels -- federal, state, and local -- as well as other educational institutions.

Adopted: 6/25/03
SUBJECT:  SENIOR CITIZENS

All residents of Olean City School District sixty (60) years of age or older will be admitted to all district-sponsored activities without paying a fee.

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

Adopted:  6/25/03
Revised:  1/17/06
SUBJECT:  FLAG DISPLAY

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

When ordered by the President, Governor, or local official, to commemorate a tragic event or the death of an outstanding individual, the flag shall be flown at half-staff.

Education Law Sections 418 and 419
Executive Law Sections 402 and 403

Adopted:  6/25/03
SUBJECT: SCHOOL VOLUNTEERS

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

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

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

c) Strengthen school/community relations through positive participation.

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

Volunteers are to work under the direction of the Principal, and other school personnel to whom they are assigned. Their activities with children will be closely coordinated with, and directed by, the appropriate teacher(s) and/or administrator(s). In the event a school volunteer fails to comply with policies, procedures, or directives from appropriate teachers and/or administrators, volunteer services will cease.

All volunteers shall complete a School Volunteer Form and sign off that he/she has read the School Volunteers Policy.

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

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

Adopted: 9/4/03
Revised: 12/1/09
SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING

General Criteria

The availability of Internet access in the School District provides an opportunity for staff and students to access information and contribute to the School District's presence on the World Wide Web. The District/school/classroom websites must relate to curriculum or instructional matters, school authorized activities, or general information of interest to the public pertaining to the District or its schools. Staff and students are prohibited from publishing personal home pages or links to personal home pages as part of the District/school/classroom Web Page(s). In addition, staff and students are prohibited from linking to their personal Web Page from the District/school/classroom website without written permission from the Director of Technology. Similarly, no individual or outside organization will be permitted to publish personal Web Pages as part of the District/school/classroom Web Page(s).

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

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

Student Work

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

Student Free Speech Issues (School-sponsored Publications)

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

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

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

Oversight

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

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

Adopted: 12/15/09
SUBJECT: VISITORS TO THE SCHOOL

Parents, members of the community, and other interested persons are encouraged to visit the schools of the District regulated by procedures, which will preserve the safety of students, staff and property and will not disrupt classes or other district-sponsored activity in the schools.

The regulations governing visitation shall be conspicuously posted in all schools of the District.

Adopted: 6/25/03
SUBJECT: PUBLIC EXPRESSION AT MEETINGS

All meetings of the Board shall be conducted in public, and the public has the right to attend all such meetings. Public expression at meetings shall be encouraged and a specific portion of the agenda shall provide for this privilege of the floor to comment on items on the agenda. This policy is not intended to violate public expression but to insure that the Board meets its need to conduct its business efficiently and effectively.

Individuals may request to have an item for discussion placed on the agenda. Preferably the request should be submitted in writing, to the district clerk, no later than noon on the Wednesday prior to each meeting. Upon receiving the request, the Superintendent, Board President and Vice President shall determine the merit of the item/topic as it pertains to the work of the Board. If the item/topic is deemed to have merit, it shall be placed on the agenda. The president, at his or her discretion, can forego this requirement if deemed necessary, prior to a board meeting.

Before the public is invited to speak, the Board President shall read a statement that defines what is appropriate for public comment and the time constraints. The statement shall include, but not be limited to, the following items that are not permitted:

1) comments that involve personalities,
2) the performance or conduct of individual staff members,
3) specific and/or confidential student related issues.

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

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

The Board President, at his or her discretion, may invite visitors to its meetings to participate in the Board’s discussion of matters on the agenda.

Complaints regarding any facet of the school operation often can be handled more satisfactorily by the administrative officer in charge of the unit closest to the source of the complaint. Complaints should initially be made or referred to the Building Principal and/or his/her assistant if the matter cannot be resolved by the teacher, coach, or other school employee. Please refer to Policy #3230.
SUBJECT: PUBLIC COMPLAINTS

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

If the complaint and related concerns are not resolved at this level to the satisfaction of the complainant, the complaint may be directed to the Superintendent and/or one of his/her assistants. The Superintendent may require the statement of the complainant in writing.

If the complaint and related concerns are not resolved at the Superintendent level to the satisfaction of the complainant, the complaint may be directed to the Board of Education. The Board of Education reserves the right to require written reports from appropriate parties.
SUBJECT: STUDENT PARTICIPATION

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

Adopted: 6/25/03
SUBJECT:  PARENT-TEACHER GROUPS

The Olean City School District encourages parent-teacher groups associated with the respective buildings and school activities because they serve as an effective link between home and the schools.

Adopted:  6/25/03
SUBJECT: SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN

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

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

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

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

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

8 NYCRR Section 19.6
New York State Constitution Article VIII, Section 1
Education Law Section 414

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

Adopted: 6/25/03
SUBJECT: ADVERTISING IN THE SCHOOLS

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

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

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

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

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

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

New York State Constitution
Article 8, Section 1
8 NYCRR Section 19.6

NOTE: Refer also to Policy #3270 -- Community Use of School Facilities

Adopted: 6/25/03
Revised: 8/7/12
SUBJECT: SPONSORSHIPS

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

Sponsorships may be recommended by the Superintendent of Schools, will be in writing and will be subject to approval by the Board of Education in accordance with the District procurement policy. Sponsorships are evaluated on a case by case basis in accordance with the principles established by the Board of Education.

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

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

a) Consistency with District academic standards and goals.

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

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

1. Directly promotes gambling, illicit drugs, alcohol, tobacco, or firearms;
2. Promotes hostility, disorder, or violence;
3. Attacks or demeans any ethnic, racial, religious group or sexual orientation;
4. Is libelous;
5. Contains adult content, including nudity, sexual terms and/or images of people in positions or activities that are excessively suggestive or sexual, or provocative images in violation of community standards;
6. Promotes any specific religion;
7. Promotes or opposes any political candidate and/or party, and/or affiliation or ballot proposition;

(Continued)
SUBJECT:  SPONSORSHIPS (Cont’d.)

8. Inhibits the functioning of any school; or

9. Any other item deemed to be inappropriate for students or goes against community/student moral character.

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

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

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

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

Sponsors will conform to guidelines outlined throughout the term of the Agreement.

8 NYCRR Section 23

NOTE: Refer also to Policy #5410 -- Purchasing

Adopted: 08/07/12
**SUBJECT: COMMUNITY USE OF SCHOOL FACILITIES**

Community groups shall be permitted and encouraged to use school facilities for community-wide activities when such uses do not interfere with school programs and are in compliance with Education Law. This is meant to include use by recognized civic, social, and fraternal religious organizations in accordance with the law. Groups wishing to use the school facilities must secure written permission from the Superintendent or his/her designee and abide by the rules and regulations established for such use including restrictions on alcohol, tobacco, and drug use. The Superintendent, at his/her discretion, may consult with the Board of Education.

The Superintendent of Schools is authorized to approve and schedule the use of school facilities in accordance with the following rules:

a) Use of school facilities may be granted by the Superintendent of Schools or designee.

b) The Superintendent shall establish fees to be charged and procedures for the use of facilities. Such fees shall be approved by the Board at least annually at the Reorganization Meeting.

c) Groups or organizations are required to submit a certificate of insurance with a minimum of $1,000,000 liability coverage naming the Olean City School District as additional insured. In instances that are acceptable to the Superintendent individual waivers will be required for those non-insured.

d) An employee of the school district acceptable to the Superintendent of Schools, who is directly involved with the group or organization, must be present for all activities when the schools are not regularly open or staffed.

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

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

This statute provides for the following:

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

(Continued)
SUBJECT: COMMUNITY USE OF SCHOOL FACILITIES (Cont'd.)

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

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

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

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

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

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

20 USC Section 7905
36 USC Subtitle II
34 CFR Parts 75, 76, 108
Education Law Section 414
Election Law 104

Adopted: 6/10/08
Revised: 6/24/08
SUBJECT: USE OF SCHOOL-OWNED MATERIALS AND EQUIPMENT

Except when used in connection with or when rented under provisions of Education Law Section 414, school-owned materials or equipment may be used by District employees and/or students for school related purposes or community purposes as approved by the District. Private and/or personal use of school-owned materials and equipment is strictly prohibited. The use of school-owned materials and equipment may be used cooperatively by governmental agencies or community agencies who assume the liability for full replacement if damaged or broken.

The Board will permit school materials and equipment to be loaned to staff members when such use is directly or peripherally related to their employment and loaned to students when the material and equipment is to be used in connection with their studies or extracurricular activities.

Education Law Section 414

Adopted: 6/25/03
Reviewed by Operations: 04/07/15
BOE 1st Reading: 04/21/15
BOE 2nd Reading: 05/05/15
Adopted: 05/05/15
SUBJECT:  OPERATION OF MOTOR-DRIVEN VEHICLES ON DISTRICT PROPERTY

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

Vehicle and Traffic Law Section 1670

Adopted: 6/25/03
SUBJECT: PUBLIC ACCESS TO RECORDS

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

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

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

Adopted: 6/25/03
SUBJECT: CONFIDENTIALLY OF COMPUTERIZED INFORMATION

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

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

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

Public Officers Law Sections 84 et seq.
SUBJECT:  CODE OF CONDUCT ON SCHOOL PROPERTY

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

The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

It is not the intent of this policy to limit freedom of speech or peaceful assembly. The Board recognizes that free inquiry and free expression are indispensable to the objectives of a school district. The purpose of the rules and regulations is to prevent abuse of the rights of others and to maintain public order, not to prevent or restrain controversy or dissent.

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

Copies of the Code of Conduct shall be disseminated pursuant to law and Commissioner's Regulations.

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

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

Privacy Rights

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

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

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

NOTE: Refer also to Policy #7310 -- School Conduct and Discipline

Adopted: 6/25/03
Revised: 12/1/09
SUBJECT: UNLAWFUL POSSESSION OF A WEAPON UPON SCHOOL GROUNDS

It shall be unlawful for any person to knowingly possess any weapon as defined by New York State Penal Law upon school grounds or in any District building without the express written authorization of the Superintendent or his/her designee.

The term "weapon" shall be as defined by law and/or the Olean City School District Code of Conduct.

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

Unlawful possession of a weapon upon school grounds may be a violation of the law, and is a violation of School District policy and the Student Code of Conduct.

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

NOTE: Refer also to Policies #7360 -- Weapons in School
#7361 -- Gun-Free Schools

Adopted: 8/17/04
SUBJECT: THREATS OF VIOLENCE IN SCHOOL

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

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

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

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

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

The District reserves the right to seek restitution, in accordance with law, for any costs or damages which have been incurred by the District as a result of the threats or acts of violence in the schools.

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

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

Adopted: 9/4/03
Revised: 12/1/09
Adopted: 12-01-19
SUBJECT: STATEWIDE UNIFORM VIOLENT INCIDENT REPORTING SYSTEM (UVIRS)

The Olean City School District will comply with the Uniform Violent Incident Reporting System.

Education Law Section 2802
8 NYCRR Section 100.2 (gg)

Adopted: 9/4/03
SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT

The Board of Education is committed to providing an environment free from discrimination and harassment. Accordingly, the Board prohibits discrimination and harassment on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability or other legally protected category. Such actions and occurrences are prohibited regardless of whether they take place on School District premises or at school-sponsored events, programs, or activities held at other locations.

Prohibited Conduct

Determinations as to whether conduct or occurrences constitute discrimination or harassment for the purposes of this Policy and its implementing Administrative Regulations will be made consistent with applicable law. Such determinations may depend upon a number of factors, including but not limited to: the particular conduct or occurrence at issue, the ages of the parties involved, the context in which the conduct or occurrence takes place, the relationship of the parties to one another, the category or characteristic that is alleged to have been the basis for the action or occurrence, and other considerations as are necessary and consistent with law. The characterizations and examples below are intended to serve as a general guide for individuals in determining whether to file a complaint of discrimination or harassment, and should not be construed to add or limit the rights individuals and entities possess as a matter of law.

Discrimination is, generally, the practice of conferring or denying privileges on the basis of membership in a legally protected class. Discriminatory actions may include, but are not limited to: refusing to promote or hire an individual on the basis of his/her membership in a protected class, denying an individual access to facilities or educational benefits on the basis of his/her membership in a protected class, or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

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

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

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

Civil Rights Compliance Officer

The District will designate two (2) Civil Rights Compliance Officers, one of each gender whenever possible. The Civil Rights Compliance Officers will be responsible for coordinating the District’s efforts to comply with and carry out its responsibilities regarding non-discrimination and anti-harassment, including investigations of complaints alleging discrimination, harassment, or the failure of the District to comply with its obligations under relevant non-discrimination and anti-harassment laws and regulations (e.g. the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973).

Prior to the beginning of each school year, the District shall issue an appropriate public announcement or publication which advises students, parents/guardians, employees and other relevant individuals of the District’s established grievance procedures for resolving complaints of discrimination and harassment. Included in such announcement or publication will be the names, addresses, telephone numbers, and email addresses of the Civil Rights Compliance Officer(s).

The Board of Education will appoint the Civil Rights Compliance officers annually.

Investigation of Complaints and Grievances

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination and/or harassment based on any of the characteristics described above, and will promptly take appropriate action to protect individuals from further discrimination or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible.

It is essential that any individual who is aware of a possible occurrence of discrimination or harassment immediately report such occurrence. All reports will be directed or forwarded to the District’s designated Civil Rights Compliance Officer(s). Such complaints are recommended to be in writing, although verbal complaints of discrimination or harassment will also be promptly investigated in accordance with applicable law and District policy and procedure. In the event a Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer.

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

To the extent possible, all complaints will be treated as confidential. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials.

If an investigation reveals that discrimination or harassment has occurred, the District will take immediate corrective action as warranted. Such action will be taken in accordance with applicable laws and regulations, as well as any and all relevant codes of conduct, District policies and administrative regulations, collective bargaining agreements, and/or third-party contracts.

**Knowingly Makes False Accusations**

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

**Prohibition of Retaliatory Behavior**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination and/or harassment. Complaints of retaliation may be directed to a Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer.

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

**Additional Provisions**

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

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

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

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

This policy should not be read to abrogate other District policies and/or regulations or the District Code of Conduct prohibiting other forms of unlawful discrimination, harassment, and/or inappropriate behavior within this District. It is the intent of the District that all such policies and/or regulations be read consistently to provide protection from unlawful discrimination and harassment. However, different treatment of any individual which has a legitimate, legal and nondiscriminatory reason shall not be considered a violation of District policy.

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

NOTE: Refer also to Policies #6120 - - Equal Employment Opportunity
       #6121 -- Sexual Harassment of District Personnel
       Employee Grievances
       #7550 -- Dignity For All Students Act
       #7551 -- Sexual Harassment of Students
       District Code of Conduct

Reviewed by Operations: 07/07/15
BOE 1st Reading: 07/21/15
BOE 2nd Reading: 08/11/15
Adoption Date: 08/11/15
SUBJECT: ANIMALS ON SCHOOL GROUNDS

To help maintain safe and healthy conditions for students, staff and visitors to the School District, as well as recognizing the educational use of animals in the classroom, the Board requires that permission be obtained from the Principal and/or Superintendent before animals are brought into the school.

It shall be the Principal's responsibility to ensure that there is appropriate educational purpose if any animal is housed in a classroom.

a) Animals are not to be transported on school buses.

b) It shall be the responsibility of the Principal or his/her designate to develop a plan of care for those animals housed in school in the event of an emergency school closing.

c) School staff will be responsible for the proper control of animals brought to the school and will be responsible for insuring the effective protection of children when animals are in the school.

d) No animals are to remain in the school during the scheduled Thanksgiving, Winter, Spring or Summer Recess.

Animals on school grounds must be kept on a leash or contained in a cage, tank, bowl, etc. At no time are animals to be free to roam about the building or grounds.

Exemptions from this policy:

a) Police and other emergency services that may require the presence of animals in performing their duties (such as bomb or drug searches).

b) Individuals with disabilities who require the assistance of an animal, such as a Seeing Eye dog, therapy dog, etc ... shall be exempt from the terms of this policy.

If warranted, the District may call the appropriate Animal Control Agency.

Adopted: 10/6/09
SUBJECT: EMERGENCY SCHOOL CLOSINGS

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

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

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

Education Law Section 3604(7)

Adopted: 1/5/10
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SUBJECT: ADMINISTRATIVE PERSONNEL

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

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

8 NYCRR Subparts 80-1, 80-2 and 80-3
Education Law Section 1709

Adopted: 10/2/03
SUBJECT: MILEAGE FOR ITINERANT PERSONNEL

Itinerant personnel will be reimbursed for mileage within the School District when such travel is scheduled within the morning or afternoon schedule. No reimbursement is allowed for travel to a building at the beginning of the school day nor during the noon period. Reimbursement shall be in accordance with a rate adopted annually.

Adopted: 7/19/05
SUBJECT: ACCOUNTABILITY

All employees of the District shall be under the general direction of the Superintendent and the specific direction of their immediate supervisor.

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

Adopted: 10/2/03
SUBJECT: ABOLISHING AN ADMINISTRATIVE POSITION

Existing administrative positions shall not be abolished by the Board of Education without previous written notification of the impending abolition. Such written notification is to be served to the individual currently holding that position if any, with a copy to the bargaining unit. In all cases the individual currently holding the position should receive as much advance notice as possible.

The Board of Education may create, abolish, and reorganize administrative positions in accordance with Education Law.

Education Law Sections 2510 and 3012

Adopted: 10/2/03
SUBJECT: ADMINISTRATIVE AUTHORITY DURING ABSENCE OF THE SUPERINTENDENT OF SCHOOLS

The Superintendent of Schools is the Chief Executive Officer of the school district. In the absence of the Superintendent of Schools, a chain of command exists in order to deal with emergency situations and to insure the continued smooth operation of the day-to-day activities of the school district and its several buildings and programs.

This chain of command is as follows:

a) Superintendent of Schools

b) Business Manager of School District

c) When a situation develops in which a person other than the Superintendent of Schools or the Business Manager is in charge of the School District, the President of the Board of Education will be immediately notified of this fact.

Adopted: 5/10/06
SUBJECT: ADMINISTRATIVE LATITUDE IN THE ABSENCE OF BOARD POLICY

In the event Legislative changes, problems and questions arise for which no specific policy has been prepared, members of the administrative staff shall act in a manner consistent with the existing policies of the School District and shall alert the Superintendent of Schools to the possible need for additional policy development.

Adopted: 5/10/06
SUBJECT: USE OF COMMITTEES

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

Adopted: 10/2/03
SUBJECT:  EVALUATION OF THE SUPERINTENDENT AND OTHER ADMINISTRATIVE STAFF

Superintendent

The Board of Education shall conduct annually a formal performance evaluation of the Superintendent. The formal procedures used to complete the evaluation are to be filed in the District Office, and to be made available for review by any individual.

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

Evaluation of Administrative Staff

The Superintendent shall conduct at a minimum an annual evaluation of all administrative personnel and share the results annually with the Board.

The purposes of this evaluation are:

a) To improve administrative effectiveness;

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

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

d) To make decisions about continued employment with the District;

e) To comply with the terms of the bargaining unit contract.

8 NYCRR Section 100.2(o)(2)

Adopted: 10/2/03
SUBJECT: SUPERINTENDENT - BOARD OF EDUCATION RELATIONS

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

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

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

Education Law Section 1711

Adopted: 5/10/06
SUBJECT: ADMINISTRATIVE STAFF

School Business Manager

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

Building Principals

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

Assistant Principals

Assistant Principals may be employed in the middle school and high school. The Assistant Principal is responsible for the duties assigned to him/her by the Building Principal and shall report directly to the Principal.

Other Administrative Personnel

Other Administrative Personnel may be appointed by the Board of Education and shall serve as supervisor and coordinator of their respective areas and/or staff and shall have various ranges of responsibilities as indicated by their job descriptions.

8 NYCRR Section 80.4

Adopted: 10/2/03
SUBJECT: PROFESSIONAL DEVELOPMENT OPPORTUNITIES

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

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

The approval of the Board President shall be required for the Superintendent's attendance at a conference unless the employment contract of the Superintendent states otherwise.

Participation shall be limited by available resources and reimbursement guidelines.

General Municipal Law Section 77-b

Adopted: 10/2/03
SUBJECT: ENERGY CONSERVATION IN THE SCHOOL DISTRICT

The Board of Education recognizes the importance of energy conservation and is committed to the analysis, development, and initiation of conservation measures throughout the school district for the purpose of reducing energy consumption, particularly in these times of declining levels of natural energy resources and increasing cost of these resources. The Board of Education maintains an aggressive and responsible program to reduce consumption of energy by its facilities and to provide education to both staff and students on the conservation of energy.

The Board of Education is committed to an energy conservation program that addresses not only capital-related energy projects but ongoing, day-to-day energy related issues as well. All staff are urged to participate actively in a program of energy conservation by assisting in the efforts to eliminate the wasteful use of energy in the operation of the school district buildings. Cooperation will be essential from each employee and student to achieve a meaningful energy conservation program that results in a more efficient use of energy resources.

Energy Manager

The Superintendent of Buildings and Grounds is designated as the Energy Manager of the school district and he/she shall report directly to the Superintendent, or their designee, on matters pertaining to energy conservation.

Energy Conservation Committee

The Buildings and Grounds Committee will serve as the District’s energy conservation committee. The duties of this committee will include, but are not limited to, the following:

a) Analyzing the school district's energy consumption patterns and cost data;

b) Work with outside consultants and/or staff members to recommend and evaluate energy saving ideas, including but not limited to Technology Power management, lighting changes, HVAC changes and management;

c) Evaluate and make recommendations about the energy efficient of school district buildings through periodic building inspections and surveys;

d) Consider cost savings from cooperative purchasing arrangements with other municipalities and school districts.

(Continued)
SUBJECT: ENERGY CONSERVATION IN THE SCHOOL DISTRICT (Cont’d.)

Minimum Indoor Air Temperature

The school district will comply with the Property Maintenance Code of New York State, part of the New York State Uniform Fire Prevention and Building Code, which requires that indoor occupiable work spaces be maintained at a minimum temperature of sixty five (65) degrees from September 14 to May 31 during the period the spaces are occupied. There are exceptions for areas of vigorous physical activities such as gymnasiums as well as processing spaces such as coolers or freezers. However, by law, code or regulation there is no maximum temperature specified. Ventilation requirements only require fresh air, not cool air-conditioning.

Long-Range Considerations

The energy conservation program is an important factor to be considered in planning effective use of school facilities, new construction, remodeling or rehabilitation programs, and modernization projects.

Environmental Conservation Law Sections 27-2101-27-2117
General Municipal Law Section 120-aa
19 New York State Code of Rules and Regulations (NYCRR) Sections 1221-1228 and Section 1240
Energy Conservation Code of New York State 2007

Reviewed by Operations: 02/28/12
BOE 1st Reading: 03/06/12
BOE 2nd Reading: waived
Adoption Date: 03/06/12
Olean City School District

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SUBJECT: BUDGET PLANNING AND DEVELOPMENT

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

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

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

The budget will be presented in accordance with the Commissioner's Regulations.

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

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

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

Property Tax Report Card

Each year, the District shall prepare a Property Tax Report Card, pursuant to Commissioner’s Regulations.

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

Tax Exemption Report

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

The Superintendent, in consultation with appropriate district staff, including the school business official, will develop regulations to implement the Commissioner’s rules and regulations as noted in this policy.

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

Adoption Date: 09/17/13
SUBJECT: SCHOOL DISTRICT BUDGET HEARING

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

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

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

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

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

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

Dissemination of Budget Information

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

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

Budget Notice

A School Budget Notice will be mailed to all qualified voters of the School District after the date of the Budget Hearing, but no later than six (6) days prior to the Annual Meeting and Election or Special District Meeting at which a school budget vote will occur. The School Budget Notice shall be prepared in a manner and format prescribed by the Commissioner of Education. The Superintendent, in consultation with appropriate district staff, including the school business official, will develop regulations to implement the Commissioner’s rules and regulations as noted in this policy.

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

Adoption Date: 09/17/13
SUBJECT:  BUDGET ADOPTION

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

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

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

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

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

Adoption Date: 09/17/13
SUBJECT: CONTINGENCY BUDGET

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

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

The administrative component of the contingency budget shall be calculated in accordance with Commissioner’s Regulations. The Superintendent, in consultation with appropriate district staff, including the school business official, will develop regulations to implement the Commissioner’s rules and regulations as noted in this policy.

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

Adoption Date: 09/17/13
SUBJECT: REVENUES

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

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

Adopted: 10/2/03
SUBJECT: RESERVE FUNDS

Reserve funds (essentially a legally authorized savings account designated for a specific purpose) are an important component in the District's financial planning for future projects, acquisitions and other lawful purposes. To this end, the District may establish and maintain reserve funds in accordance with New York State Laws, Commissioner's Regulations and the rules and/or opinions issued by the Office of the New York State Comptroller, as applicable.

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

Assignment of fund balance -- Along with the Board of Education, the Purchasing Agent and/or Business Administrator of the District has the authority to assign fund balance for particular purposes.

Prioritization of fund balance use -- When more than one classification of fund balance of the District are eligible to be utilized for an expenditure of the District, the order in which the fund balance classifications will be utilized will be as follows:

a) Restricted fund balance for which action has been taken by the Board of Education, a designated school official, or by the voters of the District, specifically designating funds to the expenditure;

b) Committed fund balance for which action has been taken by the Board of Education, a designated school official, or by the voters of the District, specifically designating funds to the expenditure;

c) Assigned fund balance created specifically for the expenditure (encumbered fund balance);

d) Assigned fund balance within funds other than the General Fund of the District to which the expenditure relates;

e) Unassigned fund balance.

Periodic Review and Annual Report

The Board of Education will periodically review all reserve funds.

The Superintendent shall develop any necessary and/or appropriate regulations to implement the terms of the Board's policy.

Adopted: 2/1/11
Revised: 6/30/11
SUBJECT: DISTRICT INVESTMENTS

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

General Objectives

a) Legality – invest only in investments legally permissible for both New York State school districts and municipal corporations.

b) Safety – minimize risk by managing portfolio investments so as to preserve principal and maintain a stable asset value.

c) Liquidity – manage portfolio investments to ensure that cash will be available as required to finance operations.

d) Yield – maximize current income to the degree consistent with legality, safety, and liquidity.

Legally Permitted Investments

a) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.

b) Obligations issued, or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation, which under a specific State statute may be accepted as security for deposit of public moneys.

c) Tax anticipation notes and revenue anticipation notes approved by the New York State Comptroller.

d) Collateralized time deposit accounts or collateralize certificates of deposit issued by a bank or trust company located and authorized to do business in New York.

e) Such other investments as may from time to time be legally permissible investments for both school districts and municipal corporations in the State of New York.

General Municipal Law Section 39
Education Law Sections 1604-a, 1723(a), 2503(1) and 3656
Local Finance Law Section 165

Adopted: 10/2/03
Revised: 2/2/10
SUBJECT: ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO THE SCHOOL DISTRICT

The Board may accept gifts, grants and/or bequests of money, real or personal property, as well as other merchandise which, in view of the Board, add to the overall welfare of the School District, provided that such acceptance is in accordance with existing laws and regulations. However, the Board is not required to accept any gift, grant or bequest and does so at its discretion, basing its judgment on the best interests of the District. Furthermore, the Board will not accept any gift, grant or bequest which constitutes a conflict of interest and/or gives an appearance of impropriety.

At the same time, the Board will safeguard the District, the staff and students from commercial exploitation, from special interest groups, and the like.

The Board will not accept any gifts or grants which will place encumbrances on future Boards, or result in unreasonable additional or hidden costs to the District.

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

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

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

All gifts, grants and/or bequests shall become School District property. A letter of appreciation, signed by the President of the Board and the Superintendent, or other appropriate district administrator shall be sent to a donor/grantor in recognition of his/her contribution to the School District.

Gift Giving

All business contacts will be informed that gifts exceeding a value of $75 to District employees will be returned or donated to charity.

New York State Constitution Article 8, Section 1  
Education Law Sections 1709(12), 1709(12-a), and 2503(1)  
General Municipal Law Section 805-a(1)

Adopted: 10/23/03
SUBJECT: SCHOOL TAX ASSESSMENT AND COLLECTION

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

Real Property Tax Law Sections 1300-1342
Education Law Section 2506

Adopted: 10/2/03
SUBJECT: PROPERTY TAX EXEMPTION FOR SENIOR CITIZENS

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

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

The District may permit a property tax exemption to an otherwise eligible senior citizen even if a child who attends a public school resides at that address. The Board must adopt a resolution allowing such an exemption following a public hearing on this specific issue.

Real Property Tax Law Section 467

Adopted: 10/28/03
SUBJECT: SALE AND DISPOSAL OF SCHOOL DISTRICT PROPERTY

Sale of School Property

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

Disposal of District Personal Property

Equipment

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

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

Textbooks

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

If textbooks are determined by the Superintendent/designee to be no longer useful or usable, the procedures for disposal shall adhere to the following order of preference:

a) Sale of textbooks. If reasonable attempts to dispose of surplus textbooks fail to produce monetary return to the School District; then

b) Donation to charitable organizations; or

c) Disposal as trash.

General Municipal Law Sections 51 and 800 et seq.
Education Law Sections 2503, 2511 and 2512

Adopted: 10/2/03
Revised: 2/2/10; 8/3/10
SUBJECT: BONDING OF EMPLOYEES AND SCHOOL BOARD MEMBERS

In accordance with New York State Education Law and the Commissioner's Regulations, the Board of Education directs that the School Business Administrator, Treasurer of the Board of Education, the tax collector, Superintendent of Schools, District Clerk, Internal Claims Auditor and Account Clerk Typists be bonded prior to assuming their duties. Such bonds shall be in the amounts as determined and approved by the Board of Education.

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

Education Law Section 2527
Public Officers Law Section 11(2)
8 NYCRR Section 170.2(d)

Adopted: 12/20/05
Revised: 2/2/10
SUBJECT: EXPENDITURES OF SCHOOL DISTRICT FUNDS

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

All claims shall be properly confirmed and verified before payment.

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

Education Law Section 2523

Adopted: 10/23/03
SUBJECT: BUDGET TRANSFERS

The Business Administrator is authorized to make necessary budget transfers up to fifty thousand dollars ($50,000) with the approval of the Superintendent of Schools as authorized by New York State Department of Audit and Control regulations and recommended by the New York State Commissioner of Education guidelines. Transfers greater than fifty thousand dollars ($50,000) require both the Superintendent of Schools and Board of Education approval.

All transfers will be reported to the Board of Education.

Education Law Section 1718
8 NYCRR Section 170.2(l)
SUBJECT:  BORROWING OF FUNDS

The School District may borrow money only by means of serial bonds, bond anticipation notes, capital notes, tax anticipation notes, revenue anticipation notes and budget notes as allowed by law. The Board must approve such borrowing and may do so by a perpetual resolution.

New York State Local Finance Law Section 20

Adopted:  10/23/03
SUBJECT: REIMBURSEMENT FOR MEALS/REFRESHMENTS

Travel Outside of District/Emergency Meetings

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

Staff/Board Meetings and District Events

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

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

In no case will the costs for meals exceed the current Federal per diem meal rates for the geographic area.

NOTE: Refer also to Policy #5380 -- Conference/Travel Expense Reimbursement
SUBJECT: REIMBURSABLE EXPENSES

All conference travel must have a completed Travel Conference Request Form on file which has been approved by the appropriate supervisor. The Superintendent/designee will approve those Travel Conference Requests which have reimbursable employee expenses. Travel Conference Request Forms are only to be used by District employees.

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

Expenses for overnight-approved travel will be reimbursed when accompanied by original receipts for lodging and other reimbursable expenses. Meal expenses for overnight travel will only be reimbursed at an amount not to exceed the current Federal per diem rates which can be found at http://www.gsa.gov/Portal/gsa/ep/home.do?tabId=0

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

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

Other Reimbursable Expenses

Upon the approval of the Superintendent/designee, an employee may be reimbursed for other reasonable expenses related to the duties of that employee. Original itemized receipts are required.

NOTE: Refer also to Policy #5370 -- Reimbursement For Meals/Refreshments

Adopted: 12/12/06
SUBJECT: USE OF PORTABLE COMMUNICATION DEVICES

District-Owned Portable Communication Devices that are Assigned to Individual Employees

A School District-owned portable communication device will be issued to a District employee when required by that employee's job duties and as determined by the Superintendent or designee.

This device will not be used for personal use.

Adopted: 12/12/06
SUBJECT: PURCHASING

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

Competitive Bids and Quotations

As required by law, the Superintendent will follow normal bidding procedures in all cases where needed quantities of like items will total the maximum level allowed by law during the fiscal year, (similarly for public works-construction, repair, etc.) and in such other cases that seem to be to the financial advantage of the School District.

A bid bond may be required if considered advisable.

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

Rules shall be developed by the administration for the competitive purchasing of goods and services.

The Superintendent may authorize purchases within the approved budget without bidding if required by emergencies and are legally permitted.

The Superintendent is authorized to enter into cooperative bidding for various needs of the School District.

Procurement of Goods and Services

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

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

b) Facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and

c) Guard against favoritism, improvidence, extravagance, fraud and corruption.

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

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

a) Prescribe a process for determining whether a procurement of goods and services is subject to competitive bidding and if it is not, documenting the basis for such determination;

b) With certain exceptions (purchases pursuant to General Municipal Law, Section 186; State Finance Law, Sections 175-a and 175-b; State Correction Law, Section 184; or those circumstances or types of procurements set forth in (f) of this section), provide that alternative proposals or quotations for goods and services shall be secured by use of written request for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of Section 104-b of General Municipal Law;

c) Set forth when each method of procurement will be utilized;

d) Require adequate documentation of actions taken with each method of procurement;

e) Require justification and documentation of any contract awarded to other than the lowest responsible dollar offer, stating the reasons; and

f) Set forth any circumstances when, or the types of procurement for which, the solicitation of alternative proposals or quotations will not be in the best interest of the District.

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

Alternative Formats for Instructional Materials

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

District Plan

The District ensures that all instructional materials to be used in the schools of the District are available in a usable alternative format for each student with a disability, including students requiring Section 504 Accommodation Plans, in accordance with his/her educational needs and course selection, at the same time as such instructional materials are available to non-disabled students. The District Plan shall include those provisions mandated by Education Law and Commissioner's Regulations.

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

Apparel and Sports Equipment Purchases

Competitive Bidding Purchases

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

a) The labor standards applicable to the manufacture of the apparel or sports equipment including, but not limited to employee compensation, working conditions, employee rights to form unions, and the use of child labor; or

b) The bidder's failure to provide information sufficient for the Board of Education to determine the labor standards applicable to the manufacture of the apparel or sports equipment.

Non-Competitive Bidding Purchases

The Board's internal policies and procedures governing procurement of apparel or sports equipment, where such procurement is not required to be made pursuant to competitive bidding requirements, shall prohibit the purchase of apparel or sports equipment, from any vendor based upon either or both of the following considerations:

a) The labor standards applicable to the manufacture of the apparel or sports equipment, including but not limited to employee compensation, working conditions, employee rights to form unions, and the use of child labor; or

b) The bidder's failure to provide information sufficient for the Board of Education to determine the labor standards applicable to the manufacture of the apparel or sports equipment.

Contracts for Goods and Services

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

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

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

Upon the adoption of a resolution by a vote of at least three-fifths of all Board members stating that for reasons of efficiency or economy there is need for standardization, purchase contracts for a particular type or kind of equipment, materials or supplies may be awarded by the Board to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in accordance with the law.

"Piggybacking" Exception to Competitive Bidding

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

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

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

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

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

Education Law Sections 305(14), 1604, 1709, 2503, 2554, and 3602
General Municipal Law, Articles 5-A and 18
8 NYCRR Sections 170.2, 200.2(b)(10), 200.2(c)(2) and 200.2(i)
SUBJECT: USE OF THE DISTRICT CREDIT CARD

The School District may issue a credit card or cards in its name for the use of its officers and designated employees for authorized, reimbursable, school business related expenses. The maximum credit limit on each card shall be as designated by the Board of Education at its reorganization meeting. However, authorized personnel must submit purchase orders for those school business related expenses, such as tuition charges for attendance at conference, travel expenses, and lodging, where costs may be fairly and accurately estimated prior to the actual incurring of expenses.

Only those officers and District personnel designated by the Board of Education shall be authorized for the use of a District credit card.

Expenses incurred on each credit card shall be paid in such a manner as to avoid interest charges.

Credit card purchases made by the Superintendent will be reviewed and signed off on by the Board President. Credit card purchases made by the Business Official will be reviewed and signed off on by the Superintendent.

Adopted: 12/12/06
SUBJECT: Wellness Regulations and Nutrition Guidelines for all foods available on school campus

Goals to Promote Student Wellness:

All students in the school district shall possess the knowledge and skills necessary to make nutritious food selections and enjoyable physical activity choices for a lifetime.

To meet this goal, and taking into account the parameters of the School District (academic programs, annual budget, staffing issues, and available facilities) as well as the community in which the District is located (the general economy; socioeconomic status; local tax bases; social cultural and religious influences; geography; and legal, political and social institutions) the Wellness Committee recommends the following District goals relating to nutrition education, physical activity and other school-based activities:

The District will ensure that professional development in the area of food and nutrition is provided for food service managers and staff on a yearly basis. District Food Service staff will meet with students in grades four through twelve twice annually.

A sequential physical education course of study consistent with national standards for physical education and with a focus on student’s development of motor skills, movement forms and health related fitness will be implemented.

A physical and social environment that encourages safe and enjoyable activity for all students including those who are not athletically gifted will be provided.

All classroom teachers are strongly encouraged to incorporate, when possible, short breaks that include physical activity throughout the school day, especially after long periods of inactivity. Additional physical activity, outside of Physical Education Class, will be encouraged in grades K-12 and is required in grades K-5 for ten (10) minutes per day. Elementary school teachers will receive training on incorporating physical activity into the classroom on a regular basis. In addition, all elementary students will be offered one daily period of recess for a minimum of 15 minutes in a place that accommodates moderate to vigorous physical activity.

Access to School Nutrition Programs:
The District will utilize the point of sale system to ensure that all eligible students have access to free/reduced meals in a non-stigmatizing manner.

Meal Environment:

The District will ensure the following:
1. School dining areas will have sufficient space for students to sit and consume meals.
2. School dining areas are clean, safe, and pleasant environments that reflect the value of the social aspects of eating.
3. Enough serving areas are provided to ensure student access to school meals with a minimum of wait time.
4. Lunch times will be scheduled near the middle of the school day.
5. Students are given adequate time to eat healthy meals.
SUBJECT: Wellness Regulations and Nutrition Guidelines for all foods available on school campus

Sale of Foods and Beverages:

All competitive foods sold individually and outside of the reimbursable school meal, including vending machines, school stores, cafeteria a la carte lines will meet the below standards for nutrient content and portion size. These standards will be altered as necessary to meet or exceed regulations included in the most current Child Nutrition and WIC Reauthorization Act and associated implementation timeline.

Competitive foods include all foods and beverages sold (a) outside the school meal programs; (b) on the school campus in student accessible areas; and (c) at any time during the school day. The school day is defined as the period from the midnight before, to 30 minutes after the end of the official school day. Any food sold in schools must:

- Be a “whole grain-rich” grain product; or
- Have as the first ingredient a fruit, a vegetable, a dairy product, or a protein food; or
- Be a combination food that contains at least ¼ cup of fruit and/or vegetable; or
- Contain 10% of the Daily Value (DV) of one of the nutrients of public health concern in the 2010 Dietary Guidelines for Americans (calcium, potassium, vitamin D, or dietary fiber).*

Foods must also meet several nutrient requirements:
- Calorie limits:
  - Snack items: ≤ 200 calories
  - Entrée items: ≤ 350 calories
- Sodium limits:
  - Snack items: ≤ 230 mg**
  - Entrée items: ≤ 480 mg
- Fat limits:
  - Total fat: ≤35% of calories
  - Saturated fat: < 10% of calories
  - Trans fat: zero grams
- Sugar limit:
  - ≤ 35% of weight from total sugars in foods

*On July 1, 2016, foods may not qualify using the 10% DV criteria.
**On July 1, 2016, snack items must contain ≤ 200 mg sodium per item

Nutrition Standards for Beverages
- All schools may sell:
  - Plain water (with or without carbonation)
  - Unflavored low fat milk
  - Unflavored or flavored fat free milk and milk alternatives permitted by NSLP/SBP
  - 100% fruit or vegetable juice and
  - 100% fruit or vegetable juice diluted with water (with or without carbonation), and no added sweeteners.

(continued)
SUBJECT: Wellness Regulations and Nutrition Guidelines for all foods available on school campus

Nutrition Standards for Beverages
- Elementary schools may sell up to 8-ounce portions, while middle schools and high schools may sell up to 12-ounce portions of milk and juice. There is no portion size limit for plain water.

- Beyond this, the standards allow additional “no calorie” and “lower calorie” beverage options for high school students.
  - No more than 20-ounce portions of
    - Calorie-free, flavored water (with or without carbonation); and other flavored and/or carbonated beverages that are labeled to contain ≤ 5 calories per 8 fluid ounces or ≤ 10 calories per 20 fluid ounces.
  - No more than 12-ounce portions of
    - Beverages with ≤ 40 calories per 8 fluid ounces, or ≤ 60 calories per 12 fluid ounces.

In addition to the above standards set by the Healthy-Hunger-free Kids Act, Olean City School District prohibits the sale of energy drinks and beverages with high-fructose corn syrup or caffeine, except beverages containing trace amounts of naturally occurring caffeine. Water or flavored waters shall not contain added sugars or artificial sweeteners.

Foods & Beverages Sold or Served at Events Outside of the School Day

All foods and beverages sold or served at school-sponsored events will be a single serving.

At events where food and beverages are sold, 50% of items sold must meet the USDA Healthy, Hunger-free Kids Act “Smart Snacks in Schools” Standards.

Other school-sponsored fundraisers will be encouraged to support healthy eating and physical activity by promoting the sale of healthy food items (fresh fruit and produce), non-food sales such as water bottles, plants, etc., and by promoting active events.

School administrators, with the assistance of the District Wellness committee, will create and promote a list of approved fundraising activities. Prior to conducting any fundraiser, the District Fundraiser Approval Form must be completed and approved.

In addition, Olean City School District will encourage and promote wellness through social media, newsletters and an annual family wellness event. Parents will be encouraged to send in healthy treats for classroom celebrations. The District strongly discourages using food as a reward or withholding food as punishment under any circumstance.

(continued)
SUBJECT: Wellness Regulations and Nutrition Guidelines for all foods available on school campus

Community Access to District Facilities for Physical Activities:

School grounds and facilities will be available to students, staff, community members and community organizations and agencies offering physical activity and nutrition programs as often as possible, including before, during and after the school day, on weekends and during school vacations. School policies concerning safety will apply at all times and administrative approval must be obtained in advance. Community access to all District facilities for physical activity is encouraged and easily obtainable upon completion of the “Building Use Request Form.”

Designated staff members shall periodically report to the superintendent on the District’s compliance with the Wellness Policy. The superintendent shall inform the Board of such findings. The superintendent/designee shall provide wellness policy annual progress reports based on input from schools within the District, which shall include:

- The Web site address for the wellness policy and / or information on how the public can access a copy;
- A description of each school’s progress in meeting the wellness policy goals;
- A summary of each school’s local school wellness events or activities;
- Contact information for the leader(s) of the Wellness Policy Team; and
- Information on how individuals can get involved.

The report will be provided to the Board of Education and also distributed to the Wellness Committee, parent-teacher organizations, building principals, and school health services personnel within the District. The report shall be available to community residents upon request.

A. Evaluation and feedback from interested parties, including an assessment of student, parent, teacher, and administration satisfaction with the wellness policy, are essential to the District’s evaluation program. The District will document the financial impact, if any, to the school food service program, school stores, and vending machine revenues based on the implementation of the wellness policy.

B. Assessments of the District’s wellness policy and implementation efforts shall be repeated on a triennial basis. The assessment will determine:

- Compliance with the wellness policy;
- How the wellness policy compares to model wellness policies; and
- Progress made in attaining.

BOE adopted: 04/22/14
Reviewed by School Health Team: 10/23/14
Reviewed by Operations: 11/04/14
BOE 1st Reading, 2nd Reading Waived and Adopted: 11/18/14
SUBJECT:  COMPETITIVE BIDS AND QUOTATIONS

As required by law, the Superintendent/designee will follow normal bidding procedures when appropriate.

A bid bond may be required if considered advisable.

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

Rules shall be developed by the administration for the competitive purchasing of goods and services.

The Superintendent may authorize purchases within the approved budget without bidding if required by emergencies and legally permitted.

The Superintendent is authorized to enter into cooperative bidding for various needs of the School District.

General Municipal Law Article 5-A
Education Law Sections 305(14) and 2513

Adopted: 10/23/03
The Board of Education recognizes its responsibility to ensure the development of procedures for the procurement of goods and services not required by law to be made pursuant to competitive bidding requirements. These goods and services must be procured in a manner so as to:

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

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

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

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

The Board of Education shall solicit comments concerning the District's policies and procedures from those employees involved in the procurement process.

General Municipal Law, Sections 103(1)(5) and 104-b
Education Law Sections 305(14) and 2513

Adopted: 10/23/03
SUBJECT: ACCOUNTING OF FUNDS

Books and records of the District shall be maintained in accordance with statutory requirements, including an annual audit.

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

Online Banking

The Board has entered into a written agreement with designated banks and trust companies for online banking and electronic or wire transfers, which includes the implementation of a security procedure for all transactions. Online transactions must be authorized by the District's Business Official. The District Treasurer, with a separate established user name and password, will have the authority to process online banking transactions. The Business Office Clerk or Deputy Treasurer, with a separate established user name and password, will be responsible for online banking transactions in the event the District Treasurer is not available, or as a job responsibility delegated to him/her by the District Treasurer. A monthly report of all online banking activity will be reviewed by staff independent of the online banking process and reconciled with the bank statement. Online banking will only take place on secure District computers located inside the Treasurer's or Business Office.

Electronic Transactions and Wire Transfers

Procedures will be implemented specifying who is authorized to initiate, approve, transmit, record, review and reconcile electronic transactions. At least two (2) individuals will be involved in each transaction. Authorization and transmitting functions will be segregated and, whenever possible, the recording function will be delegated to a third individual.

The District will enter into written wire transfer security agreements for District bank accounts which will include established procedures for authenticating wire transfer orders.

All wire transfers must be authorized by the District Treasurer or his/her designee. Dual approval controls will be established for non-routine wire transfer orders.

The Internal Auditor will periodically confirm that wire transfers have appropriate signatures, verification and authorization of proper personnel.

Education Law Section 2116-a
General Municipal Law Article 2 Section 5, 5-a, 5-b, 99-b
N.Y. UCC Section 4-A-201

Adopted: 10/23/03
Revised: 11/20/12
SUBJECT: MAINTENANCE OF FUND BALANCE

General Provisions

The Board of Education recognizes that the maintenance of a fund balance is essential to the financial integrity of the District insofar as it helps mitigate current and future risks and assists in ensuring stable tax rates. Consistent with this understanding, the Board adopts the following standards and practices.

Unassigned Fund Balance

Minimum Unassigned Fund Balance

In order to maintain financial stability and protect against cash flow shortfalls, the Board of Education will strive to maintain an unassigned fund balance of at least *2% of the current year's budgeted expenses. In the event such balance falls below the *2% floor, the District will seek to replenish deficiencies through reducing expenses and/or increasing revenue.

Maximum Unassigned Fund Balance

In order to support normal operating costs and provide fiscal stability for the District, the Board of Education will also strive to ensure that the unassigned fund balance does not exceed 4% of the current year's budgeted expenditures. If it is anticipated that such balance will exceed the 4% ceiling, the Board of Education will evaluate current commitments and assignments in order to determine the final distribution of fund balance in any fiscal year.

Fund Balance and Budget Development

The District's ability to maintain its unassigned fund balance within the limits articulated above is contingent upon the development of a reasonable budget. Consequently, the District will develop and adopt budgets that, to the extent possible, reflect the anticipated revenues and expenditures.

Compliance

The District will adhere to the reporting requirements of Article 3 of the General Municipal Law of the State of New York, and the practices set forth in GASB Statement Number 54.

NOTE: Refer also to Policies #5110 -- Budget Planning and Development
      #5512 -- Reserve Funds

Reviewed by Finance Committee 03/19/15
BOE 1st Reading: 04/21/15
BOE 2nd Reading: 05/05/15
BOE Adopted: 05/05/15
SUBJECT: EXTRACLASSROOM ACTIVITIES FUND

An extraclassroom activity fund shall be established for activities conducted by students whose financial support is raised other than by taxation or through charges of the Board of Education. All funds in the extraclassroom activities fund shall be kept according to standards of good financial management including signed reports. Proper books will be kept and all moneys deposited in appropriate accounts as set up by the Board of Education. These accounts shall be subject to audit.

All extraclassroom activity funds shall be handled in accordance with procedures set up by the Superintendent or his/her designee to assure proper handling of these funds and that management of the funds is within the internal controls guidelines and investment policy.

Education Law Section 2503(9)(b)
8 NYCRR Part 172

NOTE: Refer also to Policies #5220 -- District Investments
     #5620 -- Inventories
     #5621 -- Accounting of Fixed Assets

Adopted: 10/23/03
Revised: 8/3/10
SUBJECT: PETTY CASH FUNDS AND CASH IN SCHOOL BUILDINGS

Petty Cash Funds

The Board of Education shall annually authorize petty cash funds to be set up in accordance with State Law.

Cash in School Buildings

The District will not be responsible for the safe keeping of non-district funds.

The Superintendent or designee shall establish appropriate procedures to assure the proper handling of these funds.

Education Law Section 1709(29) and 2503(1)
8 NYCRR Section 170.4

Adopted: 10/23/03
SUBJECT: MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS)

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

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

Adopted: 12/21/04
SUBJECT: PUBLICATION OF DISTRICT'S ANNUAL FINANCIAL STATEMENT

In compliance with Education Law, as a Small City School District, the Board of Education is required to annually publish a financial report within three months of the close of the fiscal year. This financial report must include the specifics of all moneys received and expended and also include a full and complete statement of any bonds issued the preceding year for school purposes and the disposition made or to be made of the proceeds of such bonds.

The law requires that this statement be published in one newspaper, or two if available, having general circulation in the School District, or in pamphlet form for general distribution, as prescribed by the Commissioner. However, if the report is published in pamphlet form, then the Board is required to publish notice in a newspaper or newspapers having general circulation in the District, indicating when and where the pamphlets will be made available.

Education Law Sections 1610, 1721, 2117, 2528 and 2577
8 NYCRR Section 170

Adopted: 8/3/10
SUBJECT: PROHIBITED USE OF DISTRICT FUNDS FOR POLITICAL EXPENDITURES

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

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

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

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

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

Adopted: 10/23/03
SUBJECT: AUDIT COMMITTEES

The Audit Committee may consist of:

a) The Board of Education as a whole;

b) A subcommittee of the Board of Education; or

c) An Advisory Committee that may include, or be composed entirely of persons other than Board members if, in the opinion of the Board, such membership is advisable to provide accounting and auditing expertise.

The Audit Committee shall consist of at least three (3) members who shall serve without compensation, but shall be reimbursed for any actual and necessary expenditure incurred in relation to attendance at meetings. Employees of the District are prohibited from serving on the Audit Committee. Members of the Audit Committee shall be deemed School District Officers, but shall not be required to be residents of the School District.

The role of the Audit Committee shall be advisory unless the Audit Committee consists of at least a quorum of Board members, and any recommendations it provides to the Board shall not substitute for any required review and acceptance by the Board of Education.

The responsibilities of the Audit Committee include the following:

a) Provide recommendations regarding the appointment of the External (Independent) Auditor for the District;

b) Meet with the External (Independent) Auditor prior to commencement of the audit;

c) Review and discuss with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable;

d) Receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board of Education in interpreting such documents;

e) Make a recommendation to the Board on accepting the annual audit report;

f) Review every corrective action plan developed by the School District and assist the Board in its implementation;

g) The annual external audit report or management letter;

(Continued)
SUBJECT:  AUDIT COMMITTEES (Cont’d.)

h) A final audit report issued by the District's internal auditor;

i) A final report issued by the State Comptroller;

j) A final audit report issued by the State Education Department; or

k) A final audit report issued by the United States or an office, agency or department thereof.

Additional responsibilities of the Audit Committee include: assisting in the oversight of the Internal Audit Function including, but not limited to, providing recommendations regarding the appointment of the Internal Auditor; reviewing significant findings and recommendations of the Internal Auditor; monitoring the School District's implementation of such recommendations; and evaluating the performance of the Internal Audit Function.

The Audit Committee may conduct an Executive Session pursuant to Public Officers Law Section 105 pertaining to the following matters:

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

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

c) Discussions regarding proposed, pending or current litigation.

Any Board member who is not a member of the Audit Committee may be allowed to attend an Audit Committee meeting if authorized by a Board resolution. However, if such Board member's attendance results in a meeting of a quorum of the full Board, any action taken by formal vote may constitute official Board action.

Internal Audit Function

The Internal Audit Function shall include:

a) Development of a risk assessment of District operations including, but not limited to, a review of financial policies and procedures and the testing and evaluation of District internal controls;

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

c) Preparation of reports, at least annually or more frequently as the Board may direct, which analyze significant risk assessment findings; and

(Continued)
SUBJECT:  AUDIT COMMITTEES (Cont'd.)

d) Recommendation of changes for strengthening controls and reducing identified risks, and the specification of timeframes for implementation of such recommendations.

The District is permitted to utilize existing District personnel to fulfill the Internal Audit Function, but such persons shall not have any responsibility for other business operations of the District while performing Internal Audit Functions. The District shall also be permitted to use inter-municipal cooperative agreements, shared services to the extent authorized by Education Law Section 1950 or independent contractors to fulfill the Internal Audit Function as long as the personnel or entities performing this Function comply with any Regulations issued by the Commissioner of Education and meet professional auditing standards for independence between the auditor and the District.

Personnel or entities performing the Internal Audit Function shall report directly to the Board of Education. The Audit Committee shall assist in the oversight of the Internal Audit Function on behalf of the Board.

Education Law Sections 1950, 2116-b, 2116-c, and 3811-3813
Public Officers Law Sections 105(b), 105(c), and 105(d)

Adopted: 12/19/06
Revised: 8/3/10
SUBJECT: CONFLICT OF INTEREST POLICY

Introduction

The Olean City School District is focused on the mission of the education of its students. The Olean City School District strives to maintain the highest code of ethics in all of its operations.

The Olean City School District recognizes that the best approach to achieving its mission is when the Board of Education (hereafter called Interested Parties) represents a wide cross-section of the community. These individuals will bring diverse interests, cultures, occupations, and an immense amount of valuable experience to the Olean City School District and its decision-making process. Within this group of Interested Parties, there will develop conflicts of interest or situations which have that appearance. These could ultimately have the potential of being detrimental to the Olean City School District. This Conflict of Interest Policy is being implemented to ensure that all activities are undertaken with the utmost importance placed on promoting fairness and objectivity in the conduct of our normal functions. Additionally, this policy means that all decisions at every level are made with the best interest of the Olean City School District and community in mind.

Definition

A Conflict of interest exists when the personal or professional interest of an Interested Party could affect their ability to be objective in an Olean City School District decision process. This policy will define the steps that need to be taken to identify a potential conflict if it arises.

General Policies

In order to comply, the following must occur:

a) Written Disclosure - On an annual basis, all Interested Parties must complete in writing a Conflict of Interest Statement listing all business, non-profit or government affiliations.

b) Disclosure - If an Interested Party has an interest or affiliation in a proposed transaction with the Olean City School District in the form of a significant personal or organizational financial interest in the transaction or holds a position as trustee, director, officer, or staff member in such organization, they must make full disclosure of any interest before any discussion or negotiations can occur in their presence.

c) Discussion or Voting Powers - Any Interested Party who has a potential conflict of Interest with respect to any matter coming before the board or any committee of the board shall not participate in any vote in connection with the matter unless requested to respond to questions or provide factual information by the board or committee chair. At the discretion of the board or committee chair, the Interested Party with the potential conflict can be asked to leave the meeting until the discussion and vote has been completed.

(Continued)
SUBJECT:  CONFLICT OF INTEREST POLICY (Cont'd.)

d)  **Abstention** - Any Interested Party who has a potential conflict of interest with respect to any matter or transaction and is permitted to remain for the discussion must abstain from the final vote on the transaction.

e)  **Information** - Any board member who acquires confidential information by virtue of their role as a board member shall not use that information for personal or professional gain.

f)  **Monetary Benefit** - No Interested Party may have any direct or indirect monetary benefit based on their actions in connection with the Olean City School District.

g)  **Professional Services** - No Interested Party can provide any professional or management services that could provide them direct or indirect monetary benefit.

The intent of these policies is to provide a clear understanding of the policies of the Olean City School District for all Board of Education members. These policies are structured to maintain the high standard of ethics, which has always been a cornerstone of the Olean City School District.
SUBJECT: CONFLICT OF INTEREST POLICY (Cont'd.)

OLEAN CITY SCHOOL DISTRICT

CONFLICT OF INTEREST STATEMENT

The space shown below is to record all affiliations that I may have with a business or not-for-profit or government organization that could be a potential Conflict of Interest. I understand that I will abstain or remove myself from any transaction that the Olean City School District is considering that could be a Conflict of Interest. In accordance with this policy, I will exercise the utmost level of fairness and objectivity at all times.

The following is a list of organizations with which I am associated:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

_____________________________    _______________________
Signature                  Date

_____________________________
Print Name

Adopted: 3/13/07
SUBJECT: ALLEGATIONS OF FRAUD

Reporting and Investigations of Allegations of Fraud

All Board members and officers, District employees and third party consultants are required to abide by the District's policies, administrative regulations and procedures in the conduct of their duties. Further, all applicable federal and/or state laws and regulations must be adhered to in the course of District operations and practices. Any individual who has reason to believe that financial improprieties or wrongful conduct is occurring within the School System is to disclose such information according to the reporting procedures established by the District. The reporting procedures will follow the chain of command as established within the department or school building or as enumerated in the District's Organizational Chart. In the event that the allegations of financial improprieties/fraud and/or wrongful conduct concern the investigating official, the report shall be made to the next level of supervisory authority. If the chain of supervisory command is not sufficient to ensure impartial, independent investigation, allegations of financial improprieties/fraud and/or wrongful conduct will be reported as applicable, to the Internal Auditor (if available), or the Independent (External) Auditor, or the School Attorney, or the Board of Education. The District's prohibition of wrongful conduct, including fraud, will be publicized within the District as deemed appropriate; and written notification will be provided to all employees with fiscal accounting/oversight and/or financial duties including the handling of money.

Upon receipt of an allegation of financial improprieties/fraud and/or wrongful conduct, the Board or designee will conduct a thorough investigation of the charges. However, even in the absence of a report of suspected wrongful conduct, if the District has knowledge of, or reason to know of, any occurrence of financial improprieties/fraud and/or wrongful conduct, the District will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all reports will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. Written records of the allegation, and resulting investigation and outcome will be maintained in accordance with law.

Based upon the results of this investigation, if the District determines that a school employee, school official, or school officer has engaged in financial improprieties/fraudulent and/or wrongful actions, appropriate disciplinary measures will be applied, up to and including termination of employment, in accordance with legal guidelines, District policy and regulation, and any applicable collective bargaining agreement. Third parties who are found to have engaged in financial improprieties/fraud and/or wrongful conduct will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted. Rather, when school officials receive a complaint or report of alleged financial improprieties/fraud and/or wrongful conduct that may be criminal in nature, law authorities should be immediately notified.

An appeal procedure will also be provided, as applicable, to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable investigating officer(s).

(Continued)
SUBJECT: ALLEGATIONS OF FRAUD (Cont'd.)

Protection of School Employees who Report Information Regarding Illegal or Inappropriate Financial Practices

Any employee of the School District who has reasonable cause to believe that the fiscal practices or actions of an employee or officer of the District violates any local, state, federal law or rule and regulation relating to the financial practices of the District, and who in good faith reports such information to an official of the District, or to the Office of the State Comptroller, the Commissioner of Education, or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report. Further, neither the School District, nor employee or officer thereof, shall take, request, or cause a retaliatory action against any such employee who makes such a report.

The Board also prohibits any retaliatory behavior directed against any witnesses and/or any other individuals who participate in the investigation of an allegation of illegal or inappropriate fiscal practices or actions. Follow-up inquiries shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the District.

Knowingly Makes False Accusations

Any individual who knowingly makes false accusations against another individual as to allegations of financial improprieties/fraud may also face appropriate disciplinary action.

Education Law Section 3028-d

Adopted: 12/19/06
SUBJECT:  FINANCIAL ACCOUNTABILITY

The Superintendent or his/her designee, will develop 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.

8 NYCRR Section 170.12

Adopted: 8/3/10
SUBJECT: INTERNAL AUDIT FUNCTION

The District has established an Internal Audit Function which includes:

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

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

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

d) Preparation of reports, at least annually or more frequently as the Board may direct, which analyze significant risk assessment findings, recommend changes for strengthening controls and reducing identified risks, and specify timeframes for implementation of such recommendations.

Personnel or entities serving as the Internal Auditor and performing the Internal Audit Function shall report directly to the Board of Education. The Audit Committee shall assist in the oversight of the Internal Audit Function on behalf of the Board.

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

NOTE: Refer also to Policy #1339 – Duties of the Internal Auditor

Reviewed by Finance: 07/14/10
1st Reading BOE: 07/20/10
2nd Reading BOE: 08/03/10
Adopted: 08/03/10
SUBJECT:  MEDICAID CODE OF ETHICS FOR ALL DISTRICT PERSONNEL

Pursuant to the provision of Section 806 of the General Municipal Law, the Board of Education of the Olean City School District recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained in our unit of local government. It is the purpose of this law to promulgate these rules of ethical conduct for the offices and employees of the District. These rules shall serve as a guide for official conduct of this local law as adopted, shall not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Definition

"Municipal Officer or Employee" means an officer or employee of the Olean City School District, whether paid or unpaid, included members of any administrative board, commission, or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer. In the event of a breach of confidentiality that is required by law, proceedings may be commenced to discipline for such violation of the law.

Standards of Conduct

Every office or employee of the Olean City School District shall be subject to and abide by the following standards of conduct:

a) Report to the compliance office any suspected problems concerning Medicaid billings, payments, medical necessity of services, quality of services, governance, mandatory reporting, credentialing, and other risk areas identified.

b) Shall not participate in non-compliant behavior concerning Medicaid billings, payments, medical necessity of services, quality of services, governance, mandatory reporting, credentialing, and other risk areas identified.

c) Shall not encourage, direct, facilitate or punish, actively or passively, non-compliant behavior concerning Medicaid billings, payments, medical necessity of services, quality of services, governance, mandatory reporting, credentialing, and other risk areas identified.

Distribution of Code of Ethics

The Superintendent of the Board of Education of the Olean City School District shall cause of copy of this Code of Ethics to be distributed to every officer, administrator, and affected employee within thirty (30) days after the effective date of its adoption. Each office and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office of employment.

Adopted: 11/3/09
SUBJECT: MEDICAID GOVERNANCE

A school board is responsible for the education of the children residing in its district and must provide for the governance and oversight of the district's affairs, personnel, and properties. To address these responsibilities, the Board should establish a strong control environment, issue comprehensive policies, ensure the District operates in accordance with its mission and all legal requirements, monitor the District's financial condition, and ensure the District hires qualified individuals.

The control environment sets the tone of an organization, influences the control consciousness of its people. The governing board and other management personnel set the proper tone for the control environment when they establish and effectively communicate a Code of Ethics and written policies and procedures, behave in an ethical manner, observe the same rules they expect everyone else to observe, and required the appropriate standard of conduct from everyone in the organization. Employees observe how management conducts itself, and that conduct often speaks more fluently than the written policies that management expects employees to follow.

The Olean City School District, therefore, promulgates:

a) A Code of Ethics as applies to Medicaid billing, payment, medical necessity and quality of services, mandatory reporting, credentialing, and other risk areas that may be identified by due diligence.

b) A staff/governance board-training schedule on procedures and compliance issues.

c) A communication process where compliance issues can be reported confidentially.

d) The appointment of a Medicaid compliance officer with the responsibilities articulated.

e) Disciplinary procedures that encourage good faith reporting and sanctions for failure to do so.

f) Definition of administrative responsibilities for fair and firm enforcement of discipline for failure to comply.

g) A system for routine identification of compliance risk areas.

h) A system for responding to, investigating, correcting, reporting and developing policies that discourage non-compliance issues or activities.

It is the Board's policy to fairly and firmly enforce the disciplinary policies pertaining to Medicaid non-compliance.

Adopted: 11/3/09
SUBJECT: MEDICAID NON-INTIMIDATION AND NON-RETALIATION

The Board of Education prohibits any retaliatory behavior directed against the person or persons who reports a non-compliance issue or suspicion in good faith, as well as against any witness who testifies in a non-compliance investigation.

This includes, but is not limited to, reporting potential issues, investigation issues, self evaluations, audits and remedial actions and reporting to appropriate officials as provide in Section 740 and 741 of the Labor Law.

Adopted: 11/3/09
SUBJECT: INSURANCE

The objective of the Board of Education is to obtain the best possible insurance at the lowest possible cost, and charges the Superintendent or designee with this responsibility.

The Board shall also purchase liability insurance to pay damages assessed against Board members and District employees acting in the discharge of their respective duties, within the scope of their employment and/or under the direction of the Board.

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

Public Officers Law Section 18
General Municipal Law Sections 6-n and 52
Education Law Sections 2503(10), 2503(10-a), 3023, 3028 and 3811

Adopted: 10/23/03
SUBJECT: INVENTORIES

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

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

Education law Section 2503
Uniform System of Accounts for School Districts (Fiscal Section)

Adopted: 10/23/03
SUBJECT: ACCOUNTING OF FIXED ASSETS

The School Business Official shall be responsible for accounting for general fixed assets according to the procedures outlined by the Uniform System of Accounts for School Districts and GASB Statement 34 Regulations.

These accounts will serve to:

a) Maintain a physical inventory of assets;

b) Establish accountability;

c) Determine replacement costs; and

d) Provide appropriate insurance coverage.

Fixed assets with a minimum value established by the Board that have a useful life of one (1) year or more and physical characteristics not appreciably affected by use or consumption shall be inventoried and recorded on an annual basis. Fixed assets shall include land, buildings, equipment and materials.

A threshold of five thousand dollars ($5,000) will be established as a basis for considering which fixed assets are to be depreciated. The threshold shall insure that at least eighty percent (80%) of the value of all assets are reported. A standardized depreciation method and averaging convention shall also be established for depreciation calculations.

Fixed assets acquired having a value equal to or greater than the established threshold are considered depreciable assets and shall be inventoried for the purposes of GASB 34 accounting practices and placed on a depreciation schedule according to its asset class and estimated useful life as stipulated by the NY State Comptroller's Office or the IRS.

Assets shall be recorded at initial cost or, if not available, at estimated initial cost; gifts of fixed assets shall be recorded at estimated fair value at the time of the gift. A property record will be maintained for each asset and will contain, where possible, the following information:

a) Date of acquisition;

b) Description;

c) Cost or value;

d) Location;

e) Asset type;

(Continued)
SUBJECT: ACCOUNTING OF FIXED ASSETS (Cont’d.)

f) Estimated useful life;

g) Replacement cost;

h) Current value;

i) Salvage value;

j) Date and method of disposition; and

k) Responsible official.

The School Business Official shall arrange for the annual inventory and appraisal of School District property, equipment and material. Any discrepancies between an inventory and the District's property records on file should be traced and explained.

A report of discrepancies, if any, shall be reported to the BOE.

Adopted: 12/12/06
SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE

Operation and Maintenance

The Superintendent is charged with the responsibility for administering plant operations in the most efficient and economical manner possible, while placing high priority on health and safety of students and conservation of natural resources.

The Board, through the Superintendent and his/her staff, has the responsibility of protecting the District investment in plant and facilities through a systematic maintenance program.

School Facility Report Cards

The School District shall prepare an annual School Facility Report Card for each occupied school building, including a description of the activities of the District's Health and Safety Committee.

The School Facility Report Card for each building shall be reviewed annually by the Board of Education. The Board shall report in a public meeting on the status of each item set forth in Commissioner's Regulations for each facility located in the District.

Asbestos Inspection:
40 CFR Part 763, Subpart E
Education Law Article 9-A

Fire Inspection:
Education Law Section 807-a
8 NYCRR Section 155.4

Health and Safety Committee:
8 NYCRR Section 155.6(c)(17)

Health Inspection:
Education Law Section 906

Plans and Specifications:
Education Law Sections 408, 408-a and 409
8 NYCRR Sections 155.1 and 155.2
19 NYCRR Sections 1220-1240

Structural Safety Inspections:
Education Law Sections 409-d, 409-e, 3602 and 3641(4)
8 NYCRR Sections 155.1, 155.3, 155.4(b)(1) and 155.6

Adopted: 10/5/10
SUBJECT:  HAZARDOUS MATERIALS AND TOXIC SUBSTANCES

The Board of Education recognizes the need to protect human health and the environment from damage resulting from the improper handling of hazardous materials and toxic substances.

The management of hazardous material and toxic substances from its point of generation to the ultimate disposal is regulated through specific Federal and State and local laws.

The Board directs the Superintendent to adopt rules to insure District implementation of applicable Federal and State and local laws pertaining to the training of employees, and the identification, transportation, treatment, storage, and disposal of hazardous materials and toxic substances.

Environmental Protection Agency
40 CFR 261 and 262
6 NYCRR Part 371

Adopted: 10/23/03
SUBJECT: NAMING/RENAMEING SCHOOL FACILITIES

A new facility of the District will be named as soon as feasible after its construction has become a financial reality, the site has been selected and the architect appointed. The Board may, at its discretion, rename an existing facility, or part thereof.

The Superintendent of Schools and Board of Education shall select a committee whose purpose shall be to solicit and submit two nominations of names for a new and unnamed facility and an explanation for each nomination to the Board. The Board of Education will make the final decision regarding the naming or renaming of a facility.

An appropriate building plaque or other suitable memorials may also be authorized by the Board of Education.

Committee Composition

The Board of Education shall appoint members to an Advisory Committee as follows:

a) Superintendent;
b) One Administrator;
c) One teacher;
d) Students; and
e) One community member.

Board Resolution

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

Plaque Dedication

In recognition of the efforts of those involved in planning and construction of a new facility, or in remodeling an existing facility/building, a plaque containing the following information may be located in an appropriate place in the facility:

a) Facility name;
b) Board approved construction date;
c) Completion or dedication date;

(Continued)
SUBJECT: NAMING/RENAMEING SCHOOL FACILITIES (Cont'd.)

d) Name of the Board of Education members as of the Board approved construction date in the following order:

   1. President
   2. Vice President
   3. Members (alphabetically);

e) Superintendent as of Board approved construction date; and

f) Architect and contractor names.

   Formal dedication of the facility shall take place on a date and time specified by the Board of Education.

   The administration shall establish guidelines for the naming or renaming of any District building or facility.

   Adopted: 9/16/08
SUBJECT: HONORARY NAMING/RENAMEING SCHOOL FACILITIES DESIGNATION

The Board authorizes the Superintendent to make "honorary designations" of areas or objects within the District to honor exceptional members of our District including teachers, staff, administrators and students. Such designations shall be for one year; permanent physical changes shall not be made to the space or object.

Permanent designation will require Board approval.

Adopted: 3/21/06
SUBJECT: SMOKING/TOBACCO USE

School Grounds

Tobacco use shall not be permitted and no person shall use tobacco on school grounds, or at school-sponsored events, or within one hundred (100) feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary schools. However, this shall not apply to smoking in a residence, or within the real property boundary lines of such residential real property. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's schools legally defined property boundaries as registered in the County Clerk's Office; as well as all District vehicles, including vehicles used to transport children or school personnel.

For purposes of this policy, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, and any other smoking product, and spit, spitless or dissolvable tobacco (sticks, orbs, snus, smokeless, dip, chew and/or snuff) in any form.

The use of e-cigarettes and any other products containing nicotine, except for current FDA-Approved smoking cessation products, are also prohibited.

Off School Grounds

Tobacco use is prohibited by students, staff, volunteers, chaperones, visitors, and other adult participants at any school-sponsored event or activity off campus.

Posting/Notification of Policy

In compliance with the New York State Clean Indoor Air Act, the District will prominently post its Smoking/Tobacco Use policy and signs prohibiting all forms of tobacco products in District buildings on school grounds and other appropriate locations; and will supply a copy upon request to any current or prospective employee. The District will also designate a school official to tell individuals who smoke in a non-smoking area that they are in violation of the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994 and District policy.

The District shall also ensure that this policy is communicated to staff, students, parents/guardians, volunteers, and visitors as deemed appropriate in order to orient all persons to the District's "No Smoking" Policy and environment. Violators will be informed of the District's policy and asked to abide by it when attending school functions and/or visiting District buildings.

Prohibition of Tobacco Promotional Items/Tobacco Advertising

Tobacco promotional items (e.g., brand names, logos and other identifiers) are prohibited:

a) On school grounds;

b) In school vehicles;

(Continued)
SUBJECT: SMOKING/TOBACCO USE (Cont'd.)

c) At school-sponsored events;

d) In school publications;

e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District Code of Conduct and applicable collective bargaining agreements.

This prohibition of tobacco promotional items shall be implemented in accordance with the Code of Conduct and applicable collective bargaining agreements.

In addition, tobacco advertising is also prohibited in all school-sponsored publications and at all school sponsored events.

Safe and Drug-Free Schools and Communities Act
20 United States Code (USC) Section 7101 et seq.
Pro-Children Act of 2001
20 United States Code (USC) Sections 7181-7184, as amended by the No Child Left Behind Act of 2001
Public Health Law Article 13-E
Education Law Sections 409 and 3020-a

NOTE: Refer also to Policies #3270 -- Community Use of School Facilities
#3410 -- Code of Conduct on School Property
#7310 -- School Conduct and Discipline
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
#8211 -- Prevention Instruction
District Code of Conduct on School Property

Adopted: 05/07/13
Reviewed by Operations: 04/08/14
BOE 1st Reading: 04/22/14
BOE adopted: 04/22/14
Reviewed by School Health Team: 10/23/14
Reviewed by Operations: 11/04/14
BOE 1st Reading, 2nd Reading Waived, Adopted: 11/18/14
SUBJECT: ENERGY CONSERVATION IN THE SCHOOL DISTRICT

The Board of Education recognizes the importance of energy conservation and is committed to the analysis, development, and initiation of conservation measures throughout the school district for the purpose of reducing energy consumption, particularly in these times of declining levels of natural energy resources and increasing cost of these resources. The Board of Education maintains an aggressive and responsible program to reduce consumption of energy by its facilities and to provide education to both staff and students on the conservation of energy.

The Board of Education is committed to an energy conservation program that addresses not only capital-related energy projects but ongoing, day-to-day energy related issues as well. All staff are urged to participate actively in a program of energy conservation by assisting in the efforts to eliminate the wasteful use of energy in the operation of the School District buildings. Cooperation will be essential from each employee and student to achieve a meaningful energy conservation program that results in a more efficient use of energy resources.

Energy Manager

The Superintendent of Buildings and Grounds is designated as the Energy Manager of the School District and he/she shall report directly to the Superintendent, or their designee, on matters pertaining to energy conservation.

Energy Conservation Committee

The Buildings and Grounds Committee will serve as the District's energy conservation committee. The duties of this committee will include, but are not limited to, the following:

a) Analyzing the school district's energy consumption patterns and cost data;

b) Work with outside consultants and/or staff members to recommend and evaluate energy saving ideas, including but not limited to Technology Power management, lighting changes, HVAC changes and management;

c) Evaluate and make recommendations about the energy efficient of school district buildings through periodic building inspections and surveys;

d) Consider cost savings from cooperative purchasing arrangements with other municipalities and school districts.

Minimum Indoor Air Temperature

The School District will comply with the Property Maintenance Code of New York State, part of the New York State Uniform Fire Prevention and Building Code, which requires that indoor occupiable work spaces be maintained at a minimum temperature of sixty-five (65) degrees from (Continued)
SUBJECT:  ENERGY CONSERVATION IN THE SCHOOL DISTRICT (Cont'd.)

September 14 to May 31 during the period the spaces are occupied. There are exceptions for areas of vigorous physical activities such as gymnasiums as well as processing spaces such as coolers or freezers. However, by law, code or regulation there is no maximum temperature specified. Ventilation requirements only require fresh air, not cool air-conditioning.

Long-Range Considerations

The energy conservation program is an important factor to be considered in planning effective use of school facilities, new construction, remodeling or rehabilitation programs, and modernization projects.

Environmental Conservation Law Sections 27-2101- 27-2117  
General Municipal Law Section 120-aa  
19 New York State Code of Rules and Regulations (NYCRR) Sections 1221-1228 and Section 1240  
Energy Conservation Code of New York State 2007

Adopted: 3/6/12
SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)

The Board has entered into an agreement with the New York State Education Department to participate in the National School Lunch and Breakfast Programs and to receive commodities donated by the Department of Agriculture and to accept responsibility for providing free and reduced price meals to elementary and secondary students in the schools of the District.

The Superintendent or his/her designee shall have the responsibility to carry out the rules of the School Lunch and Breakfast Programs, in accordance with laws and regulations.

Restrictions of Sweets in Schools

The sale of sweetened foods will be prohibited from the beginning of the school day until the end of the last scheduled meal period.

Sweetened foods consist of sweetened soda water, chewing gum, candy, including hard candy, jellies, gum, marshmallow candies, fondant, licorice, spun candy, candy coated popcorn, and water ices except those which contain fruit or fruit juices.

Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265
Child Nutrition Act 1966, 42 USC Section 1771 et seq.
Richard B. Russell National School Lunch Act 1946, 42 USC Section 1751 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
Individuals with Disabilities Education Act (IDEA), 20 USC Sections 1400-1485
7 CFR Parts 15B, 210 and 220
Education Law Sections 902(b), 915, 918, 1604(28), 1709(22), 1709(23) and 2503(9)(a)
8 NYCRR Sections 200.2(b)(1) and 200.2(b)(2)

Adopted: 11/21/06
Revised: 10/5/10
SUBJECT: RECORDS MANAGEMENT

The Superintendent will designate a Records Management Officer, subject to Board approval, to develop and coordinate the District’s orderly and efficient records management program. Among other aspects, this program includes the legal disposition or destruction of obsolete records and the storage and management of inactive records. The Records Management Officer will work with other District officials to develop and maintain this program.

The District may create a Records Advisory Board to assist in establishing and supporting the records management program. Members of this board may include the District's legal counsel, the fiscal officer, and the Superintendent or designee.

Retention and Disposition of Records

The Superintendent will retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule ED-1 or as otherwise approved by the Commissioner of Education.

Replacing Original Records with Microforms or Electronic Images

The District will follow procedures prescribed by the Commissioner of Education to ensure accessibility and intelligibility for the life of any microform or electronic records that replace paper originals or micrographic copies.

Retention and Preservation of Electronic Records

The District will ensure that record-retention requirements are incorporated into any program, plan, or process for design, redesign, or substantial enhancement of an information system that stores electronic records. The District will also ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements expire.

Arts and Cultural Affairs Law § 57.19
8 NYCRR Part 185

Adopted: 10/23/03
Reviewed by Operations: 12/05/17 and 01/02/18
BOE 1st Reading: 01/09/18
BOE 2nd Reading: Waived
Adopted: 01/09/18
SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

The School District values the protection of private information of individuals in accordance with applicable law and regulations. Further, the District is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the Information Security Breach and Notification Act and Board policy.

a) "Private information" shall mean **personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

1. Social security number;
2. Driver's license number or non-driver identification card number; or
3. Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.

**"Personal information" shall mean any information concerning a person which, because of name, number, symbol, mark or other identifier, can be used to identify that person.

b) "Breach of the security of the system," shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the District. Good faith acquisition of personal information by an employee or agent of the District for the purposes of the District is not a breach of the security of the system, provided that private information is not used or subject to unauthorized disclosure.

State Technology Law Sections 202 and 208

Adopted: 10/5/10
SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA

The District is committed to maintaining the privacy and security of student data and teacher and principal data and will follow all applicable laws and regulations for the handling and storage of this data in the District and when disclosing or releasing it to others, including, but not limited to, third-party contractors. The District adopts this policy to implement the requirements of Education Law Section 2-d and its implementing regulations, as well as to align the District's data privacy and security practices with the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1).

Definitions

As provided in Education Law Section 2-d and/or its implementing regulations, the following terms, as used in this policy, will mean:

a) "Breach" means the unauthorized acquisition, access, use, or disclosure of student data and/or teacher or principal data by or to a person not authorized to acquire, access, use, or receive the student data and/or teacher or principal data.

b) "Building principal" means a building principal subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.

c) "Classroom teacher" means a teacher subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.

d) "Commercial or marketing purpose" means the sale of student data; or its use or disclosure for purposes of receiving remuneration, whether directly or indirectly; the use of student data for advertising purposes, or to develop, improve, or market products or services to students.

e) "Contract or other written agreement" means a binding agreement between an educational agency and a third-party, which includes, but is not limited to, an agreement created in electronic form and signed with an electronic or digital signature or a click-wrap agreement that is used with software licenses, downloaded, and/or online applications and transactions for educational technologies and other technologies in which a user must agree to terms and conditions prior to using the product or service.

f) "Disclose" or "disclosure" means to permit access to, or the release, transfer, or other communication of personally identifiable information by any means, including oral, written, or electronic, whether intended or unintended.

g) "Education records" means an education record as defined in the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.
SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

h) "Educational agency" means a school district, board of cooperative educational services (BOCES), school, or the New York State Education Department (NYSED).

i) "Eligible student" means a student who is eighteen years or older.

j) "Encryption" means methods of rendering personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons through the use of a technology or methodology specified or permitted by the Secretary of the United States Department of Health and Human Services in guidance issued under 42 USC Section 17932(h)(2).

k) "FERPA" means the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.


m) "Parent" means a parent, legal guardian, or person in parental relation to a student.

n) "Personally identifiable information (PII)," as applied to student data, means personally identifiable information as defined in 34 CFR Section 99.3 implementing the Family Educational Rights and Privacy Act, 20 USC Section 1232g, and, as applied to teacher or principal data, means personally identifying information as this term is defined in Education Law Section 3012-c(10).

o) "Release" has the same meaning as disclosure or disclose.

p) "Student" means any person attending or seeking to enroll in an educational agency.

q) "Student data" means personally identifiable information from the student records of an educational agency.

r) "Teacher or principal data" means personally identifiable information from the records of an educational agency relating to the annual professional performance reviews of classroom teachers or principals that is confidential and not subject to release under the provisions of Education Law Sections 3012-c and 3012-d.

s) "Third-party contractor" means any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to
SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont’d.)

agency, including but not limited to data management or storage services, conducting studies for or on behalf of the educational agency, or audit or evaluation of publicly funded programs. This term will include an educational partnership organization that receives student and/or teacher or principal data from a school district to carry out its responsibilities pursuant to Education Law Section 211-e and is not an educational agency, and a not-for-profit corporation or other nonprofit organization, other than an educational agency.

t) "Unauthorized disclosure" or "unauthorized release" means any disclosure or release not permitted by federal or state statute or regulation, any lawful contract or written agreement, or that does not respond to a lawful order of a court or tribunal or other lawful order.

Data Collection Transparency and Restrictions

As part of its commitment to maintaining the privacy and security of student data and teacher and principal data, the District will take steps to minimize its collection, processing, and transmission of PII. Additionally, the District will:

a) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.

b) Ensure that it has provisions in its contracts with third-party contractors or in separate data sharing and confidentiality agreements that require the confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

Except as required by law or in the case of educational enrollment data, the District will not report to NYSED the following student data elements:

a) Juvenile delinquency records;

b) Criminal records;

c) Medical and health records; and

d) Student biometric information.
Nothing in Education Law Section 2-d or this policy should be construed as limiting the administrative use of student data or teacher or principal data by a person acting exclusively in the person's capacity as an employee of the District.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

Chief Privacy Officer

The Commissioner of Education has appointed a Chief Privacy Officer who will report to the Commissioner on matters affecting privacy and the security of student data and teacher and principal data. Among other functions, the Chief Privacy Officer is authorized to provide assistance to educational agencies within the state on minimum standards and best practices associated with privacy and the security of student data and teacher and principal data.

The District will comply with its obligation to report breaches or unauthorized releases of student data or teacher or principal data to the Chief Privacy Officer in accordance with Education Law Section 2-d, its implementing regulations, and this policy.

The Chief Privacy Officer has the power, among others, to:

a) Access all records, reports, audits, reviews, documents, papers, recommendations, and other materials maintained by the District that relate to student data or teacher or principal data, which includes, but is not limited to, records related to any technology product or service that will be utilized to store and/or process PII; and

b) Based upon a review of these records, require the District to act to ensure that PII is protected in accordance with laws and regulations, including but not limited to requiring the District to perform a privacy impact and security risk assessment.

Data Protection Officer

The District has designated a District employee to serve as the District's Data Protection Officer. *The Data Protection Officer for the District is: Marc Friends*

The Data Protection Officer is responsible for the implementation and oversight of this policy and any related procedures including those required by Education Law Section 2-d and its implementing regulations, as well as serving as the main point of contact for data privacy and security for the District.

The District will ensure that the Data Protection Officer has the appropriate knowledge, training, and experience to administer these functions. The Data Protection Officer may perform
these functions in addition to other job responsibilities. Additionally, some aspects of this role may be outsourced to a provider such as a BOCES, to the extent available.

(Continued)

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SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

District Data Privacy and Security Standards

The District will use the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1) (Framework) as the standard for its data privacy and security program. The Framework is a risk-based approach to managing cybersecurity risk and is composed of three parts: the Framework Core, the Framework Implementation Tiers, and the Framework Profiles. The Framework provides a common taxonomy and mechanism for organizations to:

a) Describe their current cybersecurity posture;

b) Describe their target state for cybersecurity;

c) Identify and prioritize opportunities for improvement within the context of a continuous and repeatable process;

d) Assess progress toward the target state; and

e) Communicate among internal and external stakeholders about cybersecurity risk.

The District will protect the privacy of PII by:

a) Ensuring that every use and disclosure of PII by the District benefits students and the District by considering, among other criteria, whether the use and/or disclosure will:
   1. Improve academic achievement;
   2. Empower parents and students with information; and/or
   3. Advance efficient and effective school operations.

b) Not including PII in public reports or other public documents.

The District affords all protections under FERPA and the Individuals with Disabilities Education Act and their implementing regulations to parents or eligible students, where applicable.
SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

Third-Party Contractors

District Responsibilities

The District will ensure that whenever it enters into a contract or other written agreement with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District, the contract or written agreement will include provisions requiring that confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

In addition, the District will ensure that the contract or written agreement includes the third-party contractor's data privacy and security plan that has been accepted by the District.

The third-party contractor's data privacy and security plan must, at a minimum:

a) Outline how the third-party contractor will implement all state, federal, and local data privacy and security contract requirements over the life of the contract, consistent with District policy;

b) Specify the administrative, operational, and technical safeguards and practices the third-party contractor has in place to protect PII that it will receive under the contract;

c) Demonstrate that the third-party contractor complies with the requirements of 8 NYCRR Section 121.3(c);

d) Specify how officers or employees of the third-party contractor and its assignees who have access to student data or teacher or principal data receive or will receive training on the laws governing confidentiality of this data prior to receiving access;

e) Specify if the third-party contractor will utilize subcontractors and how it will manage those relationships and contracts to ensure PII is protected;

f) Specify how the third-party contractor will manage data privacy and security incidents that implicate PII including specifying any plans to identify breaches and unauthorized disclosures, and to promptly notify the District;
g) Describe whether, how, and when data will be returned to the District, transitioned to a successor contractor, at the District's option and direction, deleted or destroyed by the third-party contractor when the contract is terminated or expires; and

h) Include a signed copy of the Parents' Bill of Rights for Data Privacy and Security.

(Continued)
h) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.

Where a third-party contractor engages a subcontractor to perform its contractual obligations, the data protection obligations imposed on the third-party contractor by law and contract apply to the subcontractor.

(Continued)

Cooperative Educational Services through a BOCES

The District may not be required to enter into a separate contract or data sharing and confidentiality agreement with a third-party contractor that will receive student data or teacher or principal data from the District under all circumstances.

For example, the District may not need its own contract or agreement where:

a) It has entered into a cooperative educational service agreement (CoSer) with a BOCES that includes use of a third-party contractor's product or service; and

b) That BOCES has entered into a contract or data sharing and confidentiality agreement with the third-party contractor, pursuant to Education Law Section 2-d and its implementing regulations, that is applicable to the District's use of the product or service under that CoSer.

To meet its obligations whenever student data or teacher or principal data from the District is received by a third-party contractor pursuant to a CoSer, the District will consult with the BOCES to, among other things:

a) Ensure there is a contract or data sharing and confidentiality agreement pursuant to Education Law Section 2-d and its implementing regulations in place that would specifically govern the District's use of a third-party contractor's product or service under a particular CoSer;

b) Determine procedures for including supplemental information about any applicable contracts or data sharing and confidentiality agreements that a BOCES has entered into with a third-party contractor in its Parents' Bill of Rights for Data Privacy and Security;

c) Ensure appropriate notification is provided to affected parents, eligible students, teachers, and/or principals about any breach or unauthorized release of PII that a third-party contractor has received from the District pursuant to a BOCES contract; and
d) Coordinate reporting to the Chief Privacy Officer to avoid duplication in the event the District receives information directly from a third-party contractor about a breach or unauthorized release of PII that the third-party contractor received from the District pursuant to a BOCES contract.

Click-Wrap Agreements

Periodically, District staff may wish to use software, applications, or other technologies in which the user must "click" a button or box to agree to certain online terms of service prior to using the software, application, or other technology. These are known as "click-wrap agreements" and are considered legally binding "contracts or other written agreements" under Education Law Section 2-d and its implementing regulations.

(Continued)
e) Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed in writing to Privacy Complaint, Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New York 12234. Complaints may also be submitted using the form available at the following website http://www.nysed.gov/student-data-privacy/form/report-improper-disclosure.

The Bill of Rights will also include supplemental information for each contract the District enters into with a third-party contractor where the third-party contractor receives student data or teacher or principal data from the District. The supplemental information must be developed by the District and include the following information:

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

a) The exclusive purposes for which the student data or teacher or principal data will be used by the third-party contractor, as defined in the contract;

b) How the third-party contractor will ensure that the subcontractors, or other authorized persons or entities to whom the third-party contractor will disclose the student data or teacher or principal data, if any, will abide by all applicable data protection and security requirements, including but not limited to those outlined in applicable laws and regulations (e.g., FERPA; Education Law Section 2-d);

c) The duration of the contract, including the contract's expiration date, and a description of what will happen to the student data or teacher or principal data upon expiration of the contract or other written agreement (e.g., whether, when, and in what format it will be returned to the District, and/or whether, when, and how the data will be destroyed);

d) If and how a parent, student, eligible student, teacher, or principal may challenge the accuracy of the student data or teacher or principal data that is collected;

e) Where the student data or teacher or principal data will be stored, described in a manner as to protect data security, and the security protections taken to ensure the data will be protected and data privacy and security risks mitigated; and

f) Address how the data will be protected using encryption while in motion and at rest.

The District will publish on its website the supplement to the Bill of Rights (i.e., the supplemental information described above) for any contract or other written agreement it has entered into with a third-party contractor that will receive PII from the District. The Bill of Rights and supplemental information may be redacted to the extent necessary to safeguard the privacy and/or security of the District's data and/or technology infrastructure.
Consistent with the obligations of the District under FERPA, parents and eligible students have the right to inspect and review a student's education record by making a request directly to the District in a manner prescribed by the District.

The District will ensure that only authorized individuals are able to inspect and review student data. To that end, the District will take steps to verify the identity of parents or eligible students who submit requests to inspect and review an education record and verify the individual's authority to do so.

Requests by a parent or eligible student for access to a student's education records must be directed to the District and not to a third-party contractor. The District may require that requests to inspect and review education records be made in writing.

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SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

The District will notify parents annually of their right to request to inspect and review their child's education record including any student data stored or maintained by the District through its annual FERPA notice. A notice separate from the District's annual FERPA notice is not required.

The District will comply with a request for access to records within a reasonable period, but not more than 45 calendar days after receipt of a request.

The District may provide the records to a parent or eligible student electronically, if the parent consents. The District must transmit the PII in a way that complies with laws and regulations. Safeguards associated with industry standards and best practices, including but not limited to encryption and password protection, must be in place when education records requested by a parent or eligible student are electronically transmitted.

Complaints of Breach or Unauthorized Release of Student Data and/or Teacher or Principal Data

The District will inform parents, through its Parents' Bill of Rights for Data Privacy and Security, that they have the right to submit complaints about possible breaches of student data to the Chief Privacy Officer at NYSED. In addition, the District has established the following procedures for parents, eligible students, teachers, principals, and other District staff to file complaints with the District about breaches or unauthorized releases of student data and/or teacher or principal data:

a) All complaints must be submitted to the District’s Data Protection Officer in writing.

b) Upon receipt of a complaint, the District will promptly acknowledge receipt of the complaint, commence an investigation, and take the necessary precautions to protect PII.
c) Following the investigation of a submitted complaint, the District will provide the individual who filed the complaint with its findings. This will be completed within a reasonable period of time, but no more than 60 calendar days from the receipt of the complaint by the District.

d) If the District requires additional time, or where the response may compromise security or impede a law enforcement investigation, the District will provide the individual who filed the complaint with a written explanation that includes the approximate date when the District anticipates that it will respond to the complaint.

These procedures will be disseminated to parents, eligible students, teachers, principals, and other District staff.

The District will maintain a record of all complaints of breaches or unauthorized releases of student data and their disposition in accordance with applicable data retention policies, including the Records Retention and Disposition Schedule ED-1 (1988; rev. 2004).

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont’d.)

Reporting a Breach or Unauthorized Release

The District will report every discovery or report of a breach or unauthorized release of student data or teacher or principal data within the District to the Chief Privacy Officer without unreasonable delay, but no more than ten calendar days after the discovery.

Each third-party contractor that receives student data or teacher or principal data pursuant to a contract or other written agreement entered into with the District will be required to promptly notify the District of any breach of security resulting in an unauthorized release of the data by the third-party contractor or its assignees in violation of applicable laws and regulations, the Parents' Bill of Rights for Student Data Privacy and Security, District policy, and/or binding contractual obligations relating to data privacy and security, in the most expeditious way possible and without unreasonable delay, but no more than seven calendar days after the discovery of the breach.

In the event of notification from a third-party contractor, the District will in turn notify the Chief Privacy Officer of the breach or unauthorized release of student data or teacher or principal data no more than ten calendar days after it receives the third-party contractor's notification using a form or format prescribed by NYSED.

Investigation of Reports of Breach or Unauthorized Release by the Chief Privacy Officer

The Chief Privacy Officer is required to investigate reports of breaches or unauthorized releases of student data or teacher or principal data by third-party contractors. As part of an investigation, the Chief Privacy Officer may require that the parties submit documentation, provide testimony, and may visit, examine, and/or inspect the third-party contractor's facilities and records.
Upon the belief that a breach or unauthorized release constitutes criminal conduct, the Chief Privacy Officer is required to report the breach and unauthorized release to law enforcement in the most expedient way possible and without unreasonable delay.

Third-party contractors are required to cooperate with the District and law enforcement to protect the integrity of investigations into the breach or unauthorized release of PII.

Upon conclusion of an investigation, if the Chief Privacy Officer determines that a third-party contractor has through its actions or omissions caused student data or teacher or principal data to be breached or released to any person or entity not authorized by law to receive this data in violation of applicable laws and regulations, District policy, and/or any binding contractual obligations, the Chief Privacy Officer is required to notify the third-party contractor of the finding and give the third-party contractor no more than 30 days to submit a written response.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

If after reviewing the third-party contractor's written response, the Chief Privacy Officer determines the incident to be a violation of Education Law Section 2-d, the Chief Privacy Officer will be authorized to:

a) Order the third-party contractor be precluded from accessing PII from the affected educational agency for a fixed period of up to five years;

b) Order that a third-party contractor or assignee who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data be precluded from accessing student data or teacher or principal data from any educational agency in the state for a fixed period of up to five years;

c) Order that a third-party contractor who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data will not be deemed a responsible bidder or offeror on any contract with an educational agency that involves the sharing of student data or teacher or principal data, as applicable for purposes of General Municipal Law Section 103 or State Finance Law Section 163(10)(c), as applicable, for a fixed period of up to five years; and/or

d) Require the third-party contractor to provide additional training governing confidentiality of student data and/or teacher or principal data to all its officers and employees with reasonable access to this data and certify that the training has been performed at the contractor's expense. This additional training is required to be performed immediately and include a review of laws, rules, and regulations, including Education Law Section 2-d and its implementing regulations.
If the Chief Privacy Officer determines that the breach or unauthorized release of student data or teacher or principal data on the part of the third-party contractor or assignee was inadvertent and done without intent, knowledge, recklessness, or gross negligence, the Chief Privacy Officer may make a recommendation to the Commissioner that no penalty be issued to the third-party contractor.

The Commissioner would then make a final determination as to whether the breach or unauthorized release was inadvertent and done without intent, knowledge, recklessness or gross negligence and whether or not a penalty should be issued.

**Notification of a Breach or Unauthorized Release**

The District will notify affected parents, eligible students, teachers, and/or principals in the most expedient way possible and without unreasonable delay, but no more than 60 calendar days after the discovery of a breach or unauthorized release of PII by the District or the receipt of a notification of a breach or unauthorized release of PII from a third-party contractor unless that notification would interfere with an ongoing investigation by law enforcement or cause further disclosure of PII by disclosing an unfixed security vulnerability. Where notification is delayed under these circumstances, the District will notify parents, eligible students, teachers, and/or principals within seven calendar days after the security vulnerability has been remedied or the risk of interference with the law enforcement investigation ends.

Notifications will be clear, concise, use language that is plain and easy to understand, and to the extent available, include:

a) A brief description of the breach or unauthorized release, the dates of the incident and the date of discovery, if known;

b) A description of the types of PII affected;

c) An estimate of the number of records affected;

d) A brief description of the District's investigation or plan to investigate; and

e) Contact information for representatives who can assist parents or eligible students that have additional questions.

Notification will be directly provided to the affected parent, eligible student, teacher, or principal by first-class mail to their last known address, by email, or by telephone.
Where a breach or unauthorized release is attributed to a third-party contractor, the third-party contractor is required to pay for or promptly reimburse the District for the full cost of this notification.

**Annual Data Privacy and Security Training**

The District will annually provide data privacy and security awareness training to its officers and staff with access to PII. This training will include, but not be limited to, training on the applicable laws and regulations that protect PII and how staff can comply with these laws and regulations. The District may deliver this training using online training tools. Additionally, this training may be included as part of the training that the District already offers to its workforce.

**Notification of Policy**

The District will publish this policy on its website and provide notice of the policy to all its officers and staff.

Education Law § 2-d
8 NYCRR Part 121
Adoption Date: 08/11/20

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**DATA SHARING AND CONFIDENTIALITY AGREEMENT**

INCLUDING

Bill of Rights for Data Privacy and Security

AND

Vendor Information Regarding Data Privacy and Security

This Data Sharing and Confidentiality Agreement (the “Agreement”) is made and entered into by and between __________________________ (the “Vendor”) and Olean City School District.

**WHEREAS**, Olean City Schools and Vendor are parties to a contract or other written agreement (the “Contract”) pursuant to which the Vendor will receive student data and/or teacher or principal data (“Protected Data”) that is protected under New York Education Law Section 2-d and Part 121 of the Regulations of the Commissioner of Education (collectively referred to as “Section 2-d”) from Olean City Schools for purposes of providing certain products or services to Olean City Schools; and

**WHEREAS**, both Olean City Schools and Vendor are desirous of fulfilling their respective obligations under New York Education Law Section 2-d;

**NOW THEREFORE**, in consideration of the mutual promises and covenants contained in the Contract, as well as, this Agreement the parties hereto mutually agree as follows:

1. **Confidentiality**

   a. Vendor, its employees, and/or agents agree that all information obtained in connection with the services provided for in the Agreement is deemed confidential information.
b. Vendor further agrees to maintain the confidentiality of the Protected Data it receives in accordance with federal and state law and that any information obtained will not be revealed to any persons, firms or organizations.

2. **Data Protections and Internal Controls**

   a. Vendor acknowledges that it may receive and/or come into contact with personally identifiable information, as defined by New York Education Law Section 2-d, from records maintained by Olean City Schools that directly relate to a student(s) (hereinafter referred to as “education record”).

   b. Vendor understands and acknowledges that it shall have in place sufficient protections and internal controls to ensure that information is safeguarded in accordance with applicable laws and regulations, and understands and agrees that it is responsible for complying with state data security and privacy standards for all personally identifiable information from education records, and it shall:

      1. Limit internal access to education records to those individuals that are determined to have legitimate educational interests; and

      2. Not use the education records for any other purpose than those explicitly authorized in the Contract and/or Agreement; and

      3. Maintain reasonable administrative, technical and physical safeguards to protect the security, confidentiality and integrity of education records in its custody; and

      4. To use encryption technology to protect Protected Data in its custody while in motion or at rest, using a technology or methodology specified by the secretary of the United States Department of Health and Human Services in guidance issued under Section 13402(H)(2) of Public Law 111-5.

3. **Data Security and Privacy Plan**

   a. Vendor agrees to have a Data Security and Privacy Plan in place to protect the confidentiality, privacy and security of the Protected Data it receives from Olean City Schools.

   b. Vendor understands and agrees that it is responsible for submitting a Data Security and Privacy Plan to Olean City Schools prior to the start of the term of the Agreement, and it shall:

      1. Outline how all state, federal and local data security and privacy contract requirements will be implemented over the life of the contract consistent with Olean City Schools policy on data security and privacy, as adopted.

      2. Outline specific administrative, operational and technical safeguards and practices in place to protect Protected Data that it receives from Olean City Schools under the Contract.
3. Outline the training requirement established by the Vendor for all employees who will receive personally identifiable information from student records (hereinafter referred to as “student data”).

4. **Notice of Breach and Unauthorized Release**

   a. In the event of a breach of this Agreement and unauthorized release of student data, the Vendor shall:

   1. Immediately notify Olean City Schools in the most expedient way possible and without unreasonable delay, but no more than seven (7) calendar days after Vendor has discovered or been informed of the breach or authorized release.

   2. Advise Olean City Schools as to the nature of the breach and steps Vendor has taken to minimize said breach.

   b. In the case of required notification to a parent or eligible student, the Vendor shall:

   1. Promptly reimburse Olean City Schools for the full costs of such notification.

   c. Vendor will cooperate with Olean City Schools and provide as much information as possible directly to Olean City Schools about the incident, including but not limited to:

   1. The description of the incident;

   2. The date of the incident;

   3. The date Vendor discovered or was informed of the incident;

   4. A description of the types of Protected Data involved;

   5. An estimate of the number of records affected;

   6. What the Vendor has done or plans to do to investigate the incident, stop the breach and mitigate any further unauthorized access or release of Protected Data; and

   7. The contact information for Vendor representatives who can assist affected individuals that may have additional questions.

   d. The Vendor shall indemnify and hold Olean City Schools harmless from any claims arising from its breach within the Data Sharing and Confidentiality Agreement confidentiality and data security and privacy standards provision.

   e. Vendor acknowledges that upon initial notification from Vendor, Olean City Schools, as the educational agency with which Vendor contracts, has an obligation under Section 2-d to in turn notify the Chief Privacy Officer in the New York State Education Department (“CPO”). Vendor agrees not to provide this notification to
the CPO directly unless requested by Olean City Schools or otherwise required by law. In the event the CPO contacts Vendor directly or requests more information from Vendor regarding the incident after having been initially informed of the incident by Olean City Schools, Vendor will promptly inform Olean City Schools of the same.

5. **Vendor Information**

Vendor understands that as part of Olean City Schools obligations under New York Education Law Section 2-d, Vendor is responsible for providing Olean City Schools with Vendor information (see Vendor Information for Data Privacy and Security) to include:

a. Exclusive purposes for which the student data will be used;

b. How Vendor will ensure that subcontractors, persons or entities that Vendor will share the student data with, if any, will abide by data protection and security requirements;

c. That student data will be returned or destroyed upon expiration of the Agreement;

d. If and how a parent, student, or eligible teacher may challenge the accuracy of the student/teacher data that is collected; and

e. Where the student data will be stored (described in such a manner as to protect data security), and the security protections taken to ensure such data will be protected, including whether such data will be encrypted.

6. **Termination or Expiration of Contract and/or Agreement**

a. Upon termination of the Agreement, Vendor shall return or destroy all confidential information obtained in connection with the services provided therein and/or student data. Destruction of the confidential information and/or student data shall be accomplished utilizing an approved method of confidential destruction, including, shredding, burning or certified/witnessed destruction of physical materials and verified erasure of magnetic media using approved methods of electronic file destruction. The parties further agree that the terms and conditions set forth herein shall survive the expiration and/or termination of the Agreement.

b. If requested by Olean City Schools, Vendor will assist Olean City Schools in exporting all Protected Data previously received back to Olean City Schools for its own use, prior to deletion, in such formats as may be requested by Olean City Schools.

c. In the event the Contract is assigned to a successor Vendor (to the extent authorized by the Contract), the Vendor will cooperate with Olean City Schools as necessary to transition Protected Data to the successor Vendor prior to deletion.

d. Neither Vendor nor any of its subcontractors or other authorized persons or entities to whom it has disclosed Protected Data will retain any Protected Data, copies, summaries or extracts of the Protected Data, or any de-identified Protected Data, on any storage medium whatsoever. Upon request, Vendor and/or its
subcontractors or other authorized persons or entities to whom it has disclosed Protected Data, as applicable, will provide Olean City Schools with a certification from an appropriate officer that these requirements have been satisfied in full.
PARENTS’ BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY

Olean City Schools is committed to protecting the privacy and security of student data and teacher and principal data. In accordance with New York Education Law Section 2-d and its implementing regulations, Olean City Schools informs the school community of the following:

1. A student's personally identifiable information cannot be sold or released for any commercial purposes.

2. Parents have the right to inspect and review the complete contents of their child's education record.

3. State and federal laws protect the confidentiality of personally identifiable information, and safeguards associated with industry standards and best practices, including but not limited to encryption, firewalls, and password protection, must be in place when data is stored or transferred.

4. A complete list of all student data elements collected by New York State is available for public review at the following website http://www.nysed.gov/data-privacy-security/student-data-inventory or by writing to the Office of Information and Reporting Services, New York State Education Department, Room 865 EBA, 89 Washington Avenue, Albany, New York 12234.

5. Parents have the right to submit complaints about possible breaches of student data addressed. Complaints should be directed in writing to Olean City Schools Data Privacy Officer, 410 West Sullivan Street, Olean, New York 14760 or by using the form available at the following website: https://www.oleanschools.org/Page/8316 Complaints may also be directed in writing to Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New York 12234 or by using the form available at the following website: http://www.nysed.gov/data-privacy-security/report-improper-disclosure

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first written above.

Authorized Vendor Signature ___________________________ Date ________________

Authorized Olean City Schools Signature ___________________________ Date ________________
**Vendor Information Regarding Data Privacy and Security**

<table>
<thead>
<tr>
<th>Vendor:</th>
<th>Product:</th>
</tr>
</thead>
</table>

Collects: □ Student Data □ Teacher or Principal Data □ Does not collect either

Educational agencies including Olean City School District are required to post information about third-party contracts on the agency’s website with the Parents Bill of Rights. To that end, please complete the table below with information relevant to NYS Education Law 2-d and Part 121.3 of the Commissioner’s Regulations. Note that this applies to all software applications and to mobile applications (“apps”).

**Part 1: Exclusive Purposes for Data Use**

The exclusive purposes for which the student data (or teacher or principal data) will be used by the third-party contractor:

**Part 2: Subcontractor Oversight Details – Select the appropriate option below.**

☐ This contract has no subcontractors.

☐ This contract has subcontractors. As such, the third-party contractor will take the following steps to ensure that any subcontractors, assignees, or other agents who see, or receive, this protected data are contractually required to obey the same data protection and security requirements that the third-party contractor is required to obey under state and federal law:

**Part 3: Contract Lifecycle Practices**

The contract expires on ______________ unless renewed or automatically extended for a term pursuant to the agreement. When the contract expires, protected data will be deleted by the contractor, via shredding, returning of data, mass deletion, and upon request, may be exported for use by Olean City Schools before deletion.

**Part 4: Student Educational Records / Improper Disclosure**

A. For information on FERPA (Family Educational Rights and Privacy Act), which is the federal law that protects the privacy of student education records, visit the U.S. Department of Education FERPA website.

B. A complaint or report of improper disclosure may be completed by submitting the Improper Disclosure Report form.

**Part 5: Security Practices**

A. Protected data provided to the contractor will be stored: (include where and how)

B. The security protections taken to ensure data will be protected that align with the NIST Cybersecurity Framework and industry best practices include:

**Part 6: Encryption Practices**

☐ By checking this box, contractor certifies that data encryption is applied in accordance with NYS Education Law Section 2-d 5(f)(5).
BILL OF RIGHTS

Pursuant to New York State Education Law 2-d, Parents, Legal Guardians, and persons in parental relation to a student are entitled to certain rights regarding their child’s personally identifiable information, as defined by Education Law 2-d. This document contains a plain-English summary of such rights.

1. A student’s personally identifiable information cannot be sold or released for any commercial purposes.

2. Parents have the right to inspect and review the complete contents of their child’s educational records maintained by Olean City School District.

3. State and Federal Laws protect the confidentiality of personally identifiable student information, and safeguards associated with industry standards and best practices, including, but not limited to, encryption, firewalls, and password protection must be in place when data is stored or transferred.

4. A complete list of all student data elements collected by New York State is available for review at the following website:


   The list may also be made available by writing to:

   Office of Information & Reporting Services
   New York State Education Department
   Room 863 EBA,
   89 Washington Avenue
   Albany, NY 12234

   a) Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed to:

   Olean City School District
   410 W. Sullivan St.
   Olean, NY 14760
   Email: DPO@OleanSchools.org

   OR

   Chief Privacy Officer
   New York State Education Department
   89 Washington Avenue, EB 152
   Albany, NY 12234
   Phone: (518) 474-0937

   Email: Privacy@nysed.gov
6. Each contract with a third-party contractor which will receive student data, or teacher or principal data will include information addressing the following:

   a. The exclusive purposes for which the student data or teacher or principal data will be used.

   b. How the third-party contractor will ensure that the subcontractors, persons, or entities that the third-party contractor will share the student data or teacher or principal data with, if any, will abide by data protection and security requirements.

   c. When the agreement expires and what happens to the student data or teacher and principal data upon expiration of the agreement.

   d. If and how a parent, student, a student over eighteen years of age, teacher or principal may challenge the accuracy of the student data or teacher or principal data that is collected; and

   e. Where the student data or teacher or principal data will be stored, and the security protections taken to ensure such data will be protected, including whether such data will be encrypted.

7. Third-party contractors are also required to:

   a. Provide training on federal and state law governing confidentiality to any officers, employees, or assignees who have access to student data or teacher or principal data.

   b. Limit internal access to education records to those individuals who have a legitimate educational interest in such records.

   c. Not use educational records for any other purpose than those explicitly authorized in the contract.

   d. Not disclose personally identifiable information to any other party without the prior written consent of the parent or eligible student; or (ii) unless required by statute or court order and the third-party contractor provides a notice of the disclosure to the New York State Education Department, board of education, or institution that provided the information no later than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by the statute or court order;

   e. Maintain reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of personally identifiable student information in its custody.

   f. Use encryption technology to protect data while in motion or in its custody from unauthorized disclosure as specified in Education Law 2-d.
g. Notify Olean City School District of any breach of security resulting in an unauthorized release of student data, in the most expedient way possible and without unreasonable delay.

h. Provide a data security and privacy plan outlining how all state, federal and local data security and privacy contract requirements will be implemented over the life of the contract.

i. Provide a signed copy of this Bill of Rights to the Olean City School District thereby acknowledging that they are aware of and agree to abide by this Bill of Rights.

8. This Bill of Rights is subject to change based on regulations of the Commissioner of Education and the New York State Education Department Chief Privacy Officer, as well as emerging guidance documents.
SUBJECT: SAFETY AND SECURITY

The Board of Education of the Olean City School District hereby declares that it is the policy of this School District to provide a safe and secure environment to all those persons, students, staff and visitors, who lawfully enter upon District property or who travel in District vehicles for the purposes of the District.

It shall be the responsibility of the Superintendent to establish and carry out written regulations that will:

a) Identify those staff members who will be responsible for the effective administration of the regulations;

b) Provide staff time and other necessary resources for the effective administration of the regulations;

c) Establish periodic written review of the activities of the staff to insure compliance with applicable laws and regulations;

d) Provide an on-going mechanism for the effective review of safety and security concerns of the staff, students and affected public;

e) Provide for reports to the Board of Education regarding the significant aspects of safety and security of the District.

Labor Law Section 27-a

Student Safety

All staff who are made aware of physical and/or verbal threats to students must immediately report these threats against students to the next level of supervisory authority for prompt action. The immediate supervisor must then inform the Superintendent/designee, including any action taken, after learning of such threats to students.

The District shall disseminate this policy to all employees in order to ensure staff awareness.

Hazard Communication Standard

All personnel shall be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard.

The Superintendent/designee shall maintain a current record of the social security numbers of every employee who handles toxic substances.

(Continued)
SUBJECT: SAFETY AND SECURITY (Cont'd.)

Rules and regulations will be developed to insure District implementation of this policy which shall include awareness information, employee training and record keeping.

New York State Labor Law Section 27-a
12 NYCRR Part 820 Article 28
Occupational Safety and Health Administration (OSHA)
29 CFR 1910.1200

Adopted: 11/24/03
SUBJECT: SCHOOL SAFETY PLANS

The District-wide and building-level school safety plans have been adopted by the School Board only after at least one (1) public hearing that provided for the participation of school personnel, parents, students, and any other interested parties. Each plan shall be reviewed by the appropriate school safety team on at least an annual basis, updated as needed by July 1 and recommended to the Board of Education for approval. These plans will be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the coordination of schools and the School District with local and county resources in the event of such incidents or emergencies.

Each plan shall be reviewed by the appropriate school safety team on at least an annual basis, updated as needed and recommended to the Board of Education for approval. However, District-wide and building-level school safety plans shall be adopted by the School Board only after at least one (1) public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. Further, the Board shall make the District-wide and building-level school safety plans available for public comment at least thirty (30) days prior to its adoption, provided that only a summary of each building-level emergency response plan (i.e., building-level school safety plan) shall be made available for public comment.

District-Wide School Safety Plan

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the School District, that addresses prevention and intervention strategies, emergency response and management at the District level and has the contents as prescribed in Education Law and Commissioner's Regulations.

The District-wide school safety plan shall be developed by the District-wide school safety team appointed by the Board of Education. The District-wide team shall include, but not be limited to, representatives of the School Board, student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Building-Level School Safety Plans

Building-level school safety plan means a building-specific school emergency response plan that addresses prevention and intervention strategies, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's Regulations. As part of this plan the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

The building-level plan shall be developed by the building-level school safety team. The building-level school safety team means a building-specific team appointed by the Building Principal, in accordance with regulations or guidelines prescribed by the Board of Education. The building-level team shall include, but not be limited to, representatives of teacher, administrator, and parent personnel.

(Continued)
SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

organizations, school safety personnel, other school personnel, community members, local law enforcement officials, local ambulance or other emergency response agencies, and any other representatives the School Board deems appropriate.

Filing/Disclosure Requirements

The District shall file a copy of its comprehensive District-wide school safety plan and any amendments thereto with the Commissioner of Education no later than thirty (30) days after their adoption. A copy of each building-level school safety plan and any amendments thereto shall be filed with the appropriate local law enforcement agency and with the state police within thirty (30) days of its adoption. Building-level emergency response plans shall be confidential and shall not be subject to disclosure under the Freedom of Information Law or any other provision of law.

Homeland Security Presidential Directives - HSPD-5, HSPD-8
Homeland Security Act of 2002, 6 USC Section 101
Education Law Section 2801-a
Public Officers Law Article 6
8 NYCRR Section 155.17

Adopted: 10/5/10
SUBJECT:  CRISIS RESPONSE

When a crisis arises no school system is immune to the negative, physical or mental effect on its students, staff and the local community. Immediate, effective and responsible management and communication can address the crisis and maintain a District's integrity and credibility. Therefore, the District shall develop and maintain a unified position by:

a) Identifying a crisis response team annually to develop a plan and maintain a strong, ongoing communications program in each school. This is the foundation for long range success.

b) Identifying a media spokesperson who will be briefed on all details. This spokesperson shall be the Superintendent or his/her designee. Only this spokesperson shall talk to and maintain a timely flow of information to the media.

c) Superintendent/designee shall inform the Board of Education as soon as possible.

The Superintendent/designee shall be responsible for informing staff of the crisis plan that is to be developed by both administration and the crisis response team.

Adopted: 12/4/03
SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS

Fire Drills

The administration of each school building shall provide instruction for and training of students, through fire drills, in procedures for leaving the building in the shortest possible time and without confusion or panic.

Fire drills shall be held at least twelve (12) times in each school year; eight (8) of these shall be held between September 1 and December 1. At least one (1) of the twelve (12) drills shall be held during each of the regular lunch periods, or shall include special instruction on the procedures to be followed if a fire occurs during a student's lunch period.

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one (1) of these drills shall be held during the first week of summer school.

After-School Programs

The Building Principal or his/her designee shall require those in charge of after-school programs, attended by any individuals unfamiliar with the school building, to announce at the beginning of such programs the procedures to be followed in the event of an emergency.

Bomb Threats

School Bomb Threats

A bomb threat, even if later determined to be a hoax, is a criminal action. No bomb threat should be treated as a hoax when it is first received. The school has an obligation and responsibility to ensure the safety and protection of the students and other occupants upon the receipt of any bomb threat. This obligation must take precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat - location, if any; time of detonation; etc. If the bomb threat is targeted at the school parking lot or the front of the school, building evacuation may not be an appropriate response. If the bomb threat indicates that a bomb is in the school, then building evacuation is necessary unless the building has been previously inspected and secured in accordance with State Education Department Guidelines. Specific procedures can be found in the building level school plan, as required by Project SAVE.

The decision to evacuate a building or to take shelter is dependent upon information about where the bomb is placed and how much time there is to reach a place of safety. Prudent action dictates that students and other occupants be moved from a place of danger to a place of safety. Routes of egress and evacuation or sheltering areas must be thoroughly searched for suspicious objects before ordering an evacuation. Failure to properly search evacuation routes before an evacuation takes place can

(Continued)
SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS (Cont'd.)

expose students and staff to more danger than remaining in place until the search has taken place. Assistance is available from local police agencies and the New York State Police to train staff to check evacuation routes.

Police Notification and Investigation

A bomb threat to a school is a criminal act, which is within the domain and responsibility of law enforcement officials. Appropriate State, county, and/or local law enforcement agencies must be notified of any bomb threat as soon as possible after the receipt of the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Therefore, the building administrator or designee is to notify local law enforcement officials and follow established procedures to move all occupants out of harm's way.

Implementation

The Board of Education directs the Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Additionally, such regulations are to be incorporated in the District-wide School Safety Plan and the building level school safety plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building level school safety plans; and the annual updating of the District-wide and building level school safety plans, by July 1, as mandated pursuant to law and/or regulation.

Bus Emergency Drills

The Board of Education directs the administration to conduct a minimum of three (3) emergency drills to be held on each school bus during the school year. The first drill is to be conducted during the first seven (7) days of school, the second drill between November 1 and December 31, and the third drill between March 1 and April 30.

Each drill shall include instruction in all topics mandated by the Education Law and the Commissioner's Regulations and shall include, but will not be limited to, the following:

a) Safe boarding and exiting procedures;

b) The location, use and operation of the emergency door, fire extinguishers, first aid equipment and windows as a means of escape in case of fire or accident;

c) Orderly conduct as bus passengers.

(Continued)
SUBJECT:  FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS (Cont'd.)

Students who ordinarily walk to school shall also be included in the drills.

Education Law Sections 807, 2801-a and 3623
Penal Law Sections 240.55, 240.60 and 240.62
8 NYCRR Sections 155.17 and 156.3(h)(2)

Adopted: 7/19/05
SUBJECT:  ANTHRAX AND OTHER BIOLOGICAL TERRORISM: PREVENTION PROTOCOLS/PROTOCOLS FOR MAIL HANDLING

The School District shall assess and review their protocols for handling mail or packages. Common sense and care should be used in inspecting and opening mail or packages. Whenever feasible, the opening of mail should be limited to one individual staff member in an area that is separate from other accessible areas within the school building, including the Main Office.

Additionally, precautions will be taken for those staff members responsible for handling letters or packages such as making available protective gloves to be worn when handling mail and providing appropriate training and protocols for the handling of mail and identifying suspicious envelopes or packages.

The building administrator should limit the area and persons exposed to the threat. Immediately after identifying the threat, the building administrator/designee shall notify the Superintendent/designee, dial 911 and/or the local law enforcement authorities according to the procedures identified in the applicable School Safety Plan (whether District-wide or Building-level plans). The local FBI field office and the county health department will also be notified, if not otherwise provided for in the applicable School Safety Plan.

As far as possible, the school will attempt to limit the area and the persons exposed to the threat and will not allow anyone other than qualified emergency personnel to enter. Custodial and maintenance personnel will follow established procedures for quickly shutting down the building(s) heating/air conditioning/and ventilation systems if possible and as may be deemed necessary.

Furthermore, the building administrator/designee shall, as soon as possible, make a list of all persons who have been identified as having actual contact with the powder or other suspicious element, such as anthrax, for investigating authorities.

Administration shall review and revise, as appropriate, their school safety plans; and provide information regarding applicable safety prevention and response procedures to all staff.

All threats to school buildings and/or its occupants shall be treated seriously. All threats shall be treated as criminal actions and measures shall be taken to preserve the evidence.

Under no circumstances, shall students be permitted to organize and/or handle School District mail; nor shall students be present in the room/area during that time that District mail is being opened by school staff.

Adopted: 11/24/03
SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AED's) IN PUBLIC SCHOOL FACILITIES

The School District shall provide and maintain on-site in each instructional school facility functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each such facility shall have sufficient automated external defibrillator equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors enumerated in Commissioner's Regulations. An instructional school facility means a building or other facility maintained by the School District where instruction is provided to students pursuant to its curriculum.

Whenever an instructional school district facility is used for a school-sponsored or school-approved curricular or extracurricular event or activity and whenever a school-sponsored athletic contest is held at any location, the public school officials and administrators responsible for such school facility or athletic contest shall ensure that AED equipment is provided on-site and that there is present during such event, activity or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED. School-sponsored or school-approved curricular or extracurricular events or activities means events or activities of the School District that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an extraclass intramural athletic activity of instruction, practice and competition for students in grades 4 through 12 consistent with Commissioner's Regulations Section 135.4.

Where a school-sponsored competitive athletic event is held at a site other than a School District facility, School District officials shall assure that AED equipment is provided on-site by the sponsoring or host district and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during such athletic event. A school-sponsored competitive athletic event means an extraclass interscholastic athletic activity of instruction, practice and competition for students in grades 7 through 12 consistent with Commissioner's Regulations Section 135.4.

School District facilities and District staff responsible for carrying out the duties enumerated in Education Law Section 917 are deemed a "public access defibrillation provider" as defined pursuant to Public Health Law Section 3000-b and subject to the Public Health Law requirements and limitations.

Therefore, it is the policy of our School District to provide proper training requirements for District AED users, to ensure the immediate calling of 911 and/or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units as enumerated in the District's Public Access Defibrillation Collaborative Agreement.

(Continued)
SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AED's) IN PUBLIC SCHOOL FACILITIES (Cont'd.)

The District will provide for regular maintenance and checkout procedures of the AED unit(s) which meet or exceed manufacturer's recommendations. Appropriate documentation will be maintained in accordance with law and/or regulation. Further, the District will participate in the required Quality Improvement Program as determined by the Regional Emergency Medical Services Council.

Pursuant to Public Health Law Sections 3000-a and 3000-b, the School District (as a public access defibrillation provider), or any employee or other agent of the School District who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured, shall not be liable for damages for injury or death unless caused by gross negligence.

Education Law Section 917
Public Health Law Sections 3000-a and 3000-b
8 NYCRR Sections 135.4 and 136.4

Adopted: 7/19/05
SUBJECT: EXPOSURE CONTROL PROTOCOL

The District has established an exposure control program designed to prevent and control exposure to bloodborne pathogens. According to the New York State Department of Labor's Division of Safety and Health and OSHA standards, the protocol shall consist of:

a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike.

b) Written standard operating procedures for blood/body fluid clean-up.

c) Appropriate staff education/training.

d) Evaluation of training objectives.

e) Documentation of training and any incident of exposure to blood/body fluids.

f) A protocol of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV.

g) Written procedures for the disposal of medical waste.

h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids or tissues.

Occupational Safety and Health Administration (OSHA)
29 CFR 1910.10:30

Adopted: 11/24/03
Revised: 3/19/13
SUBJECT: COMMUNICABLE DISEASES

Regulations and procedures consistent with all applicable laws will be maintained for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

Adopted: 11/24/03
SUBJECT:  HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES

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

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

The Superintendent shall also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

Confidentiality: Public Health Law, Article 27-F
SUBJECT: TRANSPORTATION PROGRAM

It is the intent of the Board of Education to comply with the letter and spirit of the New York State Education Law; with the regulations of the Department of Motor Vehicles and of the Department of Transportation and with the Commissioner of Education's regulations and decisions pertinent to student transportation, and these shall govern any questions not covered by specific declaration of policy herein.

The purposes of the transportation program are to transport students to and from school, to transport them for extracurricular activities, to transport them on field trips, and to transport those requiring special services.

The Board of Education recognizes and assumes the responsibility for all aspects of the transportation of children wherein the health and safety of students are involved, for the Board of Education has a legal obligation to safeguard the welfare of bus-riding children.

Education Law Section 3602(7) and 3635 et seq.

Adopted: 7/19/05
SUBJECT: TRANSPORTATION OF STUDENTS

Transportation of Students

The transportation policy of the Board of Education is based on Chapter 966, Section 12, as amended, of the New York State Education law, which states:

"Shall provide by contract or otherwise of the transportation of children to and from any school of institution of learning whenever in its judgment such transportation is required because of the remoteness of the school to the pupil or for the promotion of the best interest of such children; and, in the case of an enlarged city school district, shall provide such transportation to children residing outside the city limits and may, at its discretion, provide transportation for children residing inside the city limits. Any such contract may be made for a period of not exceeding five years, notwithstanding any provisions of any charter or other provision of law inconsistent herewith."

Under this provision, the Olean City School District, through contract services, will provide transportation to public and nonpublic school students living in the Olean City School District outside the limits of the City of Olean and also to K through 7 students whose residence is greater than one mile from school.

As defined under the law, transportation to special education classes will be provided as defined in the student's Individual Education Plan (IEP), regardless of the child's place of residence.

Transportation of Non-Resident or Non-Neighborhood Students

The District shall not extend its bus routes outside of the District and will not provide bus services for non-resident or non-neighborhood students.

Transportation to School-Sponsored Events

If the District provides transportation for student athletes participation in interscholastic competition and student attending District-sponsored field trips, students will not be authorized to use any other means of transportation when participation in these events, unless the Principal or his/her designee authorizes such alternate transportation. The Principal shall require written application prior to approval.

Where the District has provided transportation to students enrolled in the District to a school-sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the District unless the parent or legal guardian of a student participating in such event has provided the District with written notice, consistent with District policy, authorizing an alternative form of return transportation for such student

(Continued)
SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)

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.

Education Law Sections 1604, 1709, 1804, 1903, 1950, 2503, 2554, 3635, 4401(4), 4404 and 4405

Adopted 7/18/06
Revised: 10/2/12
SUBJECT: SCHOOL BUS SAFETY PROGRAM

The safe transportation of students to and from school is of primary concern in the administration of the school bus program. All state laws and regulations pertaining to the safe use of school buses shall be observed by drivers, students and school personnel.

To assure the safety and security of students boarding or exiting school buses on school property, it shall be unlawful for a driver of a vehicle to pass a stopped school bus when the red bus signal is in operation.

The Transportation Supervisor, in cooperation with the Principals, has the responsibility of developing and publishing safety rules to be followed by drivers and passengers, including rules of student conduct. In order to ensure maximum safety to those riding school buses, it is necessary that students and drivers cooperate in this effort. There is no substitute for training to develop safe habits in pedestrian and vehicular traffic.

All buses and other vehicles owned and operated by the School District will have frequent safety inspections, and will be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

Every bus driver is required to report promptly any school bus accident involving death, injury, or property damage. All accidents, regardless of damage involved, must be reported at once to the Transportation Supervisor.

Education Law Section 3623
8 NYCRR Section 156.3
Vehicle and Traffic Law Section 1174, subdivisions a and b

NOTE: Refer also to policy #5751 -- Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees

Adopted: 7/19/05
SUBJECT: QUALIFICATIONS OF BUS DRIVERS

A person shall be qualified to operate a bus only if such person:

a) Is at least twenty-one (21) years of age;

b) Has been issued a currently valid operator's or commercial driver's license which is valid for the operation of a bus in New York State;

c) Has passed the annual bus driver physical examination administered pursuant to Regulations of the Commissioner of Education and the Commissioner of Motor Vehicles. In no case shall the interval between physical examinations exceed a thirteen-month period;

d) Is not disqualified to drive a motor vehicle under Vehicle and Traffic Law Sections 509-c and 509-cc and any other provisions of Article 19-A;

e) Has on file at least three (3) statements from three (3) different persons who are not related to the driver/applicant pertaining to the moral character and to the reliability of such driver/applicant;

f) Has completed, or is scheduled to complete, State Education Department safety programs as required by law;

g) Is in compliance with federal law and regulations, as well as District policy and/or regulations, as it pertains to meeting the standards governing alcohol and controlled substance testing of bus drivers if and when applicable;

h) Has taken and passed a physical performance test at least once every two (2) years and/or following an absence from service of sixty (60) or more consecutive days from his/her scheduled work duties; and

i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

Special Requirements For New Bus Drivers

Before a vendor/contract bus company employs a new bus driver, the Superintendent or his/her designee shall be entitled to:

a) Require such person to pass a physical examination within four (4) weeks prior to the beginning of service;

b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three (3) years;

(Continued)
SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)

  c) Investigate the person's employment record during the preceding three (3) years;
  d) Require such person to submit to the mandated fingerprinting procedures/criminal history background check;
  e) Request the Department of Motor Vehicles to initiate a driving record abstract check; and
  f) Require that newly hired bus drivers take and pass the physical performance test, as mandated by Commissioner's Regulations, before they transport students.

Omnibus Transportation Employee Testing Act of 1991, (Public Law 102-143)
49 USC Section 521(b)
49 CFR Parts 40, 382, 391, 392 and 395
Education Law Section 3624
Vehicle and Traffic Law Sections 509-c, 509-cc and Article 19-A
8 NYCRR Section 156.3
15 NYCRR Part 6

NOTE: Refer also to Policy #5750 -- Drug and Alcohol Testing For School Bus Drivers and Other Safety-Sensitive Employees

Adopted: 7/19/05
Revised: 1/18/11
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES

In accordance with federal regulations, employees in safety-sensitive positions as defined in regulations, including school bus drivers who are required to have and use a commercial drivers license (CDL), are now subject to random testing for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). The District shall adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for such employees in safety-sensitive positions.

The District shall either establish and manage its own program, by contract, or through a consortium for the provision of alcohol and drug testing of employees in safety-sensitive positions. Safety-sensitive employees (SSE), including school bus drivers who drive a vehicle which is designed to transport 16 or more passengers (including the driver), shall be subject to this requirement.

Federal regulations require that the District test school bus drivers and other SSEs for alcohol and drugs at the following times:

a) Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. Such pre-employment testing will also be required when employees transfer to a safety-sensitive position.

b) Safety-sensitive employees are also subject to a random drug and/or alcohol test on an unannounced basis just before, during or just after performance of safety-sensitive functions.

c) In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol.

d) There will also be post accident testing conducted after accidents on employees whose performance could have contributed to the accidents.

e) Finally, return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol and/or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first twelve (12) months after an employee returns to duty. Follow-up testing may be extended for up to sixty (60) months following return-to-duty.

All employee drug and alcohol testing will be kept confidential and shall only be revealed without the driver's consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer and any other individual designated by law.
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)

The following alcohol and controlled substance-related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles and other SSEs:

a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive activities for twenty-four (24) hours, but no punitive action will be taken by the employer.

b) Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.

c) Using alcohol while performing safety-sensitive functions.

d) Using alcohol four (4) hours or less before duty. (New York State law prohibits use six (6) hours or less before duty.)

e) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.

f) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.

g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.

h) Reporting for duty, remaining on duty or performing a safety-sensitive function, if the SSE tests positive for controlled substances.

Drivers and other SSEs who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties pursuant to District policy and collective bargaining agreements, as well as the sanctions provided for in federal law. SSEs who have engaged in such prohibited behavior shall not be allowed to perform safety-sensitive functions until they are:

(Continued)
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)

a) Evaluated by a substance abuse professional (SAP).

b) Complete any requirements for rehabilitation as set by the District and the SAP.

c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.

d) The SSE shall also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be as directed by the SAP, and consist of at least 6 tests in the first 12 months.

The Superintendent of Schools shall ensure that each SSE receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or his/her designee shall ensure that a copy of these materials is distributed to each SSE, who shall sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any safety-sensitive employees. Representatives of applicable collective bargaining units shall be notified of the availability of this information.

The Superintendent or his/her designee shall arrange for training of all supervisors who may be utilized to determine whether “reasonable suspicion” exists to test a driver for prohibited conduct involving alcohol or controlled substance use/abuse.

Any violation of this policy and/or District procedures, and applicable federal and state laws by a covered employee shall be grounds for disciplinary action including, but not limited to, fines, suspension, and/or discharge in a manner consistent with District policy, collective bargaining agreements and applicable law.

Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143)
49 USC Section 521(b)
49 CFR Parts 40, 382, 391, 392 and 395

Adopted: 12/21/04
Revised: 1/18/11
SUBJECT: SPONSORSHIPS

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

Sponsorships may be recommended by the Superintendent of Schools, will be in writing and will be subject to approval by the Board of Education in accordance with the District procurement policy. Sponsorships are evaluated on a case by case basis in accordance with the principles established by the Board of Education.

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

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

a) Consistency with district academic standards and goals.

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

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

1. Directly promotes gambling, illicit drugs, alcohol, tobacco, or firearms;

2. Promotes hostility, disorder, or violence;

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

4. Is libelous;

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

6. Promotes any specific religion;

7. Promotes or opposes any political candidate and/or party, and/or affiliation or ballot proposition;

(Continued)
SUBJECT: SPONSORSHIPS (Cont'd.)

8. Inhibits the functioning of any school; or

9. Any other item deemed to be inappropriate for students or goes against community/student moral character.

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

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

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

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

Sponsors will conform to guidelines outlined throughout the term of the Agreement.

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

NOTE: Refer also to Policies #5410 -- Purchasing
#7250 -- Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors

Reviewed by Buildings and Grounds: 07/03/12
1st Reading by BOE: 07/17/12
2nd Reading by BOE: 08/07/12
Adopted: 08/07/12
Olean City School District

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SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL

General Provisions

Pursuant to the provisions of General Municipal Law Section 806, the Board of Education of the Olean City School District recognizes that there are rules of ethical conduct for members of the Board and employees of the District that must be observed if a high degree of moral conduct is to be obtained in our unit of local government. It is the purpose of this resolution to promulgate these rules of ethical conduct for the Board members and employees of the District. These rules shall serve as a guide for official conduct of the Board members and employees of the District. The rules of ethical conduct of this resolution, as adopted, shall not conflict with, but shall be in addition to any prohibition of General Municipal Law Article 18 or any other general or special law relating to ethical conduct and interest in contracts of Board members and employees.

Standards of Conduct

Every Board member or employee of the Olean City School District shall be subject to and abide by the following standards of conduct:

Gifts

*Pursuant to General Municipal Law Section 80S-a, he/she shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of seventy-five dollars ($75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence him/her in the performance of official duties or was intended as a reward for any official action on his/her part.

Confidential Information

He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.

Disclosure of Interest in Contracts

Any District officer or employee, as well as his/her spouse, who has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the District shall publicly disclose the nature and extent of such interest in writing to his/her immediate supervisor and to the Board of Education as soon as he/she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the Board minutes.

(Continued)
SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL  (Cont'd.)

Representation before one's own agency

He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.

Representation before any agency for a contingent fee

He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.

Disclosure of interest in resolution

To the extent that he/she knows thereof, a member of the Board of Education or employee of the Olean City School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Education on any resolution before the Board of Education shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such resolution.

Investments in conflict with official duties

He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his/her official duties.

Private employment

He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

Future employment

He/she shall not, after the termination of service or employment with the School District, appear before any board or agency of the Olean City School District in relation to any case, proceeding, or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

(Continued)
SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL (Cont'd.)

Legal Remedies

District Officers

In accordance with the Penal Law Section 60.27(5), if a District officer is convicted of a violation against the District under Penal Law Article 155 relating to larceny, the courts may require an amount of restitution up to the full amount of the offense or reparation up to the full amount of the actual out-of-pocket loss suffered by the District.

Board Members and Employees

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Board member or employee of any claim, account, demand or suit against the Olean City School District, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Distribution/Posting of Code of Ethics

The Superintendent of the Olean City School District shall cause a copy of this code of ethics to be distributed to every Board member and employee of the School District within thirty (30) days after the effective date of this resolution. Each Board member and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The Superintendent shall also cause a copy of General Municipal Law Article 18 to be kept posted in each building in the District in a place conspicuous to its Board members and employees. Failure to distribute any such copy of this code of ethics or failure of any Board member or employee to receive such copy, as well as failure to post any such copy of General Municipal Law Article 18, shall have no effect on the duty of compliance with such code of ethics or General Municipal Law Article 18, nor with the enforcement of provisions thereof.

Penalties

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Effective Date

This resolution shall take effect immediately.

Education Law Section 410
General Municipal Law Article 18 and Section 803
Labor Law Section 201-d
Penal Law Article 155 and Section 60.27(5)
Adopted: 07/13/21
SUBJECT: CONFLICT OF INTEREST POLICY

Introduction

The Olean City School District is focused on the mission of the education of its students. The Olean City School District strives to maintain the highest code of ethics in all of its operations.

The Olean City School District recognizes that the best approach to achieving its mission is when the Board of Education (hereafter called Interested Parties) represents a wide cross-section of the community. These individuals will bring diverse interests, cultures, occupations, and an immense amount of valuable experience to the Olean City School District and its decision-making process. Within this group of Interested Parties, there will develop conflicts of interest or situations which have that appearance. These could ultimately have the potential of being detrimental to the Olean City School District. This Conflict of Interest Policy is being implemented to ensure that all activities are undertaken with the utmost importance placed on promoting fairness and objectivity in the conduct of our normal functions. Additionally, this policy means that all decisions at every level are made with the best interest of the Olean City School District and community in mind.

Definition

A Conflict of Interest exists when the personal or professional interest of an Interested Party could affect their ability to be objective in an Olean City School District decision process. This policy will define the steps that need to be taken to identify a potential conflict if it arises.

General Policies

In order to comply, the following must occur:

a) Written Disclosure - On an annual basis, all Interested Parties must complete in writing a Conflict of Interest Statement listing all business, non-profit or government affiliations.

b) Disclosure - If an Interested Party has an interest or affiliation in a proposed transaction with the Olean City School District in the form of a significant personal or organizational financial interest in the transaction or holds a position as trustee, director, officer, or staff member in such organization, they must make full disclosure of any interest before any discussion or negotiations can occur in their presence.

c) Discussion or Voting Powers - Any Interested Party who has a potential Conflict of Interest with respect to any matter coming before the Board or any committee of the Board shall not participate in any vote in connection with the matter unless requested to respond to questions or provide factual information by the Board or committee chair. At the discretion of the Board or committee chair, the Interested Party with the potential conflict can be asked to leave the meeting until the discussion and vote has been completed.

(Continued)
SUBJECT: CONFLICT OF INTEREST POLICY (Cont'd.)

d) Abstention - Any Interested Party who has a potential conflict of interest with respect to any matter or transaction and is permitted to remain for the discussion must abstain from the final vote on the transaction.

e) Information - Any Board member who acquires confidential information by virtue of their role as a Board member shall not use that information for personal or professional gain.

f) Monetary Benefit - No Interested Party may have any direct or indirect monetary benefit based on their actions in connection with the Olean City School District.

The intent of these policies is to provide a clear understanding of the policies of the Olean City School District for all Board of Education members. These policies are structured to maintain the high standard of ethics, which has always been a cornerstone of the Olean City School District.
SUBJECT:  CONFLICT OF INTEREST POLICY (Cont'd.)

OLEAN CITY SCHOOL DISTRICT

CONFLICT OF INTEREST STATEMENT

The space shown below is to record all affiliations that I may have with a business or not-for-profit or government organization that could be a potential Conflict of Interest. I understand that I will abstain or remove myself from any transaction that the Olean City School District is considering that could be a Conflict of Interest. In accordance with this policy, I will exercise the utmost level of fairness and objectivity at all times.

The following is a list of organizations with which I am associated:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

________________________________________________________________________

_________________________________________  _______________
Signature                                      Date

_________________________________________
Print Name

Adopted: 3/13/07
SUBJECT: PROHIBITION OF RETALIATORY BEHAVIOR

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination, harassment, or any other type of complaint.

Adopted: 1/19/10
SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

The Olean City School District is an equal opportunity employer and does not discriminate against any employee or applicant for employment in its programs and activities on the basis of race, color, national origin, sex, disability, or age. Further, the District does not discriminate on the basis of religion or creed, sexual orientation, military status, genetic status, marital status, domestic violence victim status, criminal arrest or conviction record, or any other basis prohibited by state or federal non-discrimination laws.

Investigation of Complaints and Grievances

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination, and will promptly take appropriate action to protect individuals from further discrimination. All such complaints will be handled in a manner consistent with the District’s policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 - - Non-Discrimination and Anti-Harassment in the School District; Policy #6121 - - Sexual Harassment of District Personnel; Policy #6122 - - Employee Grievances.

Additional information regarding the District’s discrimination and harassment complaint and grievance procedures, including but not limited to the designation of two (2) Civil Rights Compliance Officers, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 - - Non-Discrimination and Anti-Harassment in the School District.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Complaints of retaliation may be directed to a Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer.

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

(Continued)
SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont’d.)

Title VII of the Civil Rights Act of 1964,
42 USC Section 2000-e, et seq.
Title VI of the Civil Rights Act of 1964,
42 USC Section 2000-d, et seq.
Section 504 of the Rehabilitation Act of 1973,
29 USC Section 794 et seq.
The Americans With Disabilities Act,
42 USC Section 12101 et seq.
Title IX of the Education Amendments of 1972,
20 USC Section 1681 et seq.
New York State Executive Law Section 290 et seq.
Age Discrimination in Employment Act,
29 USC Section 621.
Military Law Sections 242 and 243
Genetic Information Non-Discrimination Act of 2008 (GINA) Public Law 110-233
Executive Law Section 290 et seq.

Reviewed by Operations: 03/03/15
Reviewed by Operations: 04/07/15
BOE 1st Reading: 04/21/15
BOE 2nd Reading: 05/05/15
Adoption Date: 05/05/15
SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL

The Board of Education affirms its commitment to provide an environment free from sex-based discrimination and sexual harassment including sexual violence and intimidation. The Board, therefore, prohibits and condemns all forms of sexual harassment against District personnel by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and/or at school-sponsored events, programs, and/or activities, including those that take place at locations off school premises.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors and other verbal/non-verbal or physical conduct of a sexual nature constitutes harassment on the basis of sex when:

a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment;

b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; and/or

c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment includes, but is not limited to, sexual violence. For the purpose of this policy, sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, supervisors, co-workers or third parties such as visitors and school volunteers.

Prohibited Conduct

Sexual harassment can be verbal, non-verbal, or physical. Examples of such conduct may include, but are not limited to, the following:

a) Verbal abuse or ridicule, including innuendoes, stories and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.

(continued)
SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont’d.)

b) Direct or indirect threats or bribes for unwanted sexual activity.

c) Asking or commenting about a person’s sexual activities.

d) Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.

e) Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.

f) The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.

g) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.

h) Unwelcome and/or offensive public displays of sexual/physical affection.

i) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.

j) Engaging in sexual conduct with an individual who is unable to consent due to his/her age, use of drugs or alcohol, intellectual disability, or other disability.

k) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

(continued)
Rights Complaint Officer. In the event that the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another civil Rights Compliance Officer.

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of sexual harassment, and will promptly take appropriate action to protect individuals from further harassment. All such complaints will be handled in a manner consistent with the District’s policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 - Non-Discrimination and Anti-Harassment in the School District.

Additional information regarding the District’s discrimination and harassment complaint and grievance procedures, including but not limited to the designation of two (2) Civil Rights Compliance Officers, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 - Non-Discrimination and Anti-Harassment in the School District.

Additional information regarding the District’s discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 - Non-Discrimination and Anti-Harassment in the School District.

The District will provide an annual training on the topic of Sexual Harassment to all employees.

(continued)
SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont’d)

**Prohibition of Retaliatory Behavior**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Complaints of retaliation may be directed to a Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another civil Rights Compliance Officer.

Civil Rights Act of 1991, 42 USC Section 1981(a)
29 CFR Section 1604.11(a)
Civil Service Law Section 75-B
Executive Law Sections 296 and 297
Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
34 CFR Section 100 et seq.

Reviewed by Operations: 07/07/15
BOE 1st Reading: 07/21/15
BOE 2nd Reading: 08/11/15
Adoption: 08/11/15
SUBJECT: EMPLOYEE GRIEVANCES

In accordance with Article 15-C of General Municipal Law, all District employees shall have the opportunity to present grievances free from interference, coercion, restraint, discrimination or reprisal. The District shall provide at least two (2) procedural stages and an appellate stage for the settlement of any grievance.

General Municipal Law Sections 681-685

Reviewed by Operations: 04/07/15
1st Reading by BOE: 04/21/15
2nd Reading by BOE: 05/05/15
Adopted: 05/05/15
SUBJECT: ANNUAL PROFESSIONAL EMPLOYEE PERFORMANCE REVIEW

The Board of Education directs the Superintendent of Schools to take appropriate actions to see that the professional staff of the School District is evaluated on an annual basis at a minimum.

The evaluation(s) of the professional staff will conform to the Regulations of the Commissioner of Education, applicable laws, Board of Education policies, Olean City School District procedures and contracts with employee groups.

Procedures for the evaluation(s) of the professional staff shall be developed by the Superintendent of Schools and will be on file in the Office of the Superintendent of Schools.

8 NYCRR Sections 80-1.1 and 100.2(o)(2)

Adopted: 12/4/03
Revised: 5/10/06
SUBJECT: HEALTH EXAMINATIONS

The Board reserves the right to request a health examination, which may include a psychological examination at any time during employment, at School District expense, in order to determine whether any employee can perform the essential functions of the position.

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician and/or the Superintendent, such procedure is deemed necessary.

The final acceptance or rejection of a medical report with reference to the health of an employee and their ability to perform their job duties lies within the discretion of the Board. The findings of the exam may be used for the performance evaluation of the employee or for disability retirement. The decision of the physician designated by the Board as the determining physician shall take precedence over all other medical advice.

Education Law Sections 913
Bus Drivers: 8 NYCRR Section 156.3(2)
Rules and Regulations of the Commissioner of Motor Vehicles Section 5.09-b
Cafeteria Workers: State Sanitary Code

Adopted: 12/15/09
SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)

The Board of Education, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

The Board, therefore, prohibits the consumption, sharing and/or selling, use and/or possession of illegal drugs, counterfeit and designer drugs or alcoholic beverages in the workplace, or when the effects of such drugs and/or alcohol use may impair an employee's job performance.

Additionally, confidentiality shall be insured as required by state and federal law.

Education Law Sections 913, 1711(5)(e), and 3020-a
Civil Service Law Section 75
Drug-Free Schools and Communities Act Amendment of 1989
(Public Law 101-226)
20 USC Section 3171 et seq.

Adopted: 12/4/03
SUBJECT: DRUG-FREE WORKPLACE

It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) 1308.11-1308.15. An acknowledgment form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

"Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the School District.

The Board of Education directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

Drug-Free Workplace Act (Public Law 100-690)
34 CFR Part 85

Adopted: 12/4/03
Revised: 5/10/06
SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES

Unless otherwise authorized in accordance with law and regulation, the District shall not employ or utilize a prospective school employee, as defined below, unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The School District shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. For purposes of this provision of law, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI).

Prior to initiating the fingerprinting process, the District shall furnish the applicant with written notice on a form prepared by the Commissioner of Education addressing the fingerprinting requirements and the applicant's right to obtain, review and seek correction of his/her criminal history information. Additionally, where the prospective school employee is not already in the SED criminal history file, the District shall obtain the signed, informed consent of the applicant to perform the criminal history check. Every set of fingerprints taken shall be promptly submitted to the Commissioner of Education for purposes of clearance for employment.

Where the prospective school employee is already in the SED criminal history file, the District shall request the clearance for employment on forms or an equivalent manner prescribed by SED. Furthermore, the District shall notify SED, in a manner prescribed by the Department, of a prospective school employee who has commenced employment with or began providing services for the District, the date of the commencement of such employment or service, and the position held by such individual. Similarly, the District shall notify SED, in a manner prescribed by the Department, of a fingerprinted employee who has been separated from employment with the District or ceased providing services for the School District, and the date of such separation from employment or cessation of services. All criminal history records processed by DCJS and the FBI and sent to the Commissioner of Education are confidential. The records may not be published or in any way disclosed to persons other than the Commissioner unless otherwise authorized by law.

Unless otherwise exempted pursuant to law, the applicant shall be responsible for the payment of fees to SED for a criminal history record check. However, if approved by Board resolution, the District may authorize the payment of such fees on behalf of prospective employees. The Board is also authorized to waive the payment of such fees in cases of unreasonable financial hardship to the applicant or his/her family. If the Board decides to waive payment of the fees for the prospective employee, payment of the fees becomes the District's responsibility.

(Continued)
SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

Who Must Be Fingerprinted

All "prospective school employees" of the School District must be fingerprinted. For purposes of this policy and the applicable provisions in law and Commissioner's Regulations, "prospective school employee" shall mean any individual who will reasonably be expected by the School District to provide services which involve direct contact, meaning in person, face-to-face communication or interaction, with students under the age of twenty-one (21) and who is either:

a) Seeking a compensated position with the District and is not currently employed by the District or a student enrolled in the instructional program of a grade level in the School District; or

b) An employee of a provider of contracted services to the School District who is to be placed within the District; or

c) A worker who is to be placed within the District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law, directly or through contract.

Individuals Who Are Specifically Excluded

Individuals excluded from a criminal history record check/fingerprinting pursuant to this provision of law and regulation are those individuals who:

a) Are seeking a position as a school bus driver or school bus attendant and are cleared for employment pursuant to the Vehicle and Traffic Law; or

b) Have provided services to the District in the previous school year either in a compensated position, or as an employee of a provider of contracted services to the District, or as a worker placed within the School District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law directly or through contract; or

c) Will reasonably be expected by the School District to provide services for the District on no more than five (5) days in the school year in which services are to be performed, provided that the District provides in-person supervision of such individual by one or more employees of the District while that individual is providing such services. Individuals providing such time-limited and supervised services may include but shall not be limited to artists, guest lecturers and speakers, and sports officials.

(Continued)
SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

Any prospective employee who previously has been fingerprinted in order to obtain certification, and whose fingerprints remain on file with the Division of Criminal Justice Services (DCJS), will not be required to be fingerprinted again for purposes of a criminal history record check.

Removal from the SED Criminal History File

Where individuals have been separated from employment at the School District and have not become employed in this District or another school district, BOCES or charter school within twelve (12) months of such separation, SED shall notify DCJS of such separation for the purpose of destroying the fingerprints of that individual. Further, upon request of such individual, SED shall notify DCJS prior to the expiration of such twelve-month period for the purpose of destroying his/her fingerprints. Such individuals shall be removed from the SED criminal history file.

Conditional Appointments/Emergency Conditional Appointments

Conditional Appointments

Upon the recommendation of the Superintendent of Schools, the Board of Education may conditionally appoint a prospective employee. A request for conditional clearance shall be forwarded to the Commissioner of Education along with the prospective employee's fingerprints as mandated pursuant to law. Such conditional appointment shall not commence until notification by the Commissioner that the prospective employee has been conditionally cleared for employment, and such conditional employment shall terminate when the School District is notified of the determination by the Commissioner to grant or deny full clearance; however, if full clearance is granted, the appointment shall continue and the conditional status shall be removed.

Prior to commencement of such conditional appointment, the District must obtain a signed statement for conditional employment from the prospective employee indicating whether, to the best of his/her knowledge, the prospective employee has a pending criminal charge or criminal conviction in any jurisdiction outside the state.

Emergency Conditional Appointments

Upon the recommendation of the Superintendent of Schools, the Board may make an emergency conditional appointment when an unforeseen emergency vacancy has occurred. When such an appointment is made, the process for conditional appointment as enumerated above must also be initiated.

(Continued)
SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

Emergency conditional appointment may commence prior to notification from the Commissioner of Education on conditional clearance but shall terminate twenty (20) business days from the date such appointment commences or when the District is notified by the Commissioner that conditional clearance is either granted or denied, whichever occurs earlier; however, if conditional clearance is granted, the appointment shall continue as a conditional appointment.

Prior to the commencement of such appointment, the District must obtain a signed statement for emergency conditional appointment from the prospective employee indicating whether, to the best of his/her knowledge, the prospective employee has a pending criminal charge or criminal conviction in any jurisdiction.

An unforeseen emergency vacancy shall be defined as:

a) A vacancy that occurred less than ten (10) business days before the start of any school session including summer school, or during any school session including summer school, without sufficient notice to allow for clearance or conditional clearance (however, this ten (10) business day timeframe provision shall not apply if the Board of Education finds that the School District has been unable to fill the vacancy despite good faith efforts to fill the vacancy in a manner that would have allowed sufficient time for full clearance or conditional clearance); and

b) When no other qualified person is available to fill the vacancy temporarily; and

c) When the emergency conditional appointment is necessary to maintain services which the District is legally required to provide or services necessary to protect the health, education or safety of students or staff.

Safety of Students

The District will develop internal building and/or program procedures to help ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. Such procedures will address the safety of students in the classroom, students attending off-campus activities under the supervision of the School District, and students participating in extracurricular and/or co-curricular activities (including sports and athletic activities).

Safety procedures to be addressed include, but are not limited to, the following: supervision of the employee holding conditional appointment/emergency conditional appointment as determined appropriate by the applicable building/program administrator; and periodic visitations by the building/program administrator to the classroom, program and/or activity assigned to the employee holding conditional appointment/emergency conditional appointment.

(Continued)
SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

"Sunset" Provision for Conditional Appointments/Emergency Conditional Appointments

The provisions in law which permit the conditional appointment and/or emergency conditional appointment of employees pending full clearance from SED shall terminate, in accordance with legislation, on July 1, 2005; and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

Education Law Sections 305(30), 1604, 1709, 1804, 1950, 2503, 2554, 2854, 3004-b and -c, and 3035
Correction Law Article 23-A
Executive Law Section 296(16)
Social Services Law Article 5, Title 9-B
8 NYCRR Sections 80-1.11 and Part 87

Adopted: 7/19/04
SUBJECT: IDENTIFICATION BADGES

The Olean City School District is committed to providing a safe and secure environment for our students and employees. The District will issue Identification (ID) Badges to all full-time, part-time employees and the Board of Education Members. The identification badge serves the dual purpose of allowing access to secured areas as well as readily identifying School District employees and other authorized personnel. In addition, the identification badges will provide measured protection against unauthorized personnel and intruders from entering District buildings.

Employees and Temporary Staff

Identification Badges will be issued by the District/Central Office to all existing and new employees and Board of Education members. The badges will include the employee’s or Board member’s name and photo, together with building and/or District information. Badges shall be worn during the school day and when advising, acting in an official capacity or chaperoning school-sponsored activities.

Long-term substitute teachers and student teachers, who are assigned to District buildings for an extended period of time, may be issued a regular ID badge by the District/Central Office. Short-term substitute teachers, other temporary employees and contract staff will be required to sign in each time they enter a District building. A non-picture ID badge (visitor or other temporary badge) will be issued to staff members in this category and it will be their responsibility to return the badge upon leaving the building each day.

The ID badge is the property of the School District and may only be used by the individual to whom it was issued. Employees may not loan their ID badge to anyone for any reason. Upon separation from employment, employees are required to return the ID badge.

Visitors

Visitors, including approved volunteers and vendors, and Board members not acting in an official capacity will wear a "Visitor" identification badge after signing in and gaining permission to be on the premises during school hours. The badge must be worn in a highly visible manner while in District buildings and shall be surrendered when exiting the building.

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

Note: Refer also to Policy #3210 -- Visitors to the Schools

Adopted: 11/20/12
SUBJECT: BUILDING ASSIGNMENTS

Subject to applicable federal and state laws, Board of Education policies, and any pertinent collective bargaining agreements, the Board of Education has the authority, on recommendation of the Superintendent, to make intra-school assignments and transfers.

The Board will discourage and avoid, if possible, the assignment of husbands and wives or blood relations (father/daughter/brother/sister, etc.) of both professional non-professional staff members to the same building. Also, spouses/blood relations of administrative and supervisory staff will generally not be assigned to that portion of the staff where the spouse/blood relation would exercise direct supervision over the other spouse/blood relation.

If any such assignment should exist in the placement of husbands or wives or blood relations, performance evaluations shall not be done by the spouse or relative of the employee being evaluated.

The Board of Education reserves the right to make exceptions to these guidelines, upon recommendation of the Superintendent of Schools, whenever unusual circumstances present themselves or the application of such guidelines would result in the violation of applicable laws or policies or attempt to deal with exceptions in the fairest and the most rational way possible, while complying with all legal mandates.

Education Law Section 1709(33), 1711(5)(e), 2508(5), 1509(5), and 2655(5)
Civil Service Law Section 70
General Municipal Law Article 18

Adopted: 7/26/04
Revised: 5/10/06
SUBJECT: STAFF/VOLUNTEER-STUDENT RELATIONS (FRATERNIZATION)

The Board of Education requires that all School District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members/volunteers act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff/volunteer 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/volunteers 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/volunteer 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 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. ("Frequent personal communication with a student unrelated to course work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, email, instant messaging, text messaging or through social networking websites.)

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff/volunteer 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/volunteer behavior as enumerated in this policy, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff/volunteer-student relations, shall report the incident to any staff member/volunteer or either the employee's supervisor, the student's Principal or the District's designated Compliance Officer. In all events such reports shall be forwarded to the designated Compliance Officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members/volunteers with students shall also be investigated by the District. Investigations of allegations of inappropriate staff/volunteer-student relations shall follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff/volunteer-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)
SUBJECT: STAFF/VOLUNTEER-STUDENT RELATIONS (FRATERNIZATION) (Cont’d.)

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, child abuse in an educational setting) must also follow the District’s reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

If a student initiates inappropriate behavior toward a staff member/volunteer, that employee/volunteer shall document the incident and report it to his/her Building Principal or Supervisor.

The District shall promptly investigate all complaints of inappropriate staff/volunteer-student relations, and take prompt corrective action to stop such conduct if it occurs.

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

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/volunteer-student relations. Follow-up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

District Responsibility/Training

The Principal of each school and/or program supervisor shall be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff/volunteer training shall be provided to facilitate staff/volunteer identification of possible behavior that may constitute inappropriate staff/volunteer-student relationships. Students shall be provided such training in an age appropriate manner.

The District's policy (or a summary thereof) shall be disseminated as appropriate to staff/volunteer, students and parents. Further, this topic shall be addressed in the District Code of Conduct.

Disciplinary Sanctions

Any staff member/volunteer 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.
SUBJECT: STAFF/VOLUNTEER-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
Education Law Article 23-B
Social Services Law Sections 411-428
8 NYCRR Part 83

Reviewed by Operations: 09/03/13
BOE 1st Reading: 09/17/13
BOE 2nd Reading: 10/01/13
BOE 2nd Reading: 10/15/13
Adoption Date: 10/15/13
SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR

Regulations recently promulgated by the Office of the State Comptroller provide guidance to school districts to help them determine whether an individual is an employee, and therefore eligible for membership in the New York State and Local Retirement System (NYSLRS) and for service credit, or an independent contractor who is not eligible for membership.

A certification of the determination that an individual is an employee will now be required when the School District initially reports to the NYSLRS certain covered professionals -- those persons providing services as an attorney, physician, engineer, architect, accountant or auditor.

Employee shall mean an individual performing services for the School District for which the District has the right to control the means and methods of what work will be done and how the work will be done. Independent contractor shall mean a consultant or other individual engaged to achieve a certain result who is not subject to the direction of the employer as to the means and methods of accomplishing the result.

Employees to be Reported to NYSLRS

Only persons who are active members of NYSLRS and who have been assigned a registration number shall be included in the reporting requirements. In the case of employees who are in the process of being registered to membership, all service, salary and deductions data and mandatory contributions shall be accumulated by the District and such accumulation shall be included with the first monthly report which is due after the employee’s registration number has been assigned.

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

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making such a determination the District must consider the factors enumerated in State Regulations.

The District shall also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS2414) as promulgated by the Office of the New York State Comptroller. As noted on the Certification Form instructions, when making a determination as to an individual's status as an employee or independent contractor, no single factor should be considered to be conclusive of the issue. All factors should be considered in making an assessment of an individual's status when engaged to perform services.
SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR (Cont'd.)

Written Explanation by District: Certain Professions

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

Retirement and Social Security Law Sections 11, 34, 311, and 334
2 NYCRR Sections 315.2 and 315.3

Adopted: 11/4/08
SUBJECT: PERSONNEL

The Board of Education shall, upon the recommendation of the Superintendent, create, abolish, maintain and/or consolidate positions involving certified persons as necessary for the proper and efficient achievement of its goals.

All assignments and transfers shall be made in accordance with the provisions of law, Board of Education policies, and the employee's negotiated agreement.

Adopted: 7/26/04
SUBJECT: RECRUITMENT

The District will attempt to employ the best qualified personnel for any position.

Personnel shall be recruited and selected by, or at the direction of, the Superintendent of Schools, who shall recommend appointment to the Board of Education.

Education Law Section 3012

Adopted: 7/19/04
SUBJECT:  RECRUITMENT AND SELECTION OF TEACHING CANDIDATES FOR EMPLOYMENT

Identifying Candidates

Initial contact with prospective candidates may be made at any time by anyone in the schools or in the community for the purpose of encouraging outstanding candidates to apply for a position.

Application

Vacancies will be advertised as follows:

a) Job Posting notices in school buildings.

b) Official newspaper of School District.

c) Regional newspapers as appropriate and necessary.

d) Notification to area school districts and BOCES as appropriate and necessary.

e) Notices to College Placement Offices.

Letters of application, current detailed resumes, completed application forms and any placement office credentials must be processed through the Superintendent’s Office.

The Superintendent will acknowledge all applications and file same for further screening. Applications will be kept on file for one (1) calendar year. The applicants must furnish transcripts and proof of valid New York State Certification or proof of certifiability prior to being interviewed.

Screening

When a vacancy occurs, the Superintendent of Schools will refer the application folders of the qualified candidates to the appropriate Principal or chairperson.

The Principal or chairperson will initiate interviews with the candidates and submit his/her final three (3) recommendations to the Superintendent of Schools.

Position vacancies occurring during a school year that are to be filled via a staff transfer will not be filled until such time that the permanent replacement for the transferring teacher has been selected and is ready to start work for the District. Any exceptions to this procedure will only occur with the express permission of the Superintendent of Schools and the Board of Education.

(Continued)
SUBJECT: RECRUITMENT AND SELECTION OF TEACHING CANDIDATES FOR EMPLOYMENT (Cont'd)

Preliminary Interviews

Each promising candidate selected for an interview will be interviewed by a screening committee made up of administrators and teachers from the appropriate area(s) of responsibility. The chair of each screening committee will note general reactions for each applicant. These reactions will be recorded on interview sheets, combined with the application and returned to the Superintendent of Schools. Three (3) candidates will be recommended for each position, if possible.

The Superintendent of Schools will arrange an interview for the recommended candidates for each vacant position.

The committee chair should arrange an interview for the recommended candidates with the Superintendent of Schools for each vacant position. Other interviews need not be scheduled if the screening process has been accomplished within ninety (90) calendar days of the last hiring for a similar position; i.e., primary teacher or intermediate teacher. This is defined as ninety days from the date that the Board of Education adopted a resolution to fill a vacant position.

Observation

A candidate may be observed in his/her actual school situation by a member of the Olean City School District administrative staff.

Selection

The Superintendent of Schools will make the final selection and recommend to the Board of Education. The candidates file will be available for review prior to action by the Board of Education.

The following committees will be appointed by the Superintendent:

**ELEMENTARY**

a) Elementary Principal (Chair)

b) Four other Elementary Principals

c) Teacher*

**SECONDARY – Grades 6-12**

a) High School or Middle School Principal (Chair)

(Continued)
SUBJECT: RECRUITMENT AND SELECTION OF TEACHING CANDIDATES FOR EMPLOYMENT (Cont'd)

b) Appropriate Department Chair/Director

c) Additional Secondary School Administrators

d) Teacher*

DISTRICT - WIDE POSITIONS

a) Superintendent of Schools (Chair) or designee

b) Administrators from District as appropriate

c) Appropriate Department Chair/Director

d) Teacher*

*Teacher participation is strictly voluntary in all respects. Wherever possible, the teacher selected would be from the building or program (e.g., department) where the vacancy occurs. The teacher selected must come from a listing of those teachers who volunteer to participate on the particular selection committee and must be mutually agreed upon by the Superintendent of Schools and the President of the Olean Teachers' Association.
SUBJECT: CERTIFICATION AND QUALIFICATIONS

a) In accordance with applicable statutes, Rules of the Board of Regents, and Regulations of the Commissioner of Education, each employee whose employment requires certification or other licensure shall inform the Superintendent of Schools immediately in writing of any change in the status of his/her certification or licensure. The changes shall include, but not be limited to, the granting, revocation, upgrading, expiration, conversion and/or extension of these documents as to their periods of validity or their titles.

b) The original certificates and/or licenses must be presented for examination and copying in the office of the Superintendent of Schools as soon as they are available to the employee. The copies will be maintained in the Superintendent's files in support of the legitimate employment of each affected employee. The failure of any such employee to possess the required certification or other licensure may result in the discharge of that employee.

c) Whether or not the District verifies an individual's certification or licensure does not waive the responsibility of the employee to maintain what is required for his/her assignment.

The Board shall delegate to the Superintendent the responsibility to ensure that all employees are qualified per the New York State and Federal rules and regulations.

20 USC Section 7801(23)
34 CFR Sections 200.55 and 200.56
Education Law Sections 3001, 3001-a, 3004, 3006 and 3008
8 NYCRR Subparts 52.21, 57-3, 80-1, 80-2, 80-3, 100.2(dd) and 100.2(o)

Adopted: 7/19/04
Revised: 5/10/06; 11/16/10
SUBJECT: INCIDENTAL TEACHING

The Superintendent may assign a teacher to teach a subject not covered by such teacher’s certificate or license for a period not to exceed five (5) classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment efforts, and provided that approval of the Commissioner of Education is obtained in accordance with the requirements as enumerated in Commissioner's Regulations.

Not later than twenty (20) business days after such an assignment, the Superintendent shall submit for approval an application, in a form satisfactory to the Commissioner, containing the following information:

a) Evidence of extensive recruitment of a teacher certified in the appropriate area;

b) The name and certification status of the teacher given such assignment;

c) The subject which the teacher is being assigned to teach on an incidental basis and the total number of classes in the subject being taught on an incidental basis;

d) The qualifications of the teacher to teach such subject on an incidental basis;

e) The specific reasons why an incidental assignment is necessary;

f) The anticipated duration of the incidental teaching assignment; and

g) The number of applications, approved or pending, for authorization to make incidental teaching assignments in the same certification area for which the current authorization is being sought.

To be approved, the application shall demonstrate to the satisfaction of the Commissioner that an incidental teaching assignment is necessary, that the teacher assigned is the best qualified to teach the subject on an incidental basis, and that the requirements of Commissioner's Regulations have been met.

The Commissioner will issue a determination within twenty (20) business days of receipt of the District's application.

In the event that the application is disapproved, the Superintendent, within seven (7) business days of receipt of the notice of disapproval, shall terminate the incidental assignment. In the event that the application is approved, such approval shall be deemed to have commenced on the date of the incidental teaching assignment and shall terminate on the last day of the school year for which it is granted.

(Continued)
SUBJECT: INCIDENTAL TEACHING (Cont'd.)

The Superintendent may renew an incidental teaching assignment, in accordance with the requirements of Commissioner's Regulations, for any subsequent school year. In addition to submitting to the Commissioner the information noted above for initial approval of an incidental teaching assignment, a renewal application must provide a number of assurances, including that the teacher assigned a course on an incidental basis has complete, or has agreed to complete, within the prescribed time period, at least three (3) semester hours of credit or the equivalent leading to certification in the subject area of the incidental assignment.

8 NYCRR Section 80-5.3

Adopted: 7/26/04
SUBJECT: PROBATION AND TENURE

Probation

Certified staff members shall be appointed to a probationary period by a majority vote of the Board of Education upon recommendation of the Superintendent of Schools.

Full-time certified staff members shall be appointed to a probationary period of three (3) years. However, the probationary period shall not exceed two (2) years for teachers previously appointed to tenure in this or another school district or BOCES within the state, provided the teacher was not dismissed from the former district. Additionally, up to two (2) years of service as a regular substitute teacher may be applied towards probationary service. This is sometimes referred to as Jarema Credit.

During the probationary period, a member shall be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance shall be assumed because of the possession by the member of the required certification or license.

Tenure

At the expiration of the probationary period or within six (6) months prior thereto, the Superintendent shall make a written report to the Board recommending for appointment to tenure those certified staff members successfully completing a probationary period in the Olean City School District. The Board may then by a majority vote appoint on tenure any or all of the persons recommended by the Superintendent. The Superintendent will provide 60-day prior written notice to the Board prior to expiration of probationary period for teachers and administrators.

The Board will follow all applicable statutes regarding tenure.

Education Law Sections 2509, 3012 and 3031
8 NYCRR Part 30

Adopted: 7/26/04
Revised: 11/16/10
SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL

Tenured teachers and certain certified personnel may be subject to disciplinary charges that are set forth in Section 3012 of the Education Law.

Procedures for a hearing regarding these disciplinary measures will be in accordance with Section 3020-a of the Education Law and/or in accordance with applicable contractual provisions.

8 NYCRR Subpart 82-1

Adopted: 7/19/04
SUBJECT: PROFESSIONAL STAFF: SEPARATION

A teacher or administrator may be dismissed upon provision of written notice in accordance with the Education Law.

The Board shall expect any teacher or administrator desiring to terminate his/her services to provide the Board with a minimum of thirty (30) days notice before the effective termination date.

When possible, a teacher or administrator shall make every effort to terminate employment at the end of the school year. Resignations must be in writing and including the effective date.

Education Law Sections 3012, 3019-a, and 3031

Adopted: 5/10/06
SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT

All District employees who hold professional teaching certificates for classroom teaching are required to complete professional development hours to maintain the validity of their certificates. Professional certificate holders must complete 175 hours every five (5) years. The five-year professional development period commences on July 1 after the effective date of the triggering certificate, and each subsequent five-year period thereafter. Each professional development year of the five-year cycle of professional development begins on July 1 and ends the following June 30. The professional development requirement may be completed at any time during the five-year professional development period.

Decisions regarding content, delivery and providers of such professional development are within the purview of the School District and shall be made within the context of the District Professional Development Plan. The Professional Development Plan shall describe how the School District will provide teachers it employs holding a professional certificate with opportunities to maintain such certificates in good standing based upon successfully completing 175 hours of professional development every five (5) years in accordance with Commissioner's Regulations.

8 NYCRR Subpart 80-3 and Section 100.2(dd)
SUBJECT: TEMPORARY PERSONNEL

District's needs may sometimes require temporary appointments. The terms of these appointments shall be defined by the Board of Education on a case by case basis.

Student Teachers

The Olean City School District shall cooperate with teacher training institutions in the placement of student teachers in order to provide beginning teachers with the best possible student teaching experience.

Student teachers shall be protected from liability for negligence or other acts resulting in accidental injury to any person by the School District, as provided by law.

Substitute Teachers

A substitute teacher qualified to teach in the Olean City School District shall be employed, whenever possible, by the Superintendent of Schools in the absence of a regular teacher. It is recognized that fully certified persons will not always be available for employment as substitute teachers.

The Board of Education shall annually establish the ordinary rate for per diem substitute teachers.

8 NYCRR Section 80-5.4
Education Law Section 3023

Adopted: 7/19/04
Revised: 5/10/06
SUBJECT:  APPOINTMENT - SUPPORT STAFF

The probationary period for all new civil service employees shall be for the maximum period established by the local Civil Service Commission.

The time, place and conditions of employment shall be assigned by the Superintendent of Schools. The duties for each Civil Service employee shall be clearly defined.

Civil Service Law Section 63

Adopted:  7/19/04
SUBJECT:  EMPLOYMENT OF TEACHER AIDES

In accordance with Regulations of the Commissioner, the Board of Education may employ teacher aides to assist in the daily operation of the school through non-teaching duties.

The duties and responsibilities to be assumed by teacher aides shall be outlined by the Superintendent of Schools.

Persons employed as teacher aides shall be responsible to the Building Principal and/or his/her designated representatives.

8 NYCRR Section 80-5.6

Adopted:  7/19/04
SUBJECT: MAINTAINING DISCIPLINE AND CONDUCT

All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours or at extracurricular events.

Adopted: 7/19/04
SUBJECT: EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION

Personnel Records

Administrative regulations will be developed and maintained by the Superintendent to implement the terms of this policy to maintain a personnel file for each teacher, administrator and support staff member employed by the District.

Regulations and procedures will be developed and maintained by the Superintendent to address the inspection by District employees of their personnel files.

Release of Personnel Information

All steps should be taken to protect the privacy of the employees of the Board of Education. To ensure the individual's privacy, directory or confidential information should not be shared with a third party except in the following situations:

a) When members of the Board of Education need information from the employee's personnel record to aid them in performing their legal responsibilities in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies.

b) When the employee grants written permission.

Procedures for obtaining consent for release of records to third parties shall be developed by the administration.

Release of Information Concerning Former Employees

The District shall not release information concerning the employment records, personnel file or past performance of a former employee, unless such information is required to be disclosed by law. Only the initial and final dates of employment and the position held shall be provided through a written response to a written request. The former employee may authorize the release of any additional information.

8 NYCRR, Part 84
Public Officers Law Section 87

Adopted: 7/26/04
SUBJECT: SCHOOL DISTRICT LETTERS OF RECOMMENDATION

It is the policy of the Olean City School District that District letters of recommendation regarding current or past employees of the school district may be written at the request of the employee as per the following:

a) Recommendations are to be written only after receiving permission to do so from the Superintendent of Schools and having a draft of the letter approved by the Superintendent prior to release.

b) These letters of recommendation are to be written on school district letterhead paper with a copy of same placed in the employee/past employee official personnel file.

c) These letters may only be written by full time Olean City School District administrators.

Any other individuals wishing to write letters of recommendation regarding current or past employees of the school district must not use school district letterhead paper and are not to claim to represent the Olean City School District in any way whatsoever and further to state explicitly that they do not represent the Olean City School District in any way regarding their recommendation.

Adopted: 7/26/04
SUBJECT: EMPLOYEE ACTIVITIES

Political Activities

The Board of Education recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally-protected rights to address matters of public concern.

However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds and/or during school times. When such speech or action occurs on school grounds and/or during school time, the Board of Education can impose reasonable restrictions on the time, place and manner of the speech or action, and can further regulate the content of such speech when it materially imperils the efficient operation of the school.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, and to motivate students to participate in the political process.

Solicitations by Staff

Staff members shall not be engaged in advertising or commercial solicitations on school time, except as authorized by the Superintendent and/or designee.

NOTE: Refer also to Policy #5550 -- Prohibited Use of District Funds for Political Expenditures

Adopted: 7/19/04
SUBJECT: NEGOTIATIONS

Legal Status

The legal status for negotiations is the Public Employees' Fair Employment Law (Taylor Law), Article 14 of the Civil Service Law.

Organizations recognized for the purposes of collective bargaining include:

a) Olean Teachers’ Association;

b) Olean Educational Support Personnel Association;

c) Olean Administrative and Supervisory Association.

Adopted: 7/19/04
SUBJECT: THEFT OF SERVICES OR PROPERTY

The theft of services or property from the District by an employee will result in immediate disciplinary action that may include dismissal or other penalty, and shall not preclude the filing of criminal or civil charges by the District.

Adopted: 7/19/04
SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

The Board of Education will provide staff with access to various computerized information resources through the District's computer system (DCS hereafter) consisting of software, hardware, computer networks, wireless networks/access and electronic communication systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may also include the opportunity for staff to have independent access to the DCS from their home or other remote locations, and/or to access the DCS from their personal devices. All use of the DCS and the wireless network, including independent use off school premises and use on personal devices, shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments. To that end, the Board directs the Superintendent or his/her designee(s) to provide staff with training in the proper and effective use of the DCS.

Staff use of the DCS is conditioned upon written agreement (and thereafter, annual electronic acknowledgement) by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the District Technology Office.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and telecommunications are not to be utilized to share confidential information about students or other employees.

Access to confidential data is a privilege afforded to District employees in the performance of their duties. Safeguarding this data is a District responsibility that the Board of Education takes very seriously. Consequently, District employment does not automatically guarantee the initial or ongoing ability to use mobile/personal devices to access the DCS and the information it may contain.

This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate staff conduct and use as well as proscribed behavior.

District staff shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy protected by federal and state law.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

(Continued)
Social Media Use by Employees

The School District recognizes the value of teacher and professional staff inquiry, investigation and communication using new technology tools to enhance student learning experiences. The School District also realizes its obligations to teach and ensure responsible and safe use of these new technologies. Social media, including social networking sites, have great potential to connect people around the globe and enhance communication. Therefore, the Board of Education encourages the use of District approved social media tools and the exploration of new and emerging technologies to supplement the range of communication and educational services.

For purposes of this Policy, the definition of public social media networks or Social Networking Sites (SNS) are defined to include: websites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, video sites and any other social media generally available to the School District community which do not fall within the District's electronic technology network. The definition of District approved password-protected social media tools (i.e. My Big Campus, district website blog page, etc.) are those that fall within the District's electronic technology network or which the District has approved for educational use. Within these internal forums, the District has greater authority and ability to protect minors from inappropriate content and can limit public access.

The use of social media (whether public or internal) can generally be defined as Official District Use, Professional/Instructional Use and Personal Use. The definitions, uses and responsibilities will be further defined and differentiated in the Administrative Regulation. The School District takes no position on an employee's decision to participate in the use of social media or SNS for personal use on personal time. However, personal use of these media during District time or on District-owned equipment is discouraged. In addition, employees are encouraged to maintain the highest levels of professionalism when communicating, whether using District devices or their own personal devices, in their professional capacity as educators. They have a responsibility to address inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with all applicable District Policies and Regulations.

Confidentiality, Private Information and Privacy Rights

Confidential and/or private data, including but not limited to, protected student records, employee personal identifying information, and District assessment data, shall only be loaded, stored or transferred to District-owned devices which have encryption and/or password protection. This restriction, designed to ensure data security, encompasses all computers and devices within the DCS, any mobile devices, including flash or key drives, and any devices that access the DCS from remote locations. Staff will not use email to transmit confidential files in order to work at home or another location. Staff will not use cloud-based storage services (such as Dropbox, GoogleDrive, SkyDrive, etc.) for confidential files.

(Continued)
SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)

Staff will not leave any devices unattended with confidential information visible. All devices are required to be locked down while the staff member steps away from the device, and settings enabled to freeze and lock after a set period of inactivity.

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Technology Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should NOT expect that information stored on the DCS will be private.

Implementation

Administrative regulations will be developed to implement the terms of this policy, addressing general parameters of acceptable staff conduct as well as prohibited activities so as to provide appropriate guidelines for employee use of the DCS.

NOTE: Refer also to Policies #5672 -- Information Security Breach and Notification
#6411 -- Staff Use of Email
#7243 -- Student Data Breaches
#7316 -- Student Use of Personal Technology
#8271 -- Internet Safety/Internet Content Filtering Policy

Reviewed by Operations: 12/03/13
BOE 1st Reading: 01/21/14
BOE 2nd Reading: 02/25/14
Adoption Date: 02/25/14
SUBJECT: WORKERS' COMPENSATION

Employees injured in the performance of their duties are covered by Workers' Compensation Insurance. Employees shall report work-related injuries immediately to their immediate supervisor. Delay in reporting, if necessary, must be justified to the satisfaction of the Board of Education and/or the insurance carrier or District.

Reimbursement for Workers' Compensation Insurance benefits shall be in accordance with their respective negotiated agreements.

Education Law Sections 1604(31), 1709(34) and 2503(10)

Adopted: 7/19/04
SUBJECT: PAYROLL DEDUCTIONS

Payroll deductions may be made when authorized in writing by employees or when required by law or negotiated agreements.

Education Law Section 1709

Adopted: 7/19/04
SUBJECT:  DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

Liability Protection Pursuant to Education Law

The Board of Education recognizes its statutory obligation to indemnify School District employees (and in certain circumstances, Board of Education members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).

The District shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board of Education.

a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board of Education; however, submission of relevant legal documents by the employee to the Board is also encouraged.

b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

The District will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, the District will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board of Education.

Public Officers Law Section 18

The Board of Education hereby also confers the benefits of Section 18 of the New York State Public Officers Law upon the "employees" of the District, as defined in Section 18 of the Public Officers Law; and the District assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to District employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactment or provisions of law.

The term "employees" shall include members of the Board of Education; the Superintendent; District officers; District employees; volunteers expressly authorized to participate in a District sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of the District, whether or not compensated. The term "employee" shall also include a former employee, his/her estate or judicially appointed representative.

(Continued)
SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES (Cont'd.)

Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, the District shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties. Furthermore, the District shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Education.

The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the School District attorney or to the Superintendent a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the District based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the District's duty to defend and/or indemnify and save harmless to exist.

Exceptions to Liability Coverage

Indemnification coverage and/or provision of legal defense by the District will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the School District.

Public Officers Law Section 18
Education Law Sections 1709(26) and (34-b), 2560, 3023, 3028, and 3811
General Municipal Law Sections 6-n and 52

Adopted: 7/19/04
SUBJECT: LEAVES OF ABSENCE

In general, leaves of absence:

a) Shall be administered by the Superintendent.

b) The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement.

c) Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used.

d) Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.

For employees not covered under a contract, contact the Personnel Department.

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 USC Sections 4301-4333
Civil Service Law Sections 71-73, 159-b and 159-c
Education Law Sections 1709(16), 3005, 3005-a and 3005-b
General Municipal Law Section 92-c
Labor Law Sections 202-a, 202-c, 202-i, 202-j and 206-c
Military Law Sections 242 and 243
New York Penal Law Section 215.4

Adopted: 7/19/04
Revised: 11/16/10
SUBJECT: FAMILY AND MEDICAL LEAVE ACT

The purpose of this policy is to describe, in general, terms, the benefits available to certain employees under the Family & Medical Leave Act of 1993 (the "FMLA").

Eligibility

To be eligible for FMLA leave, an employee must have been employed by the District for at least twelve (12) months and must have worked at least 1,250 hours during the prior twelve (12) months.

Qualified employees may be granted leave for one (1) or more of the following reasons:

a) The birth of a child and care for the infant;

b) Adoption of a child and care for the infant;

c) The placement with the employee of a child in foster care;

d) To care for a spouse, child or parent who has a "serious health condition" as defined by the FMLA;

e) A serious health condition of the employee, as defined by the FMLA, that prevents the employee from performing his/her job; and/or

f) Because of "any qualifying exigency" (such term to be defined by regulations issued by the Secretary of Labor) arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. In the interim, the Department of Labor is encouraging employers to provide this type of leave to qualifying employees.

Term of FMLA Leave

The District recognizes the right of eligible employees to unpaid family and medical leave for up to twelve (12) weeks during any 12-month period. The 12-month period is defined as a school calendar year beginning July 1 and ending June 30.

An instructional employee who begins any type of FMLA leave more than five (5) weeks before the end of an academic term will be required to remain on leave until the new term begins if the FMLA leave is at least three (3) weeks long and the employee would return to work during the last three (3) weeks of the term. An instructional employee who begins FMLA leave, for any purpose other than his/her own serious health condition within five (5) weeks or less before the end of the academic term, will be required to remain on leave until the new term begins if the FMLA leave were greater than two (2) weeks and the employee would return to work during the last two (2) weeks of the term.

(Continued)
SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

An instructional employee who begins FMLA leave, for any purpose other than his/her own serious health condition during the three (3) week period prior to the end of the term and the FMLA leave last longer than five (5) working days, will be required to remain on leave until the new term begins.

Health Benefits

FMLA allows eligible employees who use FMLA leave to have their health benefits continued during the FMLA leave, to not have any previously accrued benefits altered and to be returned to the same position or an equivalent position upon their return to work according to established District practices, policies and collective negotiation agreements. With respect to the continuation of health benefits, if an employee was paying all or part of the health insurance premium prior to the commencement of the FMLA leave, the employee must continue to pay this portion during the FMLA leave period. All other benefits will be continued if the employee pays the required premiums during the FMLA leave. If an employee is more than 30 days late in paying the required premiums during the FMLA leave for reasons other than the serious health condition of the employee or a covered family member, or for circumstances beyond the employee's control, will be required to reimburse the District for all premium payment expended by the District on the employee's behalf.

FMLA Family Leave

FMLA allows family leave when a son or daughter is born to an employee or is placed with the employee for adoption or foster care ("Family Leave").

FMLA Medical Leave

FMLA allows medical leave in order for an employee to care for a spouse, child or parent who has a serious health condition or when the employee has a serious health condition rendering the employee unable to perform the functions of the employee's job ("Medical Leave").

FMLA Intermittent Leave

FMLA allows Medical Leave to be taken intermittently (a few hours or a few days at a time) or on a reduced leave schedule when it is medically necessary. If an employee requests intermittent Medical Leave or Medical Leave on a reduced leave schedule, the Superintendent or designee may transfer the employee to an available alternative position for which the employee is qualified and which better accommodates the recurring periods of Medical Leave.

An instructional employee who requests Intermittent Medical Leave or Medical Leave on a reduced leave schedule, which is for more than twenty percent (20%) of the total number of working days during the FMLA leave period may be required to take full-time leave during such period, or the Superintendent or designee may transfer the instructional employee temporarily to an available alternative position for which the employee is qualified and which better accommodates the recurring period of Medical Leave.

(Continued)
SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

An employee may take Family Leave intermittently or on a reduced leave schedule only with the consent of the Superintendent or designee.

Use of Paid Leave for FMLA Purposes

Family Leave

Employees are required to substitute accrued paid vacation, personal leave or family leave for purposes of Family Leave.

Medical Leave

Employees are required to substitute accrued vacation, personal leave or sick leave for purposes of Medical Leave. In addition, if the Medical Leave is requested to care for a spouse, child or parent with serious health condition, employees are required to use accrued paid leave, which is provided for the serious illness of an immediate family member.

Short-term disability leave and sick leave, which is for a serious medical condition of the employee will also be considered FMLA leave.

Request for Family or Medical Leave Notice

FMLA requires the employee to notify the District, in writing, of his/her request for FMLA leave, if foreseeable, at least thirty (30) days prior to the date on which the FMLA leave is to commence. If the FMLA leave is not foreseeable, then the employee shall give such notice as is practicable, usually verbal notice within one (1) or two (2) days of when the need for FMLA leave becomes known, followed by a completed "Request for Family/Medical Leave" form. If the employee fails to comply with this notice requirement with no reasonable excuse for the delay, FMLA leave will be denied until thirty (30) days after notice is provided.

Service Member Family Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative of that individual) of a "covered service member" who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to up to twenty-six (26) weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave.

The term "covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves.

(Continued)
SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

Medical Certification for FMLA Medical Leaves

Certification

The District will require medical certification from a health care provider. The employee must submit a completed form and return the certification to the Superintendent or designee. The employee must provide medical certification within fifteen (15) days after it is requested, or as soon as is reasonably possible.

Additional Reports

The District may require a second or third opinion (at its own expense), and periodic reports on the employee's status and intent to return to work.

Fitness for Duty

The District will require a fitness-for-duty report prior to an employee's return to work following FMLA Medical Leave for the employee's serious health condition.

Notice for Leave Due to Active Duty of Family Member

In any case in which the necessity for leave due to any qualifying exigency is foreseeable, whether because the spouse, or a son, daughter, or parent of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.

Return from FMLA Leave

FMLA allows most employees who return following FMLA leave to be returned to the same or equivalent position of employment. The Superintendent or designee may reassign a teacher or other employee to, a different grade level, building or other assignment consistent with applicable collective negotiations agreements, the employee's certification and tenure area of Civil Service classification.

Record keeping

The Superintendent or designee shall maintain records concerning compliance with the FMLA in accordance with FMLA mandates.

(Continued)
SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

Notice of FMLA Benefits

The District shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the FMLA including information concerning its enforcement. The policy shall be transmitted to all employees annually, upon initial employment and to any employee requesting FMLA leave.

Family and Medical Leave Act of 1993

The District will develop various forms and procedures necessary to implement this Policy and the Act.

Family and Medical Leave Act of 1993
Public Law 103-3
29 CFR Part 825

Adopted: 2000
Revised: 2/15/11
SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE

The Superintendent or his/her designee, in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and State Law, shall grant a Leave of Absence for service in the uniformed services and/or military duty to its employees who are ordered to duty or volunteer for qualifying military service.

Notice of Rights and Duties

The District shall provide a notice of the rights, benefits and obligations of employees and the District under USERRA. The District shall provide the notice by posting it where employee notices are customarily placed. The District shall provide such notice to its employees in other ways that will minimize costs while ensuring that the full text of the notice is provided (e.g., by handing or mailing out the notice, or distributing the notice via electronic mail).

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), Public Law 108-454
38 USC Sections 4301-4333
20 CFR Part 1002
Education Law Section 3101
Military Law Sections 242 and 243

Adopted: 2/15/11
SUBJECT: EMPLOYMENT OF RETIRED PERSONS

A retired person may be employed and earn compensation in a position in the School District, without any effect on his/her status as retired and without suspension or diminution of his/her retirement allowance subject to the conditions enumerated in Retirement and Social Security Law Section 211(1). However, there shall be no earning limitations on or after the calendar year in which any retired person attains age sixty-five (65).

No retired person may be employed in the District except upon approval of the Civil Service Commission or the Commissioner of Education unless otherwise authorized in accordance with Education Law Section 525, Retirement and Social Security Law Sections 111, 211, 212, 217, 411, and 8 NYCRR Section 80-5.5(b)

Reviewed by Finance: 06/19/14
BOE 1st Reading: 07/15/14
BOE 2nd Reading: 08/12/14
Recommended Revisions
BOE 2 Reading: 08/25/14
Adopted: 08/25/14
Olean City School District

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE

Statement of Local Objectives

School attendance is both a right and a responsibility. The Olean City School District is an active partner with students and parents in the task of ensuring that all students meet or exceed the New York State Learning Standards. Because the Olean City School District recognizes that consistent school attendance, academic success and school completion have a positive correlation, Olean High School has developed, will review on a regular basis and, if necessary, revise a Comprehensive Student Attendance Policy to meet the following objectives:

a) To increase school completion for all students;
b) To raise student achievement and close gaps in student performance;
c) To identify attendance patterns in order to design attendance improvement efforts;
d) To know the whereabouts of every student for safety and other reasons;
e) To verify that individual students are complying with education laws including those relating to compulsory attendance;
f) To determine the District's average daily attendance for State aid purposes.

Description of Strategies to Meet Objectives

Olean High School will:

a) Create and maintain a positive school building culture by fostering a positive physical and psychological environment where the presence of strong adult role models encourage respectful and nurturing interactions between adults and students. This positive school culture is aimed at encouraging a high level of student bonding to the school which, in turn, should lead to increased attendance.

b) Develop a Comprehensive Student Attendance Policy based upon the recommendations of a multifaceted District Policy Development Team that includes representation from the Board of Education, administrators, teachers, students, parents and community. The District will hold at least one public hearing prior to the adoption of this collaboratively developed Comprehensive Student Attendance Policy.

c) Maintain accurate record-keeping via a Register of Attendance to record attendance, absence, tardiness or early departure of each student.

(Continued)
SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)

d) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.

e) Develop early intervention strategies to improve school attendance for all students.

Determination of Excused and Unexcused Absences, Tardiness and Early Departures

Based upon our District's education and community needs, values and priorities, Olean High School has determined that absences, tardiness and early departures will be considered excused or unexcused according to the following guidelines:

Excused

a) Death in the family

b) Medical with documentation

c) Administrative approved school-sponsored trips

d) Religious observance with documentation

e) Quarantine

f) Court appearances with documentation

g) Administrative approved college visits with documentation

h) Military obligations with documentation

Unexcused

a) Anything that is not listed as excused.

b) All documentation excused absences must be brought to the attendance office when the student returns to school.

Student Attendance Record-Keeping/Data Collection

The record of each student's presence, absence, tardiness and early departure shall be kept in a registrar of attendance in a manner consistent with the Commissioner's Regulations. An absence, tardiness or early departure will be entered as excused or unexcused along with the District code for the reason.

(Continued)
SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)

Attendance shall be taken and recorded in accordance with the following:

a) For students in grades kindergarten through twelve, each student's presence or absence shall be recorded after the taking of attendance in each period of scheduled instruction or assignment.

b) Any absence for a school day or portion thereof shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.

c) In the event that a student arrives late, or departs early from scheduled instruction, such as tardiness or early departure shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.

d) A record shall be kept of each scheduled day of instruction during which the school is closed for all or part of the day because of circumstances including adverse weather conditions, utility problems, destruction of or damage to a school building or such other cause as may be found satisfactory to the Commissioner of Education.

e) Attendance records shall also indicate the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Education Law.

f) At the conclusion or each class period or school day, all attendance information shall be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness or early departure shall be coded on a student's record in accordance with established.

District/Olean High School Procedures

Class Absences/Make-up Work

Olean High School teachers know classroom attendance/participation is related to and affects a student's performance, grasp of subject matter and submission of class assignments and, as such, is properly reflected in a student's final grade.

For purposes of this policy, classroom participation means that a student is in class and prepared to work. A student will be considered in attendance if the student is:

a) Physically present in the classroom or working under the direction of the classroom teacher during the class scheduled meeting time; or

b) Working pursuant to an approved independent study program; or

(Continued)
SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)

c) Receiving approved alternative instruction; or

d) Participating in a school-sponsored activity.

To ensure academic progress, students who are absent from school are required to make up class work missed within five (5) days. Upon returning to school following an absence, tardiness or early departure, it is the responsibility of the student to contact his/her teachers regarding arrangements to make up missed work, assignments, tests, etc. in accordance with the time schedule specified in the Olean High School Student Handbook.

Community Awareness

The Board of Education shall promote necessary community awareness of Olean High School's Comprehensive Student Attendance Policy by:

a) Providing a plain language summary of the Policy to parents or persons in parental relation to students at the beginning of each school year and promoting the understanding of such a Policy to students and their parents/persons in parental relation;

b) Providing each teacher, at the beginning of the school year or upon employment, with a copy of the Policy; and

c) Providing copies of the Policy to any other member of the community upon request.
SUBJECT: RELEASE OF STUDENTS

A student shall be allowed early release from school only under at least one of the attendance of the following conditions:

a) In the custody of the parent/guardian;
b) Upon receipt of a verified letter from the custodial parent/guardian authorizing the release;
c) If accompanied by the Building Principal or his/her designee;
d) In the custody of a police officer if the proper warrant is issued and the parent/guardian has been notified by the police of the action to be taken;
e) In an emergency situation, upon the receipt of a verifiable telephone call from the parent/guardian to the Building Principal. The existence of an emergency situation is to be determined by the Building Principal.

All early releases must be approved by the Building Principal or his/her designee.

8 NYCRR Section 109.2

Adopted: 7/19/04
SUBJECT: AGE OF ENTRANCE

Kindergarten

Students who are legal residents of the School District and who reside with parents/guardians within the School District at the time of the opening day of school must be five (5) years of age or more on December 1 of that calendar year in order to register for Kindergarten.

A child who transfers into the School District at any time during the school year may be considered for admission to Kindergarten by the Superintendent provided:

a) The parents/guardians were not legal residents of the School District on the opening day of school, and

b) The child has been registered and enrolled in kindergarten in the district in which his/her parents/guardians were legal residents.

Other Grades

Admission of children to other grades shall involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

Proof of Age

A student's birth certificate or other satisfactory evidence of age shall be presented at the time of initial registration. The child shall be entered under his/her legal name.

Education Law Sections 1712, 3202 and 3212

Adopted: 7/26/04
SUBJECT: DIAGNOSTIC SCREENING OF NEW SCHOOL ENTRANTS

The Olean City School District has developed a plan for the diagnostic screening of all new entrants and students with low test scores.

A new entrant means a student entering the New York State public school system, pre-kindergarten through grade 12, for the first time, or re-entering a New York State public school with no available record of a prior screening.

Students with low test scores are students who score below level two on either the third grade English language arts or mathematics assessment for New York State elementary schools.

Such diagnostic screening will be utilized to determine which students:

a) Have or are suspected of having a disability;

b) Are possibly gifted; or

c) Are possibly limited English proficient.

Such diagnostic screening shall be conducted:

a) By persons appropriately trained or qualified;

b) By persons appropriately trained or qualified in the student's native language if the language of the home is other than English;

c) In the case of new entrants, prior to the school year, if possible, but no later than December 1 of the school year of entry or within fifteen (15) days of transfer of a student into a New York State public school should the entry take place after December 1 of the school year;

d) In the case of students with low test scores, within thirty (30) days of the availability of the test scores.

New Entrants

For new entrants, diagnostic screening shall include, but not be limited to the following:

a) A health examination by a physician/physician's assistant or nurse practitioner or submission of a health certificate in accordance with Education Law Sections 901, 903, and 904;

b) Certificates of immunization or referral for immunization in accordance with Section 2164 of the Public Health Law;
SUBJECT: DIAGNOSTIC SCREENING OF NEW SCHOOL ENTRANTS (Cont’d.)

c) Vision, hearing and scoliosis screenings as required by Section 136.3 of Commissioner's Regulations;

d) A determination of development in oral expression, listening comprehension, written expression, basic reading skills and reading fluency and comprehension, mathematical calculation and problem solving, motor development, articulation skills, and cognitive development using recognized and validated screening tools; and

e) A determination whether the student is of foreign birth or ancestry and comes from a home where a language other than English is spoken as determined by the results of a home language questionnaire and an informal interview in English and the native language.

Students with Low Test Scores

For students with low test scores, diagnostic screening shall include, but not be limited to:

a) Vision and hearing screenings to determine whether a vision or hearing impairment is impacting the student's ability to learn; and

b) A review of the instructional programs in reading and mathematics to ensure that explicit and research validated instruction is being provided in reading and mathematics.

No screening examination for vision, hearing or scoliosis condition is required where a student, parent, or person in parental relation objects on the grounds that such examination conflicts with their genuine and sincere religious beliefs.

Reporting to Parents

Parents/guardians of children to be screened shall receive information in advance regarding the purpose of screening, the areas to be screened and the referral process. The information shall be communicated either orally or in writing in the parents' primary language(s).

Parents/guardians have the right to request information regarding their child's performance on screenings. They shall have access to the screening results and obtain copies upon request.

Confidentiality of Information

The Board of Education's policy and administrative regulations in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) shall apply to all information collected about a child through the screening program. In accordance with the policy and regulations, parents shall be informed of their right to privacy, their right to access to the records and their right to challenge those records should they be inaccurate, misleading or otherwise inappropriate.

(Continued)
SUBJECT: DIAGNOSTIC SCREENING OF NEW SCHOOL ENTRANTS (Cont’d.)

Family Educational Rights and Privacy Act of 1974, 20 USC Section 1232(g)
Education Law Sections 901, 903, 904, 905, 914 and 3208(5)
Public Health Law Section 2164
8 NYCRR Parts 117, 136, 142.2 and 154

NOTE: Refer also to Policies #7132 -- Education of Homeless Children and Youth
    #7512 -- Student Physicals
    #8240 -- Instructional Programs: Driver Education, Gifted and Talented Education and Physical Education

Adopted: 7/26/04
Revised: 3/2/10
SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY

Ages of Attendance/Compulsory Attendance Age

According to Education Law, a student who becomes six years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen years of age. The Board of Education may require students who are not employed to attend full-time instruction until the end of the school year in which the student turns seventeen (17) years of age. The residence of children dwelling within the District boundaries shall be established in a manner consistent with State Law and the Regulations of the Commissioner.

All persons dwelling within the District who are between the ages of five (5) years and twenty-one (21) years and who have not received a high school diploma shall be entitled to enroll in the District.

Determination of Student Residency

The Board of Education or its designee shall determine whether a child is entitled to attend a District school. Any adverse residency decision by a school official, other than the Board or its designee, shall include written notice to the parent/guardian of the procedures for obtaining review of the decision by the Board.

Registration/proof of residency procedures have been developed to implement the terms of this policy.

Children Living With Noncustodial Parents

A child's residence is usually determined by the residence of the custodial parent. However, a noncustodial parent who resides in the District may enroll his/her child in a District school if he/she shares the day-to-day responsibilities for the child and the custodial parent designates the child's residence with the noncustodial parent.

Homeless Children

The parent/guardian of a homeless child, or a homeless child if no parent/guardian is available, or the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of last attendance, or a school district participating in a regional plan as the district the homeless child shall attend.

(Continued)
SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)

Emancipated Minors

A determination of whether a student is to be designated as an emancipated minor in the Olean City School District will be based on evidence that the student is no longer under custody, control and support of his or her parents. To establish emancipation, a minor may submit documentation of his or her means of support, proof of residency and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with his/her parents.

These statements are renewable each school year. If at any time the above information is changed without prompt notification or proven to be false, the parent/guardian and/or student may be subject to legal action.

Education Law Sections 2045, 3202, 3205, and 3212(4)
8 NYCRR Sections 100.2(x) and (y)
SUBJECT: NON-RESIDENT STUDENTS

Non-resident families who wish to enroll children in the School System shall submit a Non-Resident Student Request to the Superintendent before April 1 of current year. The Superintendent will determine whether or not the student(s) will be admitted. The following guidelines will be followed:

a) The non-resident students will be permitted in the Olean City School District only if, in the judgment of the Superintendent of Schools: the non-resident student is, and continues during the enrollment period, to be in good standing in their academics, attendance and behavior.

A student will not be in good standing if they are:

1: failing one or more classes in one marking period
   OR
2: Unexcused absent or late more than 6 days in one 10 week duration
   OR
3: engaged in multiple infractions or serious offenses, as per principal’s discretion.

b) Parents/guardians must work out transfer conditions with the permission of the home school Superintendent;

c) There is sufficient space to accommodate the non-resident student;

d) No increase in the size of faculty or staff will be necessary to accommodate them;

e) Non-resident families must provide their own transportation;

f) All rules and regulations in effect for District students will be applicable to non-District students;

g) A student whose parents intend to become residents of the Olean City School District within sixty (60) days of the beginning of the semester (i.e. September 1 or February 1) in which the enrollment is sought may enter the school if they can provide bona-fide evidence of their intent (i.e., sales contract, deed, etc.) and will be returned to home district with no return of funds if that residency in Olean has not been established within 60 days in to the semester;

h) A student who moves from the District after completion of the first semester of the year preceding his/her anticipated graduation year may be given permission to remain in the Olean City School District until graduation (please refer to Tuition Rate section);

i) Students of any grade level who move from the Olean City School District during the school year may be given permission to finish the semester in which the move occurs (please refer to Tuition Rate section);

j) Foreign students participating in a recognized Student Exchange Program may attend District schools. The administration is authorized to file with the U.S. Immigration and Naturalization Service the forms necessary for such students to obtain a student visa. The District will neither sponsor nor accept for admission students whose permanent residence is outside of the United States who are not participating in a recognized foreign student exchange program; and
k) In all cases described above and any unusual circumstances not covered above, a written request must be submitted to the Superintendent.

l) Proof of residency is where the parent lives, where the court appointed guardian lives or has been declared homeless.

Other Information Relating to Non-District Students:

Employee’s Students:
Students of employees of the School District who live outside the District boundaries shall be admitted to the District upon following the policy guidelines. Such non-resident students, not to include students of Substitutes, will be given a financial credit to attend the District schools up to the regular tuition rate.

District Property Owners:
If the parent/guardians of a non-resident student own property within the District, the school taxes will be deducted from the tuition.

Non-District Students Currently Enrolled:
Students who were enrolled during the 2007-2008 school year have been exempt from the non-district tuition for as long as they are in good standing and continuously attending Olean City Schools.

Tuition Rate:
Tuition for non-resident students is considered non-refundable once payment has been made, No Exceptions. This would include students who decide not to attend after such payment has been made.

Students who move from the District during a given school year, but who wish to remain as a student in the District, will be subject to the following tuition rates:

<table>
<thead>
<tr>
<th>Period</th>
<th>K-5</th>
<th>6-12</th>
</tr>
</thead>
<tbody>
<tr>
<td>September – January 15th</td>
<td>$400</td>
<td>$700</td>
</tr>
<tr>
<td>January 16 – February</td>
<td>$200</td>
<td>$350</td>
</tr>
<tr>
<td>March – April</td>
<td>$125</td>
<td>$225</td>
</tr>
<tr>
<td>May - June</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

At the discretion of the Superintendent of Schools, under certain circumstances and upon written application by the parent/guardian, tuition may be reduced and/or waived for the remainder of a current school year when a student moves from the District.
Students

Tuition may be charged to families of non-resident students in accordance with formulas approved by the State Education Department. The Board will adopt the specific tuition charges at the annual organizational meeting the first BOE meeting in March. All tuitions must be paid in full by certified check or Money Order upon enrollment.

If a non-resident student were to fall out of good standing, the building principal will notify the student and their parents/guardians that they are recommending that the Superintendent revoke the non-resident student’s enrollment. At this time the respondent will have the opportunity to present information to the Superintendent for his deliberation. Decisions of the Superintendent may be appealed to the BOE.

Timelines for New Non-District Applicants:

April 1st: All existing non-resident parents/guardians will be notified of the established tuition rate for the upcoming school year. A copy of the “Admission of Non-Resident Students” policy (policy 7131) will be provided with this notification and the re-registration form for returning non-resident students.

May 1st: Non-resident families who wish to enroll their children in the school system shall submit a request, in writing, to the Superintendent of Schools, who shall determine whether or not the students will be admitted. In all instances, the Superintendent reserves the right to reject applications and re-registrations when evidence is present to justify such action. The following forms must be completed by the parent/guardian of the non-resident student and submitted to the Superintendent by May 1:

New Students: Non-Resident Application for Admission Form
Returning Students: Non-Resident Re-registration Form

June 1st: Notification of admission decisions by the Superintendent will be communicated to the parent/guardian of the new applicant non-resident students by June 1st of each year. A list of approved non-resident students will be provided to the Board of Education at their first meeting after June 1st of each year.

June 15th: A $100.00 non-refundable tuition deposit must be paid by June 15th for each non-resident student for the upcoming school year.

August 1st: All non-resident parents/guardians will be sent a reminder of tuition payment due date of August 15th for the upcoming school year.

August 15th: A full payment of tuition must be received by the District by August 15th for each non-resident student. A student will not be admitted without full tuition payment by this date. In the event a non-resident student is admitted after August 15th, full tuition will be payable upon registration.

Education Law Sections 1709(13), 2045 and 3202
8 New York Code of Rules and Regulations
(NYCRR) Section 174.2

Adopted: 04/18/17
SUBJECT: 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.

(Continued)
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;

(Continued)
SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont’d.)

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.

(Continued)
SUBJECT:  EDUCATION OF HOMELESS CHILDREN AND YOUTH  (Cont'd.)

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).

(Continued)
SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

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 the 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) of 2015, 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 #7511 -- Immunization of Students

Adoption Date: 01/10/17
SUBJECT: INVOLUNTARY TRANSFER OF STUDENTS

Involuntary transfer of a student from regular classroom instruction to an appropriate educational setting in another school shall be in accordance with Education Law.

Education Law Sections 1709(3) and 3214(5)

Adopted: 7/19/04
SUBJECT:  EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS

Married Students

The Board of Education will comply with state law in reference to married students attending school.

Pregnant Students

The Education Laws requires that a school district provide for this instruction and also to provide for home instruction for those students of legal age who are unable to profit from instruction in school.

Administrative regulations will be developed to implement the terms of this policy to provide instruction as required by the New York State Education Law for students who become pregnant. The Superintendent, or his/her designee, is directed to consult with the school physician and the student's personal physician in determining the form of instruction.

The form of instruction may be any of the following or a combination of the following:

a) Remain in school with provisions for special instruction, scheduling, and counseling where needed.

b) Receive home instruction.

c) Attend BOCES programs.

Education Law Sections 1604(20), 3202-1, 3205-1, 4401-1, and 4402-2

Adopted: 7/19/04
SUBJECT: STUDENT EVALUATION

Placement

Placement within the system, with respect to building, teacher, and grade or special class, shall be at the discretion of the school administration and shall be subject to review and change at any time. In making such decisions, the administrator will be guided by performance in class, past records, parent/guardian and teacher recommendations, standardized test scores, and any other appropriate sources of information, but the final decision shall rest with the school administration.

Testing Program

The Board of Education endorses and supports the use of ability, achievement, diagnostic, readiness, interest and guidance tests as part of the total educational process to the degree to which tests help the District to serve its students.

Alternative Testing Procedures

The use of alternative testing procedures shall be limited to:

a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures shall be specified in a student's Individualized Education Program or Section 504 Accommodation Plan; and

b) Students whose native language is other than English, except as mandated pursuant to law and/or regulation.

The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

Reporting to Parents/Legal Guardians

Parents/guardians shall receive an appropriate report of student progress at regular intervals. Report cards shall be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Report cards, however, are not intended to exclude other means of reporting progress, such as conferences, phone conversations, etc.

When necessary, attempts will be made to provide interpreters for non-English speaking parents/guardians.

8 NYCRR Section 100.2(g)
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
Adopted: 7/26/04
SUBJECT: PROVISION OFINTERPRETER SERVICES TO PARENTS/GUARDIANS WHO ARE HEARING IMPAIRED

The Board of Education assures parents/guardians who are hearing impaired the right to meaningful access to school initiated meetings or activities pertaining to the academic and/or disciplinary aspects of their children's education as required by law.

Education Law Section 3230
8 NYCRR Section 100.2(aa)

Adopted: 7/19/04
SUBJECT: PROMOTION/RETENTION

The decision for Promotion/Retention is determined by the corresponding Principal and teachers on the basis of what is best for the individual student. Factors used to determine promotion or retention include the following: reading ability of the pupil, social maturity, chronological age, class participation, emotional stability, health, standardized test scores and level of responsibility displayed. Each student is expected to attain a level of proficiency commensurate with his/her own individual abilities and the judgment of teacher(s) and principal(s) must be centered on what is most likely to help the individual child. A student who has satisfactorily completed the requirements of a particular grade or achievement level will be promoted to the next grade or achievement level. A student who fails to attain a standard expected of him/her may be required to remain in the same grade at the elementary level. Each teacher will communicate directly with the parent(s)/guardian(s) in order to provide a clear understanding of the child's level of performance, and provide evidence of commendable achievement, or lack of progress.

School-Home Communication

At the elementary and middle school levels, there will be four formal progress report periods, one for each ten weeks of school. Two parent/teacher conferences will be conducted at the elementary level: one at the end of the ten-week session and a second parent/teacher conference at the end of the thirty-week session. One parent/teacher conference will be conducted at the middle school level. Each teacher is also provided with a five-week interim report form, which shall be used, to keep the parent/guardian informed of a child's deficiencies, as well as strengths.

At the high school there will be four formal progress report periods, one for each ten weeks of school, as well as a formal five-week interim report, which may be used to keep the parent/guardian informed of a child's deficiencies as well as strengths. Parent/guardian conferences will be held upon request.

Retention Procedure

When a child is being considered for retention at the elementary level, it is the responsibility of the teacher, with the knowledge and support of principal, to notify the parent/guardian by the close of the thirty-week marking period. At the middle school level, the Principal will notify the parent/guardian in writing concerning possible retention by the twenty-fifth week of the school year. In cases where the student needs the additional few weeks to demonstrate progress, and can possibly achieve a satisfactory level of competency, continued home/parent contacts must be made to communicate the student's needs and to develop a cooperative school-home plan for remediation.

When the student does not achieve the expected performance level and the teacher is with the opinion that it will benefit the student to spend an additional year in the same grade level, that student must be the subject of an individual parent conference no later than June 1 at the elementary level and this plan of instruction will be reviewed and recommended by the Building Intervention Team following final exams at the middle school level. The responsibility and decision for retention will rest

(Continued)
SUBJECT: PROMOTION/RETENTION (Cont'd.)

with the Building Principal. Once a child is retained, the school will provide adequate remedial and/or alternative programs for the child. As part of the consideration to retain a student in grades K through 5, an Academic Intervention Plan will be developed for the following school year

After the recommendation is made that the progress of the child so warrants the need for an additional year to gain competency in knowledge and skills at his/her instructional level, and/or parents disagree and desire to appeal this recommendation, the following procedure shall be followed:

a) Parents will be urged to indicate, in writing, their reasons for disagreement with the Principal's decision, and state their rational for disagreement.

b) This completed information shall then be submitted for review to the Superintendent of Schools who will then determine the final outcome/decision regarding promotion/retention of the student.

The teacher of a child who is being considered for retention to notify the Principal and parent by the close of the thirty-week marking period. In cases where the pupil needs the additional few weeks, and can possibly achieve a satisfactory level of competency, continued home/parent contacts must be made to communicate a pupil's needs and to develop cooperative school-home plan for remediation.

At the elementary and middle school levels, when the student does not achieve the expected performance level and the teacher is with the opinion that it will benefit the student to spend an additional year in the same grade level, that student must be the subject of an individual parent conference no later than June 1. The final responsibility will rest with the Building Principal. Once a child is retained, the school will provide adequate remedial and/or alternative programs for the child.

After the recommendation is made that the progress of the child so warrants the need for an additional year to gain competency in knowledge and skills at his/her instructional level, and/or parents disagree and desire to appeal this recommendation, the following procedure shall be followed:

a) Parents will be urged to indicate, in writing, their reasons for disagreement and state their rational for disapproving the recommendation.

b) This completed information shall then be submitted to the Superintendent of Schools.

At the high school grade placement is determined by the number of units of credit earned.

- 4 units of credit - Sophomore Placement
- 10 units of credit - Junior Placement
- 15 units of credit - Senior Placement

Adopted: 7/26/04
SUBJECT: PHASE IN GRADUATION STANDARD OF SIXTY-FIVE (65) ON REQUIRED REGENTS EXAMINATIONS

The Board of Education supports the higher academic achievement standards established in accordance with Commissioner's Regulations that sets sixty-five (65) as the passing grade on all five (5) Regents examinations required for high school graduation (i.e., the Regents comprehensive examination in English, a Regents examination in mathematics, the Regents examination in United States history and government, a Regents examination in science, and the Regents examination in global studies). However, the Board recognizes that additional time may be necessary for students to transition to these higher standards. Therefore, it is the policy of this District that the following phase in schedule of the sixty-five (65) graduation standard on required Regents exams is established.

In order to obtain a local diploma, students who first enter grade 9 in September 2005, 2006 and 2007 must attain the following scores on the five (5) required Regents examinations:

Students Entering Grade 9 in September 2005

Unless otherwise authorized pursuant to law and/or regulations, students who first enter grade 9 in September 2005 must attain a score of sixty-five (65) or above on two (2) of the five (5) required Regents examinations and score of fifty-five (55) or above on the remaining three (3) required Regents examinations.

Students Entering Grade 9 in September 2006

Unless otherwise authorized pursuant to law and/or regulations, students who first enter grade 9 in September 2006 must attain a score of sixty-five (65) or above on three (3) of the five (5) required Regents examinations and a score of fifty-five (55) or above on the remaining two (2) required Regents examinations.

Students Entering Grade 9 in September 2007

Unless otherwise authorized pursuant to law and/or regulations, students who first enter grade 9 in September 2007 must attain a score of sixty-five (65) or above on four (4) of the five (5) required Regents examinations and a score of fifty-five (55) or above on the one (1) remaining required Regents examination.

Students entering Grade 9 in 2008

Unless otherwise authorized pursuant to law and/or regulations, students must pass all five (5) required Regents examinations at a score of sixty-five (65) or above.

(Continued)
SUBJECT: PHASE IN GRADUATION STANDARD OF SIXTY-FIVE (65) ON REQUIRED REGENTS EXAMINATIONS (Cont'd.)

Regents Diplomas

Students who score sixty-five (65) or above on all five (5) required Regents examinations receive a Regents-endorsed diploma. Students who score sixty-five (65) or above on eight (8) Regents examinations will receive an Advanced Regents diploma.

Students with Disabilities

Students with disabilities will still have the safety net option of taking and passing the Regents Competency Test if they have not been successful on the corresponding Regents exam in order to earn a local diploma. This provision will continue for students with disabilities entering grade 9 prior to September 2010.

For students with disabilities who first enter grade 9 in September 2005 and thereafter, a score by the student of 55-64 may be considered as a passing score on any Regents examination required for graduation; and, in such event, the District may issue a local diploma to such student. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law Section 3202 or 4402(5).

Appeals Process on Regents Examinations Passing Score to Meet Regents Diploma Requirements

An appeals process will be available for students who score within three (3) points of sixty-five (65) and have met other criteria enumerated in Commissioner's Regulations that demonstrate they have achieved the State learning standards.

Adopted: 8/29/05


**SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS**

Response to Intervention (RTI) is a multi-tiered early prevention and intervention system designed to improve outcomes for all students. In accordance with Commissioner’s Regulations, the District has established administrative practices and procedures for implementing a (RTI) process applicable to all students. For students suspected of having a potential learning disability, the District will provide appropriate RTI services pursuant to Commissioner's Regulations prior to a referral to the Committee on Special Education (CSE) for evaluation.

The District will use a three-tiered system. Instruction will be matched to student need with increasingly intensive levels of targeted intervention and instruction for students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards. The District's RTI program will promote early identification of student performance needs and/or rate of learning, and to help raise achievement levels for all students.

The District will establish RTI Teams, whose members may include, but are not limited to, general education teachers, special education personnel, the school psychologist, reading coordinators, administrators, and other individuals deemed appropriate by the District. The Teams will be available for each building/grade level classification, including in each building that has students in grades K through 5, to address the implementation of the District’s RTI process. This team will review the assessment data and work together to determine appropriate interventions, monitor progress, and meet again to determine next steps. The RTI Team's responsibilities shall include, but are not limited to, the following:

- a) Determining the level of interventions/student performance criteria appropriate for each tier of the RTI model;
- b) Analyzing information/assessments concerning a student's response to intervention and making educational decisions about changes in goals, instruction and/or services; and
- c) Determining whether to make a referral to the CSE for special education programs and/or services based upon a suspected learning disability.

**Components of the District’s RTI Program**

The District's RTI process shall include the following:

- a) Scientific, research-based instruction in reading provided to all students by qualified personnel, consistent with Commissioner's Regulations;
- b) Screenings of all students in the class to identify those students who are not making academic progress at expected rates, including students in grades K through 5, who will be assessed not less than three (3) times a year in reading;

(Continued)
SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

c) More frequent assessments for students who perform below the benchmark, in order to assess how the interventions are working;

d) Scientific, research-based instruction matched to student need with increasingly intensive levels of targeted interventions for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards;

e) Repeated assessments of student achievement which should include curriculum based measures to determine if interventions are resulting in student progress toward age or grade level standards;

f) The application of information about a student's response to intervention to make educational decisions about changes in goals [i.e., goals for all students, not just Individualized Education Program (IEP) goals], instruction and/or services and the decision to make a referral for special education programs and/or services; and

g) Written notification to the parent(s) when the student requires an intervention beyond that provided to all students in the general education classroom that provides information about:

1. The amount and nature of student performance data that will be collected and the general education services that will be provided as enumerated in Commissioner's Regulations;

2. Strategies for increasing the student's rate of learning; and

3. The parents' right to request an evaluation for special education programs and/or services.

Criteria for Determining Levels of Intervention

Each student's tier level of instruction shall be based on his specific needs and will be monitored on an ongoing basis, with students entering and exiting tiers of intervention according to the analysis of student performance data and monitored progress.

Tier One Instruction

Students in grades K through 5 will receive Tier One instruction, with fidelity, and will be assessed at a minimum of three (3) times a year. The use of scientific, research based instruction in the area of reading will be provided by the general education teacher and/or other qualified personnel as appropriate, and will emphasize proactive, preventative core instructional strategies in the classroom setting. Group and/or individualized instruction, assessment and reinforcement activities will be provided as deemed appropriate by the classroom teacher.

(Continued)
SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

Tier One services will be provided for an entire school year. The analysis of Tier One student performance data will be used to identify those students who need additional interventions at the Tier Two level of instruction.

Tier Two Instruction

Students in need of Tier Two instruction will be assessed no less than every six (6) weeks and will have at least thirty (30) minutes of additional instruction, with fidelity, each school day. In general, Tier Two instruction will consist of small group, targeted interventions for those students identified as being "at risk" and who fail to make adequate progress in the general education setting. Tier Two instruction will include programs and intervention strategies designed to supplement Tier One instruction.

Tier Two instruction may be provided by specialized staff such as reading teachers, special education teachers, tutors, speech therapists, school psychologists and/or school counselors as determined by the RTI Team.

Generally, Tier Two instruction will be provided for nine (9) to thirty-six (36) weeks. After Tier Two instruction is provided for a period of time deemed sufficient for a particular student, the RTI Team will review the student's progress and decide to either maintain the current level of interventions, return the student to Tier One or increase the student's level of intervention to Tier Three.

Tier Three Instruction

Tier Three instruction is the provision of more intensive instructional interventions, taught with fidelity, tailored to the needs of the individual student; and is provided to those students who do not achieve adequate progress after receiving interventions at the Tier Two level. Students in need of Tier Three instruction will be assessed at least bi-weekly and will be provided highly intensive instruction based upon scientific research. Tier Three instruction will be provided individually or in small groups. Tier Three instruction will consist of at least forty (40) minutes of instruction each school day based upon the individual needs of the student.

Generally, Tier Three intervention services will be provided for a minimum of fifteen to twenty weeks. Tier Three instruction will be provided by those specialists, as determined by the RTI Team, best qualified to address the individual student's targeted area(s) of need. Progress monitoring on a continuous basis will be an integral part of Tier Three; and the student's response to the intervention process will determine the need and/or level of further intervention services, and/or the need for District personnel to refer the student to the Committee on Special Education to determine whether the student is eligible for special education services based on a learning disability.

(Continued)
SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont’d.)

Amount and Nature of Student Performance Data to be Collected

The RTI Team will determine the amount and nature of student performance data that will be collected to assess, on an ongoing basis, student performance results and address ongoing academic needs as warranted. Such data collection will reflect the tier level of intervention provided to the student. Student performance data will also be used to review the District’s RTI program and make modifications to the program as deemed necessary.

Manner and Frequency for Progress Monitoring

The RTI Team shall monitor the progress of those students receiving Tier Two and Tier Three intervention services beyond that provided to all students in the general education classroom. The Team shall meet with a student’s teacher(s) and determine if further adjustments need to be made to a student’s instructional program and/or to the tier level of intervention provided. Monitoring of student progress shall be an ongoing part of all tiers of the RTI program. Parent(s) may also request that the progress of their child be reviewed by the RTI Team. Clear benchmarks will be established for student performance and performance charts will be plotted at the completion of the instructional period/intervention process.

Staff Development

All staff members involved in the development, provision and/or assessment of the District's RTI program, including both general education and special education instructional personnel, shall receive appropriate training necessary to implement the District's RTI program. Staff development will include the criteria for determining the levels of intervention provided to students, the types of interventions, collection of student performance data, and the manner and frequency for monitoring progress.

34 CFR Sections 300.309 and 300.311
Education Law Sections 3208, 4002, 4401, 4401-a, 4402, and 4410
8 NYCRR Sections 100.2(ii), 200.2(b)(7), 200.4(a), 200.4(j)(3)(i), and 200.4(j)(5)(i)(g)

Adopted: 6/29/12
SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS

In order to graduate from Olean City School District, a student must complete or may exceed the requirements set forth in Part 100 of the Commissioner's Regulations. The Board of Education reserves the right to establish requirements for graduation which exceed the minimum standards as defined by the New York State Regents. All students must be in compliance with Commissioner's Regulations for graduation in achieving a minimum of a Regents diploma unless otherwise indicated.

Regents Diploma with Honors

The District may award a Regents diploma with honors OR a Regents diploma with advanced designation with honors to students who receive an average of ninety percent (90%) in all Regents examinations. This "honors" diploma may also be given to a student who has substituted no more than two (2) alternative assessments for a Regents examination as approved by Commissioner's Regulations Section 100.2(f). However, the student's actual score on the substituted alternative assessment will not be factored into the ninety percent (90%) calculation.

Early Graduation

Upon request from the student's parent/guardian, a student shall be eligible for early graduation in fewer than eight (8) semesters upon completion of all requirements for graduation, excluding physical education, as mandated by Commissioner's Regulations. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements.

Accelerated Programs

Eighth Grade Acceleration for Diploma Credits

Individual eighth grade students only may be afforded the opportunity to take high school courses in mathematics and in at least one of the following areas: English, social studies, languages other than English, art, music, career and technical education subjects, or science courses. The Superintendent or his/her designee is responsible for determining that an eighth grade student is eligible to take high school courses. The District shall utilize a set of criteria to determine each student's readiness for acceleration. Students who are accelerated for diploma credit must have been provided instruction designed to facilitate their attainment of, by the end of Grade 7, the State intermediate learning standards in each subject area in which they are accelerated.

Advanced Placement

Advanced Placement (AP) examinations are administered by the College Board with strict guidelines as to its implementation. A national, standardized, arduous examination is administered by the College Board in May of each year for a great variety of courses in various subject areas. In addition to entering a universe of knowledge that might otherwise remain unexplored in high school,
SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS (Cont'd.)

Advance Placement examinations afford students the opportunity to earn credit or advanced standing in most of the nation's colleges and universities. The District shall utilize a set of criteria to determine a student's readiness for enrollment in the Advance Placement classes.

8 NYCRR Sections 100.1(i), 100.2(f), 100.4(d) and 100.5

Adopted: 8/2/04
Revised: 3/2/10; 10/5/10
SUBJECT: EARLY GRADUATION

A student shall be eligible for early graduation in fewer than eight semesters upon completion of all requirements for graduation, excluding physical education, as mandated by Commissioner's Regulations. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements. The District, upon request from the student's parent/guardian, may choose to grant the student a high school diploma prior to his/her completion of the eighth semester.

8 NYCRR Section 100.5(3)
The District is committed to ensuring that students with disabilities are provided appropriate opportunities to earn a Regents or Local Diploma or other exiting Commencement Credentials in accordance with the Commissioner's Regulations. To this end, graduation and transition plans shall take into account the various pathways available to these students.

In addition to all graduation options afforded to general education students, including the Regents Diploma and various honors and/or designations, the following diplomas and/or credentials are also available for students with disabilities.

**Local Diploma – Low Pass Option**

To earn a Local Diploma using the low pass option, students with disabilities must:

a) Complete the same twenty-two (22) units of credit required for a Regents Diploma; and

b) Achieve a score of 55 or higher on the five (5) examinations required for a Regents Diploma (Math, a Science, English (ELA), Global History and Geography, and US History and Government).

**Local Diploma – Regents Competency Test Option**

Note: This option may only be used for students with disabilities entering Grade 9 prior to September 2011:

A passing grade on a Regents Competency Test (RCT) may be used in lieu of a passing grade on a Regents examination. The District or educational placement may administer the RCT before or after the corresponding Regents exam, however the student must take the required Regents exam. The RCT option remains available until the applicable student graduates or the conclusion of the school year in which he or she turns twenty-one (21) years old.

**Local Diploma – Compensatory Option**

To earn a Local Diploma using the compensatory option, students with disabilities must:

a) Complete the same twenty-two (22) units of credit required for a Regents Diploma;

b) Achieve a score of at least 55 on both the English and Math Regents exams;

c) Achieve a score between 45-54 on one or more of the other required Regents exams (US History and Government, Global History and Geography, or a Science), in which case each score of 65 or higher on any other Regents exam may compensate for a single exam score of 45-54;

(Continued)
SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)

   d) Obtain a passing grade for the course in the subject area of the required Regents exam (US History and Government, Global History and Geography, or a Science) in which he or she received a score of 45-54; and

   e) Have a satisfactory attendance rate in accordance with the District's (or, if appropriate, educational placement’s) attendance policy and Code of Conduct for the school year.

Students using the Local Diploma Compensatory Option may not rely on a passing score on an RCT in lieu of a Regents exam.

Career Development and Occupational Studies (CDOS) Commencement Credential

The Career Development and Occupational Studies (CDOS) Commencement Credential may be earned by a student with a disability to document his or her preparation for entry-level employment after high school. This credential can be awarded in conjunction with a Regents or Local Diploma, or may be issued by itself.

When awarding the CDOS Commencement Credential using option one, the District must ensure the following requirements are met:

   a) The student has a Career Plan that is annually reviewed and revised as appropriate, to assure the student is actively engaged in career exploration;

   b) The student has demonstrated commencement level knowledge and skills of the CDOS learning standards. For evidence of this level of knowledge and skill, a student must demonstrate: career development, integrated learning, and universal foundation skills. In addition a student may also, but is not required to, demonstrate additional career skills by completing a career-specific concentration;

   c) The student has successfully completed at least two (2) units of study (216 hours) in Career and Technical Education (CTE) courses, including a minimum of 54 hours of documented school supervised work-based learning experiences, which may, but is not required to, be completed in conjunction with the CTE courses; and

   d) Within one year prior to a student's exit from school, at least one Employability Profile must be completed by designated District staff or other individuals knowledgeable about the student's employment skills and experiences.

(Continued)
SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)

A student's CTE courses and supervised work-based learning experiences must be documented on his or her transcript and the Career Plan and Employability Profile must be placed in the student's permanent record.

It may not be feasible for students who were previously completing the requirements for an IEP diploma to complete the required two units of study in CTE courses/work-based learning activities before exiting school. Therefore, until June 30, 2015, a district may award a CDOS Commencement Credential to a student who has completed less than two (2) units of study, or 216 hours. The student must still demonstrate commencement level knowledge and skills of the CDOS learning standards and the District must still ensure a Career Plan and Employability Profile is completed. The Credential may then be awarded by a determination made by a school principal, in consultation with relevant faculty, that the student has otherwise demonstrated knowledge and skills relating to the commencement level career development and occupational studies learning standards.

SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)

Instead of the above (a-d) requirements, a District may utilize option two by awarding a CDOS Commencement Credential to a student who has completed a nationally-recognized work-readiness program or certification. Districts cannot exclusively offer option two and must still provide opportunities for students to fulfill the CDOS Commencement Credential through option one's requirements.

Skills and Achievement (SA) Commencement Credential

To issue the Skills and Achievement (SA) Commencement Credential the District must ensure that the student:

a) Meets the definition of a student with a severe disability;

b) Has been recommended by the Committee of Special Education (CSE) to take the New York State Alternative Assessment (NYSAA) for students with severe disabilities;

c) Has been given appropriate opportunities to participate in community experiences and development of employment and other instructional activities to prepare the student for post-secondary living, learning and employment; and

d) Has been issued a summary of the student's academic achievement and functional performance.

Awarding the SA or CDOS Commencement Credentials

(Continued)
SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)

The SA and CDOS Commencement Credentials may be issued at any time after such student has attended school for at least twelve (12) years, or at the end of the school year in which the student turns twenty one (21) years old. When a student has not reached the school year in which he or she turns twenty-one (21) and is issued SA Commencement Credential or the CDOS Commencement Credential without the Regents or Local Diploma, the credential award must be accompanied by a written statement of assurance. This statement must indicate that the student remains eligible to attend the public school within the District, without payment of tuition, until the student has either earned a diploma or until the conclusion of the school year in which he or she turns twenty-one (21), whichever occurs first.

The CDOS and SA Commencement Credentials must be similar in form to the diplomas issued by the District, except that they shall not use the term "diploma" on them. The SA Commencement Credential must contain a clear annotation that it is based on alternate academic achievement standards. The CDOS Commencement Credential shall indicate that it has been endorsed by the New York State Board of Regents as a certificate of readiness for entry-level employment.

SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)

Education Law Sections 3202 and 4402
8 NYCRR Sections 100.1, 100.2, 100.5, 100.6, 200.4 and 200.5

NOTE: Refer also to Policy #7220 -- Graduation Requirements/Early Graduation/Accelerated Programs

Reviewed by Operations: 10/01/13
BOE 1st Reading: 10/15/13
BOE 2nd Reading: 11/19/13
Adoption Date: 11/19/13
SUBJECT: STUDENT EVALUATION AND GRADING

Placement

Placement within the system, with respect to building, teacher, and grade or special class, shall be at the discretion of the school administration and shall be subject to review and change at any time. In making such decisions, the administrator will be guided by performance in class, past records, parent/legal guardian and teacher recommendations, standardized test scores, and any other appropriate sources of information, but the final decision shall rest with the school administration.

Promotion and Retention

The procedures to be followed by the staff regarding promotion and retention will be developed by the Superintendent and will be continually evaluated in the light of School District policy. Building principals may establish written standards for promotion or retention within the school units to which they are assigned, subject to the guidelines of the Superintendent and the approval of the Board of Education.

6th, 7th, and 8th Grade Promotion/Retention

In general, students in sixth, seventh and eighth grades are expected to pass all four (4) basic core academic subjects (English, math, science and social studies) in order to be promoted to the next grade level.

In the event a student fails two (2) or three (3) core subjects they must attend and successfully complete summer school in order to proceed to the next grade level. If the student fails summer school or does not attend he/she will be retained.

If a student fails all four (4) core academic subjects they will be retained at the present grade level.

A student may be promoted or assigned to the next grade level, at the discretion of the Building Principal, if extenuating circumstances exist.

Testing Program

The Board of Education endorses and supports the use of ability, achievement, diagnostic, readiness, interest and guidance tests as part of the total educational process to the degree to which tests help the District to serve its students.

(Continued)
SUBJECT: STUDENT EVALUATION AND GRADING (Cont'd.)

Alternative Testing

The use of alternative testing procedures shall be limited to:

a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures shall be specified in a student's Individualized Education Program or Section 504 Accommodation Plan; and

b) Students whose native language is other than English (i.e., English language learners) in accordance with State Education Department Guidelines.

The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

Reporting to Parents/Legal Guardians

Parents/guardians shall receive an appropriate report of student progress at regular intervals. Report cards shall be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Report cards, however, are not intended to exclude other means of reporting progress, such as conferences, phone conversations, other typical correspondence such as letters or other types of reports, etc.

When necessary, attempts will be made to provide interpreters for non-English speaking parents/guardians.

Grading Policy for Grades 9 through 12

a) The final class average is determined by averaging the quarterly report card grades with the final Regents exam grade using a four fifths/one-fifth formula. If the Regents exam grade indicates that the student has passed the Regents exam, and the final course grade is less than sixty-five (65) obtained by the four fifths/one-fifth ratio, the student will be given credit for having obtained the passing requirement for that Regents test, but will have to take the course over until a passing grade in the course is obtained.

b) It is difficult to justify a 61, 62, 63, or 64 to a parent in explaining why a student failed a class. So, if a student's grade falls in the above range, please look at the students accomplishments and adjust the grade to a 65 or 60 as is warranted.
c) Students may retake the Regents exam as many times as they like and the highest Regents exam grade will be averaged into the quarterly grade using the four fifths/one fifth formula, (four fifths quarterly grade and one-fifth highest Regents exam grade) to get the final grade. Retaking the Regents exam could mean increasing the overall grade point average of the student. (Effective July 2002)

d) The lowest grade that may be given to a student during any quarter is *50. The * before the fifty (50) means the student's grade was actually lower than a fifty (50).

e) Admission to summer school in the Olean High School will be available to any student who can document evidence that the course was taken prior to registration, has obtained a minimum grade of fifty percent (50%) (not a * 50) and has met the science lab requirements. Only two (2) classes may be taken during summer school.

f) A grade of "incomplete" may be given if the following conditions apply:

1. Medical reasons, which prohibit the student from attending classes, labs, or benefiting from homebound instruction.
2. Extended education field trip.
3. Teachers are to enter a numerical grade by the next marking period.
4. It will be the teacher's responsibility to change any "incomplete" to a numerical grade as per the above resolution.
5. An "incomplete" recorded makes a student ineligible for honor roll purposes for that quarter, until the work is made up.

g) Students who drop a course after the first marking period will have a DRP recorded on their transcript.

h) Each student must take a minimum of five (5) courses each semester. (This does not include physical education).

1. BOCES vocational education courses will count as the equivalent of taking three (3) courses (3 units) since the classroom time is equal to three (3) periods at Olean High School.

(Continued)
SUBJECT:  STUDENT EVALUATION AND GRADING  (Cont'd.)

2.  Courses taken at Jamestown Community College's Olean campus or St. Bonaventure University or at the Olean High School offered by adjunct faculty of these institutions shall count as one subject for the minimum course load. The grade from these courses shall be calculated as part of class rank, honor roll or National Honor Society.

3.  Miscellaneous programs such as the BOCES Internship Program, the Dresser-Rand Internship Program and any other affiliate program shall be reviewed and authorized by the Building Principal in conjunction with the Director of Guidance and the Department Chair.

Grading Policy for Grades 6 through 8

a)  Averages are needed on final failure lists.

b)  In determining final grade, a grade of "F" for any quarter should be averaged as a grade between 55 and 64 inclusive. The choice is yours as long as the number you use is no lower than the actual grade or 55.

c)  For full-year courses, the final grades are determined by adding the four quarter grades with the final exam grade and dividing by 5.

d)  For half-year courses, the final grades are determined by adding the two quarter grades twice with the final exam grade and dividing by 5.

e)  Any teachers with academic labs need to enter "S" or "U" for final grade in addition to marking period.

f)  When grading:

  1.  A failing grade for the fourth quarter should be recorded as an "F".

  2.  A failing grade on the final exam should be recorded as the actual grade. The actual grade should be used in determining the final grade.

  3.  A final grade that is failing should be recorded as an "F".

  4.  All "incompletes" must be cleared or recorded as an "F".

  5.  For any student with missing grades for any marking period, (i.e., medical excuse), a final average must be computed and entered. If you have any questions on how to compute the average, see Punkie.

(Continued)
SUBJECT: STUDENT EVALUATION AND GRADING (Cont'd.)

6. IF A STUDENT HAS AN "F" IN ANY MARKING PERIOD, OR A FAILING FINAL EXAM, THE FINAL AVERAGE MUST BE COMPUTED AND ENTERED. THE COMPUTER WILL COMPUTE ALL OTHER FINAL GRADES.

g) It has been our practice to not give a final course grade of "F" when the average is 62, 63 or 64 because of the difficulty in justifying failing a student who is so close to the minimum passing grade.

h) The above instructions are based on building policy and must not be violated without approval from Jerry.

i) Teacher Verification reports **MUST** be turned in to the guidance office by **NOON** on **JUNE 21st**.

Adopted: 8/28/07
SUBJECT:  CLASS RANK

The Board of Education wishes to recognize outstanding academic achievement and shall use a system of computing grade average to inform graduating students of their class standing. Such information may also be sent to prospect employers, scholarship organizations, and post-secondary institutions.

Class Rank Computation

a) Every credit-bearing course offered at Olean High School and BOCES (except senior physical education) will be used to calculate final average and thus determine the ranking of OHS students.

b) The grades used in the computation of the final average will be the grades given by the teacher of the courses.

c) Courses taken at Olean High School and at colleges for college credit will be used in the computation of the final average.

d) For purpose of class standings:

1. Students who transfer to OHS from other schools prior to the issuance of the first quarter grades at the start of their sophomore year will be treated as Olean Students.

2. Students who transfer to OHS from other schools after the issuance of the first quarter grades of the student's sophomore year will, if applicable, co-share the honor of either first or second rank in the class.

e) Computation of final average, for the purpose of implementing all of the items in this list, will be done after the issuance of the 3rd quarter grades of the student's senior year.

f) Each marking period, a multiplier of 1.05 will be applied to advanced classes, classes taken for college credit, and college courses.

1. The grade for each individual course will be the actual grade and will not reflect weighting.

2. The overall marking period with average that shows at the bottom of the report card will reflect a weighted average.

3. The weighted grades will be used only to determine a weighted average.

4. The weighted average will be used for placement on honor roll and high honor roll, as well as class rank.

(Continued)
SUBJECT:  CLASS RANK (Cont'd.)

5. The unweighted average, in addition to the weighted average, will appear on the student's official transcript.

Honors

Approximate rank in class is available in September of the senior year. Ranking for Valedictorian, Salutatorian and top ten of the Senior Class will be determined at the end of the 3rd marking period.

Transfer Students

To be considered for first and second honors, i.e., valedictorian and salutatorian, a transfer student must have been in attendance two (2) consecutive years prior to graduation. A grade conversion chart shall be applied to grades of students who transfer from a school which uses an alternate marking method.

Early Graduation

The cumulative grade point average of those students who satisfy their graduation requirements in less than eight (8) semesters of high school study will be computed and assigned a class rank designation in accordance with this policy. Students who elect to pursue an accelerated program of studies shall not be discriminated against in the assignment of a rank in class, and in the corresponding selection of valedictorian and salutatorian.

Dissemination/Notification

The policy on Class Rank will be disseminated to appropriate school officials and will also be published in the annual district calendar as well as the student handbook.

Adopted: 5/19/09
SUBJECT: NATIONAL HONOR SOCIETY

The Board of Education wishes to recognize outstanding academic achievement. The Olean City School District Administrators and National Honor Society Review Committee will utilize a system of determining National Honor Society qualifications and selection.

a) The Committee will send letters to the parents informing them of the fact that their student is academically eligible and has received the information necessary to complete the application for membership.

b) The Committee will inform the students about the selection process at a group meeting so all potential candidates receive the packets of information, hear the same instructions, at the same time (fifteen (15) minute excusal from class to the Auditorium).

c) The Committee will identify the characteristics necessary for induction (character, leadership, service).

d) The Committee will make certain that the Olean chapter of the NHS is adhering to guidelines in the NHS handbook.

National Honor Society - Selection Committee Process

a) The faculty Council shall consist of five (5) voting faculty members, appointed annually by principal.

b) The Faculty Council will be provided with copies of:

1. Student applications
2. Faculty Review Sheets
3. Summary of attendance and discipline records

c) The Faculty Council will meet to review and discuss the materials provided.

d) Selection for membership to the chapter will be by a majority vote of the Faculty Council.

e) Reconsideration of a Faculty Council's decision must be a rare occurrence if the council is to be expected to take its assignment seriously. It is important to uphold the integrity of NHS standards and to recognize the potential danger of yielding to pressure tactics.

(Continued)
SUBJECT: NATIONAL HONOR SOCIETY (Cont’d.)

National Honor Society Qualifications

Student must have a cumulative average of ninety (90) or better, which qualifies he/she for eligibility for nomination to the National Honor Society at Olean High School.

To be successful for nomination to the National Honor Society, a student must adequately meet all the criteria of scholarship, leadership, service, and character.

A form will be used to help evaluate the leadership, character, and service requirements, and activities. In addition, Olean High School teachers will be asked to submit comments on any candidates that they know. All school records will be reviewed, including progress reports, disciplinary forms, attendance, etc. Additional character references may be written by other community members (examples: minister, employer, etc.). It is imperative that service projects be documented with dates, times and type of service. It is not necessary to document academic letters and awards. All materials must be completed and returned in person to ______________ National Honor Society Advisor, by ______ no later than 2:45 pm. A student will be required to acknowledge submission of materials by signature, date, and time. All materials will then be evaluated by the National Honor Society Faculty Council for acceptance.

The responsibility for obtaining, completing, and returning the Student Activity Information Sheet and all other required materials by the deadline lie with the student.

Any questions should be directed to the National Honor Society advisors.

Adopted: 8/28/07
SUBJECT:  DUAL CREDIT FOR COLLEGE COURSES

All students who have successfully fulfilled the requirements to enter into their junior year and have demonstrated intellectual and social maturity may choose to matriculate at any one of the colleges that have a cooperative agreement with our School District. Such opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. Review and approval by the administration are necessary before any college courses may be taken during the school day.

The Board shall not be required to pay tuition and other related costs for those high school students enrolled in college courses. Students who wish to enroll in college level coursework shall meet all academic, grade level and coursework requirements as set forth by administrative guidelines.

Adopted:  8/2/04
SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

Student Records

The Olean City School District shall comply with the provisions of the "Family Educational Rights and Privacy Act of 1974 (FERPA)". Under its provisions, "parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, have a right to inspect and review any and all educational records maintained by the School District.

Education Records

The term "education records" is defined as all records, files, documents and other materials containing information directly related to a student; and maintained by the education agency or institution, or by a person acting far such agency or institution (34 Code of Federal Regulations (CFR) Section 99.3). This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

In addition, far students who attend a public school district, all records pertaining to services provided under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA. As such, they are subject to the confidentiality provisions of both Acts.

Personal notes made by teachers or other staff, on the other hand, are not considered education records if they are:

a) Kept in the sale possession of the maker;

b) Not accessible or revealed to any other person except a temporary substitute; and

c) Used only as a memory aid.

Additionally FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation and not from the student's education records.

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded.

Access to Student Records

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians of students and
SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont’d.)

noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older or who are attending an institution of post-secondary education, student records, and files on students, and to insure the confidentiality of such records with respect to third parties.

Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information contained in student records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature:

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

Health and Safety Emergency Exception

School districts must balance the need to protect students' personally identifiable information with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. School districts may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials and medical personnel. A school district's determination that there is an articulable and significant threat to the health or safety of a student or other individuals shall be based upon a totality of the circumstances, including the information available, at the time the determination is made. The school district must record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student's education records are maintained.

Challenge to Student Records

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, shall have an opportunity for a hearing before the Superintendent to challenge the content of the school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

(Continued)
SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont’d.)

Disclosures to Parents of Eligible Students

Even after a student has become an "eligible student" under FERPA (which is defined as a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education) an educational agency or institution may disclose education records to an eligible student's parents, without the student's consent:

a) If the student is claimed as a dependent for Federal income tax purposes by either parent;

b) In connection with a health or safety emergency;

c) If the student is under twenty-one (21) years of age and has violated an institutional rule or policy governing the use of alcohol or a controlled substance; or

d) If the disclosure falls within any other exception to the consent requirements under FERPA or its Regulations, such as the disclosure of directory information or in compliance with a court order or lawfully issued subpoena.

Release of Information to the Noncustodial Parent

The District may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

Release of Information to another Educational Institution

The District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the school's annual FERPA notification indicates that such disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, schools must provide a copy of the information disclosed and an opportunity for a hearing.

Family Education Rights and Privacy Act of 1974
20 USC Section 1232(g)
34 CFR

Adopted: 5/5/09
SUBJECT: STUDENT DIRECTORY INFORMATION

The District shall publish an annual public notice informing parents or eligible students (i.e., a student eighteen (18) years of age or older or who is attending an institution of post-secondary education) of the District's definition of directory information, the parent/eligible student's right to refuse the release of student directory information and indication of the time period for their response. (Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.) Following such public notice and a reasonable response period, the District shall release such information to an outside group without individual consent but only if required to do so by law.

The Family Education Rights and Privacy Act (FERPA) defines student directory information as the following: name; address; telephone listing; date and place of birth.; major field of study; grade level; participation in officially recognized activities and sports; weight and height (if members of athletic teams); dates of attendance; honors, degrees and awards received; electronic mail address; photograph; and the name of the educational agency or institution most recently previously attended by the student.

The District will release only the following defined directory information: *District must specify.

Directory information does not include:

a) A student's social security number; or

b) A student's identification (ill) number, except as provided below.

Directory information includes a student ill number, user ill, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

The release of student directory information is not to be confused with the release of names, addresses and telephone listings of eligible students (i.e., a student seventeen (17)) years of age or older or in the eleventh grade (or its equivalent) or higher) to Military Recruiters. In compliance with the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB), and the National Defense Authorization Act, the School District shall notify parents that by law it routinely releases this information to Military Recruiters upon request subject to a parents'/eligible students' request not to disclose such information with written parental verification of such request.

(Continued)
SUBJECT: STUDENT DIRECTORY INFORMATION (Cont’d.)

Family Educational Rights and Privacy Act of 1974
20 USC Section 1232(g)
34 CFR Part 99

NOTE: Refer also to Policy #7243 -- Military Recruiters’ Access To Secondary School Students and Information on Students

Adopted: 5/5/09
SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS

In compliance with the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB); and the National Defense Authorization Act, and in accordance with the Family Educational Rights and Privacy Act (FERPA), the School District shall comply with a request by a Military Recruiter for names, addresses, and telephone listings of eligible students, unless a parent has "opted out" of providing such information. Eligible student under ESEA and the National Defense Authorization Act is defined as a secondary student who is seventeen (17) years of age or older or in the eleventh grade (or its equivalent) or higher. Under ESEA and the National Defense Authorization Act, parents must be notified that the School District by law routinely discloses students' names, addresses, and telephone listings to Military Recruiters upon request, subject to a parent's/eligible student's request not to disclose such information with written parental verification of such request. Further, in compliance with the NCLB, the District shall give Military Recruiters the same access to secondary school students as they provide to post secondary institutions or to prospective employees.

Under FERPA, the School District must provide notice to parents of the types of student information that it releases publicly. This type of information, commonly referred to as "directory information," which is released by the District includes - but is not limited to - such items as students' names, addresses, and telephone listings. The notice must include an explanation of a parent's right to request that "directory information" not be disclosed without prior written consent of the parent and further requires that parents be notified that the School District routinely discloses students' names, addresses and telephone listing to Military Recruiters upon request, subject to a parent's request not to disclose such information without written parental consent.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents of the above information is sufficient to satisfy the parental notification requirements of both FERPA and the NCLB. The notification shall advise the parent of how to opt out of the public, nonconsensual disclosure of directory information and the timeline within which to do so.

If a parent opts out of providing directory information (or any subset of such information) to third parties, the opt-out relating to the student's name, address, or telephone listing applies to requests from Military Recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, the District may not disclose telephone numbers to Military Recruiters.

The Superintendent/designee shall ensure that appropriate notification is provided to parents informing them of their right to opt-out of release of directory designated information without prior written parental consent.

(Continued)
SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS (Cont'd.)

Elementary and Secondary Education Act of 1965, Section 9528, 20 USC Section 7908 as amended by the
No Child Left Behind Act of 2001
Family Educational Rights and Privacy Act of 1974, 20 USC Section 1232(g)
National Defense Authorization Act Section 544, 10 USC Section 503
34 CFR Section 300.571
Education Law Section 2-a
8 NYCRR Section 3.33

Adopted: 11/21/06
Revised: 4/22/10
SUBJECT: STUDENT DATA BREACHES

A student data breach is defined as any instance in which there is an unauthorized release of or access to personally identifiable information (PII) or other protected information of students not suitable for public release.

The Olean City School District has a legal responsibility to protect the privacy of education data, including personally identifiable information (PII) of its students. The Family Education Rights and Privacy Act of 1974, commonly known as FERPA, protects the privacy of student education records.

The District has implemented privacy and security measures designed to protect student data stored in its student data management systems.

The Superintendent has developed procedures regulations for prevention, response and notification regarding student data breaches.

34 CFR 99.32 (a)(1)
Technology Law Sections 202 and 208

NOTE: Refer also to Policies #5672 -- Information Security Breach and Notification #7240 -- Student Records: Access and Challenge

Adopted: 7/16/13
SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION

In accordance with General Obligations Law Title 15-A, a parent of a minor or incapacitated person may designate another person as a person in parental relation to such minor or incapacitated person for certain health care and educational decisions for a period not exceeding six (6) months. However, such parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from himself/herself exercising the same or similar authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation pursuant to this law shall not be valid unless both parents have given their consent.

The designation of a person in parental relation must be in writing in the form prescribed by General Obligations Law Title 15-A, and shall include specified information as enumerated in law for designations of thirty (30) days or less, as well as additional information required for designations of more than thirty (30) days. The designation of a person in parental relation may be presented to any school that requires such designation by either the parent or designee. The designation may specify a period of time less than six (6) months for which such designation shall be valid unless earlier revoked by the parent in accordance with law. However, a designation specifying a period of more than thirty (30) days shall be notarized.

If no time period is specified in the designation, it shall be valid until the earlier of:

a) Revocation; or
b) The expiration of thirty (30) days from the date of signature if the designation does not meet the requirements for designations of more than thirty (30) days, or
c) Six (6) months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than thirty (30) days.

Scope of Designation

A designation made pursuant to this law may specify:

a) The treatment, diagnosis or activities for which consent is authorized;
b) Any treatment, diagnosis or activity for which consent is not authorized; or
c) Any other limitation on the duties and responsibilities conveyed by the designation.

Revocation of Designation

A parent may revoke a designation by notifying, either orally or in writing, the designee or a school to which the designation has been presented, or by any other act evidencing a specific intent to

(Continued)
SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont’d.)

revoke the designation. A designation shall also be revoked upon the execution by the parent of a subsequent designation. Revocation by one parent authorized to execute such a designation shall be deemed effective and complete revocation of a designation pursuant to law.

A designee who receives notification from a parent of any such revocation shall immediately notify any school to which a designation has been presented. A parent may directly notify any such school of the revocation, in which case the failure of the designee to notify the school of such revocation shall not make revocation ineffective.

Effect of Designation

a) A designee shall possess all the powers and duties of a person in parental relation pursuant to Public Health Law Sections 2164 and 2504 and Education Law Sections 2 and 3212, unless otherwise specified in the designation.

b) A designation shall not impose upon a designee a duty to support pursuant to Family Court Act Section 413.

c) A designation shall not cause a change in the school district of residence of the child for purposes of the Education Law, and during the period of validity of the designation, the child shall be presumed to be a resident of the school district in which the parent resided at the time the designation was made.

d) A designation shall terminate and be revoked upon the death or incapacity of the parent who signed the designation.

e) The decision of a designee shall be superseded by a contravening decision of a parent.

A person who acts based upon the consent of a designee reasonably and in the good faith belief that the parent has in fact authorized the designee to provide such consent may not be deemed to have acted negligently, unreasonably or improperly in accepting the designation and acting upon such consent. However, any such person may be deemed to have acted negligently, unreasonably or improperly if he/she has knowledge of facts indicating that the designation was never given, or did not extend to an act or acts in question, or was revoked.

No provision of General Obligations Law Title 15-A shall be construed to require designation of a person in parental relation as provided within the statute where such designation is not otherwise required by law, rule or regulation.
Education Law Sections 2 and 3212
Family Court Act Section 413
General Obligations Law Title 15-A
Mental Hygiene Law Section 80.03
Public Health Law Sections 2164 and 2504
Adopted: 10/5/10
SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

The Board of Education acknowledges its responsibility to protect the educational climate of the District and to promote responsible student behavior. Accordingly, the Board delegates to the Superintendent the responsibility for assuring the implementation of a Code of Conduct including school functions, which shall govern the conduct of students as well as teachers, other school personnel, and visitors. The Board shall further provide for the enforcement of such Code of Conduct. The District Code of Conduct shall be updated annually under the leadership of the Superintendent or his/her designee in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other personnel and shall incorporate, at a minimum, those components addressed in law and enumerated in Policy #3410 -- Code of Conduct on School Property and shall be approved by the Board. Specific components may vary as appropriate to student age, building levels, and educational needs.

In accordance with the Code of Conduct areas addressing student conduct and behavior will further utilize the following strategies in promoting acceptable student behavior:

a) A bill of rights and responsibilities of students that focuses upon positive student behavior, and is publicized and explained to all students on an annual basis;

b) A Code of Conduct for student behavior setting forth prohibited student conduct and the range of penalties that may be imposed for violation of such Code, that is publicized and disseminated to all students and parents/guardians on an annual basis pursuant to law;

c) Strategies and procedures for the maintenance and enforcement of public order on school property that shall govern the conduct of all persons on school premises, in accordance with Section 2801 of the Education Law and accepted principles of due process of law;

d) Procedures within each building to involve student service personnel, administrators, teachers, parents/guardians and students in the early identification and resolution of discipline problems. For students identified as having disabilities, procedures are included for determining when a student's conduct shall constitute a reason for referral to the Committee on Special Education for review and modification, if appropriate, of the student's individualized education program;

e) Alternative educational programs appropriate to individual student needs;

f) Disciplinary measures for violation of the school policies developed in accordance with subparagraphs b) and c) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student. Any suspension from attendance upon instruction may be imposed only in accordance with Section 3214 of the Education Law; and

(Continued)
SUBJECT: SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)

g) Guidelines and programs for in-service education for all District staff to ensure effective implementation of school policy on school conduct and discipline.

Education Law Sections 2801 and 3214
8 NYCRR Section 100.2(l)(2)

Adopted: 8/2/04
SUBJECT:   RESTITUTION TO DISTRICT

Loss or Destruction of District Property or Resources

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of the District; or

b) Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

In instances where the District has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed five thousand dollars ($5,000). Under certain circumstances, prior to the entering of a judgment in the sum total of five hundred dollars ($500) or more, a court may consider the parent's or guardian's financial inability to pay any portion or all of the amount of damages which are in excess of five hundred dollars ($500), and enter a judgment in an amount within the financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than five hundred dollars ($500).

False Reporting of an Incident and/or Placing a False Bomb

A School District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

a) Has falsely reported an incident; or

b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the School District in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, the School District shall file with the court, the County District Attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

General Obligations Law Section 3-112
Penal Law Sections 60.27

Adopted: 9/20/05
SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES

The parent of a student who has violated any rule or code of conduct of the School District and who was not identified as a student with a disability at the time of such behavior may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and State regulations if the School District is deemed to have had knowledge (as determined in accordance with law and/or regulations and referenced below) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

Basis of Knowledge

The School District shall be deemed to have knowledge that the student had a disability if prior to the time the behavior occurred:

a) The parent of the student has expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services. However, expressions of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;

b) The parent of the student has requested an evaluation of the student in writing; or

c) A teacher of the student, or other District personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel.

Exception

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above (i.e., subheading "Basis of Knowledge"):  

a) The parent of the student has not allowed an evaluation of the student pursuant to law and/or regulations;

b) The parent of the student has refused services under law and/or regulations; or

c) The student has been evaluated and it was determined that the student is not a student with a disability.

(Continued)
SUBJECT:  STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES (Cont'd.)

Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability

If it is claimed by the parent of the student or by School District personnel that the District had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the Superintendent of Schools, Building Principal or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

Conditions That Apply if There is No Basis of Knowledge

If it is determined that there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made during the time period in which such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the District shall provide special education and related services in accordance with law and/or regulations.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446, Section 615(k)(5)]
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
34 CFR Part 300
8 NYCRR Section 201.5

NOTE:  Refer also to Policy #7313 -- Suspension of Students

Adopted:  10/5/10
SUBJECT:  SUSPENSION OF STUDENTS

The Superintendent and/or the Principal may suspend the following students from required attendance upon instruction:

a)  A student who is insubordinate or disorderly; or
b)  A student who is violent or disruptive; or

c)  A student whose conduct otherwise endangers the safety, morals, health or welfare of others.

Regulations for suspension are outlined in the Code of Conduct.

NOTE:  Refer also to Policies #7360 -- Weapons in School
#7361 -- Gun-Free Schools Act

Adopted:  9/20/05
Revised:  10/5/10
SUBJECT:  TEACHER REMOVAL OF DISRUPTIVE STUDENTS FROM THE CLASSROOM

Disruptive Students

In accordance with Education Law, Commissioner's Regulations and the District's Code of Conduct, teachers shall have the power and authority to remove disruptive students from their classrooms consistent with discipline measures contained in the Code of Conduct. The term "disruptive student," as defined pursuant to law, shall refer to an elementary or secondary student under twenty-one (21) years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

Further, teachers shall abide by the provisions of the District's Code of Conduct with regard to the utilization of alternative classroom management techniques and student intervention services, as may be applicable and appropriate to the specific circumstances, prior to removal of the student from the classroom. Additionally, teachers shall have the authority to remove disruptive students from the classroom for each incident for a period of time no greater than as enumerated in the Code of Conduct.

Teachers must inform the student and the school Principal/designee of the reasons for the removal.

a) In most instances, the teacher shall, prior to removing the disruptive student from the classroom, provide the student with an explanation of the basis for the removal and allow the student to informally present the student's version of relevant events.

b) If the teacher finds that the disruptive student's continued presence in the classroom poses a continuing danger to persons or property or presents an ongoing threat of disruption to the academic process, the teacher shall provide the student with an explanation of the basis for the removal and an informal opportunity to be heard within twenty-four (24) hours of the student's removal, provided that if such twenty-four (24) hour period does not end on a school day, it shall be extended to the corresponding time on the next school day.

No disruptive student shall return to the classroom until the Principal/designee makes a final determination regarding the discipline imposed by the teacher as outlined in administrative regulations and pursuant to the provisions enumerated in Education Law Section 3214(3-a) or the period of removal expires, whichever is less. The District will ensure the provision of continued educational programming and activities for students removed from the classroom by a teacher.

The Principal/designee shall inform the parents/guardians to such student of the removal and shall, upon request, provide the student and the parent/guardian in parental relation an opportunity for an informal conference to discuss the reasons for the removal in accordance with the procedures enumerated in law. As applicable, the Principal/designee shall render a determination regarding the discipline imposed by the teacher in accordance with the requirements mandated pursuant to law and/or regulation.

(Continued)
SUBJECT: TEACHER REMOVAL OF DISRUPTIVE STUDENTS FROM THE CLASSROOM (Cont’d.)

This policy, in accordance with statutory mandates, does not authorize removal of a student in violation of any state or federal law or regulation (e.g., IDEA, Section 504 of the Rehabilitation Act of 1973). It shall be the responsibility of the Building Principal/designee to ensure that teacher removal of students from the classroom complies with applicable laws and regulations.

Exhaustion of Administrative Remedies

It is District policy that, prior to commencing an appeal to the Commissioner of Education regarding teacher removal of a disruptive student from the classroom, the parent/guardian in parental relation must first appeal to the Board of Education.

"Sunset" Provision for twenty-four (24) hour and forty-eight (48) hour Notification Period.

The provisions in law which specify that twenty-four (24) and forty-eight (48) hour notification periods correlate with school days shall terminate on July 1, 2005 in accordance with legislation; and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

Violent Students

Teachers are required to immediately report and refer a violent student, as defined pursuant to Education Law, to the Principal or Superintendent for a violation of the District’s Code of Conduct and a minimum suspension period as determined by such Code, unless otherwise reduced by the suspending authority on a case by case basis to be consistent with any other state and federal law.

Education Law Sections 2801 and 3214
8 NYCRR Section 100.2(l)(2) and Part 201
Individuals with Disabilities Education Act (IDEA),
20 USC Sections 1400-1485
34 CFR Part 300 Section 504 of the Rehabilitation Act of 1973,
29 USC Section 794 et seq.

Adopted: 8/2/04
SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY

The Board of Education seeks to maintain a safe and secure environment for students and staff. Advances in technology have made it possible to expand the learning environment beyond traditional classroom boundaries. Using personal electronic devices during instructional time can enable students to explore new concepts, personalize their learning experience and expand their global learning opportunities. Additionally, the use of personal technology devices is ever-present in today's society and standards for student use during non-instructional time should adapt to this change. This policy defines the use of personal technology during instructional and non-instructional times and reinforces the standard that all use, regardless of its purpose, must follow the guidelines outlined in the Student Acceptable Use Policy (AUP), the District's Code of Conduct, the Dignity for All Students Act, and Cyberbullying Law.

Personal technology includes all existing and emerging technology devices with the following exceptions, but is not limited to, gaming devices or consoles, laser pointers, modems or routers, and televisions.

Instructional purposes include, but are not limited to, approved classroom activities, research, college admissions activities, career development, communication with experts, homework and other activities as deemed appropriate by school staff.

Personal technology use by students is permitted during the school day for educational purposes and/or in approved locations only. Students are expected to act responsibly and thoughtfully when using technology resources. Students bear the burden of responsibility to inquire with district personnel when they are unsure of the permissibility of a particular use of technology prior to engaging in such use.

Appropriate use of personal technology during non-instructional time is also allowed if students follow the guidelines in the AUP and Code of Conduct. This use during non-instructional time must be conducted in a safe and unobtrusive manner. Devices must be in silent mode to avoid disrupting others.

The District shall not be liable for the loss, damage, misuse, or theft of any personal technology brought to School. The District reserves the right to monitor, inspect, and/or confiscate personal technology when administration has reasonable suspicion to believe that a violation of school policy or criminal law has occurred. Consequences for misuse will follow guidelines in the District Code of Conduct.

The Board expressly prohibits use of personal technology in locker rooms, restrooms, Health Offices and any other areas where a person would reasonably expect some degree of personal privacy.
SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY (Cont'd.)

When the District is in receipt of the signed Student Use of Personal Technology Permission form (found in the Student Handbook) students will be permitted to use personal technology devices in school or at school functions. The District reserves the right to restrict student use of District-owned technologies and personal technology on school property or at school-sponsored events, at the discretion of the administration.

The District will develop regulations for the implementation of this policy that shall include, but are not limited to, instructional use, non-instructional use, liability, bullying and cyberbullying, and privacy issues.

NOTE: Refer also to Policies #7554 -- Dignity for All Students
      #8272 -- Internet Safety/Internet Content Filtering Policy

Adopted: 5/7/13
SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES

The Board of Education of the Olean City School District, believes that this school community is entitled to a drug-free environment in order that each individual may develop in a productive and healthy manner.

Therefore, within the framework of applicable New York State Law, including, but not limited to the New York State Education Law and the New York State Public Health Law, it is the District's policy to prevent and prohibit the possession, use and/or intent of distribution of any illegal or controlled mood-altering chemical, to include anabolic steroids and growth hormones, medication or abused chemical not approved by the health office, on school property or at school-sponsored events, and in school vehicles.

Violations of this policy include:

a) The possession, use, sale, and distribution of chemicals as defined and described within the parameters of this policy;

b) The possession of drug paraphernalia;

c) The possession, use, sale and distribution of any imitation of a controlled substances or chemical as defined by this policy.

The consequences of such violations will result in disciplinary action.

Such prevention and/or prohibition shall occur through a many-faceted program including education, awareness activities, identification, intervention, referral, support and research/evaluation. It is the District's policy to provide prevention, intervention and post-incident strategies, designed to maximize the health and well being of the school community.

This policy will be implemented through the cooperative efforts of all school employees, students, parent/guardians and community agencies of the School District of the City of Olean, New York.

It is the objective of the School District to have trained Impact Trained Referral Teams functioning in every school. In the absence of an Impact Trained Referral Team, the building administrator will implement this policy.

Drug-Free Schools and Communities Act
Amendment of 1989 (Public Law 101-226)
20 USC Section 3171 et seq.

Adopted: 8/2/04
SUBJECT: STUDENT VOTER REGISTRATION AND PRE-REGISTRATION

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

The District promotes student voter registration and pre-registration.

Election Law § 5-507

Reviewed by Operations Committee: 01/06/20
BOE First Reading: 01/21/20
BOE Second Reading: 02/25/20
Adoption Date: 02/25/20
SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS

Corporal Punishment

Corporal punishment (consists of any act of physical force upon a student for the purpose of punishing that student) as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this School District.

Whenever a school employee uses physical force against a student, the school employee shall immediately report the situation to his/her Principal/Supervisor. The Principal/Supervisor shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Olean City School District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Emergency Interventions

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

a) Self-protection;

b) Protection of others;

c) Protection of property; or

d) Restraining/removing a disruptive student.

Such emergency interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

Staff who may be called upon to implement emergency interventions will be provided appropriate training in safe and effective restraint procedures. The parent(s) of the student shall be notified whenever an emergency intervention is utilized.

The District will maintain documentation on the use of emergency interventions for each student. This documentation will be reviewed by District supervisory personnel and, if necessary, by the school nurse or other medical personnel.

(Continued)
SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS (Cont'd.)

8 NYCRR Sections 19.5, 100.2(l)(3), 200.15(f)(1) and 200.22(d)

NOTE: Refer also to Policy #7313 -- Suspension of Students
SUBJECT: WEAPONS IN SCHOOL

The possession of a weapon on school property, in District vehicles, in school buildings, or at school sponsored activities or settings under the control and supervision of the District regardless of location, is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any school building must have written authorization of the Superintendent of Schools or his/her designee.

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

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

Penal Law Section 265.01

NOTE: Refer also to Policies #3411 -- Unlawful Possession of a Weapon Upon School Grounds #7361 -- Gun-Free Schools

Adopted: 8/17/04
SUBJECT: GUN-FREE SCHOOLS

No student shall bring any "firearm" as defined in federal law onto school premises (including school buildings and grounds, District vehicles, school settings and/or school sponsored activities under the control and supervision of the District regardless of location). For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices). The term does not include a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks.

In accordance with the Gun-Free Schools Act of 1994 and Section 3214(3)(d) of the Education Law, any student who brings a firearm, as defined in federal law, onto school property, will be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Article 3 of the Family Court Act when the student is under the age of sixteen except for a student fourteen or fifteen years of age who qualifies for juvenile offender status under the Criminal Procedure Law, and will be referred by the Superintendent to the appropriate law enforcement officials when the student is sixteen years of age or older or when the student is fourteen or fifteen years of age and qualifies for juvenile offender status under the Criminal Procedure Law.

In addition, any student attending a District school who has been found guilty of bringing a firearm onto school property, after a hearing has been provided pursuant to Section 3214 of the Education Law, shall be suspended for a period of not less than one calendar year and any student attending a non-district school who participates in a program operated by the School District using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to a District school or other premises used by the School District to provide such programs shall be suspended for a period of not less than one calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-district school. Further, after the imposition of the one year penalty has been determined, the Superintendent of Schools has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one year suspension penalty, the Superintendent may modify the penalty based on factors as set forth in Section 100.2 of the Regulations of the Commissioner of Education and in Commissioner's Decisional Law. The determination of the Superintendent shall be subject to review by the Board of Education in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 310.

A student with a disability who is determined to have brought a firearm to school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than 45 calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement.

(Continued)
SUBJECT: GUN-FREE SCHOOLS (Cont’d.)

A student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the IDEA, determines that the bringing of a firearm to school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school was a manifestation of the student's disability, the Superintendent must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

The District may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.

The District may also seek a court order to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

Students with disabilities continue to be entitled to all rights enumerated in the Individuals With Disabilities Education Act and Article 89 of the Education Law; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

This policy does not prohibit the District from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of five days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school. Additionally, this policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

The District will continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.

Goals 2000: Educate America Act,
P.L. 103-227 (Gun-Free Schools Act of 1994)
18 USC Section 921
Education Law Sections 310, 809-a, 3214, and Article 89
8 NYCRR Section 100.2 and Part 200
20 USC Sections 1400-1485, Individuals With Disabilities Education Act (IDEA)
Family Court Act Article 3
Criminal Procedure Law Section 1.20(42)

(Continued)
SUBJECT: GUN-FREE SCHOOLS (Cont'd.)

NOTE: Refer also to Policies #3411 -- Unlawful Possession of a Weapon Upon School Grounds
#7360 -- Weapons in School

Adopted: 8/17/04
SUBJECT: EXTRACURRICULAR ACTIVITIES

The Board of Education considers extracurricular activities to be a valuable part of the program of the school district and shall support these activities within the financial means of the District.

Limited Open Forum

The Board of Education maintains a limited open forum where secondary students may meet for voluntary student-initiated activities unrelated directly to the instructional program, regardless of religious, political or philosophical content.

To provide "a fair opportunity" to students who wish to conduct a meeting, the Board of Education, in accordance with the provisions of the Equal Access Act, shall ensure that:

a) The meeting is voluntary and student-initiated;
b) There is no sponsorship of the meeting by the school, the government, or its agents or employees;
c) Employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;
d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and

e) Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups (20 USC Section 4071[c]).

The Board prohibits student organizations whose activities may be unlawful or may cause disruption or interference with the orderly conduct of the educational process.

Administration is responsible for establishing written regulations governing the use of school facilities by student organizations and for limited open forums.

Eligibility for Attendance

a) Students who are suspended from school on a day of an athletic game or practice session, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.

b) In order for students to attend a school-sponsored function, it is necessary that students attend classes for at least half of the school day on the day of the activity, unless otherwise excused by the building administrator.

(Continued)
SUBJECT: EXTRACURRICULAR ACTIVITIES (Cont'd.)

8 NYCRR Sections 172.1 and 172.2
Education Law Sections 1709, 1709-a, 2503-a, and 2554-a
Equal Access Act, 20 USC Sections 4071-4074

Adopted: 8/17/04
SUBJECT: APPROVAL OF SCHOOL SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES

The Superintendent/designee may exercise editorial control over the style and content of student speech in school sponsored publications and activities.

Adopted: 8/17/04
SUBJECT:     SPORTS AND THE ATHLETIC PROGRAM

The Board of Education considers sports and athletic activities a valuable part of the program of
the school district and shall support these activities within the financial means of the District. Therefore,
the Board supports within its resources a broad sports program with equal access for both males and
females, with emphasis on maximum access or participation, through interscholastic and intramural
activity. The District will comply with recommendations from the U. S. Department of Education's
Office for Civil Rights (OCR) regarding Title IX equal opportunity for males and females in the
District's total athletic program.

The interscholastic athletic program shall conform to the Regulations of the Commissioner of
Education as well as the established rules of the New York State Public High Schools Athletic
Association and the State Education Department.

The Board directs the administration to develop eligibility requirements for participation.

Selection/Classification Process

The Board approves the use of the selection/classification process as proscribed by NYSPHSAA
for all secondary school interscholastic team members. The Board directs the Superintendent to
implement the procedures and maintain a file of those students deemed eligible as a result of those
procedures.

Student Athletic Injuries

No student should be allowed to practice or play in an athletic contest if he/she is suffering from
an injury. The diagnosis of and prescription of treatment for injuries is strictly a medical matter and
should under no circumstances be considered within the province of the coach. A coach's responsibility
is to see that injured players are given prompt and competent medical attention, and that all details of a
doctor's instructions concerning the student's functioning as a team member are carried out. No student
will be allowed to practice or compete if there is a question whether he/she is in adequate physical
condition.

A medical release may be required before an athlete is permitted to return to practice or
competition.

Athletic Program - Safety

The District will take reasonable steps to see that physical risks to students participating in the
interscholastic athletic program shall be kept at a minimum by:

a) Requiring medical examinations of participants;

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

b) Obtaining appropriately certified and/or licensed officials to coach all varsity, junior varsity, and modified games;

c) Ensuring that equipment is both safe and operative within approved guidelines.

8 NYCRR Section 135

Adopted: 8/17/04
Revised: 1/4/11
SUBJECT: CONTESTS FOR STUDENTS, STUDENT AWARDS AND SCHOLARSHIPS

Contests for Students

Distribution of educational material, essay contests, and poster contests must be approved in advance by the Building Principals if the sponsoring organization wishes to involve students in the project on school time. Samples of informational material should accompany the request. Upon the judgment of the Principal, the request may be forwarded to the Superintendent and the Board of Education for approval.

Student Awards and Scholarships

The School District may obtain and award to its students awards and scholarships. The Board of Education, having been entrusted by law, will hold in trust gifts, grants, bequests and legacies given or bequeathed to the Olean City School District and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

Awards and/or scholarships that are to be continued annually and are awards or scholarships of $50 or more, may, at the request of the donating person or organization, be deposited in the School's Trust and Agency Fund. Prior to the establishment of such an account, it will be necessary for the donating person or organization to define the criteria for the selection of the recipient.

Education Law Section 1709(12-a)

Adopted: 8/17/04
SUBJECT: FUND RAISING BY STUDENTS

The Board of Education encourages the faculty and students to plan educational activities that can be included within existing budgetary appropriations. However, it also recognizes that there may be some need for students to raise funds to conduct special school activities. All such related activities are regulated by the district and must adhere to the following guidelines:

a) Conducted by a recognized student group for the purpose of contribution to educational objectives.

b) Appropriate to the age or grade level.

c) Activities in which schools may appropriately engage.

d) Conducted under the supervision of teachers or administrators.

e) Conducted in such a manner and at such times so as not to encroach upon instructional time, interfere with regularly scheduled school classes and activities, or involve excessive out-of-school time.

f) Conducted to avoid excessive financial impact on the community.

g) Limited to prevent over-emphasis on fund raising as a part of the educational program.

h) Participation by students and employees will be entirely voluntary. Projects must not discriminate academically against those children not able to afford or elect not to partake in the project.

i) The activity should not imply that the School District endorses any business or product.

j) All grants (gifts or gratuities from sponsoring organizations) resulting from fund-raising activities shall become the property of the School District.

The Building Principal shall approve each fund raising activity in advance. If parents of students wish to participate in fund raising activities, the sponsoring organization should present written instructions to parents with clear options for participation.

8 NYCRR Section 19.6
New York State Constitution, Article VIII, Section 1

NOTE: Refer also to Policy #3261 -- Solicitation of Charitable Donations from School Children

Adopted: 8/17/04
SUBJECT: IMMUNIZATION OF STUDENTS

Every child entering or attending a District school must present proof of immunization in accordance with Public Health Law Section 2164 unless:

a) A New York State licensed physician certifies that such immunization may be detrimental to the child's health; or

b) The student's parent, parents, or persons in parental relation hold genuine and sincere religious beliefs which are contrary to the requirement. In such cases, the Building Principal will make a case-by-case determination whether a parent/guardian is entitled to invoke this religious exemption from required immunizations after receiving a written and signed statement from the parent(s) or persons in parental relation to such child.

The Board of Education recognizes its responsibility under the Public Health Law to insure that the children under its charge are immunized as required by Public Health Law. The Board, therefore, requires that a physician's certificate or some other acceptable evidence of immunization be submitted for all children entering and presently attending school.

The Board directs the administration not to permit any child lacking evidence of immunization to remain in school for more than fourteen (14) days, or thirty (30) days for an out-of-state transferee who can show an effort to obtain the necessary evidence or certification. The administration should notify the local health authority of the name and address of the child, as well as to provide the person in parental relation to the child who has been denied admission or attendance a statement of his/her duty regarding immunization and a consent form prescribed by the Commissioner of Health. The school shall cooperate with the local health authorities to provide a time and place for the immunization of children lacking same.

The only exceptions to this policy are as follows:

a) If a child whose parent, parents/guardian hold genuine and sincere religious beliefs which are contrary to the practices required, no certificate shall be required as a prerequisite to such child being admitted or received into school or attending school;

b) If a physician will certify that administering a vaccine to a particular child will be detrimental to the child's health.

A student denied entrance or attendance due to failure of meeting health immunization standards may appeal to the Commissioner of Education.

For current information regarding immunization requirements, refer to website: http://schoolhealthservices.org.
SUBJECT: IMMUNIZATION OF STUDENTS (Cont'd.)

Education Law Sections 310 and 914
Public Health Law Section 2164
8 NYCRR Part 136
10 NYCRR Subpart 66-1

Adopted: 8/17/04
Revised: 2/1/11
SUBJECT: STUDENT PHYSICALS

Health Examination

Each student enrolled in District schools must have a satisfactory health examination conducted by the student's physician, physician assistant or nurse practitioner within twelve (12) months prior to the commencement of the school year in accordance with the Family Educational Rights and Privacy Act, United States Code and New York Code of Rules and Regulations.

Family Educational Rights and Privacy Act of 1974 (FERPA)
20 USC Section 1232(g)
Education Law Sections 901-905, 912 and 3217
8 NYCRR Part 136

NOTE: Refer also to Policies #5690 -- Exposure Control Program
#5691 -- Communicable Diseases
#5692 -- Human Immunodeficiency Virus (HIV) Related Illnesses
#7121 -- Diagnostic Screening of New School Entrants
#7132 -- Education of Homeless Children and Youth
#7511 -- Immunization of Students

Adopted: 8/17/04
Revised: 2/1/11
SUBJECT: STUDENT HEALTH RECORDS

The School shall keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they shall be kept confidential in accordance with the Family Educational Rights and Privacy Act, the Health Insurance Portability and Accountability Act, and Federal and New York regulations.

Family Educational Rights and Privacy Act of 1974 (FERPA), 20 USC Section 1232g
45 CFR Parts 160, 162 and 164 Education Law Sections 902(b) and 905
8 NYCRR Part 136

Adopted: 8/17/04
Revised: 2/1/11
SUBJECT: WELLNESS POLICY

The District is committed to providing a school environment that promotes and protects children's health, well-being, and the ability to learn by fostering healthy eating and physical activity. In accordance with this policy, the District will ensure school and community awareness of the policy through various means such as a publication in the District newsletter.

a) The Superintendent will designate at least one employee with operational responsibility for ensuring each school fulfills the District Wellness Policy, as well as evaluates its effectiveness.

b) Nutrition Guidelines:

1. Reimbursable school meals or snacks and other school-based Food Service Activities will comply with National School Lunch Program nutrition standards and program requirements.

2. School breakfasts and lunches will not exceed thirty percent (30%) of the calories from fat nor exceed the number of required calories for the specific age groups.

3. Ala carte snack items and vending machine choices per unit serving will be:
   (a) 7 gm of fat or less and 2 gm or less of saturated fat (except nuts and seeds)
   (b) 30 gm or less of total carbohydrate and 15 gm or less of sugar (except for all fruit and one hundred percent (100%) fruit juices and all types of milk)
   (c) Water or flavored waters shall not contain added sugar, artificial sweeteners or caffeine

4. Encourage food and beverages for after-school programs and classroom parties/celebrations meet the same guidelines as the ala carte items and are not served until at least one (1) hour after the end of the last lunch period. Parents will be encouraged to provide healthy food and beverages for classroom parties and celebrations.

c) Nutrition Education and Physical Activity:

1. Nutrition Education/Physical Activity/Health Curriculum is sequential and consistent with the NYS Teaching Standards and provides at least five (5) hours during the school year.

2. An updated USDA approved list of nutrition resources is provided to teachers annually by the Wellness Policy Coordinator.

(Continued)
SUBJECT: WELLNESS POLICY (Cont'd.)

3. At least one (1) hour of Staff Development education is designated annually on Nutrition/Health/Physical Activity.

4. Students receive one hundred (100) minutes of physical education per week and at least sixty (60) minutes of which is moderate to vigorous physical activity.

5. Physical activity is not withheld for disciplinary action unless the student is a danger to him/herself or others.

Public Law 108-265 Section 204
Child Nutrition and WIC Reauthorization Act 2004
Richard B Russell Nation School Lunch Act
42 USC Section 1771 et seq.
7 CFR Section 210.10

Adopted: 12/12/06
SUBJECT: STUDENTS WITH LIFE THREATENING HEALTH CONDITIONS

Students come to school with diverse medical conditions which may impact their learning as well as their health. Some of these conditions are serious and may be life-threatening.

Students, parents, school personnel and health care providers must all work together to provide the necessary information and training to allow children with chronic health problems to participate as fully and safely as possible in the school experience.

All students within the District with known life-threatening conditions should have a comprehensive plan of care in place: an Emergency Care Plan (ECP) and/or Individualized Healthcare Plan (IHP), and if appropriate an Individualized Education Plan (IEP) or Section 504 Plan. Particularly for those students with chronic life-threatening conditions such as labile or poorly controlled diabetes, seizure disorders, asthma and allergies (food, insect sting, latex, medications, etc.) which may result in severe, life-threatening reactions to various environmental triggers, it is necessary that the District work cooperatively with the parent(s) and the healthcare provider to:

a) Immediately develop an Emergency Care Plan (ECP) for each at risk student to ensure that all appropriate personnel are aware of the student's potential for a life-threatening reaction;

b) If appropriate, develop an Individualized Healthcare Plan that includes all necessary treatments, medications, training and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding evaluation and identification;

c) Provide training by licensed medical personnel (e.g., registered professional nurse) for all adults in a supervisory role in the recognition and emergency management of a specific medical condition for specific students;

d) Obtain specific legal documents duly executed in accordance with New York State law; appropriate health care provider authorization in writing for specific students that includes the frequency and conditions for any testing and/or treatment, symptoms, and treatment of any conditions associated with the health problem; and directions for emergencies;

e) Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, providing any necessary equipment, and participation in the education and co-management of the child as he/she works toward self-management;

f) Allow self-directed students, as assessed by the school nurse, and/or primary physician to carry life saving medication with prior approval by the medical provider, and according to health practice and procedures, as long as duplicate life saving medication is also maintained in the health office in the event the self-carrying student misplaces their medication;

(Continued)
g) Assure appropriate and reasonable building accommodations are in place within a reasonable degree of medical certainty.

School Health Team

The District has identified the following as important members of the School Health Team to ensure that health information is complete, appropriate accommodations are prepared and any necessary medication and environmental protocols are in place for students with life-threatening health conditions:

a) Parents/Guardians and Students;
b) School District Administration;
c) School Medical Director;
d) School Nurse;
e) Teachers;
f) Guidance Counselor/Social Worker;
g) Teaching Assistants and Teacher Aides;
h) Food Service Personnel;
i) Custodial Staff;
j) Transportation Personnel; if no District employee is on the bus;
k) Athletic Director, Coaches and After School Volunteers.

Anaphylaxis

Although anaphylaxis can affect almost any part of the body and cause various symptoms, the most dangerous symptoms include breathing difficulties and a drop in blood pressure or shock which are potentially fatal. Treatment for anaphylaxis includes immediate removal of the allergen, and treating the rapidly progressing effects of histamine release in the body with epinephrine and antihistamines.
SUBJECT: STUDENTS WITH LIFE THREATENING HEALTH CONDITIONS (Cont'd.)

In addition, the District will:

a) Provide training for all staff in the recognition of an anaphylactic reaction;

b) Ensure that Building-level and District-wide school safety plans include appropriate accommodations for students with life-threatening health conditions;

c) Encourage families to obtain medic-alert bracelets for at risk students;

d) Educate students regarding the importance of immediately reporting symptoms of an allergic reaction.

Creating an Allergen-Safe School Environment

The District Administrators will develop appropriate procedures to guard against accidental exposure to allergens by monitoring high-risk areas and activities. Avoidance of exposure to allergens is the key to preventing a life-threatening anaphylactic reaction.

Use of Epinephrine Auto-Injector Devices (Epi-Pens) in the School Setting

The administration of epinephrine by epi-pen to a student with a known severe allergy needing an anaphylactic treatment agent may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a registered professional nurse/nurse practitioner/physician/physician’s assistant must have trained the staff member to administer the epi-pen for that emergency situation and given him/her approval to assist the student in the event of an anaphylactic reaction.

Documentation of training must be maintained in the Anaphylaxis Protocol for Non-Licensed School Staff Members for each affected student. The emergency response by non-licensed school staff members is permitted under the Medical Practice Act (Education Law Section 6527(4)(a» and the Nurse Practice Act (Education Law Section 6908 (l)(a)(iv» and is covered by the "Good Samaritan Law" (public Health Law Section 3000-a).

Medication Self-Management

The District will work toward assisting students in the self-management of their chronic health condition based upon the student's knowledge level and skill by:

a) Adequately training all staff involved in the care of the child;

b) Assuring the availability of the necessary equipment and/or medications;

(Continued)
SUBJECT:  STUDENTS WITH LIFE THREATENING HEALTH CONDITIONS (Cont'd.)

   c)  Providing appropriately trained licensed persons as required by law;

   d)  Providing additional appropriately trained adults to complete delegated tasks as allowed by law;

   e)  Developing an emergency plan for the student; and

   f)  Providing ongoing staff and student education.

Americans with Disabilities Act, 42 USC Section 12101 et seq.
Individuals with Disabilities Education Act (IDEA), 20 USC Sections 1400-1485
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
34 CFR Part 300
Education Law Sections 6527 and 6908
Public Health Law Sections 2500-h and 3000-a

Adopted:  11/4/08
SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES

Procedures shall be established and maintained by the Superintendent for the handling and documenting of student injuries and medical emergencies that occur on school property and during school activities.

Student Emergency Treatment

All staff members of the School District are responsible to obtain first aid care of students who are injured or become ill while under school supervision.

In most instances first aid should be rendered, and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board of Education encourages all staff members to become qualified to give emergency treatment through instruction in first aid and Cardiopulmonary Resuscitation (CPR).

Transporting an Ill or Injured Student

In the event of an illness or injury to a student, an ambulance may be called if warranted.

Insurance

The Board of Education shall approve provisions for all students to be covered by student accident insurance.

Such student accident insurance policies are to be a co-insurance with family coverage(s) as primary.

Education Law Sections 1604(7-a, b) and 1709(8-a, b)

Adopted: 8/17/04
SUBJECT: CONCUSSION MANAGEMENT

The Board of Education of the Olean City School District recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and recreational activity 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 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 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 appropriate school personnel will notify the student’s parents or guardians and present a head injury warning sheet for appropriate monitoring.

If a student sustains a concussion at a time other then when engaged in a school-sponsored activity, the District expects the parent/legal guardian to report the condition to appropriate school personnel so that the District can support the appropriate management of the condition.

The student shall not return to school or activity until authorized to do so by a family or school physician. If there is any question regarding the student's physical ability to return to normal activity, the school's Chief Medical Officer 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 Chief School Medical Officer, will develop regulations and protocols to guide the return to activity.

Education Law Section 305
Public Health Law Section 206

Adopted: 3/6/12
Students

POLICY: ADMINISTRATION OF DIASTAT

Consistent with the order of a student’s prescribing physician and the instructions on the drug package insert, Registered Nurses employed by the Olean City School District (“District”) may administer the prescription medication Diastat (also known as diazepam) to a District student as is appropriate in response to a student medical emergency. A Registered Nurse may also delegate this task to a Licensed Practical Nurse under the supervision of the Registered Nurse at his or her discretion and in accordance with professional standards and responsibilities. Decisions by the District’s Committee on Special Education or Section 504 Team regarding whether to assign an individual nurse to a student prescribed Diastat shall be based on numerous factors including the student’s general proximity to the nurse assigned to the student’s school building throughout the school day.

Generally, while being transported to and from school or school events, a student who has been prescribed Diastat will be accompanied by a nursing professional. This will ensure that appropriate personnel are available to administer Diastat in the event of a student medical emergency during transport. While being transported, a student prescribed Diastat may be accompanied by a Registered Nurse, or by a Licensed Practical Nurse if the following two circumstances exist: (1) the student has exhibited a predictable pattern of seizures; and (2) the Registered Nurse supervising the Licensed Practical Nurse is able to arrive at the site of the student medical emergency within 15 minutes. A student prescribed Diastat will not be required to be accompanied by a nursing professional if the student’s parent or parent’s designee is present while being transported.

District personnel will contact emergency medical services for further evaluation and/or treatment following any instance wherein it has been necessary to administer Diastat.

Reviewed by Operations: 02-23-16
BOE 1st Reading: 03-15-16
BOE 2nd Reading: 04-19-16

Adopted: 04-19-16
SUBJECT: CHILD ABUSE AND MALTREATMENT

The School District subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law Sections 411-428. Our purpose is to provide protective services to abused and neglected/maltreated children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and disseminated by administration regarding the:

a) Mandatory reporting of suspected child abuse or neglect/maltreatment;

b) Reporting procedures and obligations of persons required to report;

c) Provisions for taking a child into protective custody;

d) Mandatory reporting of deaths;

e) Immunity from liability and penalties for failure to report;

f) Obligations for provision of services and procedures necessary to safeguard the life of a child; and

g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all current and new school officials shall be established and implemented to enable such staff to carry out their reporting responsibilities.

School Officials Required to Report

The definition of a "school official" who is mandated to report cases of child abuse or neglect/maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes, but is not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate.

All mandated reporters shall make the report themselves and then immediately notify the Building Principal or his/her designee. The Building Principal or his/her designee shall be responsible for all subsequent administration necessitated by the report.

Any report shall include the name, title and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

(Continued)
SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont’d.)

Prohibition of Retaliatory Personnel Action

Social Services Law Section 413(1) also prohibits a school from taking any retaliatory personnel action against an employee because such employee believes that he/she has reasonable cause to suspect that a child is an abused or neglected maltreated child and that employee makes a report to SCR pursuant to Social Services Law. Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

Pursuant to Labor Law Section 740(1)(e), "retaliatory personnel action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

Report Form

The Revised May 2007 New York State Office of Children and Family Services "Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at: http://www.ocfs.state.ny.us/main!cps/

Education Law Section 3209-a
Family Court Act Section 1012
Labor Law Section 740(l)(e)
Social Services Law Section 411-428

Adopted: 1/8/08
SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS

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

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

b) An appeals process;

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

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

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

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

Complaints and Grievances Coordinator

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

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

Title VII of the Civil Rights Act of 1964, 42 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 USC Section 2000-d, et seq.
Prohibits discrimination on the basis of race, color or national origin.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
The Americans With Disabilities Act, 42 USC Section 12101 et seq.
Prohibits discrimination on the basis of disability.

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

Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
  Prohibits discrimination on the basis of sex.
New York State Executive Law Section 290 et seq.
  Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, disability or marital status.
Age Discrimination in Employment Act, 29 USC Section 621.

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

Adopted: 8/17/04
Revised:  5/3/11
SUBJECT: SEXUAL HARASSMENT OF STUDENTS

The Board of Education affirms its commitment to provide an environment free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. The Board, therefore, prohibits all forms of sexual harassment against students by other students, employees, school volunteers, and non-employees such as contractors and vendors, which occur on school grounds and/or at all school-sponsored events, programs and/or activities, including those that take place at locations off school premises.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors and other verbal/non-verbal and/or physical conduct of a sexual nature constitutes harassment on the basis of sex. For purposes of this policy, sexual harassment also includes sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. Sexual violence includes, but is not limited to: rape, sexual assault, sexual battery, and sexual coercion.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, District employees, or third parties such as visitors or school volunteers.

Prohibited Conduct

Sexual harassment can be verbal, non-verbal, and/or physical. Examples of such conduct may include, but are not limited to, the following:

a) Verbal abuse or ridicule, including innuendoes, stories and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.

b) Direct or indirect threats or bribes for unwanted sexual activity.

c) Asking or commenting about a person’s sexual activities.

d) Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.

e) Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.

f) The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.
SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

  g) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.

  h) Such conduct and/or communication 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 creating an intimidating, hostile or offensive learning environment; and/or effectively bars the student’s access to an educational opportunity or benefit.

  i) Demanding sexual favors of a student, insinuating that refusal to acquiesce in such favors will adversely affect a student’s grades, references, academic/scholastic placement, and/or participation in extracurricular activities.

  j) Engaging in sexual conduct with an individual who is unable to consent due to his/her age, use of drugs or alcohol, intellectual disability, or other disability.

  k) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

Investigation of Complaints and Grievances

The Board will appoint two (2) Civil Rights Compliance Officers, one of each gender whenever possible. In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, should immediately report such alleged harassment; The District recognizes that sexual harassment is a sensitive issue and that students may choose to inform any trusted staff member of suspected discrimination or harassment. Staff members who receive such complaints will immediately inform a Civil Rights Compliance Officer. Where appropriate, a Civil Rights Compliance Officer may seek the assistance of the relevant Dignity Act Coordinator in investigating, responding to, and remedying student complaints of discrimination and/or harassment. In the event that the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer.

The Superintendent or designee will act to promptly, thoroughly, and equitably investigate all complaints whether verbal or written, or sexual harassment and will promptly take appropriate action to protect individuals from further sexual harassment. All such complaints will be handled in a manner consistent with the District’s policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 - Non-Discrimination and Anti-Harassment in the School District.
SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont’d.)

Addition information regarding the District’s discrimination and harassment complaint and grievance procedures, including but not limited to the designation of a Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 - - Non-Discrimination and Anti-Harassment in the School District.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Complaints of retaliation may be directed to a Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer.

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

Civil Rights Act of 1991, 42 USC Section 1981(a)
Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
34 CFR Section 100 et seq.
29 CFR Section 1604.11(a)
Education Law Section 2801(1)
OCR Dear Colleague Letter, April 4, 2011

Reviewed by Operations: 07/07/15
BOE 1st Reading: 07/21/15
BOE 2nd Reading: 08/11/15
Adoption Date: 08/11/15
SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS

The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus. The Board of Education shall require the prohibition of bullying - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the District Code of Conduct for all grade levels.

For purposes of this policy, the term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take three forms:

a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);

b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and

c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

The District also prohibits "Internet bullying" (also referred to as "cyber-bullying") including the use of instant messaging, email, websites, chat rooms, and text messaging when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of District students or employees.

However, it is important to note that a single negative act as enumerated above may also constitute "bullying" (if not more serious misconduct) based upon the particular circumstances such as the seriousness of the act and/or the intent of the actor.

Any student who believes that he/she is being subjected to bullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, shall report the bullying to any staff member or the Building Principal. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses bullying behavior) shall investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of bullying. Investigation of allegations of bullying shall follow the procedures utilized for complaints of harassment within the School District. Allegations of bullying shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)
SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS

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

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of bullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying behavior has not resumed and that all those involved in the investigation of allegations of bullying have not suffered retaliation.

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior among students.

Prevention and intervention techniques within the District to prevent against bullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims and their parents to help ensure that the bullying stops.

Rules against bullying shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the District Code of Conduct as enumerated above and may also be incorporated in staff and student handbooks.

Civil Service Law Section 75-B

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#3420 -- Anti-Harassment in the School District
#7551 -- Sexual Harassment of Students
#7553 -- Hazing of Students
District Code of Conduct

Adopted: 11/21/06
Revised: 5/3/11
SUBJECT: HAZING OF STUDENTS

The Board of Education is committed to providing a safe, productive and positive learning environment within its schools. Hazing activities are demeaning, abusive and/or illegal behaviors that harm victims, and are inconsistent with the educational goals of the District by negatively impacting the school environment. Hazing of a student by another student or group of students is strictly prohibited on school property; in school buildings; on school buses; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Hazing of a student refers to soliciting, encouraging, aiding, or engaging in "hazing" behavior as defined pursuant to District policy, regulation and/or law. The Board of Education shall require the prohibition of hazing - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the District Code of Conduct for all grade levels.

For purposes of this policy, the term "hazing" among students is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate. Hazing behaviors include, but are not limited to, the following general categories:

a) Humiliation: socially offensive, isolating or uncooperative behaviors.

b) Substance abuse: abuse of tobacco, alcohol or illegal drugs.

c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

Incorporated within this definition are various forms of physical, emotional and/or sexual abuse which may range in severity from teasing/embarrassing activities to life threatening actions.

Even if the hazing victim participated "willingly" in the activity, or there was no "intent" by the hazer to harm or injure another individual, hazing is still hazing and against District policy, the District Code of Conduct and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or a group, shall be presumed a forced activity and in violation of Board policy, regardless of the "willingness" of the student to participate.

Any student who believes that he/she is being subjected to hazing behavior, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of hazing, shall report the incident to any staff member or the Building Principal. Anonymous student complaints of hazing behavior will also be investigated by the District. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses hazing behavior) shall investigate the complaint/incident and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of hazing. Investigations of allegations of hazing shall follow the procedures utilized for complaints of harassment within the School District. Allegations of hazing shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)
SUBJECT: HAZING OF STUDENTS (Cont’d.)

Prohibition of Retaliation

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of hazing. Follow-up inquiries and/or appropriate monitoring of the alleged hazer(s) and victim(s) shall be made to ensure that hazing behavior has not resumed and that all those involved in the investigation of allegations of hazing have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

Knowingly Makes False Accusations

Students who knowingly make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

District Responsibility/Training

Personnel at all levels are responsible for taking corrective action to prevent hazing behavior of which they have been made aware at School District sites; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Further, as may be applicable, personnel are to report such hazing behavior to their immediate supervisor. Staff training shall be provided to raise awareness of the problem of hazing within the schools and to facilitate staff identification of, and response to, such hazing behavior among students.

Prevention and intervention techniques within the District to help prevent hazing behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to hazers, victims and their parents to help ensure that the hazing stops.

Rules against hazing shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the District Code of Conduct and may also be incorporated in staff and student handbooks. In addition, allegations of hazing behavior may result in referral to law enforcement officials as necessary.

Education Law Sections 1709-a, 2503-a, 2554-a, and 2801
Penal Law Sections 120.16 and 120.17
8 NYCRR Section 100.2(1)(2)

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#3420 -- Anti-Harassment in the School District
#7551 -- Sexual Harassment of Students
#7552 -- Bullying: Peer Abuse in the Schools
District Code of Conduct

Adopted Date: 11/21/06
SUBJECT: DIGNITY FOR ALL STUDENTS ACT

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The District condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of discrimination or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

Dignity Act Coordinator

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint the Dignity Act Coordinator(s) and share the name(s) and contact information with all school personnel, students, and parents/persons in parental relation.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position.

Training

Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of harassment and discrimination directed at students that are committed by students or school employees on school property or at a school function. Training will include ways to promote a supportive school environment that is free from discrimination and harassment, emphasize positive relationships, and demonstrate prevention and intervention techniques to assist employees in recognizing and responding to harassment and discrimination, as well as ensuring the safety of the victims.

(Continued)
SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont’d.)

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes.

Rules against discrimination and harassment will be included in the Code of Conduct, publicized District-wide and disseminated to all staff and parents. An age-appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

Reports and Investigations of Discrimination and Harassment

The District will investigate all complaints of harassment and discrimination, either formal or informal, and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. If, after an appropriate investigation, the District finds that this policy has been violated, corrective action will be taken in accordance with District policies and regulations, the Code of Conduct, and all appropriate federal or state laws.

The District will annually report material incidents of discrimination and harassment to the State Education Department as part of the Uniform Violent and Disruptive Incident Reporting System (VADIR).

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

Any person who has reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment.

Education Law Sections 10-18 and 801-a
8 NYCRR Section 100.2(1)(2)

(Continued)
SUBJECT:  DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board of Education  
#3410 -- Code of Conduct on School Property  
#3413 -- Statewide Uniform Violent Incident Reporting System  
(UVIRS))  
#3420 -- Anti-Harassment in the School District  
#7551 -- Sexual Harassment of Students  
#7553 -- Hazing of Students  
#8130 -- Equal Educational Opportunities  
#8242 -- Civility, Citizenship and Character Education/Interpersonal  
Violence Prevention Education

Adopted:  6/29/12
SUBJECT: NOTIFICATION OF SEX OFFENDERS

In accordance with the Sex Offender Registration Act ("Megan's Law"), the Board of Education supports the New York State Department of Criminal Justice Services (DCJS) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality. This policy is enacted in order to minimize the possibility that the sex offender will come in contact with school-age children, and to assist law enforcement agencies in preventing further criminal activity from occurring. Furthermore, the District shall cooperate with local police authorities and the local community in promoting and protecting the safety and well being of its students.

It is the policy of the Board of Education to disseminate all information which the District receives from local police authorities in conjunction with Megan's Law to designated staff members who might have possible contact with the offender during the course of their school duties including, but not limited to, Building Principals, supervisors, teachers, office personnel, coaches, custodians, bus drivers, and security personnel. The Superintendent shall automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, parents/guardians of District students, and other community residents who, in the opinion of the Superintendent, have an immediate need to be notified of such data in order to protect the safety of our students.

All staff members shall be informed of the availability of the information received by the District pursuant to Megan's Law upon written request to the applicable Building Principal/designee or supervisor.

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

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

Implementation

Administrative regulations shall be developed to implement this policy.

Correction Law Article 6-C
Public Officers Law Section 84 et seq.

Adopted: 8/17/04
SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN

A District plan shall be developed and updated every two (2) years describing the Special Education program in the Olean City School District. The District plan shall include the following:

a) A description of the nature and scope of special education programs and services currently available to students (including preschool students) residing in the District, including but not limited to descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition.

b) Identification of the number and age span of students (school age and preschool) to be served by type of disability and recommended setting.

c) The method to be used to evaluate the extent to which the objectives of the program have been achieved.

d) A description of the policies and practices of the Board of Education to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities.

e) A description of the policies and practices of the Board of Education to ensure that appropriate space will be continually available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by Boards of Cooperative Educational Services.

f) A description of how the District intends to ensure that all instructional materials to be used in the schools of the District will be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students. The alternative format must meet the National Instructional Materials Accessibility Standard defined in federal law.

g) The estimated budget to support such plan.

h) The date on which such plan was adopted by the Board of Education.

i) A description of how the District plan is consistent with the special education space requirements plan for the region as developed by the Board of Cooperative Educational Services.

The District plan, with personally identifiable student information deleted, shall be filed and available for public inspection and review by the Commissioner.

20 USC Section 1474(e)(3)(B)
8 NYCRR Part 155 and Section 200.2(c)
Adopted: 8/17/04
Revised: 6/30/11
SUBJECT:  CHILDREN WITH DISABILITIES

A child with a disability means a student under the age of twenty-one who is entitled to attend public schools and who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. A child is not considered as having a disability if his/her educational needs are due primarily to unfamiliarity with the English language; environmental, cultural or economic factors; or lack of appropriate instruction in reading or mathematics.

If the State Education Department finds that the District has inappropriate policies, procedures or practices resulting in a significant disproportionality by race/ethnicity in the suspension, identification, classification and/or placement of students with disabilities, the District will ensure that it publicly reports on the subsequent revisions to those policies, procedures or practices.

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional and physical development of children attending school in the District. In recognizing these differences the Board supports a system of services offered in the least restrictive environment for children with disabilities which includes:

a) Not requiring any student to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services.

b) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting.

c) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.

d) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.

e) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.

f) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.

g) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

(Continued)
SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

Provision of Special Education Services to Nonpublic School Students with Disabilities who are Parentally Placed

The district of location is responsible for child find, including individual evaluations, Committee on Special Education (CSE) meetings, provision of special education services, and due process to parentally placed nonpublic school students attending nonpublic schools located in the geographic region of the public school district.

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, State-supported or State-operated schools or to Charter schools.

The actual cost for Committee on Special Education (CSE) administration, evaluations and special education services provided to a student with a disability who is a resident of New York State, but a nonresident to the district of location, may be recovered from the student’s school district of residence. Because federal regulations require parental consent before any personally identifiable information about the student relating to special education is shared between officials in the public school district of location and officials in the public school district of residence, parent consent to share special education information between the two public school districts is required before billing a district of residence for the cost of special education services provided to the student by the district of location.

Parental consent must be obtained by the school district of location before any personally identifiable information about the student is shared between officials in the public school district of residence and officials in the public school district of location.

The school district of location must provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out-of-state students must be documented on a services plan that is developed by the CSE of the district of location. The services plan is the written plan that describes the specific special education and related service that the district of location will provide to the student consistent with the services that the school district of location has determined through the consultation process and in relation to the proportionate shares of federal IDEA Part B dollars, to be provided to the student.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Sections 612 and 614
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
20 USC Section 9101(23)

(Continued)
SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

21 USC Section 812(c)
34 CFR Part 300
Education Law Sections 3004(4), 3004(5), 3208, 3242, 3602-c, 4401-4407 and 4410-6
8 NYCRR Sections 52.21, 57-3, 100.5, 100.9, 177.2, 200.2(b), 200.2(c)(2)(v), 200.4(e)(9) and 200.6(a)(1)

NOTE: Refer also to Policy #7615 -- Least Restrictive Environment

Adopted: 8/23/04
Revised: 6/30/11
The Board of Education will provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following course of action shall apply:

a) That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE).

b) The CSE shall determine written goals, including academic and functional goals, for each student with a disability by considering the special and individual needs of each student with a disability. Short-term instructional objectives and/or benchmarks will be created for each preschool student with a disability and for students who take New York State alternate assessments.

c) The Committee shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.

d) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.

e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.

f) Students with disabilities may be grouped according to (1) academic or educational achievement and learning characteristics; (2) social development; (3) physical development; and (4) management needs.

g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.

h) The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.
SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM

Committee on Special Education

The Board of Education shall, upon completion of its review and approval of the student's Individualized Education Program (IEP), direct the Superintendent to provide for the appropriate special education programs and services to be provided to a student with a disability as recommended by the Committee on Special Education (CSE). The Board shall notify the parent/guardian of its action in accordance with federal and state law and regulations.

For a student not previously identified as having a disability, the CSE shall provide a recommendation to the Board which shall arrange for the appropriate special education programs and services to be provided within 60 school days of the date of receipt of consent to evaluate. For a student with a disability referred for review, a recommendation shall be provided to the Board which shall arrange for the appropriate special education programs and services to be provided within 60 school days of the referral for review. However, if such recommendation of the CSE is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such special education programs and services for students with disabilities within 30 days of the Board's receipt of the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board of Education disagrees with such recommendation, the Board shall follow one of the following procedures:

a) The Board may remand the recommendation to the CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,

b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The second CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand

(Continued)
SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)

the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parents/guardians with a copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

Committee on Preschool Special Education

Upon receipt of the recommendation of the Committee on Preschool Special Education (CPSE), the Board of Education shall arrange for the preschool student with a disability to receive such appropriate programs and services in accordance with the student's IEP, commencing with the July, September or January starting date for the approved program, unless such services are recommended by the CPSE less than 30 school days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, such services shall be provided no later than 30 days from the recommendation of the CPSE.

If the Board disagrees with the recommendation of the CPSE, the Board shall send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board of Education shall provide such notice as required by federal and state law and regulations.

Education Law Sections 4402 and 4410
8 NYCRR Sections 200.2(d)(1), 200.4(c), 200.4(d), 200.5 and 200.16(e)

Adopted: 8/23/04
SUBJECT:  PRESCHOOL SPECIAL EDUCATION PROGRAM

The Board recognizes the need for educational programs for three (3) and four (4) year old children with disabilities and directs that administrative practices and procedures be developed to:

a) Ensure the timely evaluation and placement of each preschool child with a disability residing in the District so the child has the opportunity to participate in preschool programs.

b) Establish a Committee on Preschool Special Education (CPSE) which shall be comprised in accordance with applicable federal and state law and regulation.

c) Ensure that parents have received and understand the request for consent for evaluation and re-evaluation of a preschool aged child.

Evaluations for Preschool Children with Disabilities

The District is required to collect entry assessment data in the three (3) outcome areas on all preschool children who receive an initial evaluation. As currently required by Commissioner's Regulation Section 200.5, a parent must be fully informed about the proposed initial evaluation and must provide consent for an initial evaluation. This would include a description of the proposed evaluation.

The CPSE will receive entry-level assessment results in the three (3) outcome areas from approved preschool evaluators conducting initial evaluations on all preschool children suspected of having disabilities. The CPSE will then meet to determine the child's eligibility for preschool education programs and/or services and complete the Child Outcomes Summary Form to determine the child's entry level of functioning in the three (3) outcome areas for all preschool children evaluated and found to be eligible. The form is be kept in the student's record until the exit assessment information is due as a way to summarize complex assessment information in a format so that the data can be aggregated and reported to the State Education Department (SED).

Individuals with Disabilities Act (IDEA), 20 USC Section 1400 et seq.
Education Law Section 4410
8 NYCRR Sections 200.2(b)(2), 200.2(b)(5) and 200.5

NOTE:  Refer also to Policy #7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Adopted: 8/23/04
Revised: 6/30/11
SUBJECT: LEAST RESTRICTIVE ENVIRONMENT

Least restrictive environment means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with use of supplementary aids and services, education in regular classes cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment shall:

a) Provide the special education and related services, as well as supplementary aids and services, needed by the student. The term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of such device;

b) Provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and

c) Be as close as possible to the student's home.

The District has an obligation, pursuant to law and regulation, to educate students with disabilities in the least restrictive environment. The School District shall ensure that:

a) Placement is based on the student's individualized education program and determined at least annually;

b) Placement is as close as possible to the student's home, and unless the student's individualized education program requires some other arrangement, the student shall be educated in the school he/she would have attended if not disabled;

c) In selecting the least restrictive environment, consideration will be given to any potential harmful effect on the student or on the quality of services that he/she needs; and

d) A student with a disability will not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

The District shall ensure that a continuum of alternative placements, in accordance with law and/or regulation, will be available to meet the needs of students with disabilities. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the regular class, including, as appropriate, related services, consultant teacher services, paraprofessional support, resource room services, integrated co-teaching, and special class programs within the general education classroom.

Individuals with Disabilities Education Act (IDEA) 20 USC Section 1400 et seq.
34 CFR Part 300
Education Law Sections 4401-4410-a
8 NYCRR Sections 100.5, 100.9, 200.1(cc), 200.1(qq), 200.2(b), 200.4 and 200.6
Adopted: 8/23/04
Revised: 12/6/11
SUBJECT: PREREFERRAL INTERVENTION STRATEGIES

The School District shall establish a plan for implementing school-wide approaches and prereferral interventions in order to remediate a student's performance prior to referral for special education. This plan may include a Response to Intervention (RTI) process.

The provision of programs and/or services for students starts with consideration/implementation of instruction in the general education curriculum, with appropriate supports and/or modifications as may be necessary. In implementing prereferral intervention strategies, the District may utilize resources/strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973, and Educationally Related Support Services and Academic Intervention Services as defined in Education Law and/or Commissioner's Regulations. All of these programs may be considered as possible components of Prereferral/Intervention Instructional Support Plans. The District will ensure that they have a system in place, with appropriate personnel, for developing, implementing and evaluating prereferral intervention strategies.

The District will provide general education support services, instructional modifications, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education (CSE). Formal Instructional Support Teams (IST). The IST will include representatives from general and special education as well as other disciplines and include individuals with classroom experience. Parents/persons in parental relation to students will be involved in developing prereferral strategies to address the educational needs of their child. Additionally, the District will seek collaboration between outside agencies and the school prior to a referral of the student to the CSE in order to address necessary student support services.

Administration shall ensure that appropriate opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents/persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

The determination of prevention and prereferral intervention strategies/services shall consider the student's strengths, environment, social history, language and cultural diversity in addition to the teacher's concerns. The building administrator will further ensure that all staff are familiar with intervention procedures and procedures for operating an IST.

Prereferral/Intervention Instructional Support Plans shall be proactive in their strategies to meet the broad range of student needs and to improve student performance. Prereferral/Intervention strategies and/or Instructional Support Plans are to be reviewed and evaluated to determine their effectiveness, and modified as may be appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented shall be maintained.  

(Continued)
SUBJECT: PREREFFERAL INTERVENTION STRATEGIES

However, should a referral be made to the CSE during the course of implementing prereferral/intervention instructional support services, the CSE is obligated in accordance with law to continue its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program, if applicable.

Educational Related Support Services

*Educational related support services* (ERSS) means curriculum and instructional modification services; direct student support team services; assessment and non-career counseling services; special instruction to eligible students with disabilities as defined in Education Law Section 4401, which does not generate excess cost aid including related services but excluding transportation and transition services; and to eligible, qualified students pursuant to Section 504 of the Rehabilitation Act of 1973. These services are provided to eligible students, individually or in groups, and may include those related consultation services provided to their families and related school personnel in order to enhance the academic achievement and attendance of such students. Educational related support services shall also mean speech and language improvement services as defined in Commissioner’s Regulations.

ERSS Services may be utilized as a component of any Prereferral/Intervention Instructional Support Plan.

Section 504 of the Rehabilitation Act of 1973

For students who are qualified for services pursuant to Section 504 of the Rehabilitation Act, but are not classified as students with disabilities as defined in Education Law Section 4401, Section 504 Accommodation Plans may address instructional support services that can be utilized as components of any prereferral/intervention strategies as deemed necessary and/or appropriate.

Academic Intervention Services

*Academic intervention services* means additional instruction which supplements the instruction provided in the general curriculum and assists students in meeting the State learning standards as defined in Commissioner's Regulations and/or student support services which may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance. However, such services shall not include services provided to students with limited English proficiency pursuant to Commissioner's Regulations or special education services and programs as defined in Education Law Section 4401. Academic intervention services are intended to assist students who are at risk of not achieving the State learning standards in English language arts, mathematics, social studies and/or science, or who are at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels on State assessments.

(Continued)
SUBJECT:  PREREFERRAL INTERVENTION STRATEGIES

In implementing prevention and/or prereferral intervention support strategies in order to remediate a student's performance prior to referral for special education, the utilization of academic intervention services, as enumerated in Commissioner's Regulations, may be included as a component of any such Prereferral/Intervention Instructional Support Plan.

Parental Notification

a) Commencement of Services: Parents or persons in parental relation to a student who has been determined to need Educational Related Support Services, 504 Services, and or Academic Intervention Services will be notified in writing by the building principal. This notice will be provided in English and translated into the parent's native language or mode of communication, as necessary. The notice will also include a summary of the AIS to be provided to the student, why the student requires these services, and the consequences of not achieving expected performance levels.

b) Ending of Educational Related Support Services, 504 Services, and or Academic Intervention Services: Parents or persons in parental relation will be notified in writing when Educational Related Support Services, 504 Services, and or Academic Intervention Services is no longer needed. This notice will be provided in English and translated to the parent's native language or mode of communication, as necessary.

Parents will be provided with ongoing opportunities to consult with the student's teachers and other professional staff providing AIS, receive reports on the student's progress, and information on ways to work with their child to improve achievement.

§ 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
Education Law §§ 3602, 4401, and 4401-a
8 NYCRR §§ 100.1(g), 100.1(p), 100.1(r), 100.1(s), 100.1(t), 100.2(v), 100.2(dd)(4), 100.2(ee), 200.2(b)(7), 200.4(a)(2), 200.4(a)(9); 200.4(c), and Part 154

Reviewed by Operations: 010/04/16
BOE 1st Reading: 10/18/16
BOE 2nd Reading: 11/15/16
Adopted: 11/15/16
SUBJECT:  DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The School District shall establish and implement a plan for the appropriate declassification of students with disabilities which must include:

a) The regular consideration for declassifying students when appropriate;

b) A reevaluation to the extent deemed necessary by the Committee on Special Education, of the student prior to declassification; and

c) The provision of educational and support services to the student upon declassification.

Eligibility Determinations

The School District must evaluate a student with a disability prior to determining that a student is no longer a student with a disability as defined in accordance with Commissioner's Regulations, and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent at no cost to the parent. The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the parent must receive prior written notice, in accordance with Commissioner's Regulations, before the student's graduation from high school with a local or Regents diploma or before he/she receives an Individualized Education Program (IEP) diploma. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's IEP.

Prior to a reevaluation, the School District shall obtain informed written parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District must have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation and/or due process procedures.

The District shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including but not limited to arranging for an interpreter for parents with deafness or whose native language is other than English.

Graduation/Aging Out

The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the District must provide the student (Continued)
SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

with a summary (Student Exit Summary) of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his/her post secondary goals. Although not required to do so, the District will also provide this Student Exit Summary (see website: http://www.vesid.nysed.gov/specialed/idea/studentexit.htm) to students exiting with a High School Equivalency Diploma.

In addition, the parent must receive prior written notice, in accordance with Commissioner's Regulations, before the student's graduation from high school with a local or Regents diploma or before he/she receives an Individualized Education Program (IEP) diploma. If the student will be graduating with an IEP diploma, this prior written notice must indicate that the student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns twenty-one (21) or until receipt of a regular high school diploma. However, New York State Law does not grant a child who has reached the age of majority all rights previously granted to parents under IDEA.

Individual Evaluation

As part of any reevaluation, a group that includes the CSE and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments and observations, and observations by teachers and related services providers.

On the basis of that review, and input from the student's parents, the CSE and other qualified professionals, as appropriate, shall identify what additional data, if any, are needed to determine:

a) In the case of a reevaluation of a student, whether the student continues to have such a disability or whether the CSE is recommending declassification;

b) The present levels of performance and educational needs of the student;

c) In the case of a reevaluation of a student, whether the student continues to need special education; and

d) Whether any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goal set out in the Individualized Education Program (IEP) of the student and to participate, as appropriate, in the general curriculum.

If additional data are not needed, the District must notify the parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services provided in accordance with law and Commissioner's Regulations, the student continues to be a student with a disability. The District is not required to conduct the assessment unless requested to do so by the student's parents.

(Continued)
SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont’d.)

The CSE shall arrange for an appropriate reevaluation of each student with a disability at least every three (3) years by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The reevaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any reevaluations must be addressed by the CSE in reviewing and, as appropriate, revising the student's IEP.

Recommendation for Declassification

If the student has been receiving special education services, but it is determined by CSE that the student no longer needs special education services and can be placed in a regular educational program on a full-time basis, the recommendation shall:

a) Identify the declassification support services, if any, to be provided to the student; and/or the student's teachers; and

b) Indicate the projected date of initiation of such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one year after the student enters the full-time regular education program.

Declassification Support Services

When appropriate, the District shall provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

Declassification support services means those services provided by persons appropriately certified pursuant to Part 80 of Commissioner's Regulations, or holding a valid teaching license in the appropriate area of service, to a student or the student's teacher to aid in the student's move from special education to full-time regular education, including:

a) For the student, psychological services, social work services, speech and language improvement services, noncareer counseling, and other appropriate support services; and

b) For the student's teacher, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

(Continued)
SUBJECT:  DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont’d.)

Procedural Safeguards Notice

The District shall use the procedural safeguards notice prescribed by the Commissioner of Education. The District will further ensure that the procedural safeguards notice is provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the District shall take steps to ensure that the notice is translated orally or by other means to the parent in his/her native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that all due process procedures, pursuant to law and/or regulation, have been met.

20 USC Sections 1400-1485,
Individuals with Disabilities Education Act (IDEA)
34 CFR Part 300
State Law - Education Law Sections 4401-4410-a
8 NYCRR Sections 100.1(q), 100.2(u), 200.2(b)(8), 200.4(b)(4) and (5), 200.4(c)(3), 200.4(d)(1), and 200.5

NOTE:  Refer also to Policy #7641 -- Transition Services

Adopted: 8/23/04
Revised: 12/6/11
SUBJECT: USE OF TIME OUT ROOMS

Except as provided pursuant to 8 New York Code of Rules and Regulations (NYCRR) Section 200.22(c) as referenced below, the School District shall not employ the use of time out rooms as a means of regulating student behavior.

Pursuant to Commissioner's Regulations, a time out room is defined "as an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her education program." If a time out room is to be used, it must be used in conjunction with a behavioral intervention plan (that is designed to teach and reinforce alternative appropriate behaviors) in which a student is removed to a supervised area in order to facilitate self-control or when it is necessary to remove a student from a potentially dangerous situation and for unanticipated situations that pose an immediate concern for the physical safety of a student or others.

The District has adopted and implemented the following policy and procedures governing school use of time out rooms as part its behavior management approach consistent with Commissioner's Regulations, including the physical and monitoring requirements, parental rights and individualized education program (IEP) requirements for students with disabilities.

At a minimum, the use of time out rooms shall be governed by the following rules and standards:

a) The District prohibits placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised. The time out room shall be unlocked and the door must be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out or emergency interventions is prohibited.

Staff shall continuously monitor the student in a time out room. The staff must be able to see and hear the student at all times.

Under no circumstances shall a time out room in a school program be used for seclusion of the student, where the term "seclusion" is interpreted to mean placing a student in a locked room or space or in a room where the student is not continuously observed and supervised.

b) Factors which may precipitate the use of the time out room:

The time out room should only be used to isolate a student who exhibits a loss of self-control, exhibits behavior that presents a risk of injury or harm to himself/herself or others, or presents a risk of significant property damage. The time out room should be a last resort when all other less restrictive means of behavior intervention have been exhausted. It may never be used as a form of punishment.

(Continued)
SUBJECT: USE OF TIME OUT ROOMS (Cont’d.)

c) Time limitations for the use of the time out room:

Except in extenuating circumstances, the maximum time proscribed for the use of the time out room during any single occurrence is one (1) hour. If after one (1) hour in the time out room the student is still unable to re-assimilate into the classroom environment (i.e., the student's safety and/or emotional health status remains a concern), the student's teacher shall immediately contact the Committee on Special Education chairperson, school counselor, school psychologist or a school administrator, who will then assess the situation and determine an appropriate course of action, which could include extending the student's placement in the time out room.

Further, a student's IEP shall specify when a behavioral intervention plan includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence as determined on an individual basis in consideration of the student's age and individual needs.

School administration or other personnel shall be notified in the event a student is placed in a time out room for excessive amounts of time; and such information shall be considered when determining the effectiveness of the student's behavioral intervention plan and the use of the time out room for the student. Whether the student requires a debriefing following the use of a time out room shall be left to the staff knowledgeable about the individual student.

d) Staff training on the policies and procedures related to the use of time out rooms shall include, but not be limited to, the following measures:

1. The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Commissioner's Regulations relating to the use of time out rooms, including members of the Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE).

2. The training referred to in the preceding paragraph shall be provided on the Superintendent's annual in-service training day.

e) Data collection to monitor the effectiveness of the use of time out rooms:

District schools shall establish and implement procedures to document the use of time out rooms, including information to monitor the effectiveness of the use of the time out room to decrease specified behaviors. Such data would be subject to review by the State Education Department (SED) upon request.

(Continued)
SUBJECT: USE OF TIME OUT ROOMS (Cont'd.)

Such data collection should appropriately include, but is not limited to, the following information:

1. A record for each student showing the date and time of each use of the time out room;

2. A detailed account of the antecedent conditions/specific behavior that led to the use of the time out room;

3. The amount of time that the student was in the time out room; and

4. Information to monitor the effectiveness of the use of the time out room to decrease specified behaviors which resulted in the student being placed in the room.

f) Information to be provided to parents:

The School District shall inform the student's parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room for a student, and shall give the parent the opportunity to see the physical space that will be used as a time out room and provide the parent with a copy of the school's policy on the use of time out rooms.

Additionally, parents should be notified if their child was placed in a time out room. Minimally, whenever a time out room is used as an emergency intervention pursuant to Commissioner's Regulations Section 200.22(d), the parent shall be notified of the emergency intervention. Such notification will be provided the same day whenever possible.

The parent is a member of the CSE and the use of a time out room must be included on the student's IEP. The parent receives prior notice as to the recommendations on a student's IEP and may request due process in the event the parent does not agree with the CSE recommendations.

Parent reports of alleged inappropriate interventions used in a time out room should be directed to school administrators.

Physical Space Used as a Time Out Room

The physical space used as a time out room must meet certain standards.

a) The room shall provide a means for continuous visual and auditory monitoring of the student.
SUBJECT:  USE OF TIME OUT ROOMS  (Cont'd.)

b) The room shall be of adequate width, length and height to allow the student to move about and recline comfortably.

c) Wall and floor coverings should be designed to prevent injury to the student, and there shall be adequate lighting and ventilation.

d) The temperature of the room shall be within the normal comfort range and consistent with the rest of the building.

e) The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student and shall meet all local fire and safety codes.

Education Law Sections 207, 210, 305, 4401, 4402, 4403, and 4410
8 NYCRR Sections 19.5, 200.1, 200.4, 200.7, 200.22, and 201.2

Adopted: 1/3/12
SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT PROGRAMS

All students with disabilities residing in the District, including those of preschool age, shall be provided with full access and opportunity to participate in School District programs, including nonacademic and extracurricular programs and activities, that are available to all other students enrolled in the public schools of the District. Nonacademic and extracurricular programs and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the School District, referrals to agencies that provide assistance to individuals with disabilities and employment of students (both by the School District and assistance in making outside employment available).

Parents/guardians of students with disabilities, including those students placed in out-of-District programs, shall receive timely notice of such District programs and activities.

Education Law Sections 4402(1)(b)(3-a) and 4410 (5)(b)(IV)
8 NYCRR Sections 200.2(b)(1) and 200.2(b)(2)
SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973

The Board of Education affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District shall make its program and facilities accessible to all its students with disabilities.

The District shall also identify, evaluate and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The District official responsible for coordination of activities relating to compliance with Section 504 is the Superintendent of Schools. This official shall provide information, including complaint procedures, to any person who feels his or her rights under Section 504 have been violated by the District or its officials.

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.

Adopted: 8/23/04
SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS

Committee on Special Education (CSE) Membership

The Board of Education shall appoint a Committee on Special Education (CSE) whose membership shall include, but not be limited to, the following members:

a) The parent(s) or persons in parental relationship of the student. To ensure that one or both parents are present at each CSE meeting, the District and the parent(s) may agree to use alternative means of participation such as videoconferences or conference phone calls;

b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);

c) Not less than one (1) special education teacher of the student, or, where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;

d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District. An individual who meets these qualifications may be the same individual appointed as the special education teacher or provider in c) above or the school psychologist in i) below. The representative of the District will serve as the chairperson of the Committee;

e) An individual who can interpret the instructional implications of evaluation results, who may be a CSE member selected from the regular education teacher, the special education teacher or provider, the school psychologist, or the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;

f) A member as described in letters b) through e) of this subheading is not required to attend the CSE meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:

1. The member's area of the curriculum or related services is not being modified or discussed in the meeting; or

2. The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

(Continued)
SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)

3. The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in 2. above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation;

g) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;

h) Whenever appropriate, the student with a disability. The District must invite a child with a disability to attend the child's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. If the child does not attend the CSE meeting, the District must take other steps to ensure that the child's preference and interests are considered. To the extent appropriate, with the consent of the parent or a student eighteen (18) years or older, the District must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services;

i) A school psychologist;

j) A school physician, if requested in writing at least seventy-two (72) hours prior to the meeting by the parents of the student or the School District; and

k) An additional parent residing in the District or a neighboring school district who is a parent of a student with a disability, a parent of a student who has been declassified and is no longer eligible for an individualized education program (IEP), or a parent of a disabled child who has graduated. This parent member may serve for a period of five years beyond the student's declassification or graduation, provided that the parent shall not be employed by or under contract with the School District. Such parent is not a required member if the parents of the student request, if requested in writing at least seventy-two (72) hours prior to the meeting, that the additional parent member not participate in the meeting.

Subcommittee on Special Education Membership

The Board of Education shall appoint, as necessary, a Subcommittee on Special Education whose membership shall include, but not be limited to, the following members:

(Continued)
SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont’d.)

a) The parent(s) of the student;

b) Not less than one (1) regular education teacher of such student;

c) Not less than one (1) special education teacher, of the student, or where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;

d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District. This individual may also fulfill the requirements of c) or e) of this section. The representative of the District will serve as the chairperson of the Subcommittee;

e) A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, as set forth in Section 200.6(f)(4) of the Regulations of the Commissioner, is considered;

f) A member as described in letters b) through e) of this subheading is not required to attend the subcommittee meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:

1. The member's area of the curriculum or related services is not being modified or discussed in the meeting; or

2. The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

3. The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in 2. above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation;

(Continued)
SUBJECT:  APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont’d.)

  g)  At the discretion of the parent or the Committee, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the subcommittee;

  h)  An individual who can interpret the instructional implications of evaluation results, who may be a member described in letters "b" through "g" of this subheading; and

  i)  Whenever appropriate, the student with a disability.

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Special Education.

Alternative Means of Meeting

When conducting a meeting of the Committee on Special Education (CSE), the parent and the representative of the District appointed to the CSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

Individuals with Disabilities Education Act (IDEA) 20 USC Section 1400 et seq.
34 CFR Part 300 and Section 300.321
Education Law Section 4402
8 NYCRR Sections 200.2(b)(3), 200.3, and 200.4(d)(4)(i)(d)

NOTE:  Refer also to Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program
       #7632 -- Appointment and Training of Committee on Preschool Special Education Members

Adopted:  8/23/04
Revised:  1/3/12; 10/2/12
SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS

Committee on Preschool Special Education (CPSE) Membership

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) whose membership shall include, but not be limited to, the following members:

a) The parent(s) of the child;

b) At least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);

c) At least one special education teacher of the child or, where appropriate, at least one special education provider (i.e., related service provider) of such child;

d) A representative of the School District who is qualified to provide, or supervise the provision of, special education and who is knowledgeable about the general curriculum and about the availability of preschool special education programs and services and other resources of the District (who shall serve as Chairperson of the CPSE);

e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, the special education teacher or provider, the school psychologist, the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;

f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;

g) A parent of a child with a disability who resides in the School District or a neighboring school district, and whose child is enrolled in a preschool or elementary level education program provided that such parent shall not be employed by or under contract with the School District or municipality; and provided further that such parent shall not be a required member if the parents of the child request, in writing, that the additional parent member not participate in the meeting;

h) For a child's transition from early intervention programs and services (Infant and Toddler Programs), the appropriately licensed or certified professional from the County Early Intervention Program. This professional must attend all meetings of the CPSE conducted prior to the child's initial receipt of services; and

i) An appropriately certified or licensed professional from the municipality. Attendance of the appointee of the municipality is not required for a quorum.

(Continued)
SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS (Cont’d.)

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Chair of Special Pre-School Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Special Education and members appointed by the Board of Education to the Committee on Preschool Special Education.

Education Law Section 4410
20 USC Sections 1400-1485,
Individuals With Disabilities Education Act (IDEA)
34 CFR Part 300
8 NYCRR Sections 200.2(b)(3) and 200.3

NOTE: Refer also to Policies #7614 -- Preschool Special Education Program
      #7631 -- Committee on Special Education/Subcommittee on Special Education Members

Adopted: 8/23/04
SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION

The Board of Education directs that the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) shall have prepared a written statement (program) for each child with a disability in accordance with law.

Such an Individualized Education Program (IEP) will be developed by the CSE or CPSE upon referral, and reviewed or revised, whichever is appropriate, for every child with a disability at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

The Use of Recording Equipment at IEP Meetings

The Board of Education shall allow recording equipment to be used at meetings regarding individualized education programs for students with disabilities.

Twelve Month Special Services and/or Programs

The School District shall provide, directly or by contract, special services and/or programs during July and August to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve months duration in order to prevent substantial regression as determined by the Committee on Special Education or Committee on Preschool Special Education.

Access to IEPs

The School District shall ensure that each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for the implementation of a student's IEP shall be given a copy of such student's IEP prior to the implementation of such IEP or shall be able to access such IEP electronically. The School District shall further ensure that the individuals responsible for the implementation of a student's IEP are notified and trained on how to access such IEPs electronically.

8 NYCRR Sections 200.1(qq), 200.4(c), 200.6(j), and 200.16(h)(3)(v)
SUBJECT:  TRANSITION SERVICES

The Board of Education will provide transition services for students with disabilities who are fifteen (15) and older (and at a younger age if determined appropriate). Additionally, beginning at age fourteen (14), and updated annually, the student's Individualized Education Program (IEP) must include a statement of transition service needs under the applicable components of the student's IEP that focuses on the student's courses of study. As defined by the Commissioner's Regulations, transition services means a coordinated set of activities for a student with a disability, designed within an outcome-oriented process, that promotes movement from a school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational training, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the individual student's needs, taking into account the student's preferences and interests and shall include needed activities in the following areas:

a) Instruction;

b) Related services;

c) Community experiences;

d) The development of employment and other post-school adult living objectives; and

e) If appropriate, acquisition of daily living skills and functional vocational evaluation.

20 USC Section 1400-1485, Individuals with Disabilities Education Act (IDEA)
Education Law Section 4401
8 NYCRR Sections 200.1(ss), 200.1(tt), 200.4(c)(2)(v), 200.4(c)(4), 200.4(d)(3), and 200.5(A)(l)(xii)

Adopted: 9/20/05
SUBJECT:  CENSUS OF CHILDREN WITH DISABILITIES

The policy of the Board of Education is to conduct a census in order to have all children with disabilities, within its jurisdiction under the age of twenty-one (21) identified, located and evaluated, including children of preschool age and children in all public and private agencies and institutions.

Persons involved in the collection of data must receive prior training and written information regarding data collection procedures.

Register of Children with Disabilities

It is the policy of the Board of Education of the Olean City School District to maintain a register containing the data requirements as indicated in the Commissioner's Regulations.

Education Law Sections 3240-3242 and 4402(1)(a)
8 NYCRR Sections 200.2(a)(2)(a-f) and 200.4

Adopted: 8/23/04
SUBJECT:  PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES

The Board of Education recognizes the rights of the parent/guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation and educational placement of a child with a disability.

All due process procedures for parents/guardians and children in the Commissioner's Regulations shall be observed by the School District.

Surrogate Parents

In the event that no parent or guardian for a child with a disability can be identified or after reasonable efforts, the whereabouts of the parent or guardian cannot be determined, or the child with a disability is a ward of the state, the Board shall assign an individual to act as a surrogate for the parents or guardians. The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that insure adequate representation of the child.

It is the duty of the School District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law.

Education Law Sections 4401 and 4402
8 NYCRR Section 200.5

Adopted: 8/23/04
SUBJECT: IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS

The School District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. When outside assistance is needed to aid in resolving a disagreement about the identification, evaluation, educational placement or provision of a free appropriate education for a student with a disability, mediation is encouraged. For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The impartial hearing officer (IHO) renders a written decision after the parties present and refute evidence before him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Impartial Hearing Process/Prehearing Conference

The following is an overview of the impartial hearing process/prehearing conference:

a) Either the parent or the School District may request an impartial hearing. If a parent makes the request, it must be in writing to the Board of Education describing the nature of the dispute and a proposed resolution of the problem. The District will provide a form for this purpose. However, the District may not deny or delay a parent's right to an impartial hearing if the written request is not complete.

If the District is the party initiating an impartial hearing, the District will provide prior written notice to the parent including a statement of the action proposed and any explanation of why the District proposes to take such action.

b) Upon receipt of or initiation of a request for an impartial hearing, the District will inform the parent of the availability of mediation, of any free or low-cost legal and other relevant services available in the area, and provide the parent with a copy of the District's Procedural Safeguards Notice.

c) The District must immediately [but not later than two (2) business days after receipt of the written request for the hearing] initiate the process to select an IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The Superintendent's Secretary/District Clerk will be responsible for contacting IHOs and maintaining appropriate records.

d) The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board of Education must immediately appoint him/her. To expedite this process, the Board may designate one (1) or more of its members to appoint the IHO on behalf of the Board.

e) The IHO may not accept appointment unless he/she is available to initiate the hearing within the first fourteen (14) days of being appointed.

(Continued)
SUBJECT: IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont’d.)

f) The hearing, or a prehearing conference, shall be scheduled to begin within the first fourteen (14) days of the IHO’s appointment, unless an extension is granted pursuant to Commissioner's Regulations.

g) The hearing will be conducted at a time and location that is reasonable and convenient to the parent and the student involved. The hearing shall be closed to the public unless the parent requests an open hearing.

h) The role and responsibilities of the IHO will be as enumerated in Commissioner's Regulations.

i) The student remains in his/her current placement during the pendency of the impartial hearing unless both parties agree or except as otherwise provided for expedited impartial hearings for certain disciplinary suspensions or removals of a student.

j) The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory timelines.

k) The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Recordkeeping and Reporting

The District will maintain an alphabetical list of the names of each IHO who is certified in New York State and available to serve in the District. The District will record and report to the State Education Department required information relating to the selection of IHO’s and the conduct of impartial hearings according to the manner and schedule specified by the Department. The Superintendent shall designate a staff member(s) who will be responsible for reporting such information as required relating to the impartial hearing process into the State Education Department's web-based reporting system.

Compensation of Impartial Hearing Officers

The District will be responsible for compensating the Impartial Hearing Officers (IHO) for prehearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO’s appointment. The District will forward a copy of its compensation rates to the IHO during the selection process. The District will compensate the IHO and reimburse the IHO for expenses related to the hearing pursuant to the District's IHO compensation policy.

(Continued)
SUBJECT: IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

Mediation

Mediation is voluntary and does not deny or delay a parent's right to an impartial hearing. If mediation is initiated after a request for an impartial hearing has been received, the impartial hearing must continue unless the request for the impartial hearing is withdrawn. However, a party may request an extension to an impartial hearing in order to pursue mediation.

Guardians ad Litem at Impartial Hearings

Unless a surrogate parent has been previously appointed, the IHO must appoint a guardian ad litem when he/she determines that the interests of the parent(s) are opposed to or are inconsistent with those of the student or whenever the interests of the student would be best protected by such appointment.

Confidentiality

All issues relating to a request for and conduct of an impartial hearing must be kept confidential by all District staff.

Individuals with Disabilities Education Act (IDEA)
20 USC Sections 1400-1485
34 CFR Part 300
Education Law Sections 4404(1) and 4410(7)
8 NYCRR Sections 200.1, 200.2, 200.5, 200.16, 200.21, and 201.11

Adopted: 12/21/04
Revised: 8/28/07
SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS

Parents of children with disabilities have the right under Federal and State regulations to obtain an independent evaluation at public expense under certain conditions. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education Part 200(s). Additionally, the Federal Regulations (34 Code of Federal Regulations [CFR] 300.503) specify requirements for an independent evaluation.

Administrative regulations on independent evaluations will be developed in order to explain the rights of parents and the responsibilities of school districts with regard to independent evaluations, and also to avoid any misunderstandings.

8 NYCRR Sections 200.1(z) and 200.5(g)
34 CFR Sections 300.12 and 300.503

Adopted: 8/23/04
SUBJECT: SPECIAL EDUCATION MEDIATION

The District will offer mediation as an alternative to the impartial hearing process in disputes regarding the provision of a free, appropriate public education for students identified by the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) as having a disability, or students suspected of having a disability. Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center under Article 21-A of the Judiciary Law.

Parents/guardians suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial hearing procedures in accordance with Federal and State law and regulations.

Mediation will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relationship to request an impartial hearing subsequent to mediation. Parents or persons in parental relationship to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided for in 34 Code of Federal Regulations Sections 300.500-300.515 and in 8 New York Code of Rules and Regulations Section 200.5(c). Similarly, mediation shall not be construed to limit a parent or person in parental relationship from requesting an impartial hearing without having first utilized mediation procedures set forth in Education Law.

Education Law Section 4404-a

Adopted: 8/23/04
SUBJECT: ADDITIONAL PROCEDURES FOR IDENTIFYING STUDENTS WITH LEARNING DISABILITIES

In accordance with Regulations of the Commissioner of Education, the District will follow all applicable procedures for referral and evaluation of students suspected of having a learning disability, including the additional requirements enumerated in Commissioner's Regulations Section 200.4(j) for identifying students with learning disabilities and determining eligibility for special education.

Per Commissioner's Regulations, learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, as determined in accordance with Section 200.4(j). The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural or economic disadvantage.

The individual evaluation must include information from an observation of the student in routine classroom instruction and monitoring of the student's performance that was either done before the student was referred for an evaluation or from an observation of the student's academic performance in the regular classroom after the student has been referred for an evaluation and parental consent is obtained.

The determination of eligibility for special education for a student suspected of having a learning disability must be made by the Committee on Special Education (CSE), which shall include the student's regular education teacher and at least one person qualified to conduct individual diagnostic examinations of students (such as a school psychologist, teacher of speech and language disabilities, speech/language pathologist or reading teacher).

To ensure that underachievement in a student suspected of having a learning disability is not due to lack of appropriate instruction in reading or mathematics, the CSE must, as part of the evaluation procedures, consider whether the student has received appropriate instruction in reading and mathematics in the regular education setting by qualified personnel. The CSE must also consider data-based documentation of repeated assessments of achievement at reasonable intervals.

A student may be determined to have a learning disability if, when provided with learning experiences and instruction appropriate for the student's age or State-approved grade-level standards, the student does not achieve adequately in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, mathematics problem solving; and the student either does not make sufficient progress when using a process based on the student's response to scientific, research-based intervention (Response to Intervention) or the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both as determined by the CSE using appropriate assessments in accordance with Commissioner's Regulations.

(Continued)
SUBJECT: ADDITIONAL PROCEDURES FOR IDENTIFYING STUDENTS WITH LEARNING DISABILITIES (Cont'd.)

Written Report/Written Certification by CSE

When determining eligibility for a student suspected of having a learning disability, the CSE shall prepare a written report containing a statement of all the factors enumerated in Commissioner's Regulations.

Each CSE member must certify in writing whether the above referenced written report reflects the member's conclusion regarding the eligibility determination. If the report does not reflect the member's conclusion, the CSE member must submit a separate statement presenting his/her conclusions.

8 NYCRR Sections 100.2(ii), 200.1(pp), 200.1(zz)(6), 200.4(b), 200.4(c), 200.4(j), and 200.5(b)

Adopted: 2/26/08
SUBJECT: PROVISION OF SPECIAL EDUCATION SERVICES TO NONPUBLIC SCHOOL STUDENTS WITH DISABILITIES WHO ARE PARENTALLY PLACED

Beginning with the 2007-2008 school year, the district of location is responsible for child find, including individual evaluations, Committee on Special Education (CSE) meetings, provision of special education services, and due process to parentally placed nonpublic school students attending nonpublic schools located in the geographic region of the public school district.

The new requirements do not pertain to parental placements of preschool children with disabilities in private day care or preschool programs or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, and State-supported or State-operated schools, nor does it apply to Charter schools. These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools.

Parental Consent Needed by the School District of Location

Federal law and regulations require the following:

a) If a student with a disability is parentally placed, or is going to be parentally placed in a nonpublic school that is not located in the school district where the student legally resides, parental consent must be obtained by the school district of location before any personally identifiable information about the student is shared between officials in the public school district of residence and officials in the public school district of location. Therefore, parent consent is required before sharing Individualized Education Programs (IEPs) and other education records between the district of residence and the district of location.

b) Parent consent must also be obtained by the school district of location prior to sharing of personally identifiable information with the nonpublic school.

c) If a parent who has placed a student with a disability in a nonpublic school at his/her own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the district of location may not use the due process hearing to override lack of parental consent; and the district of location is not required to consider the student as eligible for special education services.

Consultation Requirements with Nonpublic Schools

The school district of location must consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the school district. The school district must engage in consultation regarding the child find process and services generally; consultation is not specific to individual students. Individual services are determined by the CSE. The consultation process must be timely and meaningful and include discussion of the following topics:

(Continued)
SUBJECT: PROVISION OF SPECIAL EDUCATION SERVICES TO NONPUBLIC SCHOOL STUDENTS WITH DISABILITIES WHO ARE PARENTALLY PLACED (Cont'd)

Child Find

The child find process must include discussion on how parentally placed nonpublic school students suspected of having a disability can participate equitably, including the procedures to be followed by the district of location and nonpublic school to identify students who may have disabilities.

Provision of Special Education Services

Consultation must address how, where and by whom special education and related services will be provided to such students, including a discussion of types of services, such as direct services and alternate service delivery mechanisms.

If the school district disagrees with the views of the nonpublic school officials on the provision of services or the types of services, whether provided directly or through a contract, the school district shall provide to the nonpublic school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract.

Use of Federal Funds

Consultation must also include determination of the proportionate amount of federal funds available to serve parentally placed nonpublic school students with disabilities, including the determination of how the amount was calculated.

Upon completion of the consultation process, the nonpublic school representatives must provide written affirmation of their participation in the consultation process. If the nonpublic school representative does not provide such affirmation within a reasonable period of time, the school district must forward the documentation of the consultation process to the State Education Department (SED).

Child Find Requirements (Including Individual Evaluations and Reevaluations)

Child find is the practical method the public school district of location will develop and implement to identify, locate and ensure the evaluation and identification of students with disabilities who are parentally placed in nonpublic schools. The child find activities must be similar to activities undertaken for students with disabilities in the public schools and must be completed in a time period comparable to that for other students attending public schools in the school district. The child find obligations also include parentally placed nonpublic school children who reside outside New York State.

(Continued)
SUBJECT: PROVISION OF SPECIAL EDUCATION SERVICES TO NONPUBLIC SCHOOL STUDENTS WITH DISABILITIES WHO ARE PARENTALLY PLACED (Cont’d)

The district of location must have procedures for conducting evaluations and reevaluations of students enrolled in nonpublic schools located within their district within required timeframes and at no cost to parents. The reevaluation requirements apply to all eligible parentally placed nonpublic school students with disabilities, even those not currently receiving services.

Development of Individualized Education Programs (IEPs) and Provision of Special Education Services for New York State Resident Students

The CSE of the district of location will be responsible to develop an Individualized Education Program (IEP) for New York State students with disabilities enrolled by their parents in nonpublic schools located in the geographic region of the public school. The IEP developed for parentally placed nonpublic school students must be developed consistent with the manner in which the IEPs of all students with disabilities are developed and the services to be provided cannot be determined based on the proportionate share of federal funds. The CSE of the district of location must ensure that a representative of the nonpublic school where the student attends is included in the meeting where the IEP is developed. If the representative cannot attend, the school district must use other methods to ensure participation by the private school, including individual or conference telephone calls. The IEP must be reviewed periodically, but not less than annually.

The school district of location is also responsible to provide special education services pursuant to the IEP developed for each eligible student. The parent must request special education services in writing to the school district by June 1 preceding the school year for which the request for services is made. Exceptions to the June 1 request for services deadline must be provided in accordance with law.

Transportation

If special education services are to be provided to a student at a site other than the nonpublic school, the district of location is responsible to provide the special education services, including, as applicable, arranging and providing transportation necessary for the student to receive special education services. The proportionate share of IDEA Part B dollars could be used for such purpose.

The school district of residence remains responsible to provide transportation to parentally placed nonpublic school students from the student's home to the nonpublic school.

Services Plans for Out-of-State Children

The school district of location must provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out-of-State students must be documented on a services plan that is developed by the CSE of the district of location. The services plan is the written

(Continued)
plan that describes the specific special education and related services that the district of location will provide to the student, consistent with the services that the school district of location has determined through the consultation process and in relation to the proportionate shares of federal IDEA Part B dollars, to be provided to the student.

The services plan must, to the extent appropriate, be developed, reviewed and revised by the CSE of school district of location consistent with the requirements for development of an IEP. The parent(s) of the student must be invited to the meeting and the district of location must also ensure that a representative of the nonpublic school where the student attends be included in the meeting where the services plan is developed. If the nonpublic school representative cannot attend, the school district must use other methods to ensure participation by the nonpublic school, including individual or conference telephone calls. The services plan must be reviewed periodically, but not less than annually.

Individually with Disabilities Education Improvement Act of 2004 (Public Law 108-446)
Individually with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
34 CFR Part 300
Education Law Sections 3242, 3602-c, 4401-a, 4404, 4405, and 4410-b
8 NYCRR Part 200

Adopted: 2/26/08
The School District shall provide, directly or by contract, special services and/or programs during July and August (i.e., extended school year) to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE). Written consent of the parent is required prior to initial provision of special education services in a twelve (12) month special service and/or program.

The CSE/CPSE must determine whether a student requires extended school year special education services and/or programs in order to prevent substantial regression. Substantial regression would be indicated by a student’s inability to maintain developmental levels due to a loss of skill, set of skill competencies or knowledge during the months of July and August. In accordance with Commissioner's Regulations, students must be considered for twelve (12) month special services and/or programs to prevent substantial regression if they are:

a) Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes; or,

Preschool students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention;

b) Students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment and are placed in special classes; or

Preschool students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment;

c) Students who are recommended for home and/or hospital instruction whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment; or

Preschool students whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment in the home; or

d) Students, including preschool students, whose needs are so severe that they can be met only in a seven (7) day residential program; or

(Continued)
SUBJECT: EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS (Cont'd.)

e) Students who are not in programs as described in subparagraphs (a) through (d) above during the period from September through June and who, because of their disabilities, exhibit the need for a twelve (12) month special service and/or program provided in a structured learning environment of up to twelve (12) months duration in order to prevent substantial regression as determined by the CSE; or

Preschool students who are not described in subparagraphs (a) through (d) above whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration to prevent substantial regression as determined by the Preschool Committee on Special Education (CPSE).

For students eligible for twelve (12) month service and/or program, per Commissioner's Regulations Section 200.4(d)(2)(x), the student's Individualized Education Program (IEP) shall indicate the identity of the provider of services during the months of July and August, and, for preschool students determined by the CPSE to require a structured learning environment of twelve (12) months duration to prevent substantial regression, a statement of the reasons for such recommendation.

The IEP shall indicate the projected date of the review of the student's need for such services and shall indicate the recommended placement.

The State Education Department (SED) is authorized to approve programs and to establish State Aid reimbursement rates for all special services and programs provided during July and August, both public and private. Therefore, if the School District plans to operate a July/August program, the District must first apply to SED for approval in accordance with SED guidelines/procedures.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
Education Law Section 4408
8 NYCRR Part 110 and Section 200.1(qq), 200.4(d)(2)(x), 200.5(b)(l)(iii), 200.6(j), and 200.16(i)(3)(v)

Adopted: 2/26/08
Olean City School District

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SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES

The Olean City School District provides equal opportunity for students and does not discriminate against any student enrolled in (or any candidate for admission to) its programs and activities on the basis of actual or perceived race, color, national origin, sex, disability, or age. Further, the District does not discriminate on a basis of weight, ethnic group, religion, religious practice, sexual orientation, gender, or another basis prohibited by state or federal non-discrimination laws, and provides equal access to its facilities to the Boy Scouts and other designated youth groups.

Educational Services for Married/Pregnant Students

Public schools may not discriminate against students based on their parental and/or marital status. The opportunity to participate in all of the services, programs, and activities of the school district shall not be restricted or denied because of pregnancy, parenthood, or marriage.

Pregnant students shall be encouraged to remain and participate in District programs. The forms of instruction provided to such student may include any or all of the following:

a) Remain in school with provisions for special instruction, scheduling, and counseling as needed;
b) Receive home instruction;
c) Attend BOCES programs.

In this regard, the Superintendent or his/her designee, in consultation with student services staff, the school physician and the student’s personal physician, may make program modifications which are feasible and necessary to accommodate the special needs of such students.

Investigation of Complaints and Grievances

The School District will act to promptly, thoroughly, and equitably investigate all complaints whether verbal or written, of discrimination and will promptly take appropriate action to protect individuals from further discrimination. All such complaints will be handled in a manner consistent with the District’s policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 - - Non-Discrimination and Anti-Harassment in the School District; Policy #7551 - - Sexual Harassment of Students; and Administrative Regulation #3420R - - Non-Discrimination and Anti-Harassment in the School District.

(Continued)
SUBJECT: EQUAL EDUCATION OPPORTUNITIES (Cont’d.)

Additional information regarding the District’s discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 - Non-Discrimination and Anti-Harassment in the School District and Administrative Regulation #3420R - Non-Discrimination and Anti-Harassment in the School District.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

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

Title VI of the Civil Rights Act of 1964,
42 USC Section 2000-d, et seq.
Section 504 of the Rehabilitation Act of 1973,
29 USC Section 794 et seq.
The Americans With Disabilities Act,
42 USC Section 12101 et seq.
Title IX of the Education Amendments of 1972,
20 USC Section 1681 et seq. 20 USC Section 1701, et seq

Adopted: 8/23/04
Reviewed by Operations: 04/07/15
BOE 1st Reading: 04/21/15
BOE 2nd Reading: 05/05/15
Adoption Date: 05/05/15
SUBJECT: ORGANIZATIONAL PLAN OF INSTRUCTION

The instructional program is organized on basically a Pre-K through 5, neighborhood schools, 6 through 8, 9 thought 12 grade arrangement. Special Education students are included in the total school program to the extent deemed appropriate. Physical Education is a standard part of every student's program.

The elementary (Pre-K through 5) program using neighborhood schools is based on a language arts approach stressing the needs of individual pupils. Instruction by specialists in various areas may be provided as a part of the elementary program. Interdisciplinary educational approaches are encouraged.

In addition to basic instruction in language arts, social studies, mathematics, and science and other required programs, the middle school (6 through 8) program provides for instruction and pupil exploration experience in various areas.

The senior high school program (9 through 12) extends the range of instructional offerings to those of an academic, vocational, independent-study and job related nature. Student programs are designed to meet individual pupil needs, interests and abilities through college, vocational or general preparation program through the NYS Regents Examinations.

Adopted: 8/23/04
Revised: 5/16/06
SUBJECT: SAFETY CONDITIONS AND PROGRAMS

The practice of safety will be considered an integral part of the instructional program through fire prevention, emergency procedures and drills, driver education, and traffic and pedestrian safety.

Each Principal will be responsible for the supervision of a safety program for his/her school.

The safety program may include, but not be limited to, in-service training, plant inspection, fire prevention, accident recordkeeping, driver and vehicle safety programs, emergency procedures and drills, and traffic safety programs relevant to students, employees and the community.

It shall be the duty of the Superintendent of Schools to provide for inspections and supervision of the health and safety aspects of the school facilities.

Eye Safety/Student Use of Hand-Held Laser Pointers

Eye safety devices are to be provided by the School District for the protection of employees, students and visitors, and worn in the technology education classes and labs when activities present a potential eye hazard. The Superintendent or his/her designee will ensure that these devices are properly repaired, cleaned and stored to prevent the spread of germs or diseases after individuals use them.

Each classroom teacher is responsible for the safe and proper use of all instructional materials and equipment by students in his/her classroom. Laser pointers are to be used by students only when such use is approved and supervised by the classroom instructor.

Students will be advised not to stare directly into the beam from a laser pointer or direct the beam at the eyes of another individual. Students are not to aim the pointer into the audience. Students are to be made aware of the hazards associated with the particular type of laser pointer used.

Education Law Sections 409, 409-a, 807-a, and 906
8 NYCRR Part 136 and Section 141.10

Adopted: 8/23/04
Revised: 5/16/06
SUBJECT: PREVENTION INSTRUCTION

AIDS Instruction in Health Education

The Board of Education shall provide a health education program that will include appropriate instruction for all students concerning Acquired Immune Deficiency Syndrome (AIDS). Accurate information concerning the nature of the disease, methods of transmission, and means of prevention shall be provided in an age-appropriate manner and shall be consistent with community values and will stress that abstinence is the most appropriate and effective premarital protection against AIDS.

No student shall be required to receive instruction concerning the methods of prevention of AIDS if the parent or legal guardian has filed with the school Principal a written request that the student not participate in such instruction, with an assurance that the student will receive this instruction at home.

Substance Abuse-Prevention Instruction

The Board of Education recognizes the need to educate students on the hazards of alcohol, tobacco and/or drug abuse. A prevention program will be developed to inform students of:

a) Causes for substance abuse;

b) Physical and psychological damage associated with substance abuse;

c) Avoidance of alcohol, tobacco and drugs;

d) Dangers of driving while under the influence of alcohol or drugs.

Environmental Conservation Instruction

The Board of Education supports and encourages the development of a District-wide, articulated curriculum of environmental conservation integrated into other program disciplines.

Fire and Arson Prevention Instruction

The Board of Education directs the administration to provide instruction in fire and arson prevention for all students in each school for a period of not less than forty-five (45) minutes each month that school is in session.

Student Safety

Instruction in courses in technology education, science, home and career skills, art and physical education, health, and safety shall include and emphasize safety and accident prevention.

(Continued)
SUBJECT: PREVENTION INSTRUCTION (Cont'd.)

Safety instruction shall precede the use of materials and equipment by students in applicable units of work in the courses listed above, and instructors shall teach and enforce all safety procedures relating to the particular courses. These shall include the wearing of protective eye devices in appropriate activities.

Emergency Planning

The School District shall maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students shall be provided instruction to respond effectively in emergency situations.

Instruction on Prevention of Child Abduction

All students in grades Pre-K through 12 in District schools shall receive instruction designed to prevent the abduction of children. Such instruction shall be provided by or under the direct supervision of regular classroom teachers and the Board of Education shall direct the Superintendent to provide appropriate training and curriculum materials for the regular classroom teachers who provide such instruction. However, at the Board's discretion, such instruction may be provided by any other public or private agency.

The Commissioner of Education will provide technical assistance to assist in the development of curricula for such courses of study which must be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness skills, information, self-confidence, and support to aid in the prevention of child abduction.

For purposes of developing such courses of study, the Board of Education may establish local advisory councils or utilize the school-based shared decision making and planning committee established pursuant to the Regulations of the Commissioner to make recommendations concerning the content and implementation of such courses. Alternatively, the District may utilize courses of instruction developed by consortia of school districts, boards of cooperative educational services, other school districts, or any other public or private agency. Such advisory council shall consist of, but not be limited to, parents, school trustees and Board members, appropriate school personnel, business and community representatives, and law enforcement personnel having experience in the prevention of child abduction.

(Continued)
SUBJECT: PREVENTION INSTRUCTION (Cont'd.)

AIDS Instruction: 8 NYCRR Section 135.3(b)(2) and (c)(2)
Substance Abuse: Education Law Section 804
8 NYCRR Section 135.3(a)
Student Safety: Education Law Section 808
8 NYCRR Sections 107 and 155
Fire and Arson: Education Law Section 808
Civil Preparedness: New York State Office of Disaster Preparedness Prevention of Child Abduction:
Education Law Section 803-a

Adopted: 5/16/06
SUBJECT: CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION

The Board of Education recognizes the need for career and technical education and reaffirms its policy of strengthening the local high school career and technical education program through utilization of any available funds including but not limited to federal and state for that purpose and of supporting the BOCES program.

Equal Opportunity

The Board of Education prohibits discrimination on the basis of sex, ethnicity, race, color, national origin, disability, or sexual orientation in any career and technical education program or activity of this District.

The career and technical education program and/or activities shall be readily accessible to students with disabilities.

Public Notification

Prior to the beginning of each school year or academic semester, the District shall issue an appropriate public announcement which advises students, parents, employees and the general public that career and technical education opportunities will be offered without regard to sex, race, color, national origin, disability or sexual orientation. Included in such announcement will be the name, address, and telephone number of the person designated to coordinate Title IX/Section 504/ADA activities.

Grievance Procedure

Grievance procedures for resolving complaints regarding discrimination based on sex and/or disability in any career and technical education program or activity of this District shall be disseminated to adequately inform students, parents and employees of the existence of these procedures.

BOCES Advisory Council

In accordance with Education Law, the Advisory Council of the BOCES is designated as the local Advisory Council for career and technical education in the School District.

Education Law Article 93
8 NYCRR Sections 100.2(h) and 141 et seq.

Adopted: 8/23/04
Revised: 5/16/06
SUBJECT: GUIDANCE PROGRAM

A District plan for the K through 12 guidance program shall be reported to the Board, filed in the District office, and made available for public review.

Guidance Program (K through 5)

A coordinated guidance program in grades K through 5 shall be developed and implemented to:

a) Prepare students to participate effectively in their current and future educational programs;

b) Help those students exhibiting any attendance, academic, behavioral or adjustment problems;

c) Educate students concerning avoidance of child sexual abuse; and

d) Encourage parental involvement.

Guidance Program (Pre-K through 5)

A coordinated guidance program in Grades 6 through 12 shall be developed and implemented including the following activities and services:

a) Each student's educational progress and career plans will be reviewed annually;

b) Instruction at each grade level to help students learn about various careers and career planning skills;

c) Other advisory and counseling assistance which will benefit students such as: helping students develop and implement postsecondary education and career plans; helping those students exhibiting any behavioral or adjustment problems; and encouraging parental involvement;

d) Encourage parental involvement.

e) Assist students with maintaining a career planning portfolio integrated through courses and guidance activities as noted in NYS CDOS regulations.

8 NYCRR Section 100.2(j)

Adopted: 8/23/04
Revised: 5/16/06
SUBJECT: INSTRUCTIONAL PROGRAMS: DRIVER EDUCATION, GIFTED AND TALENTED EDUCATION AND PHYSICAL EDUCATION

Driver Education

A driver education course may be offered under the conditions set forth by the New York State Education Department.

Education Law Section 806-a

Gifted and Talented Students

The Board of Education may provide appropriate programs for the education of gifted and talented students.

Education Law Article 90 and Section 3204(2)(b)
8 NYCRR Section 142

Physical Education Class

All students, except those with medical excuses, shall participate in physical education in accordance with the Commissioner's Regulations. Any student whose condition precludes participation in a regular program shall be provided with adaptive physical education approved by the Commissioner of Education.

Education Law Sections 803 and 3204
8 NYCRR Section 135.4

Adopted: 8/23/04
SUBJECT: PATRIOTISM, CITIZENSHIP AND HUMAN RIGHTS EDUCATION

In order to promote a spirit of patriotic and civil service and obligation, as well as to foster in students of the District moral and intellectual qualities which are essential in preparing them to meet the obligations of citizenship, the Board requires students attending District schools, over the age of eight years, to attend instructional courses in patriotism, citizenship, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery, the Holocaust, and the mass starvation in Ireland from 1845 to 1850 (the "Irish Potato Famine"), the Freedom Trail and the Underground Railroad.

The Board also directs that all students attending District schools in grades eight through twelve receive instruction in the history, meaning, significance and effect of the United States Constitution, the New York State Constitution, and the Declaration of Independence.

The curricula for such courses must include the subjects specified by the Board of Regents and be for the period of instruction, as mandated by the Regents, which is necessary in these subjects in each of the appropriate grades.

One week during each school year a uniform course of exercises shall be provided to teach students, in an age appropriate manner, the purpose, meaning and importance of the Bill of Rights Articles in the United States and New York State Constitutions. These exercises shall be in addition to the above required courses.

The Board directs that the above named subjects, as mandated by law, be addressed in the instructional curricula provided by the District.

Education Law Section 801

NOTE: Refer also to Policy #8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adopted: 8/23/04
Revised: 5/16/06
SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/ INTERPERSONAL VIOLENCE PREVENTION EDUCATION

Civility, Citizenship and Character Education

The School District wishes to foster an environment where students learn the value of respect, civility, and understanding of others. The District stresses positive communication and discourages disrespectful treatment. This policy is not intended to deprive and/or restrict any student of his or her right to freedom of expression.

The District shall ensure that the course of instruction in grades K through 12 includes a component on civility, citizenship and character education in accordance with Education Law. Character education is the deliberate effort to help students understand, care about, and act upon core ethical values.

Students are to be taught and encouraged to practice the principles of:

a) Honesty,
b) Tolerance, respect for diversity,
c) Personal responsibility,
d) Respect for others,
e) Observance of laws and rules,
f) Courtesy,
g) Dignity, and other traits which will enhance the quality of students' experiences in, and contributions to, the community.

The District directs the involvement of staff and encourages the involvement of staff, students, parents and community members in the implementation and reinforcement of character education in the schools.

Education Law Sections 801 and 801-a

Adopted: 8/23/04
SUBJECT: EVALUATION OF THE INSTRUCTIONAL PROGRAM

The Board of Education expects staff members to maintain a continual program of evaluation at every level to determine the extent of progress toward the schools' objectives. The Board of Education will periodically request the Superintendent to present factual information that it considers necessary to evaluate the effectiveness of the School System.

Evaluation may be concerned with the extent to which:

a) Each student achieves in accordance with his/her ability;

b) Each staff member performs at his/her full potential;

c) The total learning environment, including instructional processes, physical facilities, and the educational program, remains consistent with the needs of students and the larger society and contributes to the accomplishment of the goals of the school.

d) Compliance with New York State Standards.

8 NYCRR Section 100.2(m)

Adopted: 8/23/04
SUBJECT:  TITLE I PARENT AND FAMILY ENGAGEMENT

The District will collaborate with parents and other family members to help students participating in Title I programs reach their full academic potential and to improve the District's overall academic quality. As part of its collaboration, the District will conduct outreach; plan and implement programs, activities, and procedures for parent and family member engagement; and consult meaningfully with parents and family members.

District-Wide Parent and Family Engagement

To facilitate parent and family participation, the District will:

a) Involve parents and family members in jointly developing this policy, its Title I Plan, and its support and improvement plans. If the parents or family members indicate that the Title I plan is not satisfactory, the District will submit their comments to the State Education Department along with the plan;

b) Improve student academic achievement and school performance through coordination, providing technical assistance, and giving support necessary to assist and build the capacity of all participating schools in planning and implementing effective parent and family engagement activities, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;

c) Coordinate and integrate parent and family engagement strategies with other relevant federal, state, and local programs; Programs such as Head Start and Universal Pre-K will be included in all communication from the Title I Office. Program materials and resources distributed to teachers, parents, or family members will also be shared with these programs.

d) Conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of its Title I schools. The evaluation will include identifying:

1. Barriers to greater participation by parents and family members in Title I activities, with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background;

2. The needs of parents and family members to assist with their child's learning, including engaging with school personnel and teachers; and

(Continued)
SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT  (Cont'd.)

3. Strategies to support successful school and family interactions. The School-Parent-Student Compact outlines the school’s commitment to promote communication and successful school and family interactions between home and school through parent-teacher conferences, progress reports on child’s progress, Title I meetings, workshops, and school newsletters. Teachers communicate also regularly through email, phone calls, family literacy nights, and other means. All information is provided in a language parents can understand.

e) Use the evaluation's findings to design evidence-based strategies for more effective parent and family member engagement, and to revise the policy, if needed;

f) Involve parents in Title I activities, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the District to adequately represent the students' needs, to develop, revise, and review the parent and family engagement policy; and

g) Involve parents and family members in decisions regarding how it spends funds reserved for parent and family engagement activities. Each Title I school has a parent and family engagement plan and reserved funds to carry out these plans. Possible activities are identified with feedback from the spring parent survey and selected with parents at school-level Title I parent meetings. Title I resources are then used to develop and support engagement with parents and families.

School-Level Parent and Family Member Engagement

The Board directs each school receiving Title I funds to develop a building-level parent and family member engagement plan with that school’s parents and family members. In addition to the content included above, each school building-level plan will:

a) Describe how to convene an annual meeting, at a convenient time, to inform parents and family members of their school's participation in Title I programs, to explain Title I requirements, and to identify the right of the parents and family members to be involved. All parents and family members of these children will be invited and encouraged to attend the meeting;

b) Offer flexibility in scheduling meetings, and may provide transportation, child care, or home visits related to parent and family member engagement, using Title I funds;

c) Involve parents and family members in an organized, ongoing, and timely way in planning, reviewing, and improving Title I programs, including this policy;

(Continued)
d) Provide parents and family members with timely information about programs, a description and explanation of the curriculum in use, the forms of academic assessment used to measure student progress, the achievement levels of the challenging state academic standards, and, if requested by parents or family members, opportunities for regular meetings to formulate suggestions and to participate in decisions relating to their child's education. The District will respond to any suggestions as soon as practicably possible; and

e) Develop a compact jointly with parents and family members that outlines how they, school staff, and students will share responsibility for improved student academic achievement. The compact will also detail the means by which the school and parents and family members will build and develop a partnership to help all children achieve the state's standards.

f) Have a compact that:

1. Describes the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment to enable these students to meet the challenging state academic standards;

2. Describes the ways in which each parent or family member will be responsible for supporting the child's learning, volunteering in the child's classroom, and participating, as appropriate, in decisions relating to the child's education and positive use of extracurricular time; and

3. Addresses the importance of communication between teachers and parents or family members on an ongoing basis through, at a minimum:

   (a) Parent or family member-teacher conferences in elementary schools, at least annually, during which the compact will be discussed as it relates to the individual child's achievement;

   (b) Frequent reports to parents or family members on the child's progress;

   (c) Reasonable access to staff, opportunities to volunteer and participate in the child's class, and observing their classroom activities.

   (d) Ensuring regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.

If the parents or family members believe that the building-level parent and family engagement plan is not satisfactory, the school will submit their comments when it makes the plan available to the District.

To ensure effective involvement of parents or family members and to support a partnership among the school involved, parents or family members, and the community, to improve student academic achievement, the District and each school will:
(Continued)
SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)

a) Provide assistance to parents or family members of children served by the District or school to understand topics such as the challenging state academic standards, state and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of the children; These may be provided through parent workshops, Title I parent meetings, school newsletter, website pages, parent letters, student progress reports, and parent-teacher conferences.

b) Provide materials and training to help parents or family members to work with the children to improve their achievement, such as literacy training and using technology (including education about the harms of copyright piracy) to foster parent and family member engagement; Such materials and trainings may be provided through family literacy events at school, Title I parent meetings, school newsletter, website pages, home activities, student progress reports, and parent-teacher conferences.

c) Educate teachers, specialized instructional support personnel, principals, and other school leaders, with the assistance of parents or family members, in the value and utility of parent or family member contribution, and in how to reach out to, communicate with, and work with parents or family members as equal partners; Implement and coordinate parent or family member programs; and build ties between parents or family members and the school; School and district administrators will provide opportunities for professional learning, coaching, and feedback to support teachers, specialized instructional personnel, principals, and other school leaders on this work through professional development opportunities, department and faculty meetings, and meetings with individuals or teams.

d) Coordinate and integrate, to the extent feasible and appropriate, parent and family member engagement programs and activities with federal, state, and local programs, including public preschool programs that encourage and support parents and family members in more fully participating in the education of the children; Programs such as Head Start and Universal Pre-K will be include in all communication from the Title I Office. Program materials and resources distributed to teachers, parents, or family members for East View Elementary and Washington West Elementary will also be shared with these programs.

e) Ensure that information related to school and parent and family member programs, meetings, and other activities is sent to the parents or family members of participating children in a format and, to the extent practicable, in a language the parents or family members can understand;

f) Provide other reasonable support for parent and family member engagement activities as parents or family members may request.

In addition, the District and each school may:

a) Involve parents or family members in developing training for teachers, principals, and other educators to improve the effectiveness of this training;

(Continued)
SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)

b) Provide necessary literacy training from funds received under this part if the District has exhausted all other reasonably available sources of funding for the training;

c) Pay reasonable and necessary expenses associated with local parent and family member engagement activities, including transportation and child care costs, to enable parents and family members to participate in school-related meetings and training sessions;

d) Train parents or family members to enhance the involvement of other parents or family members;

e) Arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents or family members who are unable to attend these conferences at school, to maximize parent and family engagement and participation;

f) Adopt and implement model approaches to improving parent and family engagement;

g) Establish a District-wide parent and family member advisory council to provide advice on all matters related to parent and family member engagement in supported programs; and

h) Develop appropriate roles for community-based organizations and businesses in parent and family member engagement activities.

In carrying out the parent and family member engagement requirements, the District and its schools, to the extent practicable, will provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports in a format and, to the extent practicable, in a language they understand.

Procedures for Filing Complaints/Appeals

The District will disseminate free of charge to parents and family members of children in Title I programs, and to appropriate private school officials or representatives, adequate information regarding the District's written complaint procedures for resolving Title I issues.

Comparability of Services

The District will ensure equivalence among its schools of the same grade span and levels of instruction with regard to teachers, administrators, and auxiliary personnel, as well as equivalence in providing curriculum materials and instructional supplies in Title I programs.

Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA) of 2015
20 USC §§ 6318 and 6321
34 CFR Parts 74-86, 97-99, and 200
BOE Adoption Date: 11-12-19
SUBJECT: INSTRUCTIONAL TECHNOLOGY

The Board of Education recognizes its responsibility to further the District's educational goals through the use of appropriate and high quality technological materials and equipment. For the purpose of this policy, technology refers to computers, interactive videodiscs, Compact Disc-Read Only Memory (CD-ROM) devices, local area networks, satellite transmission and other telecommunications equipment.

Continuing advances in technology are bringing about changes that have an increasing impact on the way we obtain, process, evaluate and use information. Therefore, the District is committed to:

a) A comprehensive staff development program to ensure appropriate and effective use of technology.

b) The preparation of students to utilize multiple types of technology.

c) The integration of technology within and across all curriculum areas.

d) The equitable distribution and access to technological equipment and materials for all students.

e) The promotion of technology as an alternative to traditional methods of gathering, organizing and synthesizing information.

f) The provision of sufficient funds, within the budgetary constraints of the Board, for the implementation of technology instruction.

The Board directs the Superintendent or his/her designee to continually assess the technological needs of the District's instructional program, research and review current materials and make recommendations to the Board as may be needed.

Adopted: 8/23/04
SUBJECT: COMPUTER/INTERNET ACCEPTABLE USE POLICY

All teachers and staff and students in grades Pre-K through 12 in the Olean City School District and Community Members who have access to District Computers must sign and agree to abide by the District's "Acceptable Use Policy" as defined by the District Technology Committee. Failure to sign the "Acceptable Use Policy" will result in denial of computer access to such individual(s).

Violations of the District's "Acceptable Use Policy" will be addressed in accordance with procedures stated in the "Acceptable Use Policy", policies currently in place regarding Student Discipline, and/or through contractual agreements with the Olean Teachers' Association and the Olean Educational Support Personnel Association.

Adopted: 8/23/04
SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY

In compliance with the Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the District has adopted and will enforce this Internet safety policy that ensures the use of technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) on all District computers with Internet access. Such technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, child pornography, or with respect to the use of computers by minors, considered harmful to such students. The District will provide for the education of students regarding appropriate online behavior including interacting with other individuals on social networking websites and in chat rooms, and regarding cyberbullying awareness and response. Further, appropriate monitoring of online activities of minors, as determined by the building/program supervisor, will also be enforced to ensure the safety of students when accessing the Internet, while using District devices.

Further, the Board of Education's decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the schools including the selection of appropriate teaching/instructional materials as well as activities to enhance the schools' programs; and to help ensure the safety of personnel and students while online.

However, no filtering technology can guarantee that staff and students will be prevented from accessing all inappropriate locations. Proper safety procedures, as deemed appropriate by the applicable administrator/program supervisor, will be provided to ensure compliance with the CIPA.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet and World Wide Web may include, but shall not be limited to, the following guidelines:

a) Ensuring the presence of a teacher and/or other appropriate District personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using electronic mail, chat rooms, instant messaging and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of email, chat rooms, as well as social networking websites, may be blocked as deemed necessary to ensure the safety of such students;

b) Monitoring logs of access in order to keep track of the websites visited by students as a measure to restrict access to materials harmful to minors;

c) In compliance with this Internet Safety Policy as well as the District's Acceptable Use Policy, unauthorized access (including so-called "hacking") and other unlawful activities by minors are prohibited by the District; and student violations of such policies may result in disciplinary action; and

d) Appropriate supervision and notification of minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal identification information regarding such students.

(Continued)
SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY (Cont'd.)

The determination of what is "inappropriate" for minors shall be determined by the designated school official(s). It is acknowledged that the determination of such "inappropriate" material may vary depending upon the circumstances of the situation and the age of the students involved in online research.

The terms "minor," "child pornography," "harmful to minors," "obscene," "technology protection measure," "sexual act," and "sexual contact" will be as defined in accordance with CIPA and other applicable laws/regulations as may be appropriate and implemented pursuant to the District's educational mission.

Under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor, or other person authorized by the School District.

The School District shall provide certification, pursuant to the requirements of CIPA, to document the District's adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., blocking/filtering of access to certain material on the Internet) for all School District computers with Internet access.

Internet Safety Instruction

In accordance with New York State Education Law, the School District may provide, to students in grades K through 12, instruction designed to promote the proper and safe use of the Internet. The Commissioner shall provide technical assistance to assist in the development of curricula for such course of study which shall be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the Internet.

Under the Protecting Children in the 21st Century Act, students will also be educated on appropriate interactions with other individuals on social networking websites and in chat rooms, as well as cyberbullying awareness and response.

Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices

Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events.

(Continued)
SUBJECT:  INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY (Cont’d.)

The District is not responsible for inappropriate content or material accessed via a student's own personal technology or electronic device or via an unfiltered Internet connection received through a student's own personal technology or electronic device.

Consent for Student Use

The District will disseminate the Acceptable Use Police to parents and students and accompanying Regulations to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the Internet.

Student access to the District's computer system will automatically be provided unless the parent has submitted written notification to the District that such access not be permitted. Procedures will be established to define the process by which parents may submit a written request to deny or rescind student use of District computers.

Notification/Authorization

The District has provided reasonable public notice and has held at least one (1) public hearing or meeting to address the proposed Internet Safety/Internet Content Filtering Policy prior to Board adoption. Additional public notice and a hearing or meeting is not necessary when amendments are made to the Internet Safety Policy in the future.

The District's Internet Safety/Internet Content Filtering Policy must be made available to the FCC upon request. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of this policy as well as any other District policies relating to the use of technology.

The Internet Safety/Internet Content Filtering Policy is required to be retained by the school for at least five (5) years after the funding year in which the policy was relied upon to obtain E-rate funding.

47 USC Sections 254(h) and 254(l)
47 CFR Part 54
Education Law Section 814

NOTE:  Refer also to Policy #7316 -- Student Use of Personal Technology

District Code of Conduct on School Property

Adopted:  8/23/04
Revised:  3/6/12
SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS WITH LIMITED ENGLISH PROFICIENCY

The Board of Education recognizes its responsibility to ensure that students of foreign birth or ancestry, who have limited English proficiency, are provided with an appropriate program of bilingual transitional education or a free-standing program of instruction composed of English as a Second Language component. Written regulations and procedures shall be developed by the Superintendent pursuant to the Regulations of the Commissioner to:

a) Identify those students who are English language learners or who have limited English proficiency by means of a diagnostic screening of new entrants and provide a program of bilingual education or English as a Second Language for eligible students. A plan shall be developed to meet the educational needs of each student and proficiency will be measured annually by a language assessment instrument in order to determine further participation by a student. The plan will include assessment of each student's performance in content areas to measure the student's academic progress. State mandated tests may be offered in a student's native language.

b) Ensure that such students have access to appropriate instructional and support services, including guidance programs pursuant to Commissioner's Regulations and the opportunity to participate in District educational programs, including all existing extracurricular programs and activities, which are available to all other students enrolled in the public schools of the District.

A student whose score on an English language assessment instrument as specified in Section 154.2(a) of the Commissioner's Regulations is a result of a disability shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student and shall also be eligible for services pursuant to Part 154 of the Commissioner's Regulations when these services are recommended in the IEP.

The parent/guardian of a student identified as an English language learner or as limited English proficient shall be informed in his/her native language, if necessary, of the student’s placement in an instructional program.

The Superintendent shall ensure that all data required by the Commissioner's Regulations is submitted to the State Education Department in a timely manner.

Education Law Section 3204(2)(2-a)
8 NYCRR Sections 80.9, 100.2(g), 117, and 154

Adopted: 5/16/06
SUBJECT: PURPOSES OF INSTRUCTIONAL MATERIALS

The Board of Education shall provide the faculty and students in the District with such instructional materials as are educationally needed and financially feasible to make the instructional program meaningful to students of all levels of ability.

Education Law Section 701

Adopted: 8/23/04
Revised: 5/10/06
SUBJECT: SELECTION OF LIBRARY AND AUDIOVISUAL MATERIALS

The Board of Education agrees that the responsibility of the school library is:

a) To provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities and maturity levels of the students served.

b) To provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards.

c) To provide a background of information that will enable students to make intelligent judgments in their daily lives.

d) To provide materials on opposing sides of controversial issues so that young citizens may develop, under guidance, the practice of critical reading and thinking.

e) To provide materials representative of the many religious, ethnic, and cultural groups and their contribution to our American heritage.

f) To place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

In interpreting these principles, the following will apply:

a) Broad and varied collections will be developed systematically by the librarian and the audiovisual specialist, based on recommendations of the professional staff and suggestions of students and parents. Final approval will be made by the Building Principal.

b) Qualitative standards of selection involving factual accuracy, authoritativeness, artistic quality and appeal will be applied by librarians and audiovisual specialists before purchases are made.

c) Materials will not be excluded because of the race, nationality, political opinions, sex or sexual orientation, or religious views of the author.

d) Materials will be continuously re-evaluated in relation to changing curriculum and instructional needs. Worn out, out-dated materials will be discarded.

Rules of the Board of Regents Section 21.4

Adopted: 8/23/04
Revised: 5/16/06
SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS

Any criticism of instructional materials that are in the schools should be submitted in writing to the Superintendent. The Board of Education will be informed. A committee will be designated by the Superintendent to investigate the challenged material according to the principles and qualitative standards stated in Policy #8320 and report, including recommendation, to the Superintendent who will make a decision which can be appealed to the Board of Education.

Curriculum Areas In Conflict With Religious Beliefs

A student may be excused from the study of specific materials if these materials are in conflict with the religion of his/her parents or guardian. Alternatives may be provided that are of instructional value.

Education Law Section 3204(5)

Adopted: 8/23/04
SUBJECT: FAIR AND UNBIASED PRESENTATION

Teachers shall present all curriculum in an objective manner.

Teachers wishing to call upon outside speakers are required to obtain the approval of the Building Principal who shall keep in mind the obligation for presenting opposing views as well, and who shall inform the Superintendent prior to the presentation.

It is recognized that parents and citizens of the community have a right to protest to the school administration when convinced that unfair and biased presentations are being made in school. In considering such protests, the Superintendent of Schools shall provide for a hearing so that both parties may fairly express their views. If requested, the Superintendent’s decision may be appealed to the Board of Education in writing.

Adopted: 8/23/04
SUBJECT:  TEXTBOOKS/WORKBOOKS

The term "textbook" shall refer to a book supplied to a student for a fixed period of time for his/her personal use and basic to the study of a subject.

The Board of Education shall make provision for funds to be budgeted for the purchase of textbooks and related instructional materials.

Upon the recommendation of the Superintendent of Schools, the Board of Education shall designate the textbooks to be used.

Students will be required to pay for lost books or for excessive damage to books.

Textbooks for Resident Students Attending Private Schools

Resident students attending private schools will be supplied non-sectarian textbooks in accordance with the requirements of Education Law.

Workbooks

The Board of Education shall approve the expenditure of funds for the purchase of workbooks and manuals.

The term "workbook" shall refer to the type of book that provides spaces to write in and is consumed each year. It is usually paper-covered and designed to be used in connection with a textbook.

Education Law Section 701 et seq.

Adopted: 8/23/04
SUBJECT: USE OF COPYRIGHTED MATERIALS

It is the intent of the Board of Education to abide by the provisions of the United States Copyright Law (Title 17 United States Code Section 101 et seq.).

All employees are prohibited from copying materials not specifically allowed by the copyright law, fair use guidelines, licenses or contractual agreements, or the permission of the copyright proprietor.

Any employee who willfully disregards the copyright policy shall be in violation of Federal Copyright Laws and District policy and shall assume all liability.

A copyright officer may be appointed by the Superintendent to provide information for all personnel regarding current copyright law and to maintain copyright records.

Written regulations and procedures shall be developed by the Superintendent detailing what can and cannot be copied. Appropriate copyright notices will be placed on or near all equipment used for duplication.

Title 17 USC Section 101 et seq.

Adopted: 8/23/04
SUBJECT: RELIGIOUS EXPRESSION IN THE PUBLIC SCHOOLS

The Board of Education acknowledges the importance of religion to the understanding of society and the richness of the human experience. In approaching the teaching about religion in the school, the District will be guided by three concepts when making decisions about the appropriateness of activities for inclusion in the school program: the activity should have a secular purpose; the activity should neither advance nor inhibit religion; and the activity must not foster an excessive entanglement of "government" with religion.

Nurturing the development of knowledge and respect for the rights of all cultural and religious groups is a continuing goal of the School District. Students, faculty and administration are reminded of the pluralism of religious beliefs and are urged to be conscious of and respect the sensitivity of others.

Opportunities to learn about cultural and religious traditions should be provided within the framework of the curriculum. Information about religious and cultural holidays and traditions focusing on how and when they are celebrated, their origins and histories should be part of this instruction. This educational opportunity should be handled with great care, sensitivity and respect for the feelings and beliefs of individuals.

An environment should be created and encouraged where students of various ethnic backgrounds feel comfortable in sharing comments about their religious and cultural traditions. No student should be singled out to share or participate in such discussions solely on the basis of that student's identification with the cultural/religious heritage being addressed. A student's preference not to share or participate in such discussions should be honored and respected without penalty.

School Activities Related to Religious Holidays or Themes

School activities related to the teaching about religious holidays or themes must be consistent with, representative of, and congruent with the District's curriculum.

In planning school activities related to the teaching about religious holidays or themes, special effort must be made to ensure that the activity is not devotional and that students of all faiths can join without feeling they are betraying their own beliefs.

In planning school activities related to the teaching about religious holidays or themes, age appropriate activities are encouraged within the framework of the curriculum. Teaching about religious and cultural holidays may include such special activities as parties and special foods, if they reinforce educational goals.

Symbols in the Schools

The purpose of using religious symbols should be to teach about religious concepts and traditions, and to convey historical or cultural content, not to promote or celebrate religious concepts, events or holidays.

(Continued)
SUBJECT: RELIGIOUS EXPRESSION IN THE PUBLIC SCHOOLS (Cont'd.)

Music in the Schools

The purpose of using religious music should be to teach musical concepts, to convey historical and cultural content, or to create aesthetic experiences in a setting which emphasizes artistic expression and educational value, not to promote or to celebrate a religious faith.

District Calendar

The days on which members of a religious group may be absent to observe a religious holiday (legal absence) will be noted on the school planning calendar and the District calendar distributed to parents/guardians. Out of respect for a student's observance of these holidays, teachers will be sensitive to the needs of the student by allowing them to make up all class work, homework, and tests without penalty. Parents/guardians are encouraged to notify the school prior to the absence in order to assist the staff in instructional planning and in meeting the needs of the student.

Curriculum Areas In Conflict With Religious Beliefs

Students shall be given the option to be excused from participating in those parts of an activity, program, or area of instruction involving a religious theme which conflicts with their own religious beliefs or that of their parents/guardians in accordance with applicable law and regulations. Alternatives may be provided that are of comparable instructional value.

Implementation

Written administrative regulations will be developed by the Superintendent to implement the terms of this policy. Further, the District shall vigorously publicize and disseminate this policy and accompanying regulations in order to ensure community, faculty, student, and parental/guardian awareness.

United States Constitution, First Amendment
New York State Constitution, Article XI, Section 4
Equal Access Act, 20 USC Sections 4071- 4074
Education Law Sections 1709(1) and (3), 3204(5) and 3210
8 NYCRR Sections 16.2 and 109.2

Adopted: 8/23/04
SUBJECT:  SCHOOL CALENDAR AND SCHOOL DAY

School Calendar

The Superintendent shall be responsible for the preparation of a school calendar to be presented to the Board for adoption.

School Day

The school day shall be set by the Superintendent with approval of the Board and shall be consistent with any and all contracts.

Education Law Sections 3204(4) and 3604(7)(8)
8 NYCRR Section 175.5

Adopted:  8/23/04
SUBJECT: PLEDGE OF ALLEGIANCE

The Board directs the administration to include the salute to the flag and Pledge of Allegiance as part of the daily opening exercises in all the schools.

The Board of Education recognizes that students have the right to abstain from reciting the pledge and teachers have the right to stand silently during the daily recitation of the pledge.

Education Law Section 802
8 NYCRR Section 108.5

Adopted: 8/23/04
SUBJECT: INDEPENDENT STUDY

Independent study, for credit, upon approval by the Building Principal, will be available to meet special individual needs of students in grades nine (9) through twelve (12). Credit shall be granted by the Building Principal only for courses in the approved curriculum.

8 NYCRR Section 100.5(d)(1)

Adopted: 8/23/04
SUBJECT:  HOMEWORK

The Board of Education acknowledges the educational value of homework as an adjunct to, and extension of, the instructional program of the schools. Homework may be assigned to students for the purpose of reinforcing, preparing, supplementing, and reviewing concepts that have been or will be taught.

Adopted: 8/23/04
SUBJECT:  HOME TUTORING (TEMPORARY INSTRUCTION)

District enrolled children attending public or nonpublic schools who qualify for home tutoring due to a prolonged absence shall be provided with such instruction in accordance with New York State Education Law and Commissioner's Regulations.

Written procedures for students requiring home tutoring shall be developed under the direction of the Superintendent or his/her designee.

Education Law Sections 1604(20), 1709(24), 3202, and 4401

Adopted: 8/23/04
SUBJECT: FIELD TRIPS

The Board of Education recognizes that field trips are an educationally sound and important ingredient in the instructional program of the schools.

For purposes of this policy, a field trip shall be defined as any journey by a group of students away from the school premises, under the supervision of a teacher, which is an integral part of an approved course of study and conducted for the purpose of affording a first-hand educational experience not available in the classroom.

Field trips are a part of the curriculum of the schools, and student conduct and attendance on field trips are governed by the same rules that govern regular classroom activities. The School System shall obtain written permission for students going on school-sponsored field trips.

The Superintendent shall prepare written procedures for the operation of a field trip activity. Field trip support shall be determined annually by the Board during its budget deliberations. Regardless of the fiscal support for field trips, the rules of the School District for approval and conduct of such trips shall apply.

Field Trips Out of Country

All School District sponsored field trips should be educationally beneficial and should require thoughtful selection, careful advance preparation of the students going on the field trip and opportunities for the students to assimilate the experience during and at the conclusion of the trip. This is particularly the case with field trip going outside of the United States.

Out of the country field trips shall be permitted to the extent that they provide the most effective means of accomplishing objectives related to given aspects of the instructional program. Such field trips should be considered as a method of instruction and planned as such with definite educational objectives determined in advance. Appropriate instruction shall precede and follow each trip.

The following factors will be considered in approving out of country field trips:

a) Trip requests are to be made to the Building Principal along with a fully completed "Application Plan".

b) Trip requests require the approval of the Building Principal and then the Superintendent of Schools before requests will be entertained by the Board of Education. The Superintendent of Schools will convey trip requests to the Board of Education.

c) Trip requests are to conveyed to the Board of Education at least ninety (90) calendar days in advance of the anticipated scheduled date of the trip.

(Continued)
SUBJECT: FIELD TRIPS (Cont’d.)

d) No funds (School District, club or student/parent) are to be spent on requested trips until the Board of Education has granted its approval for the trip to take place. This requirement includes cash, checks, purchase orders or credit card funds.

e) All School District and School building rules and regulations for students, staff and chaperones will be fully complied with while on field trips. These field trips are essentially an extension of regular classroom activities. Medical forms, parental permission slips, passports, etc. are to be completed and fully executed at least five (5) school days in advance of the trip.

f) The Superintendent of Schools is responsible for developing written regulations governing all out of country field trips.

g) Out of country field trips are to be appropriately supervised by chaperones approved by the Building Principal. The number and characteristics of chaperones supervising such field trips will be determined by the Building Principal taking into consideration the number of students going on the trip as well as the nature of the trip.

h) Out of country field trips should last no more than fourteen (14) calendar days. Trips are to be scheduled to take place during normally scheduled school district recess times. If it is impossible to schedule such field trips to coincide with these recess times the trips should be scheduled to at least overlap the recess times.

i) No student will be allowed to go on more than one out of country field trip per school year (excluding one day trips to Canada).

j) Upon returning from an out of country field trip students are allowed a maximum of ten (10) school days to make up school work, etc. missed while on the trip. The Building Principal will coordinate these matters in conjunction with the primary adviser(s) for the field trip.

Adopted: 8/23/04
SUBJECT: HOME INSTRUCTION (HOME SCHOOLING)

From time to time, parents will choose to instruct their children at home. The School District will attempt to cooperate with parents who wish to provide home schooling for their children realizing that the child who is educated at home should receive an education in a manner consistent with an educational plan and at least substantially equivalent to that given to students of like age and attainments in the local public schools. The required subjects should be taught in a competent, systematic, and sequential manner, specifically in relation to the required courses as enumerated in Commissioner's Regulation Section 100.10.

Education Law Sections 3204, 3205, 3210.2, 3212.2, 3240-42, 3602-c, and 4402
8 NYCRR Sections 100.10 and 200.2(a)

Adopted: 8/23/04
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