

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

FOREWORD

Contained herein are the regulations and/or procedures formulated by the administrators of the Port Byron Central School District.

The organizing system in this manual utilizes the same numerical coding as in the Port Byron Central School District Policy Manual. Each regulation is followed by the letter "R" and each procedure is followed by the letter "P". Any forms relating to the topics are followed by the letter "F".

PORT BYRON CENTRAL SCHOOL DISTRICT

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Port Byron Central School District

NUMBER

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SUBJECT: FLAG DISPLAY

- 1) The flag **shall** be displayed daily during school days in, on or near every school. The flag will be displayed outdoors, weather permitting, from sunrise to sunset. However, the flag may be displayed and appropriately lighted at night on special occasions as authorized by the Board or the Superintendent when it is desired to produce a patriotic effect.
- 2) The flag **shall** be displayed daily on or near the District's main administration building whenever it is open to the public, **and** on the following days whether or not the District is open:
 - a. January 1, New Year's Day
 - b. The third Monday of January, Dr. Martin Luther King, Jr. Day
 - c. The twelfth day of February, Lincoln's Birthday
 - d. The third Monday in February, Washington's Birthday
 - e. The last Monday in May, Memorial Day
 - f. The second Sunday of June, Flag Day
 - g. July 4, Independence Day
 - h. The first Monday in September, Labor Day
 - i. The eleventh day of September, Patriot Day/Remembrance Day
 - j. The third Friday in September, National POW/MIA Recognition Day
 - k. The second Monday in October, Columbus Day
 - l. The eleventh day of November, Veterans Day
 - m. The fourth Thursday in November, Thanksgiving Day
 - n. The seventh day of December, Pearl Harbor Day
 - o. December 25, Christmas Day

(If any of the above days except Flag Day falls on a Sunday, the flag will be flown on the next day.)

(Continued)

SUBJECT: FLAG DISPLAY (Cont'd.)

- p. Each general election day
 - q. Each day appointed by the President of the United States or by the Governor of New York as a day of general thanksgiving or for displaying the flag.
- 3) The flag **shall** be displayed in every assembly room including the room where the Board of Education meetings are conducted.
 - 4) The flag will be displayed in all rooms used for instruction. The Pledge of Allegiance shall be recited daily.
 - 5) The flag will be flown at full staff at all times except that it **shall be flown at half-staff**:
 - a. On Memorial Day until 12 noon, then raised to the top of the staff;
 - b. On Peace Officer's Memorial Day, May 15 (unless that day is also Armed Forces Day);
 - c. On Patriot Day/Remembrance Day, September 11;
 - d. On National Pearl Harbor Remembrance Day, December 7;
 - e. On a day as may be designated by the Board to commemorate the death of:
 - (1) A personage of national or state standing;
 - (2) A local serviceman, official or public servant who, in the opinion of the Board, contributed to the community;
 - (3) A present or former Board member, present employee, teacher, student, clerk or custodian.
 - 6) The flag **may** be flown at half-staff during special periods of mourning designated by the President of the United States or the Governor of New York.
 - 7) The flag will not be flown at half-staff in response to a petition from students, faculty, or other employees of the District, or petition from a member or members of the community, who have as their intent an expression of sympathy, support, dissent, or opposition to a cause which is political, social, or economic.

Community Relations

SUBJECT: SCHOOL VOLUNTEERS

A school volunteer is defined as a non-paid person who assists District staff, including but not limited to instructional personnel, in curricular, co-curricular, or extracurricular programs. A volunteer is a person who offers to provide assistance or service of his/her own free will without legal obligations.

General Guidelines

- 1) Use of volunteers shall not conflict with or replace any duly appointed and/or authorized District personnel or the duties/job responsibilities of such personnel. Any information gained through volunteering must be held in strict confidence with the Principal/designee assuring that the volunteer has no access to confidential student or personnel data unless as designated by a school official in accordance with the Family Educational Rights and Privacy Act (FERPA).
- 2) Volunteers may assist on an occasional or regularly scheduled basis, yet, may not teach or provide the initial instruction for accomplishing educational objectives; but may reinforce skills taught by the professional staff.
- 3) Volunteers may not provide transportation to students in their personal automobiles for any school-sponsored activities.
- 4) Volunteers may not be assigned the responsibility for disciplining students but may assist the teacher in maintaining proper behavior of students and report behavioral problems to the teacher.
- 5) Volunteers may not supervise a class in the absence of the teacher.
- 6) Volunteers are not to contact parents regarding the performance of students or write comments on any papers/school work sent home.

Implementation of the Volunteer Program

- 1) General administration of the volunteer program in the District shall be the responsibility of the Superintendent or his/her designee with Principals assuming general authority over volunteers.
- 2) The need for volunteers will be determined by the Principal and other personnel.
- 3) An application shall be filled out by each prospective volunteer and forwarded to the District Office for evaluation. All regularly scheduled volunteers will, at a minimum, complete an application, provide authorization for a reference check, and shall be screened and interviewed by the Building Principal or his/her designee. Occasional volunteers will be screened by the Building Principal in a manner of his/her choosing.

(Continued)

SUBJECT: SCHOOL VOLUNTEERS (Cont'd.)

- 4) The Building Principal will forward his/her decisions concerning selection, placement and replacement of volunteers to the Superintendent for final evaluation. Following approval from the Superintendent of Schools, volunteers selected for work in the District shall be placed on the list of approved volunteers. However, the Superintendent retains the right to approve or reject any volunteer applications submitted for consideration.
- 5) Principals shall assume final responsibility for the assignment of volunteers from the approved list. Assignment of a volunteer must be acceptable to the supervisory staff member.
- 6) Orientation and inservice training will be provided by appropriate staff.
- 7) Volunteers will work under the supervision of appropriate staff and are expected to comply with all District rules and regulations.
- 8) An accurate list of volunteers shall be kept by each Principal or supervisor and forwarded to the Superintendent. Also, a copy of each building's volunteer registry file will be forwarded to the Personnel Office.
- 9) The District does not carry health/accident insurance or Workers' Compensation on volunteers. They are covered for their actions or omissions within the scope of their approved authority under the liability section of the District's umbrella policy. However, this is not the case for visitors to the school who do not act in a volunteer capacity.
- 10) Volunteers must sign in and out in the school office.
- 11) Each school will keep a volunteer registry which will include, but not be limited to, the following information: name, address, telephone number, emergency contact.
- 12) Volunteers must wear appropriate identification to ensure immediate recognition as persons whose specific purpose is helping students and staff. Appropriate identification will be determined by the Superintendent or Building Principal/supervisor, or designee.

**PORT BYRON CENTRAL SCHOOL DISTRICT
STUDENT PRIVACY AND CONFIDENTIALITY AGREEMENT
FOR SCHOOL VOLUNTEERS**

Your service as a volunteer in our schools is greatly appreciated. In your association with teachers and students, you may have access to student information that is not to be shared or discussed with anyone other than designated personnel. Confidentiality is of the utmost importance in your work with teachers and students. You may not discuss a child even with that child's parents/guardians; nor are you to contact parents/guardians regarding the behavior or performance of students. You must always refer any questions regarding students to the student's teacher or the Building Principal. If you need help with a student, discuss the matter professionally with the child's teacher or other designated school official. *Before beginning service as a volunteer in our School District, it is requested that you acknowledge your intent to fulfill this responsibility by endorsing the statement below:*

- 1) I will not discuss with others, when serving as a volunteer or when no longer in a volunteer role, the content of any confidential student information which was learned in the course of or because of my volunteer work in the school; nor will I disclose or permit to be disclosed, directly or indirectly, student education records, personally identifiable student information in such records, or other confidential information regarding any student. Exceptions to this rule include my ability to discuss student information with designated staff members and/or as authorized by administration.
- 2) The confidentiality of student information shall include, but not be limited to, the following topics:
 - a. Academic standing (including student grades and test scores);
 - b. Attendance;
 - c. Financial status;
 - d. Physical/mental health identity and history;
 - e. Disciplinary status/records.
- 3) I further understand that, in accordance with the Family Educational Rights and Privacy Act, "education records" (generally defined as "those records, files, documents, and other materials which contain information directly related to a student; and are maintained by an educational agency or institution or by a person acting for such agency or institution") cannot be released, except as enumerated in law, without parent/guardian permission.
- 4) As a volunteer, I understand that I am not authorized to examine, release or comment on student records/information unless expressly authorized by school officials in accordance with applicable law.
- 5) While in the possession and control of confidential student data, I understand that I must protect those documents from being viewed or obtained by non-authorized individuals.

(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT
STUDENT PRIVACY AND CONFIDENTIALITY AGREEMENT
FOR SCHOOL VOLUNTEERS (Cont'd.)**

- 6) I will never take any confidential student data off campus unless authorized by the Building Principal or his/her designee.
- 7) Concerns or questions regarding student records or issues of confidentiality should be brought to the attention of the school administrator and/or staff member that supervises the volunteer.
- 8) I must report any breach or suspected breach in this confidentiality agreement to the Building Principal or his/her designee.

Volunteers in our School District shall perform tasks only under the supervision and guidance of appropriate staff, and are expected to comply with all District rules and regulations. Orientation and inservice training will be provided by appropriate staff to help ensure volunteer awareness of their duties, responsibilities, and expectations; and will stress the issues and importance of confidentiality of student information. Volunteers shall be given selected materials, including applicable Board policies and/or administrative regulations, that address the role of the volunteer.

Violation of these guidelines may constitute cause for termination of the volunteer's services. The Superintendent or his/her designee is responsible for decisions concerning continuation or discontinuance of a volunteer's activities.

Volunteer Confidentiality Agreement and Signature (required for all volunteers)

By signing, I acknowledge that I have read, understand, and will comply with the Confidentiality Statement above.

Name of Volunteer (please print)

Signature of Volunteer

Date

Signature of Administrator

Date

This Confidential Agreement will be kept on file in the Main Office of the building to which the volunteer is assigned. A copy of the Agreement will be provided to the volunteer.

SUBJECT: TEACHER WEB PAGES INCLUDING WEB 2.0 TOOLS FOR COLLABORATION

An exciting innovation in technology is the opportunity for District teachers and staff to create teacher Web pages. The Board and the administration encourage the development of Web pages by teachers and staff in order to provide information to parents, students and the community about classroom and student activities as well as instructional resources. To be considered authorized by the School District, teacher Web pages must be developed in accordance with this regulation using resources consistent with the District's Web presence.

Teachers and staff may begin the process leading to the creation of a teacher Web page by registering for training after obtaining the approval of the Principal or Supervisor.

In addition, the following guidelines apply to all teacher Web pages developed by District teachers or staff and housed within Web sites authorized by the District. All information must be in compliance with District policies, regulations, and Web standards.

Content Integrity

- 1) All subject matter on the Web pages and their links must relate to:
 - a. Curriculum and instruction;
 - b. District authorized activities and services;
 - c. Information about the School District or its mission.
- 2) Safety – Information about students and staff posted on a teacher Web page should be general in nature. Do not use students' full names on the Web. Also, for example, do not give specific locations and times when listing a field trip or activity. Remember that this information is public for anyone to access.
- 3) Always refer to our organization by using its proper name, Port Byron Central School District.
- 4) To reduce the possibility of spam, use broken e-mail addresses that do not automatically create a link.
- 5) Confidential information regarding students, staff, or the organization may not be posted on teacher Web pages.
- 6) Treat your audience with respect. Avoid any objectionable language, and use proper grammar and spelling at all times.

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SUBJECT: TEACHER WEB PAGES INCLUDING WEB 2.0 TOOLS FOR COLLABORATION (Cont'd.)Copyright Information

Generally, you cannot post a copy of any copyrighted materials on your Web site without the copyright owner's permission. Merely acknowledging the source of the copyrighted material is *not* a substitute for obtaining this permission. Materials that may be subject to copyright include photographs, logos, music, videos, cartoons, drawings/paintings/graphs/charts/animation, articles, and other Web pages.

Teachers and staff should assume that any such materials, even if found on the Internet and even in the absence of the © symbol or other copyright notice, are subject to copyright.

- 1) Under certain limited circumstances, teachers are authorized to use portions of copyrighted works in traditional classroom settings under the doctrine of "fair use," without specific permission. However, a copy of a copyrighted work placed by a teacher on a Web site is less likely to be seen as a "fair use" of that work. Therefore, reliance on considering such use on a Web site as "fair use" should be avoided.
- 2) Generally, links to copyrighted resources available elsewhere online may be created as long as the link merely directs the user to another site and does not cause a copy of the copyrighted work to be created and stored on District sites or Web servers. Include link disclaimer language:

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

These links are provided for your information and convenience. By clicking on a link you will be leaving the School District's Web site. Please be aware that, while we make every effort to evaluate all the sites to which we link, we cannot endorse nor be responsible for the content provided on these sites. Surf Safely!

- 3) Framing (displaying another site's Web page within the District's Web page design) is not permitted. Your link must create a separate Web page to appear.

Additional Guidelines for the Use of Photos and Images

- 1) When uploading a file containing an approved photo, please make certain the file name does not list students' names (ex.: SallyMae.jpg). If it does, please re-save the photo using another generic description to then upload onto the Web. Students' names could be inadvertently shared, accessed as part of the image's code, if not corrected.

(Continued)

SUBJECT: TEACHER WEB PAGES INCLUDING WEB 2.0 TOOLS FOR COLLABORATION (Cont'd.)

- 2) Photos of individual students or staff are not recommended for security reasons. Group pictures make it harder to identify a specific person in the photo.
- 3) When using the School District logo, use only the standard logo and do not modify it in any way. When using the logo of another organization, you must get permission in writing first.
- 4) You may only use images on your Web page with the permission of the copyright owner, unless the image is from a source that specifically grants permission for such use. You cannot scan material from a book and paste it onto your Web page. Handouts created by anyone but you cannot be posted on the Web page. Clip art may be used if from a source that grants permission for such use.

Blogs, Podcasts and Vodcasts

In addition to or as part of a teacher Web page, teachers may choose to create blogs to engage students in effective dialogue on selected topics. They may choose to create or make available podcasts or vodcasts for instructional purposes as well. Teachers and staff are encouraged to utilize Web 2.0 communications tools such as blogs, podcasts and vodcasts that are developed in accordance with this regulation using resources provided by and hosted on sites consistent with the District's Web presence.

Teachers who use blogs, podcasts or vodcasts as instructional tools should remember that their content may be viewed by anyone who has the ability to access the Web site on which the blog, podcast or vodcast is located. Blogs, podcasts and vodcasts should be reserved for classroom use only and must be "locked," so as not to allow the general public to post their comments, thus keeping your learning project on task. In addition, the District requires that all blogs developed pursuant to this regulation be monitored by the teacher or staff member. Therefore, teachers and staff members are not authorized to use the "unmoderated" option when setting up a blog.

Teachers and staff members are responsible for the content of instructional blogs, podcasts and vodcasts that they create. Blogs, podcasts and vodcasts will be monitored in the same manner as teacher Web pages. Inappropriate material may not be posted by staff or students. If inappropriate content is found, it will be removed immediately and notification will be made to the teacher or staff member who created the blog, podcast or vodcast. Appropriate disciplinary action may be taken.

The information above on content integrity, copyright and use of images and photos on teacher Web pages also applies to all Web 2.0 communication tools including, but not limited to, blogs, wikis, podcasts and vodcasts.

(Continued)

SUBJECT: TEACHER WEB PAGES INCLUDING WEB 2.0 TOOLS FOR COLLABORATION (Cont'd.)

Blogs, podcasts and vodcasts should be used to enhance learning, and topics for those online presentations should align with the curriculum. Controversial topics may be addressed using these tools in accordance with Board policy and administrative regulations. Blogs, podcasts and vodcasts can be used to share the exciting and creative curriculum-based activities experienced by our staff and students.

Applicable Policy and Regulation

All development and use of teacher Web pages and Web 2.0 communication tools such as blogs, podcasts and vodcasts shall be subject to other applicable Board policies and regulations including policy and regulations regarding **Staff Use of Computerized Information Resources**.

Community Relations

SUBJECT: VISITORS TO SCHOOL BUILDINGS

Close communication and supportive relationships between parents/guardians and schools are essential to increasing student achievement and enhancing school climate. The Port Byron Central School District supports these efforts through effective and appropriate visitations to schools and to classrooms by parents/guardians, community members, and other appropriate individuals, subject to the following guidelines:

- 1) Parents/guardians may request a visit to their child's classroom(s) through the Building Principal, at which time the purpose of the visit will be established. The date and time of the visit will be mutually agreed upon directly between the parent/guardian and the teacher. The Building Principal will be notified, in advance, of the arrangements which have been agreed upon for the visit.
- 2) Teachers may request that a parent/guardian visit the classroom by directly contacting the parent/guardian and establishing a mutually agreed upon time and date. The Building Principal will be notified of the visit, in advance.
- 3) Visitations by individuals other than parents/guardians shall be arranged directly between the Building Principal and the individual making the request. The purpose of the visit will be made clear at that time in order to facilitate appropriate arrangements.
- 4) Visitation will occur in a way that avoids or minimizes disruption to the normal learning process and the ordinary classroom routine. The Building Principal may be present when appropriate. Visitors agree to maintain confidentiality regarding information which they acquire during the course of the visit as explained to the visitor by the Building Principal.
- 5) Individuals visiting the schools are to go directly to the Main Office of the building which they are planning to visit, and follow the specific visitor procedures prescribed by that building.
- 6) If a staff member notices that a visitor does not report to the Main Office upon entering the building, he/she should report that occurrence to the Building Principal/designee.
- 7) Before a child may be taken from the building by a non-school person, the visitor must be recognized by the Building Principal or his/her designee as one having the legal right to take the child. The visitor will wait in the Main Office for the child to come from the classroom and/or follow other duly approved procedures for that building.
- 8) Signs will be posted throughout the school building directing visitors to report to the Main Office.

Community Relations

SUBJECT: VISITORS TO THE SCHOOL

<u>Responsibility</u>	<u>Action</u>
Principal/Designee	1) Ensures that notices are posted at all building entrances directing visitors to report to the Principal's office immediately upon arrival.
Visitor	2) Reports to the Principal's office stating intended business to the Principal/designee. Follows school's procedures for "signing in" and "signing out."
Principal/Designee	3) a. Grants permission for the visitor to carry out his/her stated business. b. Accompanies visitors where appropriate. or c. Denies permission for access to the building and/or staff and explains the reason(s) for the decision. d. Escorts the visitor to the door and witnesses his/her departure from the building. e. If visitor refuses to leave, notifies the legal authorities.
Teacher	4) a. Notifies Principal of scheduled visits to classroom in advance. b. Contacts parent/guardian directly to establish agreed-upon time and date for visitations requested by teacher.

Community Relations

SUBJECT: COMPLAINTS CONCERNING SCHOOL PERSONNEL

Complaints or inquiries concerning school personnel shall be referred to the department or school to which the matter pertains.

Normally, such complaints or inquiries shall be referred to the immediate supervisor who will make initial inquiries and investigations, and if unable to resolve the matter satisfactorily shall refer the matter to the next appropriate level. If necessary the matter will be referred through successive levels of authority to the Superintendent of Schools.

All administrators will process such complaints in a thorough and expeditious manner.

Complaints against personnel will be discussed by supervisors only with superiors or with those persons directly involved in the matter.

Applicable provisions of all contracts with negotiating units, in addition to federal and state laws and Board of Education policies pertaining to Rights of Privacy, will be strictly observed in the processing of complaints and inquiries about Port Byron Central School District employees.

Community Relations

SUBJECT: ANTI-DISCRIMINATION COMPLAINT GUIDELINES

Any type of discrimination allegedly occurring within the District shall be investigated by the appropriate official in accordance with the following District regulations and procedures.

In following these procedures, should the investigating official be the alleged source of discrimination, then the employee/student or potential employee/student shall report his/her complaint to the next level of supervisory authority. Both informal and/or formal complaint procedures may be used to report allegations of discrimination.

All reports of alleged discrimination will be held confidential to the extent possible consistent with the District's legal obligations in conducting a thorough investigation and/or taking appropriate disciplinary measures. Subject to all applicable laws and collective bargaining agreements, the following guidelines shall be utilized in the investigation and resolution of discrimination complaints.

Step 1 - Informal Complaint

- 1) An employee or student who believes that he/she has been subjected to any type of discrimination shall immediately notify his/her immediate supervisor or Principal on the complaint form provided by the District.
- 2) A potential employee or potential student who believes that he/she has been subjected to any type of discrimination shall immediately notify the District's Complaint Officer. Those procedures established under Step 2 - Formal Complaint will then apply. (see subheading "Step 2 – Formal Complaint" in this regulation)
- 3) Within fourteen (14) days after receipt of the complaint the supervisor or Principal will correct the situation stated in the complaint if he/she finds the complaint valid and if the correction of the complaint is within his/her scope of authority.

The action taken by the supervisor or Principal will be noted on the complaint form.

- a. The supervisor or Principal may consult with or seek the assistance of the Complaint Officer in resolving the complaint.
- b. If the supervisor or Principal can not resolve the issues raised in the complaint within fourteen (14) days, he/she shall notify the complainant of that fact before the expiration of the fourteen (14) day period and he/she shall further indicate the approximate date on which his/her determination will be made.

(Continued)

SUBJECT: ANTI-DISCRIMINATION COMPLAINT GUIDELINES (Cont'd.)

- c. If resolution of the complaint is not within the scope of the authority of the supervisor or Principal, he/she shall immediately notify the complainant who may then initiate those procedures set forth in the next section if he/she so desires.

Step 2 - Formal Complaint

If the complaint was not resolved at the informal stage to the satisfaction of the complainant, he/she may within fourteen (14) days of the decision of the supervisor or Principal ask that the Complaint Officer or his/her designee review the allegations raised by stating his/her reasons on the complaint form provided by the District and filing them with the Complaint Officer.

- 1) The Complaint Officer or his/her designee will review the file and if necessary conduct his/her own investigation. The decision of the Complaint Officer will be made in writing within fourteen (14) days from presentation of the complaint to him/her unless the Complaint Officer has notified complainant that a period in excess of fourteen (14) days will be needed for him/her to conduct the investigation and render his/her decision.
- 2) If the Complaint Officer concludes that further action beyond that taken by the supervisor or Principal must be taken, he/she shall immediately notify the Superintendent so that the Complaint Officer's recommendations may be reviewed and implemented by the Superintendent.

Step 3 - Corrective Action/Resolution

The Complaint Officer will inform the Superintendent of the outcome of his/her investigation. If the Superintendent of Schools issues a finding that no form of discrimination has occurred, the complainant, if not satisfied with this resolution, may appeal the decision to the Board of Education. If the complainant is satisfied with the Superintendent's finding, the complainant will so indicate in writing and the matter will be deemed closed.

Should the Superintendent determine that corrective action is necessary, the Superintendent of Schools shall follow all applicable law and regulations and appropriate collective bargaining agreements in the resolution of the complaint.

The complainant shall receive a copy of any and all reports issued by the Superintendent pertaining to the investigation/outcome of the formal complaint.

Step 4 - Appeal to the Board of Education

In the event that a complainant files an appeal with the Board of Education following a finding by the Superintendent of Schools, the Board of Education will conduct a hearing and issue a written response to the complainant following completion of the hearing.

(Continued)

SUBJECT: ANTI-DISCRIMINATION COMPLAINT GUIDELINES (Cont'd.)

The District shall take all appropriate measures to prevent the occurrence or continuation of any type of discrimination and shall implement remedial or corrective action where necessary.

Regardless of whether a complaint has been filed, if the District knows or has reason to know of the existence of any type of discrimination, the District shall require a prompt and thorough investigation by appropriate personnel.

Scope of Legal Action

The filing of a complaint, and/or the rendering of a decision regarding the complaint shall in no way prohibit, prevent or limit the complainant from taking appropriate legal action in accordance with state and federal law.

NOTE: Refer also to Regulation #3420R -- Anti-Harassment in the School District

Community Relations

SUBJECT: ANTI-DISCRIMINATION COMPLAINT PROCEDURES

<u>Responsibility</u>	<u>Action</u>
Complainant (Employee/Student)	1) Notifies his/her immediate supervisor or Principal on the complaint form provided by the District. (In the case of a potential employee/student, he/she shall immediately notify the District's Complaint Officer).
Supervisor/Principal*	2) a. Within fourteen (14) days after receipt of the complaint, corrects the situation stated in the complaint if he/she finds the complaint valid and if such action is within his/her scope of authority. b. Notes on the complaint form the action taken.
Complainant	3) If the complaint has not been resolved to his/her satisfaction, may file a formal complaint with the Complaint Officer within fourteen (14) days of the decision of the supervisor or Principal on the form provided by the District.
Complaint Officer/Designee*	4) a. Reviews the file and, if necessary, conducts his/her own investigation. b. Makes decision in writing within fourteen (14) days from receipt of the complaint, or notifies the complainant that more time will be needed for further investigation before rendering a decision. c. Notifies the Superintendent of his/her recommendations for review and/or implementation.
Superintendent	5) a. Issues a finding as to whether discrimination has occurred.

* If the investigating official is the alleged source of discrimination, then the complainant shall report his/her complaint to the next level of supervisory authority.

(Continued)

Community Relations

SUBJECT: ANTI-DISCRIMINATION COMPLAINT PROCEDURES (Cont'd.)

<u>Responsibility</u>	<u>Action</u>
Superintendent (Cont'd.)	b. If corrective action is deemed necessary, follows all applicable law and regulations and appropriate collective bargaining agreements in implementing such action.
Complainant	6) a. Receives a copy of any and all reports issued by the Superintendent pertaining to the investigation/outcome of the formal complaint. b. If satisfied with the resolution, so indicates in writing. c. If not satisfied, may appeal to the Board of Education or may take appropriate legal action in accordance with state and federal law.
Board of Education	7) If complainant files an appeal, conducts a hearing and issues a written response to the complainant.

**PORT BYRON CENTRAL SCHOOL DISTRICT
ANTI-DISCRIMINATION COMPLAINT FORM**

Complainant:

Name _____

Mailing Address _____

Telephone _____ Date Filed _____

Description of Alleged Discrimination _____

Time and Place of Violation _____

Statement of Complaint _____

Remedy Sought by Complainant _____

Reason for Dissatisfaction with Step 1-*Informal Complaint* and/or Step 2-*Formal Complaint of Anti-Discrimination Complaint Guidelines* (if applicable)

Date

Signature of Complainant

(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT
ANTI-DISCRIMINATION COMPLAINT FORM (Cont'd.)**
(To be completed by various District Personnel)

Decision of Principal or Supervisor and Action Taken

Decision of Complaint Officer

Action Taken by Superintendent

Action by the Board

Other Comments

Date

Signature of Complaint Officer

Date

Signature of Superintendent

NOTE: Refer also to Form #3420F -- Harassment Complaint Form as may be applicable

Community Relations

SUBJECT: SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN

In accordance with Section 19.6 of the Rules of the Board of Regents and Port Byron Central School District policy, the direct solicitation of charitable donations from public school students on school property during school hours in which they are compelled to be in attendance is strictly prohibited.

To implement the terms of District policy and the Rules of the Board of Regents, the following regulations shall apply:

- 1) School children may be recruited to participate as fund raisers for the benefit of a charity on a voluntary basis when such fund raising is to be conducted off school premises and/or when school is not in session. School personnel may distribute flyers or other literature, put up posters or otherwise notify students of out-of-school fund raising activities.
- 2) The prohibition against solicitation of charitable donations "during school hours" extends to homerooms and lunch periods. School hours end when students are released from compulsory attendance, which means that the Rules of the Board of Regents and District policy prohibiting such solicitation of charitable donations from students does not apply to before-school or after-school extracurricular periods.
- 3) The District will allow school children to participate in fund raising athletic events, such as walk-a-thons in which the school children perform and receive pledges from parents/guardians and members of the community at large, as long as the school itself is not used as a conduit to collect the money earned on behalf of the organization.
- 4) The District may allow students to participate during the school day in a food drive or clothing drive or similar activity involving the donation of goods for the needy only where the food, clothing, other goods or funds are collected in a non-coercive and passive fashion, such as through a bin or receptacle placed in a hallway or other common area, so that the identities of students making and not making donations are not revealed. Collection of charitable contributions of food, clothing, other goods or funds from students in the classroom or homeroom is prohibited.
- 5) Student participation in fund raising activities off school premises which occurs as part of a community service program in which students receive high school credit for providing services to a charitable organization shall not be prohibited, provided that there is no solicitation of donations from students while they are attending school.

(Continued)

Community Relations

SUBJECT: SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN (Cont'd.)

- 6) Student organizations, such as a key club, may engage in fund raising for charitable purposes as an extracurricular activity provided that the student organization does not solicit funds directly from students during school hours.
- 7) The sale of tickets to students for a social, musical, theatrical or athletic event where a portion of the proceeds go to a charitable purpose shall not be prohibited. For example, the purchase of a ticket to a dance to raise money for a student trip or scholarship fund or for a ticket to a concert or play or charity basketball game or similar event where a portion of the proceeds go to charity shall not be prohibited by District policy. In such a situation, the student is receiving consideration for the purchase of the ticket and the risk of coercion of economically disadvantaged students is diminished, since there are many reasons for declining to attend an event. However, in accordance with District policy and the Rules of the Board of Regents, the sale on school grounds during school hours of lottery tickets or tickets for chance would be prohibited because there is no benefit received by the purchaser in consideration of his/her purchase. Furthermore, the conduct of a lottery or other game of chance that is not specifically authorized by law constitutes a gambling offense proscribed by Article 225 of the Penal Law.
- 8) The direct solicitation of charitable donations from students is prohibited where the object is to raise money to defray medical expenses for another student or other member of the school community who is ill or to raise money for a scholarship fund in memory of a deceased member of the school community. However, such prohibition will not apply to the distribution of flyers requesting that students make contributions outside of school to a fund established for such purposes. Alternatively, funds could be collected for this purpose on school property through the establishment of a collection box or receptacle in a hallway or common area.
- 9) In accordance with District policy and the Rules of the Board of Regents, the prohibition against the solicitation of charitable donations during school hours does not contain any exceptions for charitable fund raising by students or for school related organizations, such as parent-teacher associations. Direct solicitation of students during school hours is prohibited regardless of the nature of the person or organization soliciting donations.
- 10) There is no prohibition against the kinds of organizations that can engage in fund raising activities. Rather, it is the final determination of the Board of Education as to which organizations, groups, etc. can solicit charitable donations and for what purposes, as long as the activities otherwise comply with District policy and regulations and the Rules of the Board of Regents.

Community Relations

**SUBJECT: THE USE OF PRODUCTS, MATERIALS AND SERVICES PROVIDED BY
COMMERCIAL (FOR PROFIT) ORGANIZATIONS**

- 1) The Superintendent or his designee make recommendations regarding the appropriateness of the use or distribution of a commercial product, promotion, or service.
- 2) Participation in any approved programs does not constitute an endorsement by the District. Endorsement of a commercial product or service by the School System is prohibited.
- 3) Giveaways, coupons, donations, and other kinds of promotions which require purchasing a product are prohibited unless it is the intent of the District to use such promotion to support a specific educational objective.
- 4) School publications such as yearbooks, programs and newspapers may include paid advertising obtained under procedures authorized by the Superintendent or his/her designee.
- 5) Instructional time should not be used by students or staff for any promotions.
- 6) This regulation applies to schools and school-sponsored organizations. Parental organizations may sponsor promotions following the approval of the Superintendent or his/her designee.
- 7) Individual employees may not benefit either monetarily or with products or services provided from programs involving students.
- 8) Officers and employees of the District are bound by the District's Code of Ethics. This code under Section 806 of the General Municipal Law prohibits officers and employees from soliciting any gift or accepting any gift worth more than seventy-five dollars (\$75) under circumstances in which it could reasonably be inferred that the gift was intended to influence them or was intended as an award for official action.

Community Relations

SUBJECT: USE OF SCHOOL FACILITIES

- 1) Requests for use of school facilities should be submitted to the Building Principal prior to the anticipated activity. Authorization to use school facilities will be granted on a "first come-first serve" basis. Two (2) weeks advance notice to the Principal is recommended.
- 2) A custodian shall be on duty at all times when facilities inside a school building are in use. Such supervision will be provided "at no cost" during regular working hours. When overtime services are required, a fee will be assessed to reimburse the District for this service.
- 3) The Port Byron Central School District may not aid or perpetuate discrimination on the basis of race, creed, color, country of national origin, religion, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, or use of a recognized guide dog, hearing dog or service dog. Community groups and organizations should review their use of school facilities request for conformity. The District reserves the right to require evidence of compliance with civil rights law. However, in accordance with law, the District will not discriminate in its community use of school facilities against any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United State Code. Nor will the District deny such access or opportunity for reasons based on the membership or leadership criteria or oath of allegiance to God and country. However, such use must be in accordance with the District's community use of school facilities guidelines.
- 4) All activities conducted on school property shall conform with federal and New York State laws and municipal ordinances.
- 5) Organizations authorized to use school facilities assume responsibility for the conduct of both participants and spectators. Each group shall designate a responsible adult representative who must be present at all times. Arrangements for supervision of anticipated crowds must receive prior approval of the Building Principal.
- 6) School facilities must be left in the same condition as they are found. Desks, displays, etc. should not be disturbed. All electrical equipment or movable properties owned by the District shall at all times remain under the control of the District.
- 7) The District will assume no responsibility for equipment or property belonging to a community group or organization. Such property shall not be stored on school property, unless specifically approved by the Superintendent or his/her designee.
- 8) Community groups shall be liable for any damage to school property resulting from activities they sponsor. A check of the school facility shall be made before and after each activity by the "person in charge" and the custodian assigned.

(Continued)

Community Relations

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

- 9) Kitchen facilities are only available by prior arrangement with the Food Service Supervisor and only when a Food Service employee is on duty. When overtime pay for such services is required, a fee will be assessed to reimburse the District for this service.
- 10) Vehicles are not allowed on grassed areas or athletic fields. Parking for any large event should be controlled by sufficient personnel. Use of auxiliary police for this purpose may be required.
- 11) Admission charges, approved registration fees, or concessions may only be administered as stated on the request.
- 12) Except for rest room facilities, participants and spectators should remain in the area or room assigned for an activity.
- 13) The District assumes no liability for injuries resulting from community group activities. For certain activities, the District may require submission of a certificate of liability or insurance bond to the Superintendent or his/her designee.
- 14) The District or its representative must have free access to all facilities at all times.
- 15) The District reserves the right to revoke authorization to use school facilities at any time.
- 16) The Superintendent of Schools shall in the event of a contingent budget determine appropriate use fees to be charged after the close of school each day and on non-school days, to satisfy legal requirements related to contingent budgets.

Tobacco Use, Drugs and Alcoholic Beverages

Tobacco use shall not be permitted and no person shall use tobacco on school grounds at any time. For purposes of this regulation, "school grounds" means any building, structure, and surrounding outdoor grounds contained within the District's preschool, nursery school, elementary or secondary school's legally defined property boundaries as registered in the County Clerk's Office; as well as all District vehicles, including vehicles used to transport children or school personnel.

For purposes of this regulation, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, and any other smoking product, and spit tobacco (smokeless, dip, chew and/or snuff) in any form.

No person shall knowingly have in his/her possession, upon any premises to which these rules apply, any alcoholic beverages and/or illegal or non-prescribed "controlled substance." ("Controlled substance" as defined by Penal Law Section 220.00.)

SUBJECT: EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES FOR THE BOY SCOUTS AND OTHER DESIGNATED 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.

Under this law, no covered entity 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. 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.

The District may require that any group seeking equal access under the Boy Scouts Act inform the District whether the group is officially affiliated with the Boy Scouts or any other Title 36 Youth Group.

DefinitionsBoy Scouts of America

The organization named "Boy Scouts of America," which has a Federal charter and which is listed as an organization in Title 36 of the United States Code (Patriotic and National Observances, Ceremonies, and Organizations).

Title 36 Youth Group

A group or organization listed in Title 36 of the United States Code (as a patriotic society) that is intended to serve young people under the age of twenty-one (21).

Group Officially Affiliated with the Boy Scouts

A youth group formed as a result of a community organization charter issued by the Boy Scouts.

Group Officially Affiliated with Any Other Title 36 Youth Groups

A youth group resulting from the chartering process or other process used by that Title 36 youth group to establish official affiliation with youth groups.

(Continued)

SUBJECT: EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES FOR THE BOY SCOUTS AND OTHER DESIGNATED YOUTH GROUPS (Cont'd.)Covered Entity

Any public elementary or secondary school that has a designated open forum or limited public forum and that receives funds through the United States Department of Education.

Designated Open Forum

Whenever the school designates a time and place for one or more outside youth or 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.

Limited Public Forum

Whenever the school involved grants an offering to, or opportunity for, 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.

Premises or Facilities

All or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in that property.

Specific RequirementsMeetings

Access to school premises and school facilities to conduct meetings.

Benefits and Services

May include but are not limited to:

- 1) The use of school-related means of communication such as bulletin board notices and literature distribution.
- 2) Access to students and student information for recruitment purposes in accordance with law.

(Continued)

SUBJECT: EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES FOR THE BOY SCOUTS AND OTHER DESIGNATED YOUTH GROUPS (Cont'd.)

Fees

Fees may be charged in connection with the use of facilities, conducting meetings on school premises, using school-related means of communication, or conducting recruitment activities.

Terms

Any access, as well as any fees charged for access, must be provided on terms that are no less favorable than the most favorable terms provided to one or more outside youth or community groups.

Nondiscrimination

Any decisions relating to the provision of equal access must be made on a nondiscriminatory basis. Any determinations of which youth or community groups are outside groups must be made using objective, nondiscriminatory criteria, and these criteria must be used in a consistent, equal, and nondiscriminatory manner.

Limitations

- 1) The statute applies regardless of the entity's authority to make decisions about the use of its own school facilities.
- 2) No school is required to sponsor any group officially affiliated with Boy Scouts or any other Title 36 patriotic youth group.
- 3) The obligation to comply with the Boy Scouts Act is not obviated or alleviated by any State or local law or other requirement.

Community Relations

SUBJECT: ELECTION DAY SECURITY RECOMMENDATIONS FOR SCHOOLS

Port Byron Central School District buildings may be used as polling places. In an effort to maintain security in these facilities while not interfering with the voting process, school administrators are advised of the following security recommendations. Nothing in these recommendations should be interpreted as discouraging voter access to designated polling locations.

- 1) To ensure unlimited access to vote, provide clearly marked areas to indicate the location of the designated polling place in the school. If possible, the remainder of the school facility, other than the designated polling area, should be inaccessible from the polling place.
 - a. Maintain a single point of entry specifically for voting activities.
 - b. Post signs notifying the public that they are not permitted to access other areas of the school. If possible, designate a restroom near the voting area for voters and poll workers.
 - c. Ensure that poll supervisors are fully aware of this policy.
- 2) Remind school personnel of the procedures for handling school bomb threats. Keep a bomb threat question card by all telephones in the school.
- 3) Monitor the school facility and grounds (including designated voting areas) for unattended suspicious packages and objects. Do not touch or handle any such object - contact local law enforcement immediately.
- 4) Review school lockdown and lockout procedures with faculty and staff prior to Election Day. Include local emergency responders in planning, exercising, and evaluating lockdown, lockout, and other emergency response procedures.

Community Relations

SUBJECT: USE OF SCHOOL-OWNED MATERIALS AND EQUIPMENT

Private and/or personal use of school-owned materials and equipment by community members, employees, or students is not permitted. Except when used in connection with or when rented under provisions of Education Law Section 414, school-owned materials and equipment may be used only in connection with school-related purposes.

The regular school program will have first priority on the use of school materials and equipment. Personnel approving applications for use of such materials and equipment by community members, employees and students must ensure that it is available for school use during regular school hours. The equipment must be returned promptly by the individual who borrows it by the agreed upon time.

A community member, employee or student borrowing materials and/or equipment will complete a Permission Form for Authorized Use of School-Owned Materials and Equipment (Form #3280F) and submit it to the Building Principal or his/her designee at least twenty-four (24) hours in advance. The Building Principal or his/her designee will approve or disapprove the application. Upon return of the materials and/or equipment, the Principal or his/her designee will inspect it for damage. The community member, employee or student or his/her parent/guardian may be held responsible for the cost of repair or replacement, with the exception of normal wear and tear, in accordance with applicable law.

In addition to the above restrictions, District equipment may not be used for:

- 1) Any public meeting or entertainment that reflects in any discriminatory way on a citizen's race, color, creed, national origin, sex, sexual orientation, disability, age, marital status, military status, or use of a recognized guide dog, hearing dog or service dog. However, in accordance with law, the District will not discriminate in its community use of school-owned materials and equipment against any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United State Code. Nor will the District deny such access or opportunity for reasons based on the membership or leadership criteria or oath of allegiance to God and country. However, such use must be in accordance with the District's community use of school-owned materials and equipment guidelines.
- 2) Any use that is likely to result in damage to the equipment.
- 3) A meeting of any group whose purpose is to overthrow the government of the United States or New York State.
- 4) For personal gain or any type of business activity.

**PORT BYRON CENTRAL SCHOOL DISTRICT
BUILDINGS AND FACILITIES USE REQUEST**

3280F

School functions will take precedence over all activities by non-school groups. Facilities should not be requested more than sixty (60) days in advance of date to be used.

CONDITIONS AND RULES:

The use of facilities will be refused to any group that abuses the privilege through:

- 1) Destruction of property.
- 2) Violation of building rules.
- 3) Illegal or immoral use.
- 4) Use of tobacco, alcohol, or drugs on school property.
- 5) Failure to involve both sides in a controversial issue.
- 6) Failure to make restitution for damage done.
- 7) Failure to confine activities to the area requested.
- 8) Failure to report damage or failure of equipment to school officials the following day.
- 9) Failure to leave the building as found. This will usually require sweeping the area used.
- 10) Activities involving food will be permitted in the cafeteria only.
- 11) Dances will be permitted in the gymnasium only.
- 12) Adult groups using the facilities for adult purposes must not permit children in the building.
- 13) Failure to submit proof of insurance.

The person representing the organization will also be responsible for reporting any injuries, damages to equipment or property, and for ensuring safe parking.

Our custodial staff will admit all groups whose activity has been approved. Keys will not be issued to any group using the facilities. Any group, school or non-school, using the cafeteria kitchens must employ at least one (1) of the regular staff at that person's rate of pay plus benefits.

Activity may require a rental fee. Any charges made are to help defray the overhead of building expenses and custodial help.

Organization: _____

Representative: _____ **Phone No.** _____

Address: _____

Date(s): _____ **Time:** _____

Areas to be Used: _____

Purpose: _____

FEES:

Rental and Other: _____

Custodial: _____

Cafeteria Staff: _____

Total: _____

Signed: _____

Business Administrator

As a representative of the above organization, I understand and agree to the above rules.

Signed: _____

Print Name: _____

Approved: _____

Building Principal or Administrator

Copies: Applicant, Building Principal, Custodial, Superintendent, Business Official

**PORT BYRON CENTRAL SCHOOL DISTRICT
PERMISSION TO BORROW FROM THE PORT BYRON CENTRAL SCHOOL DISTRICT**

Description of Items: _____

The borrower hereby agrees be responsible for all liability concerned with the use and safety of this equipment. Any items damaged must be replaced or repaired to its original condition.

Borrower (print): _____

Borrower sign and date: _____

Address and phone number: _____

Pick-up date and time: _____

Return date and time: _____

School to Fill Out Below

Approved by school representative: _____

Print name: _____

Sign and date: _____

School rep verifying items picked-up: _____

Print name: _____

Signature and date: _____

School rep verifying items returned in good condition: _____

Print name: _____

Signature and date: _____

NOTE: Write any comments on back of this sheet and return to Superintendent of Buildings and Grounds

**SUBJECT: RULES AND REGULATIONS FOR THE OPERATION OF STUDENT/STAFF
MOTOR VEHICLES ON SCHOOL GROUNDS**

For the purpose of safety and control, the Port Byron Central School District establishes the following rules and regulations regarding the operation of motor vehicles on school property. Students and staff will be required to adhere to the rules and regulations and the administrative procedures as outlined.

- 1) Parking Areas: Parking areas for students and staff, as well as areas where parking is restricted, will be designated and so posted. Such areas will be determined by the administration and reviewed annually.
- 2) Speed Limit: An appropriate speed limit of 15 miles per hour will be posted by the District.
- 3) Traffic Flow: Where necessary, one-way traffic will be posted by the District on those roads that are determined by the administration to be one-way thoroughfares. All other roads will be considered two-way.
- 4) Vehicle Registration: All personal motor vehicles belonging to or used by students shall be registered on an annual basis as determined by the administration.
- 5) District Liability: It shall be the understanding of all persons who operate a motor vehicle on school property that the Port Byron Central School District accepts no liability for personal injury or personal property damage or loss. Each person drives and parks at his/her own risk on school property.
- 6) Control and Enforcement: The control and enforcement of regulations regarding motor vehicle use on school property shall be the responsibility of the building administration as authorized through the Superintendent by the Board of Education.

Infractions of the following rules and regulations shall be subject to the penalties identified below:

- 1) All student vehicles must be registered and have the identification tag properly displayed.
- 2) All vehicles must park in the proper areas as posted by the District (i.e., student: student parking areas; staff: staff parking areas). These areas will be identified for the operator at the beginning of the school year or at the time of registration.
- 3) Students will only be allowed to park in the lots designated for student parking.
- 4) The speed limit on school property is 15 miles per hour.

(Continued)

**SUBJECT: RULES AND REGULATIONS FOR THE OPERATION OF STUDENT/STAFF
MOTOR VEHICLES ON SCHOOL GROUNDS (Cont'd.)**

- 5) Students who drive to school must be on time. Continued tardiness of drivers will be considered a violation of driving privileges.
- 6) Students are not to take their vehicles off school grounds during school hours without prior permission by the administration.
- 7) Speeding, driving in a reckless manner or any other vehicle violation will be considered an infraction of driving regulations.
- 8) Students are not allowed in the parking lots or in cars during school hours (including lunch periods).
- 9) The suspension of driving privileges pertains to both the driver and the vehicle. The driver may not drive on school property, and the vehicle will not be allowed on school property, during the suspension period.
- 10) Owners of unauthorized/unregistered/or illegally parked vehicles will be warned at the first violation. The vehicle will be towed away at the owner's expense at the next violation.

Student Driving Privileges

Driving an automobile and parking on school property is a privilege provided for the students. Each student requesting permission to drive a vehicle to school will be required to have his/her parent/guardian sign a statement authorizing the student to drive and to use a specific automobile. The permission slip will incorporate a statement as to the parent/guardian assuming responsibility for any/all riders who may at any time accompany the driver to/from school premises.

Failure to comply with the above-noted procedure, driving and/or parking regulations will be cause for disciplinary action as described in the Student Handbook.

SUBJECT: PUBLIC ACCESS TO RECORDS**Purpose and Scope**

- 1) The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.
- 2) These regulations provide information concerning the procedures by which records may be obtained from an agency as defined by Public Officers Law Section 86(3). No District regulations shall be more restrictive than this Public Officers Law Article 6.
- 3) The District Records Access Officer shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by other applicable law.
- 4) Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.
- 5) The District shall amend existing regulations or adopt new regulations to implement the Freedom of Information Law in conformity with any amendments to this law.

Designation of Records Access Officer

- 1) The Board of Education shall be responsible for insuring compliance with the regulations herein, and shall designate one person as Records Access Officer by name or by specific job title and business address, who shall have the duty of District response to public requests for access to records.
- 2) The Records Access Officer is responsible to:
 - a. Maintain an up-to-date subject matter list;
 - b. Assist the requester in identifying requested records, if necessary;
 - c. Upon locating the records, take one of the following actions:
 - (1) Make records available for inspection; or
 - (2) Deny access to the records in whole or in part and explain in writing the reasons therefore;

(Continued)

SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)

- d. Upon payment of, or offer to pay, the established fee (if applicable):
 - (1) Provide copies of records;
 - (2) Upon request, certify that a record is a true copy;
- e. Upon failure to locate records, certify that:
 - (1) The District is not the custodian for such records, or
 - (2) The records cannot be found after diligent search.

Subject Matter List

The District will maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not available pursuant to the Freedom of Information Law.

Requests for Public Access to Records

The Board of Education designates the Central Office as the location where records shall be available for public inspection and copying.

The District shall accept requests for public access to records and produce records during all hours it is regularly open for business.

- 1) The District requires that a request be made in writing.
- 2) A request shall reasonably describe the record or records sought. Whenever possible a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.

Requests for Public Access to Records via E-mail

If the District has the capability to retrieve electronic records, it must provide such records electronically upon request.

The District shall accept requests for records submitted in the form of electronic mail and respond to such requests by electronic mail using the forms supplied by the District. This information shall be posted on the District web site, clearly designating the e-mail address for purposes of receiving requests for records via this format.

(Continued)

SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)

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

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

(Note: For sample e-mail request and response forms, see websites:

<http://www.dos.state.ny.us/coog/emailrequest.htm> or

<http://www.dos.state.ny.us/coog/emailresponse.htm>)

Response to Requests for Access to Records

- 1) The District will, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:
 - a. Are specifically exempted from disclosure by state or federal statute;
 - b. If disclosed would constitute an unwarranted invasion of personal privacy under the provisions of Public Officers Law Section 89(2);

An unwarranted invasion of personal privacy includes, but shall not be limited to:

- (1) Disclosure of employment, medical or credit histories or personal references of applicants for employment;
- (2) Disclosure of items involving the medical or personal records of a client or patient in a medical facility;
- (3) Sale or release of lists of names and addresses if such lists would be used for commercial or fund raising purposes;
- (4) Disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party, and such information is not relevant to the work of the agency requesting or maintaining it; or
- (5) Disclosure of information of a personal nature reported in confidence to the District and not relevant to the ordinary work of the District.

(Continued)

SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)

Unless otherwise provided by the Freedom of Information Law, disclosure shall not be construed to constitute an unwarranted invasion of personal privacy:

- (1) When identifying details are deleted;
 - (2) When the person to whom a record pertains consents in writing to disclosure;
 - (3) When upon presenting reasonable proof of identity, a person seeks access to records pertaining to himself/herself.
- c. If disclosed would impair present or imminent contract awards or collective bargaining negotiations;
- d. Are compiled for law enforcement purposes and which, if disclosed would:
- (1) Interfere with law enforcement investigation or judicial proceedings;
 - (2) Deprive a person of a right to a fair trial or impartial adjudication;
 - (3) Identify a confidential source or disclose confidential information relating to a criminal investigation; or
 - (4) Reveal criminal investigative techniques or procedures, except routine techniques and procedures.
- e. If disclosed would endanger the life or safety of any person;
- f. Are inter-agency or intra-agency materials which are not:
- (1) Statistical or factual tabulations or data;
 - (2) Instructions to staff that affect the public;
 - (3) Final agency policy or determinations; or
 - (4) External audits, including but not limited to audits performed by the comptroller and the federal government.
- g. Are examination questions or answers which are requested prior to the final administration of such questions.

(Continued)

SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)

- h. Are computer access codes.
- 2) The District shall, within five (5) business days of receipt of a written request for records(s) reasonably described, make the record(s) available to the person requesting them, deny the request in writing or furnish a written acknowledgment of receipt of the request and a statement of the approximate date when such request will be granted or denied.
- 3) In cases when a determination has been made to grant a request for a record and circumstances prevent disclosure of the record within twenty (20) business days from the date of the acknowledgement of the request, to state in writing both the reason for the District's inability to grant the request within twenty (20) business days and a date certain, within a reasonable period, depending upon the circumstances, when the request will be granted in whole or in part.
- 4) Denial of access shall state the reason for the denial and advise the person denied access of his/her right to appeal to the person or body established to hear appeals. That person or body shall be identified by name, title, business address and business telephone number. The Records Access Officer shall not be the appeals officer.

Fulfilling FOIL (Freedom of Information Law) Requests

The District shall provide copies of records in the format and on the medium requested by the person filing the FOIL request if the District can reasonably do so. The District may not enter into a contract for the creation or maintenance of records if such a contract impairs the right of the public to inspect or copy the District's records.

The District cannot use the excuse that the FOIL request is voluminous, burdensome or it lacks the staff to copy the documents as it may recover any costs in complying with the request including having an outside entity provide copying, programming or other services needed.

Should the District have the ability to do so with reasonable effort, it must retrieve or extract requested records or data maintained in its computer storage system. Moreover, the District must retrieve or extract records or data electronically when doing so would take less employee time than manual retrieval or redaction of non-electronic records. Programming necessary to retrieve computer records and to either transfer them into the medium requested or to allow them to be read or printed is not deemed to constitute preparation or creation of a new record. Records provided in computer format may not be encrypted.

The public may and can only be charged an amount equal to the hourly salary attributed to the employee or employees required to produce a copy of the record, the actual cost of the storage device or media provided in complying with the FOIL request, and the actual cost to the District of engaging

(Continued)

SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)

an outside professional service to produce a copy of the record or records should the District need to engage an outside entity in order to comply with the FOIL request. The District may not enter into or renew contracts with outside entities for the creation or maintenance of records that impair the public's right to inspect or copy District records.

Situations Constituting Denial

A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which the District:

- 1) Fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five (5) business days of the receipt of a request;
- 2) Acknowledges the receipt of a request within five (5) business days but fails to furnish an approximate date when it will grant or deny a request in whole or in part;
- 3) Furnishes an acknowledgment of the receipt of a request within five (5) business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
- 4) Fails to respond to a request within a reasonable time after the approximate date given or within twenty (20) days after the date of its acknowledgment of the receipt of a request;
- 5) Determines to grant a request in whole or in part within twenty (20) business days of its acknowledgment of the receipt of a request, but fails to do so, unless the District provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;
- 6) Does not grant a request in whole or in part within twenty (20) business days of its acknowledgment of the receipt of a request and fails to provide the reason in writing explaining its inability to do so and a date certain by which the request will be granted in whole or in part; or
- 7) Responds to a request, stating that more than twenty (20) business days is needed to grant or deny the request in whole or in part and provides a date certain within which it will do so, but such date is unreasonable under the circumstances of the request.

Appeals

- 1) Any person denied access to records may appeal within thirty (30) days of a denial.

(Continued)

SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)

- 2) If the District fails to respond in any manner to a request within five (5) business days of receipt of a request, as required in Public Officers Law Section 89(3), such failure shall be deemed a denial of access by the agency.
- 3) The Superintendent shall hear appeals or shall designate a person or body to hear appeals regarding denial of access to records under the Freedom of Information Law.
- 4) The time for deciding an appeal by the individual or body designated to hear appeals shall commence upon receipt of written appeal identifying:
 - a. The date and location of the request for records;
 - b. The records that were denied; and
 - c. The name and return address of the appellant.
- 5) The District shall transmit to the Committee on Open Government copies of all appeals upon receipt. Such copies shall be addressed to:

Committee on Open Government
Department of State
162 Washington Avenue
Albany, New York 12231
- 6) The person or body designated to hear appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten (10) business days of receipt of an appeal.
- 7) Further denial of access by the Superintendent/Appeals Officer to a requested record shall be subject to court review in accordance with Civil Practice Law and Rules Article 78.

Fees

- 1) There shall be no fee charged for the following:
 - a. Inspection of records;
 - b. Search for records;
 - c. Certification of documents;

(Continued)

SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)

- d. Copies of documents which have been printed or reproduced for distribution to the public.
- 2) The District may charge a fee for copies of records provided that the fee for copying records shall not exceed twenty-five cents (25¢) per page for photocopies not exceeding 8 1/2 by 14 inches except when a different fee is otherwise prescribed by law.
- 3) The fee for copies of records not covered by subparagraph 2)a of this regulation shall not exceed the actual reproduction cost. When determining the actual reproduction cost of those records, the following factors can be included:
 - a. An amount equal to the hourly salary of the lowest paid employee with the skills necessary to prepare a copy of the requested record;
 - b. The actual cost of the storage device or media provided to the person making the FOIL request; and
 - c. The actual cost of hiring an outside professional service to prepare a copy when the District's technology is inadequate to prepare the copy.

Excluded from determining the actual reproduction cost is search time and administrative costs unless at least two (2) hours of employee time is needed to prepare a copy of the requested record.

Public Notice

The District shall publicize by posting in a conspicuous location in the Central Office:

- 1) The location where records shall be made available for inspection and copying.
- 2) The name, title, business address, and business telephone number of the designated Records Access Officer.
- 3) The right to appeal by any person denied access to a record and the name and business address of the person or body to whom an appeal is to be directed.

Community Relations

SUBJECT: PUBLIC ACCESS TO RECORDS

<u>Responsibility</u>	<u>Action</u>
Requester	1) a. Obtains Application for Public Access to Records request (Form #3310F) to inspect or copy record(s) from Records Access Officer. b. Completes Application for Public Access to Records request (Form #3310F) and submits to Records Access Officer.
Records Access Officer	2) Determines if record(s) specified on form is/are available for inspection and copying: <ul style="list-style-type: none"> a. If available, directs requester within five (5) business days of receipt of request to place where record(s) may be inspected and copied. b. If not available, notes reason for unavailability on request form, returns copy to requester within five (5) business days of receipt of request, and informs requester of right to appeal. c. If unable to grant or deny access to records within five (5) business days of receipt of request, furnishes written acknowledgment of receipt of request and statement of approximate date when determination will be made.
Requester	3) If not satisfied with response submits written appeal to the Appeals Officer within thirty (30) days.
Superintendent/Appeals Officer	4) Within ten (10) business days of the receipt of an appeal, shall: <ul style="list-style-type: none"> a. Further deny access to records sought, fully explaining in writing or;

(Continued)

SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)

Responsibility

Action

Superintendent/Appeals Officer (Cont'd.)

- b. Provide access to the records sought.
- c. Submits to Committee on Open Government a copy of Appeal and final determination.

Requester

- 5) If denied further access by the Appeals Officer, may bring a proceeding for review of such denial pursuant to Article 78 of the Civil Practice Law and Rules.

**PORT BYRON CENTRAL SCHOOL DISTRICT
VANDALISM, BURGLARY, THEFT, OR ILLEGAL ENTRANCE REPORT**

(Report to Buildings and Grounds Superintendent immediately.)

DATE _____

1) School Building _____

2) Principal _____

3) Name of employee who reported the incident _____

Title _____

4) Date Incident occurred _____

5) Approximate time of Incident _____

6) Remarks (Include a complete description of the event; damage to equipment, floors, windows, etc. State when event or damage was discovered and to whom it was reported).

(use back of the form for additional comments)

7) Estimated Cost _____

8) Final Disposition _____

Superintendent of Buildings and Grounds

Copies to: Superintendent
Business Manager
Principal

Community Relations

SUBJECT: ANTI-HARASSMENT IN THE SCHOOL DISTRICT

The Port Byron Central School District is committed to creating and maintaining a working and learning environment which is free of discrimination and intimidation. Based upon the principle that every individual is entitled to be treated with dignity and respect, and a recognition that harassment is a violation of law and District policy, the District strictly prohibits communication (verbal, written or graphic) and/or physical conduct which constitutes harassment based on an individual's actual or perceived race, color, creed, religion, national origin, sexual orientation (the term "sexual orientation" means heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived), political affiliation, sex, age, marital status, military status, veteran status, disability, or use of a recognized guide dog, hearing dog or service dog. The District also prohibits harassment based on an individual's opposition to discrimination or participation in a related investigation or complaint proceeding under the anti-discrimination statutes.

Anyone who is in violation of District policy and/or regulation will be subject to sanctions and/or disciplinary action as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with applicable laws and/or regulations, District policy and regulation, and the District Code of Conduct. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, the Code of Conduct, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors/contractors, etc.) who are found to have violated District policy and/or accompanying regulations, and the Code of Conduct, will be subject to appropriate sanctions as warranted and in compliance with law.

Prohibition of Retaliatory Behavior

Retaliation against any individual for filing a charge of harassment or reporting allegations of harassment is illegal and prohibited. Similarly, retaliation against any person who participates in a related investigation or proceeding and/or hearing of such a charge or complaint of harassment is also prohibited. Any employee or student who retaliates against another individual shall be subject to disciplinary action, as warranted, in accordance with legal guidelines, applicable contractual mandates and/or the Code of Conduct.

Definitions/Examples of Prohibited Conduct

The District strictly prohibits all forms of harassment on school premises and in school buildings; and at all school-sponsored programs, activities and events, including those which take place off school premises.

(Continued)

Community Relations

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

Harassment can include any unwelcome verbal, written, e-mail or physical conduct which offends, denigrates, or belittles any individual because of any of the characteristics described above. 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.

Harassment Based on Race, Color and/or National Origin

Harassment based on race, color and/or national origin consists of communication (verbal, written, or graphic) and/or physical conduct relating to an individual's race, color, or national origin (including an individual's ancestry, country of origin, or country of origin of the individual's parents, family members, or ancestors) that is sufficiently severe, pervasive, or persistent so that such conduct:

- 1) Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
- 2) Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- 3) Otherwise adversely affects an individual's employment or academic opportunities.

Examples of such conduct include, but are not limited to, the following:

- 1) Intimidation and implied or overt threats of physical violence motivated by race, color, and/or national origin.
- 2) Physical acts of aggression or assault upon another, or damage to another's property that is motivated by the individual's race, color, and/or national origin.
- 3) Demeaning jokes based on an individual's race, color and/or national origin, taunting, racial slurs and derogatory racial "nicknames," innuendoes, or other negative or derogatory remarks of a racial nature or relating to national origin.
- 4) Graffiti and/or slogans or visual displays such as cartoons or posters depicting racial/ethnic slurs or racially/ethnically derogatory sentiments.
- 5) Criminal offenses directed at persons because of their race, color, and/or national origin.

(Continued)

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

Sexual harassment consists of unwanted and unwelcome sexual or gender-based behavior including, but not limited to, sexual advances, requests for sexual favors, sexually motivated physical conduct, or other communication (verbal, written or graphic) and/or physical conduct of a sexual nature when:

- 1) Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of an individual's employment or education.
- 2) Submission to, or rejection of, such conduct or communication is used as a factor in decisions affecting an individual's employment or education.
- 3) Such conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's work or education; or creates an intimidating, hostile or offensive work or educational environment.

For specific information relating to sexual harassment complaints, prohibited conduct, and grievance procedures, please refer to the District's policies and/or regulations addressing Sexual Harassment of District Personnel and Sexual Harassment of Students.

Harassment Based on Disability

For purposes of this regulation, harassment because of disability consists of severe, persistent or pervasive communication (verbal, written or graphic) and/or physical conduct relating to an individual's physical or mental impairment such that it substantially or unreasonably interferes with an individual's work or academic environment; affects an individual's ability to participate in or benefit from employment/educational programs or activities; or creates an intimidating, threatening or abusive work/educational environment. Such harassing conduct includes any unwelcome verbal, written or physical conduct directed at the characteristics of a person's disabling condition, such as imitating manner of speech or movement, or intentional interference with necessary equipment.

Examples of prohibited conduct include, but are not limited to, the following:

- 1) Graffiti containing offensive language which is derogatory to others because of their physical or mental disability.
- 2) Threatening or intimidating conduct directed at another because of the other's physical or mental disability.

(Continued)

Community Relations

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

- 3) Jokes, rumors or name calling based upon an individual's physical or mental disability.
- 4) Slurs, negative stereotypes, and hostile acts which are based upon another's physical or mental disability.
- 5) Graphic material containing comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes.
- 6) A physical act of aggression or assault upon another because of an individual's physical or mental disability.
- 7) Other kinds of aggressive conduct such as theft or damage to property which is motivated by an individual's physical or mental disability.

Harassment Based on Religion and/or Creed

Harassment on the basis of religion and/or creed consists of unwelcome communication (verbal, written or graphic) and/or physical conduct directed at the characteristics of a person's religion or creed including, but not limited to, derogatory comments regarding surnames, religious tradition, religious clothing, or religious slurs or graffiti. It has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment; or substantially or unreasonably interferes with an individual's work or academic performance; or otherwise adversely affects an individual's employment or academic opportunities.

Other Forms of Harassment

In accordance with applicable laws, as well as District policy, regulation, collective bargaining agreements, and/or the District Code of Conduct, the District condemns and prohibits all other forms of unlawful harassment based on the characteristics named above that substantially or unreasonably interfere with an individual's work/academic environment; adversely affect an individual's work/academic performance; or otherwise adversely affect an individual's employment or academic opportunities in violation of law and regulations, District policies, collective bargaining agreements and/or District Code of Conduct, as applicable.

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

(Continued)

SUBJECT: ANTI-HARASSMENT IN THE SCHOOL DISTRICT (Cont'd.)**Authority and Responsibility**

It is the responsibility of all Port Byron Central School District employees and students to ensure that their behavior and environment are maintained free of harassment. Furthermore, each administrator and supervisor has the responsibility to maintain a non-threatening environment which includes discussing the District's policy and regulation pertaining to harassment with all employees and students, and assuring students and staff that they are not required to endure insulting, degrading or exploitative treatment.

All complaints of harassment, whether written or verbal, formal or informal, will be thoroughly investigated to determine whether the totality of the alleged behavior and circumstances may constitute harassment. It is recommended that any individual of the above named group who believes he/she has been subjected to harassment, or has reason to know of and/or witnesses any incident of harassment by a District employee, student, or other third party subject to the control and supervision of the District, submit a *written* complaint; however, complaints may be filed verbally and the absence of a written complaint does not negate the District's responsibility to investigate such allegations as thoroughly as possible. School officials are required to provide a written report of investigation findings and any action taken to resolve the complaint within time frames as established by the District.

Any individual of the above named group who believes he/she has been subjected to harassment in the school environment or at school-sponsored activities, including those which take place off school premises, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of harassment, shall promptly report such occurrence; the report is to be directed to or forwarded to the District's designated Complaint Officers or as otherwise indicated in this regulation. The District will designate, at a minimum, two Complaint Officers, one of each gender. If the individual is in doubt as to the "seriousness" of the incident and/or whether such behavior constitutes harassment, he/she is still encouraged to immediately report such conduct for resolution. If the Complaint Officer is the alleged offender, the report shall be directed to the next level of supervisory authority as indicated below. Allegations of harassment may be reported through informal and/or formal complaint procedures; and utilization of the District's grievance guidelines does not preclude an individual from pursuing other avenues of legal recourse.

If there is some reason why an individual cannot make a report to the designated Complaint Officer, the individual may report the matter to the next level of supervisory authority or building administrator as appropriate. However, if the individual reports such occurrence to any other school employee, the individual shall be informed of the employee's obligation to report the complaint to administration. The administrator who is made aware of the occurrence of possible harassment, whether or not a complaint has been filed, is required to promptly report the incident(s) to the Superintendent and/or designated Complaint Officer as appropriate.

(Continued)

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

Complaints of harassment will be investigated thoroughly, promptly and impartially in accordance with law and regulations as well as any applicable collective bargaining agreement(s). *However, when school officials receive a complaint or report of alleged harassment that is criminal in nature or that could lead to in-school or out-of-school violence, law authorities should be immediately notified.*

The Superintendent is to be informed as soon as possible regarding all complaints and/or reports regarding harassment, and the status of any investigations.

Reporting of Complaints: General Guidelines

Any individual of the above named group who believes that he/she has been subjected to harassment or who is made aware of and/or witnesses any possible occurrence of harassment shall report such complaint as soon as possible after the alleged incident occurs in order to help the District effectively and promptly investigate and resolve the complaint. In order to assist in the investigation, victims and/or witnesses should document the harassment as soon as it occurs, providing as much detail as possible including, but not limited to, the following:

- 1) The name, address and telephone number of the complainant.
- 2) The name and/or description of the alleged offender or offenders.
- 3) The specific nature of the alleged harassment including the complainant's explanation of why he/she believes it to be harassment.
- 4) A thorough and detailed account of the actions and/or dialogue which occurred between the alleged harasser and the complainant. This account should include the frequency of the conduct, the date, time, location of the incident, and the complainant's actions and responses during the incident(s).
- 5) The names of witnesses or of persons who have knowledge of the incident, including the names of persons with whom the complainant discussed the incident, and the time and date of this discussion.
- 6) Written material, documents, or other evidence related to the incident.

In investigating the complaint, the designated Complaint Officer will meet separately with the complainant and the alleged harasser, and will follow applicable law and regulations as well as any applicable collective bargaining agreement(s).

(Continued)

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

All parties will be assured that complaints and discussions will remain as confidential as possible, and will be disclosed only on a "need to know" basis in order to effectively investigate the complaint and/or as mandated by law or court order. However, a written record of the investigation and any action taken will be established. Additionally, parents of students subjected to possible harassment and/or students filing a harassment complaint, as well as parents of accused students, may be notified by the appropriate administrator of such occurrence and/or allegations as warranted and in accordance with legal guidelines. If the accused student has been identified as having a disability (or is suspected of having a disability) pursuant to Section 504/Individuals with Disabilities Education Act, a student referral shall be made to the Section 504 Team/Committee on Special Education for evaluation/assessment and/or a manifestation determination, as may be applicable in accordance with state and federal law and regulations, to determine whether the student's conduct is caused or affected by his/her disability.

The complainant, the alleged harasser and any witnesses will be directed to refrain from talking about the investigation while it is pending.

The designated complaint official will begin investigating the allegations of harassment no later than three (3) working days following receipt of the complaint; and will report the findings of the investigation to the Superintendent no later than twenty (20) working days following receipt of the complaint. In the case of extenuating circumstances, the Complaint Officer will file a status report with the Superintendent/designee if it becomes necessary to extend the timeline for completion of the investigation.

During the course of the investigation and thereafter, the Complaint Officer will instruct the alleged harasser to have no contact or communication regarding the complaint with the victim and/or any witnesses; and that retaliation, whether direct or indirect, against the victim and/or witnesses is prohibited and may be subject to disciplinary action. Similarly, the Complaint Officer will instruct the victim and/or witnesses to refrain from contacting or communicating with the alleged harasser regarding the complaint. The Complaint Officer will ask the victim what specific action the victim wants taken by the District in order to satisfactorily resolve the complaint.

If the complainant attempts to withdraw a complaint, the Complaint Officer will determine that the withdrawal is not caused by retaliation and then document the complainant's reasons and ask the complainant to sign the documentation. A copy of all written material pertaining to the case/investigation will be retained in a separate confidential file.

Step 1 – Informal Complaints

An individual of the above named group who believes that he/she has been subjected to harassment or anyone who is aware of or who has knowledge of or witnesses an occurrence of harassment may file an informal complaint, whether verbal or written, by requesting a meeting

(Continued)

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

between himself/herself and the Complaint Officer (or by reporting such occurrence as otherwise indicated in this regulation) in order to discuss the allegations and further appropriate actions, if any. The Complaint Officer will next discuss the complaint with the alleged offender; if the alleged offender is a District employee, the investigation will be in accordance with any applicable collective bargaining agreement. All complaints, whether formal or informal, concerning allegations of harassment are to be reported immediately to the Building Principal* and/or immediate supervisor* and Superintendent for his/her information; and the Complaint Officer will keep the Building Principal/supervisor and Superintendent informed throughout all stages of the investigation. The Principal/supervisor and Superintendent will be kept informed of the complainant's and/or accused's response and recommended course of action, if any.

*If the Building Principal/immediate supervisor is the alleged offender, then the Complaint Officer shall designate another school official who will take the place of the Building Principal/supervisor in all applicable phases of the complaint process.

If the initial investigation results in a finding that harassment did occur, the Complaint Officer will notify the Building Principal/supervisor and Superintendent of his/her recommendations. If the Superintendent concurs with the report of the Complaint Officer, the Superintendent will then take prompt disciplinary action in accordance with the terms of District policy and regulations, federal and state law and regulations, and/or the applicable collective bargaining agreement. The Complaint Officer will notify the complainant and the accused, in person and in writing, as to the finding and/or course of action within twenty (20) working days following receipt of the complaint.

If the complainant is satisfied with the report of the Complaint Officer, the complainant will so indicate in writing. If not satisfied with the Complaint Officer's report, the complainant and/or the accused may proceed to file a formal complaint.

Informal complaint procedures will generally take place at the building level and involve resolution steps short of a comprehensive investigation and/or formal hearing. For example, in attempting to resolve a complaint informally, the Complaint Officer may interview the alleged harasser, inform the alleged harasser of the complaint, question the harasser about the alleged incidents, and review the District's policy and regulations regarding harassment. The Complaint Officer will inform the alleged harasser that he/she must immediately stop any offensive conduct or face appropriate disciplinary action. The Complaint Officer will follow the provisions of any applicable collective bargaining agreement(s) throughout the course of such investigation(s).

Step 2 – Formal Complaint

An individual of the above named group may file a formal complaint of harassment as an initial step or as a result of an unsatisfactory resolution of an informal complaint. The formal complaint

(Continued)

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

should include all applicable information as indicated in this regulation as well as any other pertinent information which may be helpful in the course of the investigation.

As noted above, the complainant, the alleged harasser and any witnesses will be directed to refrain from talking about the investigation while it is pending. Disclosure of information will be on a "need to know" basis.

The formal complaint will be filed with the designated Complaint Officer who will submit a copy of the complaint to the Building Principal/Supervisor and Superintendent of Schools. The Complaint Officer will, in accordance with federal or state laws and regulations and any applicable collective bargaining agreement(s), conduct a prompt and thorough investigation no later than three (3) working days following receipt of the complaint.

If the formal investigation results in a finding that harassment did occur, the Complaint Officer will notify the Building Principal/Supervisor and Superintendent of his/her recommendations. If the Superintendent concurs with the report of the Complaint Officer, the Superintendent will then take prompt disciplinary action in accordance with the terms of District policy and regulations, federal and state law and regulations, and/or the applicable collective bargaining agreement. The Complaint Officer will notify the complainant and the accused, in person and in writing, as to the finding and/or course of action within twenty (20) working days following receipt of the formal complaint.

If the complainant is satisfied with the report of the Complaint Officer, the complainant will so indicate in writing. If not satisfied with the Complaint Officer's report, the complainant and/or the accused may appeal the determination to the Superintendent of Schools. The appeal should be in writing and submitted no later than ten (10) working days following receipt of the Complaint Officer's decision.

Step 3 – Appeal to the Superintendent of Schools

All formal complaints, if not satisfactorily resolved at the initial stage of investigation, may be appealed by any party to the Superintendent of Schools.

If the Superintendent of Schools issues a finding that no harassment has occurred, the complainant, if not satisfied with this resolution, may appeal the decision to the Board of Education within ten (10) working days following receipt of the report. If the complainant is satisfied with the Superintendent's finding, the complainant will so indicate in writing.

Should the Superintendent determine that corrective action is necessary, the Superintendent will follow all applicable law and regulations, District policy and guidelines, and appropriate collective bargaining agreements in the resolution of the complaint. If the accused is not satisfied with this

(Continued)

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

resolution; he/she may appeal the decision to the Board of Education within ten (10) working days following receipt of the report.

The complainant and the accused will receive a copy of any and all reports issued by the Superintendent pertaining to the investigation/outcome of the formal complaint within thirty (30) working days following receipt of the complaint. If additional time is necessary to either complete the investigation or institute disciplinary/remedial action, the Superintendent will provide all parties and the Board of Education with a written status report requesting additional time to complete the investigation.

Step 4 – Appeal to the Board of Education

In the event that a complainant and/or accused files an appeal with the Board of Education following an investigation by the Superintendent of Schools, such appeal must be submitted within ten (10) working days of receipt of the Superintendent's report. The Board of Education will conduct a hearing and issue a written response to the complainant and the accused following completion of the hearing within thirty (30) days of receipt of the complaint. If additional time is needed, a written status report shall be submitted to all parties, indicating the need for additional time.

Prohibition of Retaliation

Regardless of the stage of the investigation, the victim will be instructed by the Complaint Officer to report immediately if the offensive behavior occurs again and/or if the alleged harasser retaliates against him/her. Any witnesses who cooperated in the investigation of the complaint will be similarly instructed to report to the Complaint Officer immediately as to any retaliatory action(s). Additionally, the designated Complaint Officer will make follow-up inquiries to ensure that harassment has not resumed and 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.

Discipline/Penalties

Based upon the result of the District's investigation, immediate corrective action will be taken. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with contractual and legal guidelines.

Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with applicable law, regulation, and the Code of Conduct.

(Continued)

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

Vendors/contractors and other individuals who do business with the District, who have been found to violate the terms of the anti-harassment policy and/or regulation by engaging in prohibited conduct, will be subject to appropriate sanctions up to and including loss of District business. School volunteers who are found to have violated District policy and regulation may face loss of volunteer status.

Should the offending individual be a visitor, guest or other third party, then any corrective action deemed appropriate will be taken, including, but not limited to, expulsion from the District premises and/or school activities/events under the control and supervision of the Port Byron Central School District.

The application of such disciplinary measures by the District does not preclude the appropriate filing of civil and/or criminal charges as may be warranted.

Finding That Harassment Did Not Occur

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

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

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

Knowingly Makes False Accusations

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

District Responsibility/Training

Regardless of whether a complaint has been filed, if the District knows of the occurrence or the possible occurrence of any harassment, the District will require a prompt and thorough investigation by appropriate personnel. Even if an anonymous complaint has been filed, the District will respond to the greatest extent possible.

(Continued)

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

Principals in each school building and/or program supervisors will be responsible for informing students and staff on a yearly basis of District policy and regulations regarding the prohibition of harassment, including the procedures established for the investigation and resolution of harassment complaints, the general legal issues pertaining to harassment, and the rights and responsibilities of employees and students.

Those administrators and/or supervisors who have specific responsibilities for the investigation and resolution of harassment complaints will receive specialized training on conducting such investigations and application to applicable laws and collective bargaining agreements.

Privacy Rights

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

Dissemination of District Policy/Regulation and Evaluation

A copy of District policy and regulations pertaining to prohibition of harassment will be available upon request. A copy of District policy and regulations may be posted in various locations throughout each school building. Additionally, the District's policy and regulations will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

The Superintendent of Schools, or his/her designee(s), has a responsibility to review District policy and regulations to ensure continued effectiveness and compliance with applicable law. The Superintendent will recommend revisions as may be warranted to the Board of Education.

NOTE: Refer also to Regulations #3230R.1 -- Anti-Discrimination Complaint Guidelines
#6121R -- Sexual Harassment
#6122R -- Employee Discrimination Grievance Guidelines
#6470R -- Staff Use of Computerized Information Resources
#7315R -- Student Use of Computerized Information Resources
#7550R -- Student Discrimination Grievance Guidelines

**PORT BYRON CENTRAL SCHOOL DISTRICT
HARASSMENT COMPLAINT FORM**

Name and Position of Complainant: _____

Address: _____ Home Phone: _____ Work Phone: _____

Date Complaint Filed: _____

Name and/or Description of Alleged Harasser: _____

If the Alleged Harassment was toward Another Person, Identify that Other Person: _____

Description of Alleged Harassment: Describe the incident(s) as clearly as possible, including such things as any verbal statements made (e.g., threats, requests, demands); what, if any, physical contact was involved; etc. Attach additional pages if necessary. _____

Date and Place of Incident(s): _____

Were there Other Individuals Involved in the Alleged Harassment? _____

If Yes, Name the Other Individual(s) and Their Role in the Alleged Harassment: _____

Names of Witnesses (if applicable): _____

Has the Incident Been Previously Reported? _____

(If Yes, When and to Whom?) _____

Describe the Outcome and/or Resolution: _____

(Use additional sheets to provide additional information if necessary.)

Remedy Sought by Complainant: _____

Date

Signature of Complainant

**PORT BYRON CENTRAL SCHOOL DISTRICT
HARASSMENT COMPLAINT FORM (Cont'd.)**

(To be completed by various District Personnel)

Decision of Complaint Officer and Action Taken: _____

Action Taken by Superintendent (if applicable): _____

Action by the Board (if applicable): _____

Other Comments: _____

Date

Signature of Complaint Officer

Date

Signature of Superintendent

*NOTE: For complaints regarding allegations of **Sexual Harassment**, please refer to Form #6121F -- Sexual Harassment Complaint Form.*

SUBJECT: EMERGENCY CLOSINGS

The Superintendent is empowered to close the District Schools, delay the opening, or to dismiss students early in the event of hazardous conditions, including weather, which threaten the safety of students.

In making the decision to close schools, either the Superintendent or his/her designee shall consider many factors, including the following:

- 1) The availability of parent(s)/guardians(s) to receive the student at home in the event schools should be dismissed early.
- 2) The health and safety of students remaining in a school environment.
- 3) Weather conditions, both existing and predicted.
- 4) Driving and traffic conditions affecting public and private transportation facilities.
- 5) Continuance or discontinuance of the operations of business, commercial and professional people in the area.

Facts will be assembled from the appropriate agencies and organizations before any decisions are made. For example, the Highway Department, Police Department, Weather Bureau, transportation companies and other governmental agencies, as needed, will be called.

Following the decision, communications will begin for the total notification of the students and staff. Either the Superintendent or his/her designee shall notify the public media. Employees should listen to broadcasts beginning at 6 a.m. Any employee who is doubtful about reporting should contact his/her immediate supervisor.

Utility Outages

Operating a school building without electricity or water violates Commissioner's Regulation 155.7, "Health and Safety in Existing Educational Facilities." Included in this Regulation, among others, are the following items:

- 1) Inoperative mechanical systems resulting in inadequate ventilation.
- 2) Bathrooms lacking lights (electricity) or water (water main breaks).
- 3) Classrooms lacking lights.

(Continued)

SUBJECT: EMERGENCY CLOSINGS (Cont'd.)

- 4) Dark corridors darkening after emergency lighting becomes weak.
- 5) Non-functioning sprinkler systems due to lack of water.
- 6) Smoke and fire control systems, including fire alarms, losing battery power.

Instances of school closings for power outages should be reported to SED through the District Superintendent as required by Commissioner's Regulation 155.17(h) for the School Safety Plan (School Emergency Management Plan).

Delayed School Plan

When it appears likely that weather and/or street conditions will improve later in the morning, a "delayed school opening" announcement may be made to the public. Employees shall make an effort to report to their assignment at the regular starting time.

"A" Schedule (One hour delay in all school starting times):

All schools will begin one (1) hour later than normal starting times and dismiss at regular time.

"B" Schedule (Two hour delay in all school starting times):

All schools will begin two (2) hours later than normal starting times and dismiss at regular time.

Early Dismissal School Plan

When a sudden, unanticipated emergency condition, including weather alert, arises after school has commenced, and it is deemed appropriate to close schools and offices, the following actions will be followed:

- 1) The media will be called and the public will be informed of the decision.
- 2) Schools will be dismissed with dismissal time arranged to parallel the arrival of buses. No staff member may leave his/her assignment until all students have left the building (unless authorized to do so by the Principal).
- 3) Elementary students can be released to the custody of their parent(s)/guardian(s) or another designated adult.

(Continued)

SUBJECT: EMERGENCY CLOSINGS (Cont'd.)**Staff Assignments**

The Superintendent is responsible for the effective operation of the Port Byron Central School District at all times. Under Education Law, Sections 1711 and 3012, the Superintendent is empowered to require certain groups of employees to work while other employees are not required to work because the absence of students reduces the productivity of these employees.

When schools are officially closed for students due to inclement weather or other emergency conditions:

- 1) In general, school-based personnel will not report with the exception of the building plant operators, custodians, maintenance, and janitorial staff, as per negotiated agreement.
- 2) Principals will remain responsible for security of their schools and for seeing that the building and grounds are made as ready as possible for school on the next scheduled day.

Parent/Guardian Notifications

Principals have the responsibility to urge parents/guardians to make plans for the emergency supervision of their children should an all-day closing, a delayed opening, or an early closing of school be necessary.

Radio and television announcements, electronic mail (e-mail), District website, or telephone trees may be used to notify staff members.

Community Relations

SUBJECT: EMERGENCY CLOSINGSResponsibilityAction**Before School**

Superintendent/Designee

- 1) Consults with highway officials or other agencies regarding road conditions and predicted weather patterns.
- 2) Makes decision as to closing.
- 3) If decision is to close, notifies:
 - a. Radio and television stations
 - b. Principals

During School

Superintendent/Designee

- 1) Makes decision as to closing.
- 2) If decision is to close, notifies:
 - a. Transportation Supervisor
 - b. Radio and television stations
 - c. Principals
 - d. Staff and Students

Transportation Supervisor

- 3) Notifies drivers and substitutes where necessary.
- 4) Reschedules school pickups as soon as decision is made.

2009 5000

Non-Instructional/Business
Operations

Port Byron Central School District

NUMBER

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Port Byron Central School District**NUMBER****NON-INSTRUCTIONAL OPERATIONS**

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SUBJECT: BUDGET PLANNING AND DEVELOPMENT

The budget reflects the educational aims of the Port Byron Central School District. This means that items placed in the budget should be a direct reflection of the educational aims of the people of the District as determined by the Board of Education. As Chief Executive Officer of the Board of Education, the Superintendent has the basic responsibility for the preparation of the proposed annual budget. However, the budget-making process must involve other administrators and employees. The general procedure to be followed in preparing the proposed annual budget will be:

School Business Official

- 1) The School Business Official shall be responsible for the preparation of the final copy of the proposed budget for presentation to the Board of Education by the Superintendent.
- 2) Although he/she shall not be charged with the assignment of specific items in the budget, unless those items are within the scope of his/her direct responsibility, he/she shall scrutinize each item and offer his/her advice to the Superintendent regarding each item.
- 3) The School Business Official shall be responsible for the assignment of items in the proposed budget to the proper budget category.
- 4) The School Business Official will submit budgetary requests in the categories for which he/she is directly responsible to the Superintendent as outlined in the District's budget planning booklet.

Preparation of Budget

- 1) All budgetary requests from all administrators, and from any other sources, shall be submitted to the Superintendent as outlined in the District's budget planning booklet.
- 2) All budget requests will be carefully reviewed by the Superintendent with the assistance of the School Business Official.
- 3) A draft budget, including a Tax Exemption Report, will be available for Board of Education review by April 1.
- 4) The Board will hold the necessary number of work sessions to discuss the budget proposal with a view to having a Board approved budget available for review by District residents in accordance with time frames as enumerated in law.
- 5) A budget hearing must be held not less than seven (7) nor more than fourteen (14) days prior to the Annual District meeting and Election at which the budget vote will occur. The proposed budget must be completed at least seven (7) days prior to the budget hearing at which it is to be presented.

(Continued)

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

- 6) Copies of the proposed annual operating budget for the succeeding year to be voted upon may be obtained by any District resident, on request, in each District school building during certain designated hours on each day other than a Saturday, Sunday or holiday during the fourteen (14) days immediately preceding the Annual District Meeting and Election.
- 7) All Port Byron Central School District budgets which are submitted for voter approval must be presented in three (3) components to be voted upon as one (1) proposition: a program component, an administrative component, and a capital component. The law prescribes the types of items to be included in each component and further prescribes that all relevant costs be included in each component.
- 8) Additionally, the District will prepare and append to copies of the proposed budget, a School District Report Card and Property Tax Report Card, pursuant to the Regulations of the Commissioner of Education, referencing measures of academic and fiscal performance. A detailed statement of the total compensation to be paid to various administrators as enumerated in law and/or regulation will also be appended to copies of the proposed Budget.
- 9) 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. The documents must be complete and accurate and contain sufficient detail to adequately inform the public regarding such information as mandated by law and/or regulation.

Early Placement of Orders

- 1) Bids may be received and orders placed with suppliers prior to public approval of the budget provided the following clause, or its equivalent, is inserted in requests for bids and all purchase orders:

"Bids received and orders placed on the following year's budget prior to approval of such budget by the voters are subject to the approval of the budget at the annual meeting. In the event of non-approval of the budget by the public, any orders placed will not be binding upon the Port Byron Central School District."
- 2) It is desirable to have purchase requisitions in such form that upon approval of the budget by the electorate, deliveries can be received and the majority of them completed no later than June 30.

SUBJECT: INVESTMENT GUIDELINES**Scope**

This investment regulation applies to all moneys and other financial resources available for investment on behalf of the Port Byron Central School District or on behalf of any other entity or individual.

Objectives

The primary objectives of the local government's investment activities are, in priority order:

- 1) To conform with all applicable federal, state and other legal requirements (legal).
- 2) To adequately safeguard principal (safety).
- 3) To provide sufficient liquidity to meet all operating requirements (liquidity).
- 4) To obtain a reasonable rate of return (yield).

Delegation of Authority

The Board of Education's responsibility for administration of the investment program is delegated to the School Business Official who shall follow appropriate procedures for the operation of the investment program consistent with investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

Prudence

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Port Byron Central School District to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

(Continued)

SUBJECT: INVESTMENT GUIDELINES (Cont'd.)

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

Diversification

It is the policy of the Port Byron Central School District to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

Internal Controls

It is the policy of the Port Byron Central School District for all moneys collected by any officer or employee of the District to transfer those funds to the School Business Official within five (5) working days of deposit, or within the time period specified in law, whichever is shorter.

The School Business Official is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

Designation of Depositories

The banks and trust companies authorized for the deposit of moneys up to the following maximum amounts are:

<u>Depository Name</u>	<u>Maximum Amount</u>	<u>Officer</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

These Depositories may vary from year to year and are reestablished yearly at the Reorganization Meeting.

(Continued)

SUBJECT: INVESTMENT GUIDELINES (Cont'd.)**Collateralizing of Deposits**

In accordance with the provisions of General Municipal Law, Section 10, all deposits of the Port Byron Central School District, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

- 1) By a pledge of "eligible securities" with an aggregate "market value," as provided by General Municipal Law, Section 10, equal to the aggregate amount of deposits from the categories designated in Appendix A of this regulation.
- 2) By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the Port Byron Central School District for a term not to exceed ninety (90) days with an aggregate value equal to one hundred forty percent (140%) of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one (1) of the three (3) highest rating categories by at least one (1) nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
- 3) By an eligible surety bond payable to the Port Byron Central School District for an amount at least equal to one hundred percent (100%) of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two (2) nationally recognized statistical rating organizations.

Safekeeping and Collateralization

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure Port Byron Central School District deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released, and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the Port Byron Central School District, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Port Byron Central School District or its custodial bank.

(Continued)

SUBJECT: INVESTMENT GUIDELINES (Cont'd.)

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the Port Byron Central School District, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the Port Byron Central School District a perfected interest in the securities.

Permitted Investments

As authorized by General Municipal Law, Section 11, the Port Byron Central School District authorizes the School Business Official to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- 1) Special time deposit accounts;
- 2) Certificates of deposit;
- 3) Obligations of the United States of America;
- 4) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- 5) Obligations of the State of New York;
- 6) Obligations issued pursuant to Local Finance Law Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Port Byron Central School District;
- 7) Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorized such investment;
- 8) Certificates of Participation (COPs) issued pursuant to General Municipal Law, Section 109-b;
- 9) Obligations of this School District, but only with any moneys in a reserve fund established pursuant to General Municipal Law, Sections 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

(Continued)

SUBJECT: INVESTMENT GUIDELINES (Cont'd.)

All investment obligations shall be payable or redeemable at the option of the Port Byron Central School District within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Port Byron Central School District within two (2) years of the date of purchase.

Authorized Financial Institutions and Dealers

The Port Byron Central School District shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the Port Byron Central School District conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the School District. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The School Business Official is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

Purchase of Investments

The School Business Official is authorized to contract for the purchase of investments:

- 1) Directly, including through a repurchase agreement, from an authorized trading partner.
- 2) By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5-G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the Port Byron Central School District.
- 3) By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the School District.

All purchased obligations, unless registered or inscribed in the name of the Port Byron Central School District, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the School District by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.

(Continued)

SUBJECT: INVESTMENT GUIDELINES (Cont'd.)

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the Port Byron Central School District, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the Port Byron Central School District a perfected interest in the securities.

Repurchase Agreements

Repurchase agreements are authorized subject to the following restrictions:

- 1) All repurchase agreements must be entered into or subject to a Master Repurchase Agreement.
- 2) Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- 3) Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- 4) No substitution of securities will be allowed.
- 5) The custodian shall be a party other than the trading partner.

(Continued)

APPENDIX A
PORT BYRON CENTRAL SCHOOL DISTRICT
Schedule of Eligible Securities

- ___ 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.
- ___ Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
- ___ Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
- ___ 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.
- ___ Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- ___ Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- ___ Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- ___ Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- ___ Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- ___ Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than sixty (60) days from the date they are pledged.
- ___ Zero coupon obligations of the United States government marketed as "Treasury strips."

SUBJECT: SALE AND DISPOSAL OF SCHOOL DISTRICT PROPERTY**Rationale**

Building administrators and support staff supervisors are responsible for identifying obsolete and surplus equipment and supplies within their area(s) of responsibility.

Periodically, a determination shall be made as to what equipment, supplies and/or materials are obsolete and cannot be salvaged or utilized effectively or economically by the Port Byron Central School District. Such equipment, supplies or materials shall be sold through bid procedures, if possible, for the highest possible price.

Guidelines

The School Business Official shall be authorized to dispose of obsolete or surplus equipment and supplies in the following manner:

- 1) Reassign the items, as needed, to other locations within the Port Byron Central School District;
- 2) Centralize the storage of items of potential usefulness;
- 3) Discard or sell as surplus those items determined to be of no further use or worth.

Following approval by the Board of Education, items may be sold in the following manner:

- 1) Items sold at a public sale. In the event of a public sale, notice of availability of such equipment, supplies and materials and requests for bids shall be disseminated through announcements in local newspapers and such other appropriate means. The general public, as well as staff members, shall be eligible to bid on the equipment, supplies and/or materials. The use of internet auction sites is permissible.
- 2) Remaining items shall be sold as scrap for the highest obtainable amount or discarded in the safest, least expensive manner.

SUBJECT: GUIDELINES FOR USE OF CLAIM FORMS

Claim forms are for the use of employees for reimbursement of their personal use of money for miscellaneous work related expenditures, when it is not feasible or economical to use a purchase order.

The procedures for completing a Claim Form are as follows:

- 1) Claim forms used by employees are not to exceed one hundred fifty dollars (\$150).
- 2) All appropriate original receipts must be attached. Reimbursements will not be approved if copies of receipts are used. In circumstances where a personal check or credit card is used, a copy of the check front and back or credit card statement will be acceptable. If a gift certificate is purchased, a copy of the certificate with the student's name identified on it will also be required with the receipt.
- 3) Only one employee can submit for reimbursement per receipt.
- 4) Proper types of receipts include:
 - a. Store register tapes showing the store name/description of item/date.
 - b. Invoices with company letterhead listing the employee as the purchaser and stamped paid in full.
 - c. Employee credit card statement and shipping document (if purchased by phone).
 - d. Copy of front and back of canceled check along with order form or registration form. For meals over twenty-five dollars (\$25), an itemized receipt is required (these receipts are now standard in most restaurants). All costs for alcoholic beverages need to be deducted.
- 5) The complete budget code must be entered, or the claim form will be returned to the Supervisor, which could delay processing.
- 6) Claim forms are not to be used to pay for contractual services such as for bus transportation or field trip admissions. In those cases a purchase order should always be used.
- 7) Supervisor's approval is required.

SUBJECT: REIMBURSEMENT FOR MEALS/REFRESHMENTS AT STAFF/BOARD MEETINGS AND DISTRICT EVENTS

It is the position of the New York State Comptroller's Office that meals of public officers and employees may 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. The School District requires overnight travel to be eligible for such meal expenses. This regulation also applies to any meals provided at staff meetings except under the following circumstances:

- 1) Meals may be considered a proper municipal expense where the School District is faced with business of an immediate nature between two or more people, and the meetings are required to be held at meal times due to staff schedules.
- 2) In order for meal expenses for a meeting between staff members to be eligible for reimbursement or payment by the organization, the following conditions need to be met:
 - a. The topic(s) of the meeting must be of an immediate nature, or there must be a pressing need to complete the business at hand;
 - b. Scheduling prevents the meeting from being held at a different time;
 - c. The meal must be provided during the meeting. It can not be delivered or served at the beginning or end of the scheduled meeting. For example: where a luncheon meeting is scheduled from 10 am to 2 pm because it is the only time a meeting can be held before an important deadline, the meal may be eligible for reimbursement or payment if it was delivered at 12 noon.
- 3) When claiming such expenses for reimbursement or requesting that payment be made, you must justify the need for such expense as outlined above.
- 4) Before meal expenses for meetings with staff members can be reimbursed or paid, the following information must be provided to the Business Office:
 - a. What was the purpose of the meeting?
 - b. When was the meeting held?
 - c. What time was the meeting held?
 - d. What was the reason that the meal had to be served during the meeting?

These guidelines apply to all employees of the School District and are effective immediately.

SUBJECT: PURCHASING: VENDOR BUSINESS GUIDELINES

- 1) Vendor, as defined for this regulation, includes any business, organization, or individual doing business with the School District; any of its organizations, or employees; and student organizations, approved to operate within the policies and regulations of the School District.
- 2) The Board shall not enter into contracts with vendors and/or sales representatives in which an individual Board member, school official or employee is in a position to benefit personally from the exercise of his/her official authority with respect to that contract. Any violation of this regulation would bar the vendor from doing business with the District.
- 3) For vendors of instructional materials, preference will be given to vendors who agree to provide materials in alternative formats (i.e., any medium or format, other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for a student with a disability). 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.
- 4) 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:

(Continued)

SUBJECT: PURCHASING: VENDOR BUSINESS GUIDELINES (Cont'd.)

- 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.
- 5) The District will maintain a list of responsible bidders, suppliers and vendors.
 - 6) The Business Office shall develop, maintain, and upon request provide the names of potential vendors and bidders for various types of materials, equipment, and supplies to schools and organizations.
 - 7) All staff and students will comply with the School District's procedures and applicable state law. Any building, department, program, or organization shall obtain quotations if required by District procedures.
 - 8) School facilities may be used by an outside or private vendor when such use satisfies a legitimate school purpose. Such practice may be authorized only upon:
 - a. Approval of the Superintendent and Board of Education,
 - b. The full and equal opportunity for all approved prospective vendors to compete,
 - c. The involvement of students in the process, and
 - d. Students are not compelled to use a designated vendor.

District Plan Regarding Alternative Formats for Instructional Materials

As required by federal law and New York State Regulations, the District has adopted the National Instructional Materials Accessibility Standard (NIMAS) to ensure that curriculum materials are available in a usable alternative format for students with disabilities. Each school district has the option of participating in the National Instructional Materials Access Center (NIMAC). Whether a district does or does not participate in NIMAC, the district will be responsible to ensure that each student who requires instructional materials in an alternate format will receive it in a timely manner and in a format that meets NIMAS standards (8 NYCRR Section 200.2(b)(10)). The NYS Education Department (NYSED) recommends that school districts choose to participate in NIMAC, because this national effort to centralize the distribution of instructional materials in alternate formats will help guarantee timely provision of such materials to students.

(Continued)

SUBJECT: PURCHASING: VENDOR BUSINESS GUIDELINES (Cont'd.)

For school districts, Boards of Cooperative Educational Services (BOCES), State-operated schools, State-supported schools and approved private schools that choose to participate in NIMAC, **contracts with publishers executed on and after December 3, 2006** for textbooks and other printed core materials *must* include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this will not add any cost to the contract).

For more information regarding NIMAC including model contract language, Steps for Coordinating with NIMAC and an IDEA Part B Assurances Application, see website: <http://www.vesid.nysed.gov/specialed/publications/persprep/NIMAS.pdf>

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

"Alternative format" is defined as any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a student with a disability enrolled in the School District, including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file. An electronic file must be compatible with at least one alternative format conversion software program that is appropriate to meet the needs of the individual student.

The Plan shall:

- 1) Ensure that the District gives a preference in the purchase of instructional materials it has selected for its students to those vendors who agree to provide such instructional materials in alternative formats;
- 2) Specify, when an electronic file is provided, how the format will be accessed by students and/or how the District will convert to an accessible format;
- 3) Specify the process to be used when ordering materials to identify the needs of students with disabilities residing in the District for alternative format materials;
- 4) Specify ordering timelines to ensure that alternative format materials are available at the same time as regular format materials are available; and
- 5) Include procedures so that when students with disabilities move into the School District during the school year, the process to obtain needed materials in alternative formats for such students is initiated without delay.

SUBJECT: PROCUREMENT GUIDELINES

This resolution sets forth the guidelines to meet the requirements of General Municipal Law, Section 104-b.

Purpose

Goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public monies, in the best interest of the taxpayers to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the governing Board has adopted internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, Section 103 or any other general, special or local law.

Procedures for Determining Whether Procurements are Subject to Bidding

The procedures for determining whether a procurement of goods and services is subject to competitive bidding and determining that competitive bidding is not required by law is as follows:

- 1) The Board is required by law to award all purchase contracts for supplies, materials and equipment involving expenditures in excess of ten thousand dollars (\$10,000) and all contracts for public works in excess of twenty thousand dollars (\$20,000) to the lowest responsible bidder after advertising for public sealed bids.
- 2) When a contract involves acquisition of both goods and services, a judgment must be made as to the primary purpose of the contract. If the services are minor, incidental or customarily provided by the vendor in connection with the goods purchased, the contract should be viewed as a purchase contract. If the service component is extensive or predominant or involves special skills, the contract should be treated as one for public works.
- 3) In determining the necessity for competitive bidding, the aggregate amount to be expended during the fiscal year on an item or those of a similar nature (a "reasonable commodity grouping") must be considered. For example, office supplies or art materials would constitute an appropriate grouping for bidding purposes.

Additionally, in determining whether the dollar requirements have been reached, allowances for any trade-in related to the purchase must be treated as an expenditure; the estimated gross cost of the item is controlling. Net cost is relevant only to the determination of the low bid.

(Continued)

SUBJECT: PROCUREMENT GUIDELINES (Cont'd.)**Guidelines for Purchasing Supplies and Equipment when Competitive Bidding is Not Required by Law**

<u>Estimated Amount of Purchase</u>	<u>Procedure/Requirements</u>	<u>Responsibility</u>
Less than \$750	At least two (2) catalog or price sheet comparisons.	Obtained by the originator. The originator shall indicate on the purchase requisition form the basis for the determination that the suggested vendor be used.
\$751 - \$1,500	Two (2) verbal quotations, name of vendor and date of quote.	Obtained by the originator. The originator shall indicate on the purchase requisition form the basis for the determination that the suggested vendor be used.
\$1,501 - \$4,000	Three (3) verbal or written quotations, name of vendor and date of quote.	Obtained by the school business official.
\$4,001 - \$10,000	Three (3) formal written quotations.	Obtained by the school business official.
In excess of \$10,000	Public advertised bids in accordance with General Municipal Law.	Obtained by the school business official.

- NOTE:
- 1) For products available under State contract, which are below the State contract price, no further quotes are required provided the product is the same brand and model number and below the \$10,000 bid threshold.
 - 2) When procurement can be accomplished through the following sources, competitive bidding or procedure requirements listed above are not required.
 - a. Under State Contract;
 - b. Under a County contract;

(Continued)

SUBJECT: PROCUREMENT GUIDELINES (Cont'd.)

- c. From State Correctional Institutions (Corrections Law Sections 184 and 186);
- d. From State agencies for the blind and severely disabled (State Finance Law, Section 162);
- e. Emergencies (General Municipal Law, Section 103[4]);
- f. Sole source, professional services, true leases and insurance;
- g. Second-hand equipment from another government agency.

Guidelines for Public Works Projects when Competitive Bidding is Not Required by Law

<u>Estimated Amount of Purchase</u>	<u>Procedure/Requirement</u>	<u>Responsibility</u>
Less than \$2,000	No quotation required.	Originator must substantiate the need and choice of contractor.
\$2,001 - \$20,000	Three (3) formal written quotations.	Obtained by the School Business Official.
In excess of \$20,000	Public, advertised bids.	Obtained by the School Business Official.

Annual Review

Comments concerning the policies and procedures shall be solicited from employees of the Port Byron Central School District involved in the procurement process from time to time.

The Board shall annually review these policies and procedures. The School Business Official shall be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

Unintentional Failure to Comply

The unintentional failure to fully comply with the provisions of General Municipal Law, Section 104-b, shall not be grounds to void action taken or give rise to a cause of action against the Port Byron Central School District or any officer or employee thereof.

SUBJECT: COMPETITIVE PURCHASING OF GOODS AND SERVICES**General Statements**

The purchasing policy of the Port Byron Central School District is to secure supplies, materials, equipment and services in an efficient, economical and timely fashion to meet the District's needs.

The purchasing procedures employed shall comply with all applicable laws and regulations of the State and Commissioner of Education.

Authority/Responsibility

In accordance with law, the District must identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated biennially.

The District purchasing function will be centralized in the Business Office under the general supervision of the Purchasing Agent designated by the Board of Education. The Board of Education has designated the School Business Official as the Purchasing Agent for the School District. The Purchasing Agent shall be responsible for developing and administrating the purchasing program of the School District.

Quality

The purchasing function shall consider circumstances and use as determining factors in quality selection. The Board of Education expects the Purchasing Agent to make every effort to receive the maximum educational value for every dollar expended.

Items commonly used in the various schools therefore shall be standardized whenever consistent with the educational goals and in the interest of efficiency and economy.

Vendors and Contractors

One of the purposes of the purchasing function is to purchase competitively, without prejudice or favoritism. Each order shall be placed on the basis of quality, price, delivery and past service being a factor if all other considerations are equal.

No Board member, officer or employee of the Port Byron Central School District shall be interested financially in any contract entered into by the Board. This shall also preclude acceptance of any gratuities, financial or otherwise, by the above persons, from any supplier of materials or services to the District.

(Continued)

SUBJECT: COMPETITIVE PURCHASING OF GOODS AND SERVICES (Cont'd.)**Requesting Bids and Quotations**

The purpose of obtaining bids or quotations is to encourage competition in the procurement of supplies, equipment and services which will be paid for from public funds. Competitive bids or quotations shall be solicited in connection with all purchases whenever feasible and in the best interest of the Port Byron Central School District.

Contracts will be awarded to the lowest responsible bidder; residence or place of business of the local bidders may be a consideration only in cases where identical bids have been submitted.

All purchase contracts for materials, equipment or supplies involving an annual expenditure of over ten thousand dollars (\$10,000) and all public works involving an expenditure of more than twenty thousand dollars (\$20,000) will be awarded on the basis of public advertising and competitive bidding.

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

A statement of "General Conditions" will be included with all specifications submitted to suppliers for their bids.

Request for Proposal Process for the Independent Auditor

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

Bid Opening

Sealed bids should be received, time-stamped, recorded and kept in a safe place until the appointed day and time when they are publicly opened and read. It is important to note that the law requires SEALED BIDS; therefore, "FAXED" bids MAY NOT be accepted.

Bids should be checked and analyzed for compliance with specifications and law. The right to reject all bids for valid cause is reserved to the School District. Also reserved is the right to reject, for cause, any bid in whole or in part; to waive technical defects, qualifications, irregularities and omissions if in its judgment the best interests of the District will be served. Also reserved is the right to reject bids and to purchase items on State Contract if such items can be obtained on the same terms, conditions, specifications, and at a lower price.

(Continued)

SUBJECT: COMPETITIVE PURCHASING OF GOODS AND SERVICES (Cont'd.)**State Contracts**

Purchases shall be made through available State contracts of the Office of General Services Division of Standards and Purchase, whenever such purchases are in the best interest of the Port Byron Central School District. However, whenever possible, if quotations can be obtained from suppliers locally at similar prices and equal quality to the State contract, then residence or place of business may be considered if all bidding conditions are met.

Purchase Orders

The Purchasing Agent shall be authorized to issue pre-numbered purchase orders for all goods and services where a budgetary appropriation has been made. When formal bidding procedures are required by law, the purchase order will be issued after the Board award of the bid and will refer to the bid submitted, to the specifications which will be attached as part of the contract and will bear the price or prices indicated by the bidder in the bid.

Blanket purchase orders issued yearly to local dealers shall be used only for day-to-day custodial needs or minor repairs.

Purchase orders shall also indicate the address for delivery. All goods received must be accepted by an authorized Port Byron Central School District employee who shall certify that the goods were received in good condition, before payment can be approved.

No payment for goods or services shall be made unless both an itemized invoice showing name of the person or firm to whom payment is due, and a receiving copy of the purchase order, bearing the signature of an authorized school employee are present. Furthermore, the invoice must have been issued in response to an approved purchase order.

SUBJECT: CRITERIA FOR AWARDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDER

The award of public contracts is of vital interest to the taxpayers and citizens. Many state laws provide for award to the lowest responsible bidder in order to avoid favoritism and its concomitant evils. It would be unfair to bidders, who have expended time and money in the preparation of bids, to be denied equal consideration.

The basis of making awards to the lowest responsible bidder has been adopted with the view of enabling a public body to enter into contracts with the same efficiency and economy that a prudent business person does in the conduct of everyday business affairs. This beneficial result cannot always be obtained when the award goes to the lowest bidder. Definite specifications must be adopted to enable all bidders to make intelligent bids. This establishes a common standard by which to measure the respective bids to determine the lowest responsible bidder.

The New York Courts define the term lowest responsible bidder as one able to respond or answer in accordance with what is expected or demanded. More specifically, the lowest responsible bidder has been interpreted as requiring the successful bidder to possess:

- 1) Financial or procuring ability to complete the contract;
- 2) Integrity and trustworthiness;
- 3) Skill;
- 4) Judgment;
- 5) Ability to perform faithful and conscientious work;
- 6) Promptness;
- 7) Experience;
- 8) Previous performance of satisfactory work;
- 9) Other essential factors which may depend upon the type and kind of contract involved. For example, for vendors of instructional materials, preferences will be given to vendors who agree to provide materials in alternative formats. For apparel or sports equipment vendors, responsible bidders will be considered to be those that comply with fair and proper labor standards including those related to child labor, employee compensation, employees' rights to form unions, and working conditions.

(Continued)

SUBJECT: CRITERIA FOR AWARDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDER (Cont'd.)

On opening and tabulating the bids, the public official must determine two things to make a valid award:

- 1) The responsibility of the bidder;
- 2) Which of the responsible bidders has submitted the lowest bid.

Awarding a contract required to be let to the lowest responsible bidder is mandatory. No authority, except by statute, authorizes the official to accept any other bidder.

Determination of the responsibility of a bidder by the official requires the exercise of judgment and discretion in favor of the institution for which he/she works. This discretion must be exercised honestly and fairly, not arbitrarily nor capriciously. The decision must be based on facts obtained after investigation into the responsibility of the bidders which show that the lowest bidder to whom the award was not made was not a responsible bidder. Failure to make such an investigation invalidates the contract award and such award will not be upheld.

The lowest bidder who is not the lowest responsible bidder must prove that the investigation of the responsibility of bidders was not made or that such action was not the result of the exercise of honest and fair discretion in determining the responsibility of the bidders, but was arbitrary or capricious. The ultimate facts must be recorded.

It is the policy of the District to provide equal opportunities for awarding contracts regardless of race, color, creed, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, or disability.

**SUBJECT: SAFEGUARDING, ACCOUNTING AND AUDITING OF EXTRACLASSROOM
ACTIVITY FUNDS**

There are certain principles and procedures that should be followed in establishing an adequate accounting system for extraclassroom activity funds. The following basic devices are essential to the proper management of such funds:

Basic Principles

- 1) Two (2) separate and independent sets of records of receipts and expenditures shall be maintained.
- 2) The authority to expend moneys shall be distinct and separate from the custody of these moneys.
- 3) At least two (2) individuals shall take part in each act of disbursing money.
- 4) The custodian of funds shall report to the Board of Education regularly at monthly intervals.
- 5) All accounts shall be audited at least annually.
- 6) Procedures shall be established which will ensure a prompt and careful examination and check of each receipt and each payment.
- 7) The accounting system shall be such that it will yield the largest possible educational return to students without sacrificing the safety of funds or exposing students to undue responsibility or unnecessary routine.

Functions and Duties of OfficersChief Faculty Counselor (usually the Building Principal)

It shall be the duty of this officer to coordinate the financial planning of all projects of the various student organizations in his/her building; to consult with the Faculty Advisors; to appoint a Faculty Advisor for each activity in his/her building on a year-to-year basis; and to submit to the Board of Education for approval all new activity organizations initiated by the students. He/she shall investigate all problems and disputes concerning the student organizations under his/her jurisdiction and shall effect action that will enable these problems and disputes to be resolved.

Faculty Advisor

It shall be the duty of these officers to guide and advise the student officers in planning extraclassroom activities and the planning of financial budgets. The advisors shall assist the Activity

(Continued)

**SUBJECT: SAFEGUARDING, ACCOUNTING AND AUDITING OF EXTRACLASSROOM
ACTIVITY FUNDS (Cont'd.)**

Treasurer in the preparation of statements and sign them as acknowledgment of verification of the income statement to be attached to deposit slips. The advisor shall guide the student treasurer in posting to the account ledger and from time to time shall check the balancing of the Activity Treasurer's accounts and the completeness of their supporting evidence. The Faculty Advisor shall supervise expenditures by insuring that funds are available before approving each proposed purchase and by signing all pay orders drawn on the Central Treasurer for disbursement of funds. The Faculty Advisor is responsible for determining which of the activities of the organization are subject to sales tax and for taking steps to see that all tax information is accurately recorded and sent to the Central Treasurer. The Faculty Advisor shall constantly work toward the goal of insuring the largest educational return from the activities participated in by the students.

Activity Treasurer

The Activity Treasurer shall receive all moneys raised by student activity and shall immediately deposit such funds with the Central Treasurer. Duplicate deposit slips shall be made out and signed by both the advisor and Activity Treasurer. One of these deposit slips is to be retained by the Central Treasurer, and one deposit slip, after being signed by the Central Treasurer, is to be returned to the Activity Treasurer together with a Central Treasurer's receipt.

The Activity Treasurer shall pay all bills by issuing pay orders signed by himself/herself, the Faculty Advisor and the chief faculty counselor. It is the responsibility of the Activity Treasurer to verify the balance in his/her account when submitting a payment order. This form is to be made in duplicate and is an order on the Central Treasurer to issue a check for payment of the invoice which shall be attached to the pay order. The Central Treasurer will keep one copy of the pay order and return the other copy together with the completed check. The Activity Treasurer will then send the check to the vendor involved after posting.

The Activity Treasurer shall keep a ledger showing all receipts and expenditures and indicating a daily running balance which shall be on a form prescribed by the Board of Education. He/she shall file all supporting data, chronologically, as evidence for the entries made in the ledger.

Central Treasurer

It shall be the duty of the Central Treasurer to have custody of all funds. All disbursements of funds shall be by means of pre-numbered check forms signed by the Central Treasurer upon receipt of a payment order signed by the Activity Treasurer, Faculty Advisor and Chief Faculty Counselor. The Central Treasurer shall have no part in the approval of payments but shall disburse funds only on the presentation of a properly signed pay order in duplicate providing, of course, that there are sufficient funds available in the account. The completed check will be returned to the student treasurer who will send it to the vendor after posting.

(Continued)

**SUBJECT: SAFEGUARDING, ACCOUNTING AND AUDITING OF EXTRACLASSROOM
ACTIVITY FUNDS (Cont'd.)**

The Central Treasurer shall sign a receipt for all funds placed in his/her custody, and shall deposit these funds promptly in a bank designated by the Board of Education.

The Central Treasurer shall keep an account listing the receipts and expenditures of each individual activity and post a register of all the receipts and disbursements of the combined student organizations on ledger forms prescribed by the Board of Education.

Once each month, the Central Treasurer shall receive and verify the bank statements and prepare reports for presentation to the Faculty Auditor and the Board of Education. These reports to the Board should show beginning balances, receipts for the month and the ending balances for each organization as well as a copy of the bank reconciliation.

This is taken from the State Education Department's book "The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds."

Extracurricular Account Procedures

Each class/club organization has an extracurricular account as a depository for class/club organization funds. The Superintendent's secretary is the Extracurricular Funds Treasurer who has responsibility for the extracurricular accounts of all school class/club organizations.

All funds, raised in any manner in the name of a respective class/club organization, are to be deposited in the respective extracurricular account. Both the class/club advisor and organization treasurer will be responsible for making an appointment with the Extracurricular Funds Treasurer to complete the necessary forms in the depositing of funds.

The expenditures and/or disbursement of all funds from any extracurricular class/club organizations must have prior approval from the Principal. The class treasurer will be responsible for working with the Extracurricular Funds Treasurer to complete the necessary forms in the expending and disbursing of funds. Itemized disbursements are to be provided to the Principal prior to approval being granted.

Prior to the close of the school year, it will be the responsibility of both the advisor and class/organization treasurer to make an appointment with the Extracurricular Funds Treasurer to conduct account closing procedures. At this time the class advisor will receive remuneration for his/her duties. Advisor responsibilities for each year are not completed until account books have officially been closed.

(Continued)

**SUBJECT: SAFEGUARDING, ACCOUNTING AND AUDITING OF EXTRACLASSROOM
ACTIVITY FUNDS (Cont'd.)**

Deposit Procedures

- 1) Upon receiving money, the Activity Treasurer will count the money received and complete a Recap of Receipts form in duplicate.
- 2) If the deposit cannot be taken to Central Treasurer at that time it should then be placed in the school vault until the next school day. **No activity money should be taken home by anyone.**
- 3) The Central Treasurer will sign the recap sheet and return together with a receipt for the money deposited. If the Central Treasurer is not available to count the money then the Activity Treasurer should see that someone from the Business Office counts the money and issues a receipt. If money is left, uncounted, at the Central Treasurer's office it will be understood that it is NOT the Central Treasurer's responsibility if there is a discrepancy in the amount of deposit.
- 4) The Activity Treasurer shall enter the amount of the deposit in the activity fund register indicating the source from which the funds were received (i.e., dance, magazine sales, etc.).
- 5) File chronologically the supporting data consisting of the duplicate recap sheet, Central Treasurer's receipt and, if applicable, the statement of admissions. These forms provide the evidence for the entries made in the Activity Treasurer's books.

Withdrawal Procedures

- 1) Upon receiving an invoice for goods received or services rendered the Activity Treasurer and the Faculty Advisor should determine that the bill is correct and all items have, in fact, been received as billed.
- 2) A payment order is prepared in duplicate and signed by the Activity Treasurer, Faculty Advisor and the Chief Faculty Counselor.
- 3) An invoice, receipt or statement to substantiate expense **MUST** accompany all payment orders before the Central Treasurer can issue a check.
- 4) The balance in the activity's account must be verified and indicated on the payment order.
- 5) The payment order is sent to the Central Treasurer for payment. Checks are issued each Thursday for all payment orders received by Wednesday afternoon of that week.

(Continued)

**SUBJECT: SAFEGUARDING, ACCOUNTING AND AUDITING OF EXTRACLASSROOM
ACTIVITY FUNDS (Cont'd.)**

- 6) The Central Treasurer will return a copy of the payment order with the date paid and check number indicated. When an address is included the Central Treasurer will send the check to the address listed unless otherwise advised. Where no address is given the check will be returned to the Faculty Advisor for mailing.
- 7) The activity advisor makes the necessary entry in his/her books indicating to whom the check is made out and the reason. The pay order is filed to give supporting evidence for the entry.

Monthly Reconciliation

The Activity Treasurers shall reconcile their records with those of the Central Treasurer. At the end of every month the Central Treasurer will send every activity an Activity Reconciliation Report which will be verified by the Activity Treasurer. This will list the transactions for the month including interest earned for the previous month. At the bottom of the report is the statement:

The information on this report is correct and complete to the best of my knowledge.

Signature _____ Date ____/____/____
(Please sign and return to Central Treasurer)

SUBJECT: PETTY CASH FUNDS**Use of Funds**

Petty cash should be used for incidental items of expense up to twenty-five dollars (\$25). The cost of money orders or cashier checks can be included.

Disbursement of Cash

- 1) Petty cash expenditures must be covered by a printed voucher form. This should be completed and signed by the person receiving reimbursement from the fund.
- 2) All purchases reimbursed by petty cash must be evidenced by a receipt, sales slip, canceled check or some proof of purchase.
- 3) Vouchers must be approved by the custodian of petty cash funds, which is the School Business Official, principal, Food Service Manager or Transportation Supervisor. Until the final claim is submitted, use the vendor number assigned to the custodian of petty cash.
- 4) Do not mingle cash collected from books, fines, fees, etc., with petty cash funds.

Replenishing of Funds

- 1) Petty cash funds may be replenished periodically as soon as one-half (1/2) of the fund has been disbursed.
- 2) Petty cash expense can be charged to any regular budget code.
- 3) A claim form and petty cash journal record is required when submitting a claim. These reports together with the signed vouchers and receipts must be forwarded to the Business Office each time the fund is to be replenished.
- 4) Accounts Payable verifies the coding of each petty cash receipt. If changes are made by the Business Office, the custodian of petty cash is notified.
- 5) After verification has taken place checks are made out to the custodian of petty cash.
- 6) Checks are forwarded to the custodian of petty cash following the Board meeting.
- 7) The petty cash report form must be submitted to the Business Office before the next Board meeting.

(Continued)

SUBJECT: PETTY CASH FUNDS (Cont'd.)**Safeguarding Funds**

- 1) Funds should be reconciled periodically by an employee independent of the custodian.
- 2) All petty cash must be returned to the working fund for the District before June 30. A reminder will be forwarded during June.

SUBJECT: REVENUE AND CASH MANAGEMENT**Cash Receipts and Revenue**

- 1) The Board has authorized all District bank accounts.
- 2) Procedures are in place to periodically verify that only Board-authorized accounts have been established.
- 3) Employees who handle cash are bonded.
- 4) Only Board-authorized individuals collect cash and pre-numbered triplicate receipt forms are used when the funds are collected.
- 5) The District uses receipt forms or some other method (cash register, logs of tickets sold, pre-numbered tickets) to establish accountability for all funds collected including such items as school lunch sales, soft drink sales, library fines, lost book fees, ticket sales for sporting events, concerts, plays, adult education tuition, or other miscellaneous fees and charges.
- 6) Individuals, other than the Treasurer, collecting cash use pre-numbered triplicate receipt forms. One of the receipts should be issued to the payer, another receipt should be issued to the Treasurer, and the last receipt should be retained by the individual collecting the funds to establish accountability. The individual collecting the cash should sign the receipt form.
- 7) Someone independent of other cash and record keeping functions opens the mail, restrictively endorses all checks, establishes a record of all funds received, and prepares the deposit slip.
- 8) The District reconciles actual collections to budgeted amounts, especially in the extraclassroom and lunch areas. If an extraclassroom fundraiser is expected to sell 100 candy bars for \$1 each, the reconciliation should show either \$100 in revenue or \$90 plus 10 candy bars to be returned.
- 9) The Treasurer audits the triplicate receipt books periodically and maintains control over the inventory of receipt books.
- 10) Checks are turned over to the Business Office for deposit and someone independent of the record keeping function verifies the funds were, in fact, deposited into the bank. Generally, the person who makes the initial cash receipt list should be the person who checks their list to actual deposits.
- 11) The individual collecting the money should reconcile the cash received with the register tape or log of tickets sold. The reconciliation should be reviewed and approved by a Supervisor.

(Continued)

SUBJECT: REVENUE AND CASH MANAGEMENT (Cont'd.)

- 12) Someone independent of the Business Office should periodically verify the reasonableness and completeness of all deposits.
- 13) The District has a procedure whereby the bank will only wire funds after it receives confirmation to do so from a second person which the District has authorized to approve the transfer.
- 14) All wire transfer notices are retained to support the transaction.
- 15) All checks should be restrictively endorsed upon receipt.
- 16) All cash and checks are kept in a secure location, turned over to the Treasurer, and deposited in the bank on a timely basis.
- 17) Cash balances on the bank statements are reconciled to the cash balances on the accounting records on a monthly basis.
- 18) The bank account reconciler should obtain bank statements directly from the bank (via mail, pick-up, or other means).
- 19) The individual responsible for the bank account reconciliations should not have any duties related to cash receipts and disbursements.
- 20) The bank account reconciler obtains the "book balance" directly from the general ledger, not through an intermediary person or from some other document.
- 21) The bank account reconciler compares bank statement deposit dates and amounts with cash receipts book entries.
- 22) The bank account reconciler compares, on a test basis, the date, payee, and amount on cancelled checks with cash disbursements book/warrant entries.
- 23) The bank account reconciler, on a sample or risk basis, evaluates endorsements on checks for reasonableness.
- 24) Once the reconciliations are completed, someone independent of the process should review them for completeness and to ensure they do not include outdated reconciling items.
- 25) There is adequate separation of duties for bank reconciliations, access to cash, and record keeping.

(Continued)

SUBJECT: REVENUE AND CASH MANAGEMENT (Cont'd.)

- 26) The District has procedures in place to ensure it receives the revenue it is entitled to.
- 27) The District uses monthly billings, overdue notices, an accounts receivable aging report, and the contacting of delinquent debtors as part of its accounts receivable process.
- 28) The individual responsible for the accounts receivable billings is prohibited from completing cash receipt and disbursements duties.
- 29) A Supervisor periodically reviews the account receivables billings and reconciles the total to the general ledger amount.

Cash Management and Investments

- 1) The District has a procedure to determine if excess cash is available for investment and such amounts are transferred to interest bearing accounts to maximize revenue.
- 2) A summary record of key information is maintained for all investments to properly monitor and account for investments.
- 3) The District invests in only those types of investments permitted by General Municipal Law Sections 10(3) and 11(2).
- 4) The Treasurer or other District Official is aware of collateral requirements and periodically verifies that the market value of pledged securities is sufficient to cover deposits in excess of the \$100,000 FDIC limits.

Petty Cash

- 1) All petty cash funds are authorized by the Board and do not exceed \$100 each.
- 2) The responsibility for each petty cash fund is vested in one person who does not have any other duties related to cash receipts.
- 3) All petty cash disbursements are limited to a maximum amount(s), require Supervisory approval, and are supported by adequate documentation.
- 4) Supporting documentation is maintained for each transaction, including the original receipts or invoices marked cancelled when paid.
- 5) Someone independent of the petty cash function periodically audits each petty cash fund to ensure the correct amount of cash and receipts are on hand and the funds are being used in accordance with the District's policies and procedures.

SUBJECT: FREE AND REDUCED PRICE MEAL PROGRAM

In fulfilling its responsibilities under the National School Lunch and Breakfast Programs, the Port Byron Central School District agrees to:

- 1) Serve meals free to any student who has submitted an approved application and is a member of a family which has an annual income below the applicable family size income level adopted by the School District, as prescribed by the New York State Education Department.
- 2) Prohibit the physical segregation of, or any other discrimination against, any student because of his/her inability to pay the full price of meals.
- 3) Follow the hearing procedure outlined in District regulations for the appeal of decisions regarding eligibility.

The Port Byron Central School District assures the New York State Education Department Child Nutrition Program Administration that the School District will uniformly implement the following regulation with respect to determining the eligibility of students for free meals in all National School Lunch and Breakfast Program participating schools under its jurisdiction.

Designated Officials

The District will designate a Reviewing Official, Hearing Official and Verification Official for the Child Nutrition Program as specified in the Certification of Acceptance submitted to the New York State Education Department. The Reviewing Official will be the School Lunch Director who will determine which students are eligible for free/reduced meals or milk. The Hearing Officer may not be the same person as the Reviewing and/or Verification Officer.

Criteria for Determining Eligibility

The Port Byron Central School District will use the Federal Income Eligibility Guidelines for determining eligibility for free and/or reduced price meals. The only specific criteria to be used will be gross family income and the number of individuals in the family, and will be uniformly applied by all National School Lunch and Breakfast Program participating schools under the jurisdiction of the School District. The scale based on the above criteria may be changed from year to year by the New York State Education Department in accordance with the annual United States Secretary of Agriculture's guidelines. Any change in the scales will be submitted to each School District by the New York State Education Department for their adoption. Districts may request changes in the prototype letter prior to printing through their regional office, if necessary.

(Continued)

SUBJECT: FREE AND REDUCED PRICE MEAL PROGRAM (Cont'd.)

Once approved for free/reduced price benefits, a household will remain eligible through September 30 of the next school year or when a new eligibility determination is made in the new school year, whichever comes first.

Public AnnouncementLetter to Parents/Guardians

The Port Byron Central School District will announce this policy on or about the beginning of each school year, and during the school year if there is a change in the policy, by transmitting the reduced price income scale, parent letter, and application to all parents/guardians. Any parent/guardian enrolling a student in a school for the first time at any time during the school year shall be supplied with such documents. This letter and subsequent information provided to parents will be clear and understandable, and to the maximum extent practicable, provided in a language the parents can understand.

Public Release

On or about the beginning of each school year, and during the school year if there is a change in the policy, a public release containing the same information supplied to parents/guardians as well as the free eligibility criteria will be made available to the local news media, the local unemployment office, and any major employers contemplating large layoffs in the areas from which the school draws its attendance. Documentation must be kept with the policy booklet for three years plus the current year identifying where the public release was sent. Copies of this policy may be obtained by any interested party at the District Office.

Application Procedure

- 1) At the beginning of each school year the Port Byron Central School District will send a letter to the parents/guardians of each student, together with a Family Income Scale and a form on which to make application for consideration of eligibility of their children for free/reduced price meals.
- 2) Parents/guardians will be required to complete the application and return the form for review. Only one "household" application is required for all children in the household attending schools in the District. Families may instead provide a "Direct Certification" letter from the New York State Office of Temporary and Disability Assistance (OTDA). Such applications and records of action taken will be maintained by the School District. Upon approval or disapproval, notification will be given to the parent/guardian or student.

(Continued)

SUBJECT: FREE AND REDUCED PRICE MEAL PROGRAM (Cont'd.)

- 3) In certain circumstances where households obviously at an economic disadvantage have failed to apply for free/reduced price meals for their students, the District will use the administrative prerogative to complete the application for the student. This judgmental option acknowledges that families may fail to apply due to lack of understanding, fear of authority, alien status, substance abuse, etc. The application will be completed based upon the best information available regarding family size and income and will be excluded from the verification process. However, exhaustive prior efforts to obtain a completed application from the parent/guardian must be made and documented.

This option will be used judiciously on an individual basis and not to provide eligibility determinations for large numbers of students. Refer to questions and answers on Administrative Prerogative in the NYS Education Department Free and Reduced Price Income Eligibility and Policy Information Booklet.

- 4) For homeless children for whom an application is not filed nor anticipated to be filed:
- a. The Director of the Homeless Shelter at which the child resides can complete and submit the application;
 - b. The District's homeless liaison may complete the application and approve the child for free meals based solely on his/her knowledge that the child is homeless; or
 - c. If large numbers of homeless children make it impractical to complete individual applications, the District may establish a list of eligible students based upon knowledge of the family's residence (shelter, car, etc.) with at minimum the following information:
 - (1) Child's name;
 - (2) Effective date of eligibility determination;
 - (3) Name of shelter, etc. where child resides;
 - (4) Signature of determining official; and
 - (5) Date of withdrawal from the shelter, school or program.

SUBJECT: NON-DISCRIMINATION AND HEARING PROCEDURE ASSURANCES

- 1) The Port Byron Central School District and its designated officials will take action necessary to ensure that the names of students eligible to receive free/reduced price meals shall not be published, posted, or announced in any manner and that there shall be no overt identification of any such students by use of special tokens or tickets, or by any other means. Further assurance is given that students eligible for free/reduced price meals shall not be required to:
 - a. Work for their meals.
 - b. Use a separate lunch room.
 - c. Go through a separate serving line.
 - d. Enter the lunch room through a separate entrance.
 - e. Eat meals at a different time.
 - f. Eat a different meal from the meal sold to students paying the full price of such a meal.
- 2) The Port Byron Central School District will use a fair hearing procedure in cases of appeal by parents/guardians of the school's decision on applications. If a challenge to correctness of information contained in an application or to the continued eligibility of any student for a free/reduced price meal is made on the part of the School District, the students shall be provided a free/reduced price meal until a final determination is made.

Collection Procedure

In making collections from students who pay for their meals, and in accounting for the number of free/reduced price meals served, the methods used will be such that no other student in the school will be made aware, by the procedure, of the identity of the students receiving free or reduced price meals.

Provisions for Transfer

If a student transfers from one school building to another within the Port Byron Central School District, his/her eligibility for a free/reduced price meal will be transferred to and honored by the receiving school.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND HEARING PROCEDURE ASSURANCES
(Cont'd.)**

Records

The District will maintain a file of the following records for three (3) years plus the current year after the end of the fiscal year to which they pertain:

- 1) All applications and Direct Certification letters returned and documentation of action taken.
- 2) Records of all appeals and challenges and their disposition.
- 3) All notifications of eligibility determinations, including benefit rejection letters.
- 4) Records of all verification efforts and resulting eligibility changes.

SUBJECT: FREE AND REDUCED PRICE MEAL PROGRAM

<u>Responsibility</u>	<u>Action</u>
Board of Education	1) a. Authorizes participation in National School Lunch and Breakfast Programs. b. Designates Program Officer.
Program Officer	2) a. Prepares and distributes to all parents/guardians in the District communication of the reduced price eligibility scale and application. b. Makes a public release containing the same information supplied to parents/guardians as well as the free eligibility criteria.
Parent/Guardian	3) Completes an application and returns to the Building Principal or his/her designee for review.
Program Officer	4) a. Determines eligibility and notifies parents/guardians within ten (10) school days. b. Files a copy of application in the office of the Building Principal/designee. c. Attaches letter of denial to applications not approved.
Parent/Guardian or Program Officer	5) May request a conference to discuss the situation, present information, and/or obtain an explanation of the data submitted in the application or the decisions rendered.
Parent/Guardian	6) If not satisfied with the determination made in regards to eligibility, asks for a hearing.
Hearing Official	7) a. Holds a hearing and reviews the material submitted at that time.

(Continued)

SUBJECT: FREE AND REDUCED PRICE MEAL PROGRAM (Cont'd.)

Responsibility

Action

Hearing Official (Cont'd.)

- b. Makes a determination and advises the Program Officer and a parent/guardian of the findings.

SUBJECT: RECORDS MANAGEMENT**Initial Designation of Records Management Officer**

- 1) The School District shall designate one (1) local officer to be Records Management Officer, subject to the approval of and appointment by the Board of Education.
- 2) Within one (1) month of such designation, the Board of Education shall notify the Commissioner of Education of the Records Management Officer's name, title or position in the School District and contact information.

Vacancy in the Position of Records Management Officer

- 1) Whenever a vacancy shall occur in the position of Records Management Officer, a replacement shall be designated within sixty (60) days.
- 2) Within one (1) month of such designation, the Board of Education shall notify the Commissioner of Education of the Records Management Officer's name, title or position in the School District, and contact information.

Records Management Officer

The Records Management Officer's job is varied and often complex. Commissioner's Regulations state that part of the duties of the Records Management Officer is to "initiate, coordinate and promote the systematic management of the local government's (i.e., the School District's) records in consultation and cooperation with other local officers."

Special Approvals for Disposition of Records Not Included in Schedule

Records not listed on a records retention and disposition schedule shall not be disposed of without the Commissioner of Education's approval. The Commissioner will determine the minimum length of time the record needs to be retained and, if necessary, amend the schedule to include this item for future reference.

Records that have been damaged by natural or manmade disaster and constitute a human health or safety risk also require the Commissioner's prior approval before disposition.

Replacing Original Records with Microforms or Electronic Images

Digital images of public records may be stored on electronic media, and such electronic records may replace paper originals or micrographic copies of these records. To ensure accessibility and intelligibility for the life of these records, the School District shall follow the procedures prescribed by the Commissioner of Education.

(Continued)

SUBJECT: RECORDS MANAGEMENT (Cont'd.)**Retention and Preservation of Electronic Records**

- 1) The District shall ensure that records retention requirements are incorporated into any plan and process for design, redesign, or substantial enhancement of an information system that stores electronic records.
- 2) The District shall ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements are met. In the case of archival electronic records, the District, in consultation with the State Archives, must determine that the records will remain usable and accessible by ensuring that the records are retained in currently available file formats and by creating adequate documentation of the records and their systems as defined in subdivision (3) of this section.
- 3) The District shall develop and maintain up-to-date documentation about all permanent or archival electronic records sufficient to:
 - a. Specify all technical characteristics necessary for reading and processing the records;
 - b. Identify all defined inputs and outputs from the system;
 - c. Define the contents of the files and records;
 - d. Determine restrictions on access and use;
 - e. Understand the purposes and functions of the system;
 - f. Describe update cycles and/or conditions and rules for adding information to the system, changing information in the system, or deleting information; and
 - g. Ensure the ongoing retention of records by the District.
- 4) The District shall prepare and store in a secure off-site facility copies of archival electronic records in order to safeguard against loss.
- 5) For electronic media that contain permanent or archival electronic records, the District shall institute maintenance procedures to:
 - a. Verify that the media are free of permanent potentially damaging errors;
 - b. Rewind under constant tension all tapes at least every two (2) years;

(Continued)

SUBJECT: RECORDS MANAGEMENT (Cont'd.)

- c. Annually test a three percent (3%) statistical sample of all units of media to identify any loss of data and to discover and correct the causes of data loss;
- d. Copy immediately onto new media any permanent or archival electronic records stored on media containing a significant number of errors or showing signs of physical degradation;
- e. Copy all permanent or archival electronic records onto new media before the media are expected to fail and always before the media are ten (10) years old; and
- f. Prepare external labels to identify each media unit, the name of the organizational unit responsible for the records, and the records title.

SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS

Pursuant to Board of Education Policy and the Federal Trade Commission's (FTC) "Disposal Rule" (16 Code of Federal Regulations Part 682) and in an effort to protect the privacy of consumer information, reduce the risk of fraud and identity theft, and guard against unauthorized access to or use of the information, the School District will take appropriate measures to properly dispose of sensitive information (i.e., personal identifiers) contained in or derived from consumer reports and records. Any employer who uses or possesses consumer information for a business purpose is subject to the Disposal Rule. According to the FTC, the standard for proper disposal of information derived from a consumer report is flexible, and allows the District to determine what measures are reasonable based on the sensitivity of the information, the costs and benefits of different disposal methods, and changes in technology.

Definitions (in accordance with the FTC's Disposal Rule and the Fair Credit Reporting Act, 15 United States Code Section 1681 et seq.)

- 1) The term "*person*" means any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.
- 2) The term "*consumer*" means an individual.
- 3) The term "*consumer report*" means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing a consumer's eligibility for credit, employment, or insurance, among other purposes. Examples of consumer reports include credit reports, credit scores, reports businesses or individuals receive with information relating to employment background, check writing history, insurance claims, residential or tenant history, or medical history.
- 4) The term "*employment purposes*" when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.
- 5) The term "*consumer information*" means any record about an individual, whether in paper, electronic, or other form, that is a consumer report or is derived from a consumer report. Consumer information also means a compilation of such records. Consumer information does not include information that does not identify individuals, such as aggregate information or blind data.

(Continued)

**SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS
(Cont'd.)**

- 6) The terms "*dispose*," "*disposing*," or "*disposal*" mean:
 - a. The discarding or abandonment of consumer information, or
 - b. The sale, donation, or transfer of any medium, including computer equipment, upon which consumer information is stored.
- 7) The term "*personal identifiers*," per the FTC, goes beyond simply a person's name. The FTC believes that there are a variety of personal identifiers that would bring information within the scope of the Disposal Rule, including, but not limited to, a social security number, driver's license number, phone number, physical address, and e-mail address. The FTC has not included a rigid definition within the Disposal Rule since, depending upon the circumstances, data elements that are not inherently identifying can, in combination, identify particular individuals.
- 8) The term "*document destruction contractor*" means a person, firm or corporation that owns or operates a business, the principal purpose of which is to destroy records containing personal identifying information for a fee, and for whom the total cash price of all of its document destruction contracts exceeds five hundred dollars during any period of twelve (12) consecutive months.

Proper Disposal of Consumer Information/Reasonable Measures

The District will utilize disposal practices that are reasonable and appropriate to prevent the unauthorized access to - or use of - information contained in or derived from consumer reports and records. What is considered "reasonable" will vary according to the particular entity's nature and size, the costs and benefits of available disposal methods, and the sensitivity of the information involved. The FTC's Disposal Rule does not mandate specific disposal measures.

Reasonable measures to protect against unauthorized access to or use of consumer information in connection with District disposal include the following examples. These examples are not exclusive or exhaustive methods for complying with the Disposal Rule:

- 1) Burning, pulverizing, or shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed.
- 2) Destroying or erasing electronic media containing consumer information so that the information cannot practicably be read or reconstructed. Examples would include:
 - a. Breaking or destroying computer disks;

(Continued)

**SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS
(Cont'd.)**

- b. Overwriting or "wiping" electronic records prior to disposal;
 - c. Prior to the sale, donation or transfer of any medium, including computer equipment, upon which consumer information is stored, disposing of such electronic media by overwriting or "wiping" the data prior to disposal or making certain that the hard drive is permanently deleted.
- 3) After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material, specifically identified as consumer information, in a manner consistent with the Disposal Rule. In this context, due diligence could include:
- a. Reviewing an independent audit of the disposal company's operations and/or its compliance with the Disposal Rule;
 - b. Obtaining information about the disposal company from several references or other reliable sources;
 - c. Requiring that the disposal company be certified by a recognized trade association or similar third party;
 - d. Reviewing and evaluating the disposal company's information security policies or procedures;
 - e. Taking other appropriate measures to determine the competency and integrity of the potential disposal company; or
 - f. Requiring that the disposal company have a certificate of registration from the New York Department of State issued on or after October 1, 2008.
- 4) Identifying consumer information when providing it to service providers or affiliates to ensure that the information will be disposed of properly in accordance with the Disposal Rule.
- 5) For persons or entities who maintain or otherwise possess consumer information through their provision of services directly to a person subject to the Disposal Rule, monitoring compliance with policies and procedures that protect against unauthorized or unintentional disposal of consumer information, and disposing of such information in accordance with examples 1) and 2) above.

(Continued)

**SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS
(Cont'd.)**

The service providers, along with the record owner, bear responsibility for the proper disposal of consumer information that they maintain or otherwise possess. In evaluating a service provider's compliance with the FTC Disposal Rule, however, a record owner's failure to provide notice or contract for disposal in accordance with requirements of the Disposal rule will be strongly considered by the FTC.

- 6) The District will provide employee training on proper disposal of consumer information, and mechanisms to update its information security program on a periodic basis.

Failure to Comply

Willful and/or negligent failure to comply with the FTC Disposal Rule could subject the District to civil liability and monetary damages, as well State action for violations.

Relation to Other Laws and Regulations

The FTC Disposal Rule shall not be interpreted:

- 1) To require the District to maintain or destroy any record pertaining to a consumer that is not imposed under other law; or
- 2) To alter or affect any requirement imposed under any other provision of law to maintain or destroy such a record.

**PORT BYRON CENTRAL SCHOOL DISTRICT
REPORTING FORM
"BREACH OF THE SECURITY OF THE SYSTEM"
PURSUANT TO THE INFORMATION SECURITY BREACH AND NOTIFICATION ACT
(STATE TECHNOLOGY LAW SECTION 208)**

Name of School District: _____

Date of Discovery of Breach: _____

Estimated Number of Affected Individuals: _____

Date of Notification to Affected Individuals: _____

Manner of Notification: written notice
 electronic notice (e-mail)
 telephone notice

Are you requesting substitute notice? Yes No (If yes, attach justification)

Content of Notification to Affected Individuals: (Describe what happened in general terms and what kind of information was involved. Please attach copy of Notice.)

Name of School District: _____

Contact Person/Title: _____

Telephone number: _____

E-mail: _____

Dated: _____

Submitted by: _____

Title: _____

Address: _____

Email: _____

Telephone: _____ Fax: _____

(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT
REPORTING FORM
"BREACH OF THE SECURITY OF THE SYSTEM"
PURSUANT TO THE INFORMATION SECURITY BREACH AND NOTIFICATION ACT
(STATE TECHNOLOGY LAW SECTION 208) (Cont'd.)**

PLEASE SUBMIT THIS FORM TO ALL THREE (3) STATE AGENCIES AS FOLLOWS:

Fax this form to:

Consumer Protection Board
Security Breach Notification
Fax: 518-474-2474

Fax and Mail this form to:

NYS Office of Cyber Security and Critical Infrastructure Coordination
30 South Pearl Street
Floor P2
Albany, NY 12207
Fax: 518-474-9090

Attorney General
Assistant Attorney General in Charge
Bureau of Consumer Frauds
120 Broadway – 3rd Floor
New York, NY 10271
Fax: 212-416-6003

SUBJECT: BUILDING SECURITY

In order to provide uniform procedures for administering and maintaining a security system on a District-wide basis, and in order to help avoid incidents of breaking and entering, theft and vandalism, the following regulations shall govern all buildings and facilities.

Guidelines

- 1) No change shall be made on or to any locks/locking devices in any building without the expressed authorization of the Superintendent of Buildings and Grounds.
- 2) No faculty/staff member shall possess at any time an exterior entrance master key, with the exception of:
 - a. The District administrator(s),
 - b. The building custodian(s), and
 - c. Such other persons who possess express written authority from the Superintendent of Schools.
- 3) No faculty/staff member shall possess at any time an area key to facilities which are not within the scope of his/her primary assignment.
- 4) No student or non-District employed person shall possess or be given a key for temporary use.
- 5) All classroom keys provided for faculty/staff members' use shall be issued annually in September, and returned the following June as part of the final year-end audit.
- 6) All unoccupied areas, including classrooms, laboratories, custodial closets, storage rooms etc. shall be locked at all times.
- 7) Although the building administrator is held responsible for the operation of his/her facility, after school hours the Superintendent of Buildings and Grounds shall have primary responsibility for District security and building security during the absence of the building administrator.
- 8) Staff members are to direct all visitors to the Main Office where visitors are to identify themselves and their purpose in visiting the school. Visitors will be required to sign the visitor's book upon entering the school and each visitor will be issued an identification badge. Visitors are to notify the Main Office of their departure and sign out upon leaving the building, returning their identification badges to an office staff member.

(Continued)

SUBJECT: BUILDING SECURITY (Cont'd.)

- 9) If a staff member notices that a visitor does not report to the Main Office upon entering the building, he/she should report that occurrence to the Building Principal/designee.
- 10) Staff members are to report any malfunctioning outside doors to the Main Office.
- 11) Teachers are to lock their classroom doors whenever they take students out of the building.
- 12) Signs will be posted throughout the school building directing visitors to report to the Main Office.
- 13) After the start of the school day, all outside doors, with the exception of the main entrance will be locked.

SUBJECT: HAZARD COMMUNICATION PROGRAM

The Hazard Communication Program is written to inform employees that the hazards of all chemicals and/or chemical products present, entering and used in the Port Byron Central School District have been evaluated and that information concerning the hazards has been transmitted to employees who may be exposed to such chemicals.

This program is written to fulfill the requirements of the Occupational Safety and Health Administration, 29 CFR 1910.1200, and to fulfill the requirements of the New York State Official Compilations of Codes, Part 820 of Title 12.

All work units of the Port Byron Central School District are included within this program. The written program will be available in the Office of the Risk Management Coordinator for review by any interested employee.

Container Labeling

The Risk Management Coordinator will verify that all containers received for use will:

- 1) Be clearly labeled as to the contents;
- 2) Note the appropriate hazard warning;
- 3) List the name and address of the manufacturer.

All secondary containers will be labeled with either an extra copy of the original manufacturer's label or with the generic labels which have a block for identity and blocks for the hazard warning. If written alternatives to labeling of temporary containers are used, a description of the system used will be added. The Risk Management Coordinator will periodically review the District labeling system and update as required.

Material Safety Data Sheets (MSDS)

The Risk Management Coordinator will be responsible for obtaining and maintaining the data sheet system for the Port Byron Central School District. Such person will review incoming data sheets for new and significant health/safety information. He/she will see that any new information is passed on to the affected employees. (If alternatives to actual data sheets are used, a description of the system will be provided.) Copies of MSDS's for all hazardous chemicals to which employees of this District may be exposed will be kept in the Office of the Risk Management Coordinator. MSDS's will be available to all employees in their work area for review during each work shift. If MSDS's are not available or new chemicals in use do not have MSDS's, the Risk Management Coordinator should be immediately contacted.

(Continued)

SUBJECT: HAZARD COMMUNICATION PROGRAM (Cont'd.)**Employee Training and Information**

The Risk Management Coordinator is responsible for the employee training program. He/she will ensure that all elements specified below are carried out. Prior to starting work, each new employee will attend a health and safety orientation and will receive information and training.

After such training, each employee will sign a form to verify that he/she attended the training, received our written materials, and understood the District's regulations on Hazard Communication. Prior to a new chemical hazard being introduced into any section of the District, each employee of that section will be given the necessary information.

List of Hazardous Chemicals

The hazards associated with chemicals used by Port Byron Central School District will be identified from the Material Safety Data Sheets obtained from the chemical supplier. Information on each noted chemical can be obtained by reviewing the Material Safety Data Sheets located in the Office of the Risk Management Coordinator.

Hazardous Non-Routine Tasks

Periodically, employees are required to perform hazardous non-routine tasks. Prior to starting work on such projects, each effected employee will be given information by their immediate supervisor about hazardous chemicals to which he/she may be exposed during such activity.

Informing Contractors

It is the responsibility of the Risk Management Coordinator to provide contractors performing work in the District the following information:

- 1) Hazardous chemicals to which they may be exposed while on the job site;
- 2) Precautions the employees may take to lessen the possibility of exposure by usage of appropriate protective measures.

The Risk Management Coordinator will be responsible for contacting each contractor before work is started in the District to gather and disseminate any information concerning chemical hazards that the contractor is bringing into the District.

SUBJECT: HAZARDOUS MATERIALS**Purchase of Hazardous Materials**

All materials (plants, animals, chemicals, solvents, solutions, and cleansers) should be presumed hazardous until they are declared not hazardous.

A material declared not hazardous will be approved for purchase without restriction.

A material declared hazardous will be approved for purchase with appropriate restrictions or will be prohibited.

A qualified science teacher, a qualified art teacher, and a qualified person from buildings and grounds will be appointed to screen materials. They will either prohibit the purchase of specified materials or approve such purchase stating the restrictions which apply.

Information about hazardous materials will be available to all employees through the District's Hazard Communication Plan (HazCom). State and Federal lists of prohibited, restricted and approved materials will be available to all appropriate employees.

Those employees will certify on all purchase orders that the materials ordered are approved for the conditions under which they are ordered. If the materials to be ordered are not on a list, the department head shall submit the materials to one of the persons designated for approval. The individual initiating the purchase must request the Material Safety Data Sheet (OSHA-20 form). The information on this form must be disseminated to all who use the material and the form must be kept on file within the department.

The appropriate employee will state who may use the material (cleaner, teacher, student) and the maximum quantity permitted for purchase.

Storage of Hazardous Materials

Chemicals or hazardous materials should be kept in a central location as per individual department or organization. This will ensure that the proper facilities and requirements for their storage (i.e., ventilation or flammability) will be available in a secure facility.

These materials should be grouped according to chemical compatibility and stored on proper shelving or in approved cabinets.

Quantities of a hazardous material or of any chemical should be limited to an as-needed basis or to be used up within one (1) year. This will prevent excess accumulation and ensure that fresh material is available.

(Continued)

SUBJECT: HAZARDOUS MATERIALS (Cont'd.)**Use of Hazardous Materials**

Each department or organization must establish specific guidelines for dispensing, use and disposal of hazardous materials. These guidelines must be posted or otherwise available to people using the materials.

All employees using hazardous materials must be made aware of the hazards of the material, the proper use of these materials, and first aid measures to be taken in the event of accidents and emergencies. This information should be provided by the employee's supervisor as obtained from the "Material Safety Data Sheet."

All hazardous materials which are used will be approved for use subject to the conditions specified concerning:

- 1) The people who handle the materials.
- 2) The location and conditions where these materials are used.
- 3) The quantity to be used.
- 4) The quantity available from the dispenser.
- 5) The maximum allowed concentration of solutions.
- 6) The method of disposal to be used.
- 7) Other restrictions such as aprons, glasses, masks, ventilation, etc.

Disposal of Hazardous Materials

In order to be responsible in the use of hazardous substances, we must also be concerned with the safe disposal of dangerous, unwanted, or unlabeled materials.

While some materials may be disposed of easily through ordinary means, others require foresight, planning, and a safe method. Each department or organization will maintain a list of proper disposal methods for any hazardous materials it uses.

The disposal of any material denoted as hazardous must be planned before its use and/or purchase. The Superintendent of Buildings and Grounds is to be contacted for removal of these substances for which there is no ordinary means of disposal.

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN
PUBLIC SCHOOL FACILITIES**

The School District is required to provide and maintain on-site in each instructional school facility, at school-sponsored or school-approved curricular or extracurricular events or activities, and at school-sponsored athletic contests and competitive athletic events, at least one (1) functional cardiac automated external defibrillator (AED) for use during emergencies. Public school facilities and staff who will operate the AED equipment pursuant to Education Law Section 917 are deemed "a public access defibrillation (PAD) provider" as defined in Public Health Law Section 3000-b and subject to its provisions.

The District shall post a sign or notice at the main entrance to the facility or building in which the AED unit(s) is stored, indicating the exact location where the unit(s) is stored or maintained on a regular basis.

Definitions

- 1) "Automated external defibrillator" means a device as defined in Public Health Law Section 3000-b(1)(a).
- 2) "Instructional school facilities" means a building or other facility maintained by the School District where instruction is provided to students pursuant to its curriculum.
- 3) "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.
- 4) "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.
- 5) "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.

On-Site Cardiac Automated External Defibrillators

The School District shall provide and maintain on-site in each instructional school facility sufficient functional cardiac automated external defibrillator equipment to ensure ready and appropriate access for use during emergencies. In determining the quantity and placement of automated external defibrillators, consideration shall be given to:

(Continued)

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN
PUBLIC SCHOOL FACILITIES (Cont'd.)**

- 1) The number of students, staff and other individuals that are customarily or reasonably anticipated to be within such facility; and
- 2) The physical layout of the facility, including but not limited to:
 - a. Locations of stairways and elevators;
 - b. Number of floors in the facility;
 - c. Location of classrooms and other areas of the facility where large congregations of individuals may occur; and
 - d. Any other unique design features of the facility.
- 3) 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. (Activities such as Board meetings, PTA meetings, and activities sponsored by outside groups such as 4-H or Girl/Boy Scouts are excluded from the AED mandate and the school does not need to provide AED coverage at these events.)
- 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.

Each AED device shall be approved by the Food and Drug Administration for adult use and/or for pediatric use, as appropriate for the population reasonably anticipated to be served by such device, and shall be used according to the manufacturer's instructions with due attention provided to operating procedures, maintenance and expiration date.

Limitation on Liability

The School District (as a public access defibrillation provider), or any employee or other agent of the District who, in accordance with the provisions of law, voluntarily and without expectation of

(Continued)

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN
PUBLIC SCHOOL FACILITIES (Cont'd.)**

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.

Key Elements of a School-Based Public Access Defibrillation (PAD) Program*

*excerpted from *Public Access Defibrillation (PAD) in Schools (2000)*, NYS Education Department

The following elements have been identified as essential in the planning and support of the District's public access defibrillation (PAD) program:

- 1) A core emergency response team of trained personnel, including the school registered professional nurse, and a method to activate this team.
- 2) A well-defined emergency plan that clearly states all policies and procedures relative to the use of an AED.
- 3) Strategic placement and availability of the AED unit(s).
- 4) A rapid and effective communication system, especially with regard to events held at remote locations.
- 5) Staff that has successfully completed an initial program provided by a nationally recognized training organization (American Red Cross, American Heart Association, National Safety Council) certifying them to operate an AED and perform Cardiopulmonary Resuscitation (CPR) on adult and, when necessary, pediatric patients.
- 6) A systematic program for recertifying trained providers in a program provided by a nationally recognized training organization.
- 7) Refresher training of all certified AED/CPR providers at intervals deemed appropriate by the medical director responsible for the school district PAD program. This is a skills enhancement program and is not part of a certification program.
- 8) Regular maintenance of the AED unit(s) according to the manufacturer's specifications.
- 9) Periodic testing and repair/replacement of non-functioning AED units.
- 10) Reporting the use of an AED to the collaborating emergency health care provider, who in turn is required to report to the Regional Emergency Medical Services Council.
- 11) Physician oversight.

SUBJECT: BOMB THREAT RESPONSE GUIDELINES**Introduction**

Recent bomb threats and other acts of violence in schools have increased awareness concerning the importance of response actions and coordination among school officials, law enforcement officials, and local emergency management officials. This guideline provides clarification regarding the roles of educators, staff, and law enforcement officials related to bomb threats in schools. This document should be used as a guide in the development of the section of the building-level school safety plan which addresses bomb threats.

Proper planning and prudent actions are necessary to protect the safety of students and staff. Therefore, it is critically important that school officials have a consistent, unified plan of action to deal with the threat of bombs and explosive materials in schools. Section 155.17 of the Commissioner's Regulations requires schools to maintain school safety plans to ensure the safety and health of children and staff and to ensure the integration and coordination with similar emergency planning at the municipal, county, and State levels. Each plan shall be reviewed by the appropriate school safety team on at least an annual basis, and updated as needed by July 1 in accordance with Commissioner's Regulations. Planning for a bomb threat is clearly an emergency, which must be included within the building-level school safety plan(s).

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 as described in these guidelines. (see subheading "Sheltering in Sanitized and Cleared Areas" of this regulation)

The decision to evacuate a building or to take shelter is dependent upon information about where the bomb is placed and how much time you have 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 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.

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)**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.

Police agencies, provided they have the proper resources available, may conduct building searches with the permission of the school official responsible for the building. It is not unusual during a bomb threat for police officers, when present, to request volunteer assistance from school employees. People who can be the most helpful in looking for suspicious objects are the school employees themselves. This is due to the fact that employees may be able to quickly recognize objects which do and do not belong in the building. A stranger to the building does not have the advantage of the employee in conducting this type of building search.

It should be noted that the search for something unusual does not involve touching or handling the suspect object. Only specified and highly trained law enforcement officials are authorized to handle the suspect object when located. School officials and/or employees are not trained or authorized to touch, handle, or move any suspected explosive device. Law enforcement officers, upon finding suspicious objects, will call for appropriate bomb technicians.

School officials should be aware that law enforcement agencies generally do not initially send out bomb sniffing dogs and/or trained bomb technicians until a suspect device is located. It should also be noted that bomb-sniffing dogs have a limited time of efficiency so that their use is carefully considered.

Receiving Threatening Information

Anyone receiving information about a bomb threat - by way of telephone, written note, or through observing a suspicious object, must immediately notify the school building administrator or his/her designee, as described in the applicable building-level school safety plan(s). School personnel should not try to determine if a telephoned bomb threat or suspicious package or letter is a hoax. School personnel must proceed as if the threat is real. Bombs can be constructed to look like almost anything. Most bombs are homemade and the probability of finding a bomb that looks like a stereotypical bomb is almost nonexistent. Therefore, the administrator or designee is to notify local law enforcement officials and initiate the planned actions to move all occupants out of harm's way. Bomb threat information is **not** to be treated as a hoax and an official search must be conducted.

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)Written Bomb Threats

If a written bomb threat is received, the handling of the note and its envelope should be kept to an absolute minimum since it will be used as evidence in the criminal investigation. Fingerprints will be taken from the note to help determine its source. If the note is contaminated with the fingerprints of the recipients, the value of this evidence will be significantly compromised.

Mail Bombs/Suspicious Packages

Mail bombs have been contained in letters, books, and parcels of varying sizes, shapes, and colors. The New York State Police and the Federal Bureau of Alcohol, Tobacco, and Firearms have provided the following characteristics and instructions regarding mail bombs.

- 1) Letter bombs may feel rigid, appear uneven or lopsided, or are bulkier than normal.
- 2) The container is irregularly shaped, asymmetrical, and has soft spots and bulges.
- 3) There may be oil stains on the wrapper. The wrapper may emit a peculiar odor.
- 4) The package may be unprofessionally wrapped and be endorsed with phrases such as "Fragile -- Handle with Care", "Rush -- Do Not Delay", "To Be Opened in the Privacy of _____", "Prize Enclosed", or "Your Lucky Day is Here."
- 5) There may be cut and paste lettering on the address label.
- 6) The package may have no postage or non-cancelled postage.
- 7) The package may exhibit protruding wires, foil, string, or tape.
- 8) The package may emit a buzzing or ticking noise.
- 9) A suspect letter or package may arrive immediately before or after a telephone call from an unknown person asking if the item was received.

If you suspect a letter or package of being a bomb:

- 1) **Do not open or squeeze** the envelope or package.
- 2) **Do not pull** or release any wire, string, or hook.
- 3) **Do not** turn or shake the letter or package.
- 4) **Do not** put the letter or package in water or near heat.
- 5) **Do not** touch the letter or package, thereby compromising fingerprint evidence.
- 6) **Do** move people away from the suspected envelope or package.
- 7) **Do** notify the State and/or local police, depending on which law enforcement agency covers your geographic area.
- 8) **Do activate your building-level school safety plan(s) for dealing with bombs.**

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)Telephone Bomb Threats

Handling a telephone bomb threat requires training and preparation for the person answering the call. The bomb threat caller is the best source of information about the bomb. Therefore, it is important to remain calm and try to get as much information as possible about the bomb from the person on the telephone. If possible, the person answering the call should signal co-workers of the threatening call while the call is still in progress. It is also desirable that more than one person listen in on the call.

Persons receiving threatening calls in a school should have a list of emergency agency telephone numbers available, as well as the telephone numbers of school officials to be immediately contacted. Individuals who are likely to be the first to respond to a threatening telephone call should receive training offered by the New York State Police or local law enforcement agencies. The local BOCES Health and Safety Office may be contacted for assistance in coordinating this training.

The New York State Police recommend that, if possible, the telephone threat be taped. Caller identification or other types of tracing devices should also be considered. The *New York State Police Bomb Threat Instruction Card* should be placed next to telephones that are most likely to receive such calls. Information to be asked of the caller includes:

- 1) Where is the bomb located?
- 2) When will the bomb go off?
- 3) What does the bomb look like?
- 4) What kind of explosive is involved?
- 5) Why was the bomb placed?
- 6) What is your name? (Sometimes the caller may be caught off guard and will give you his/her name.)

Other information which should be noted includes: the time of the call; language used by the caller; gender and approximate age of the caller (child or adult); speech characteristics (slow, fast, loud, soft, disguised, intoxicated, accented, etc.); and any noticeable background noises such as music, motors running or street traffic.

Bomb Threat Response Actions

The following three (3) actions may be used by school administrators when coping with a bomb threat in a school building. These actions require planning, preparation, and training.

- 1) Evacuation of the building after searching exit routes and evacuation areas;
- 2) Sheltering students in an area which has been "sanitized and cleared"; and

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)

- 3) Preclearance of the building and maintenance of security to ensure no suspicious objects have been brought into the building by students, visitors, or staff.

Building Evacuation

When school officials receive information that a bomb threat has been received and the building has not been precleared and kept secure, the school bomb threat procedures are to be immediately activated. This may or may not warrant immediate building evacuation. If the bomb threat indicates that an explosive has been placed outside the building, sheltering may be the most appropriate course of action. (see subheading "Sheltering in the School -- Potential Explosive Device Outside the Building" of this regulation) If the threat indicates that the device is in the building or is non-descript in nature, building evacuation procedures are to be immediately activated.

The building-level school safety plan(s) for bomb threats should establish a process for determining who will be responsible for performing an initial search of the stairwells, lobby, entrances, exits, and evacuation areas for suspicious objects. The immediate checking of these areas prior to evacuation is necessary so that a safe and expeditious evacuation may proceed. Simultaneously, all school employees should take a quick look around their work areas for any suspicious items. Such school safety plans should make it clear that any suspicious items found must be left alone and must be immediately reported to the school administrator. Under no circumstances are school personnel to touch or move any suspect items.

Based upon information known or not known about a bomb threat, and after it has been determined that reasonably safe passage of students and other occupants can be made to exit the building, an immediate evacuation signal must be given. The building-level school safety plan(s) should identify the type of signal(s) used to denote a building evacuation in case of a bomb threat. Staff, teachers, and students are to be familiar with such signals so they can respond without hesitation or confusion. Local law enforcement officials should be consulted as to options for signals during a bomb threat.

- 1) Persons evacuating the building should remain calm and orderly in order to prevent panic and confusion, which may result in an increased evacuation time, endangering lives, and increasing the chances of injuries occurring.
- 2) The building-level school safety plan(s) shall identify volunteer floor wardens and alternate volunteer floor wardens to ensure an orderly process for clearing each floor, including restrooms. When floor wardens have cleared their areas of responsibility, they should report to the command area in the evacuation assembly area.
- 3) Elevators are not to be used for evacuation purposes.

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)

- 4) Occupants are to proceed to the designated safe evacuation assembly area. After accounting for all students and staff, the Principal will determine next steps, as the situation requires. Designated evacuation areas should not be located near areas of incoming emergency responders. Open play fields, removed from the activity, are suitable evacuation assembly areas.
- 5) The Superintendent/Principal should designate an easily accessible location and known position as a command post for coordination with emergency responders and receiving information and communications related to the incident.

Evacuation of Students, Staff and Teachers with Disabilities

School safety plans must provide evacuation procedures for all persons with disabilities. Assigned responsibilities and procedures to assist those individuals with disabilities should be identified in the school safety plan(s). Local emergency responders must be familiar with the school's plan for persons with disabilities and the school safety plans as a whole.

Evacuation Areas

Evacuation areas must be identified in the school safety plans. School safety plans should address procedures for informing parents and/or guardians of actions to protect and provide safety for their children. Teachers and staff should know the location of evacuation areas where students will be taken, if necessary, during emergencies until dismissal time and/or parental/guardian pick-up. Students and parents should only be notified of that location, as needed, due to security considerations and confidentiality.

Weather Conditions and Evacuation

The possibility always exists that students, faculty and staff may have to evacuate a school during inclement weather conditions. School safety plans should address procedures for prolonged outdoor exposure. Students must not be permitted to access their lockers to obtain their coats. Therefore, administrators at each school must determine how best to provide temporary shelter should the time outside be prolonged.

Reoccupancy of a School Building

After a bomb search has been concluded, by or with law enforcement, the school administrator is the person responsible for making the decision to reenter the school building. Unlike fire chiefs during a fire, police officials have no legal authority to declare the building safe for reoccupancy. They will not be able to conclusively state that there is no bomb, only that the search did not reveal any.

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SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)

Based upon information received from the building search, one of three (3) decisions may be considered by the school administrator:

- 1) Reoccupy the building and resume classes;
- 2) Relocate the building occupants to another facility (sheltering); or
- 3) Activate the plan for early dismissal.

Sheltering in Sanitized and Cleared Areas

School administrators have the option of "sanitizing and clearing" an area in the school building, such as a gymnasium, to subsequently shelter students, faculty and staff while a full building search is conducted. This option is most appropriate in the following circumstances:

- 1) An assembly space, such as a gymnasium, is thoroughly searched by volunteer school personnel and law enforcement personnel for suspect objects. This includes searching areas such as bleachers, locker rooms (including lavatory facilities), equipment storage areas, etc.
- 2) Inclement weather conditions are such that a full-scale building evacuation may endanger students, faculty, and staff. Severe cold weather is an example of such a condition.

It is strongly recommended that school officials carefully coordinate this option in cooperation with local law enforcement officials.

Pre-Clearance and Security Screening in Lieu of Evacuation

This option may only be implemented prior to the receipt of an actual bomb threat. This option is appropriate when a school reasonably anticipates the receipt of a bomb threat or if there is a particular concern over the possibility of a bomb threat. An example of this may be during the administration of Regents examinations or during other school-wide events, such as dances, homecoming events, etc. This option may not be reasonable during other times. If the school administrator chooses to enact the prudent procedures outlined below, and there is reasonable accountability for ensuring the safety of students and other building occupants, then evacuation is not required. This approach may also be particularly helpful in the event of multiple bomb threats or bomb threats directed at all schools in a county, BOCES, or School District.

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)

School administrators who choose this option must ensure that all steps for ensuring the security of the building are followed completely. Local law enforcement officials and the New York State Police are available for consultation in preparing such a plan and for training school staff on screening techniques.

- 1) Staff must be assigned to do a "walk-through" of the buildings and grounds prior to the arrival of students in the morning to assure that there are no suspicious objects in the building.
- 2) Staff who complete the "walk-through" must report findings to the school Principal. Monitors must also be assigned to walk around the outside of the building if State examinations are being administered.
- 3) A single point of entry to each building for students and staff must be established, and monitored by a school official.
- 4) School staff must monitor all exits.
- 5) In the case of State examinations, students must not be admitted to the building for a State examination more than thirty (30) minutes before the start of that examination.
- 6) Students may only be admitted to the building after passing through a checkpoint to ensure that they are bringing with them only lunch/snacks and other preapproved items. This includes items such as inhalers (for medical purposes), pens, pencils, and specific materials appropriate to the exam, such as a calculator or a compass. Student book-bags and knapsacks must be inspected. It may be appropriate to send a notice home prior to the event to clearly state that book-bags will not be permitted for that particular event.
- 7) During State examinations, exam locations are to be clearly marked. Except in those schools where regular interaction is occurring during the exam period, students must be allowed only in the specific areas of the building where the exams are being administered.
- 8) All lockers, including unassigned lockers, must have locks.
- 9) A reporting procedure must be in effect for sighting any unusual object or behavior.
- 10) Parking adjacent to buildings is not permitted.
- 11) In the event it is necessary to evacuate the building, the steps outlined in the preceding sections must be followed.

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)

In summary, evacuation is not required provided the building and grounds have been "cleared" at the start of the day and continually monitored throughout the day. Please note that if the procedures are not completely and correctly put into effect, then the building must be evacuated to a "sanitized and cleared" area or completely evacuated upon the receipt of a bomb threat.

State Examinations

If it is necessary to evacuate the building during State examinations, the students must not be allowed to talk to each other and they must be given extra time when they return to the examination to compensate for the time lost during the evacuation process. School personnel are advised to refer to page 16, item 7 - Emergency Evacuation of a School Building, in the booklet entitled, "Regents Examinations, Regents Competency Tests, and Proficiency Examinations, School Administrator's Manual (Spring 1996 edition)."

Sheltering in the School -- Potential Explosive Device Outside the Building

A bomb threat which indicates that an explosive device is in a car, in the school parking lot, or somewhere else outside of the building, requires that building occupants remain inside the building. Building occupants should be moved to areas within the school which are free of glass, such as gymnasiums and auditoriums. Persons outside the building in parking lots, playgrounds, etc. should be moved further away or to a location that takes students out of harm's way. The New York State Police advise that there be at least one thousand (1,000) feet between individuals and the suspected area of a bomb.

Preventive Measures Checklist

Depending upon the needs of a School District, policies, procedures, and informational materials should be developed to discourage the reporting of any incident designed to threaten life and property, such as a bomb threat. Preventive measures may include the following:

- 1) Install a Caller ID System on school telephone lines and/or tape record incoming calls. Arrange to have the local telephone company provide for the immediate tap and trace of a telephoned bomb threat. (Cell phones are traceable.)
- 2) Install a video camera in places where public telephones are located.
- 3) Make all employees responsible for scanning their areas of work for suspicious objects.
- 4) Establish an immediate reporting system for students and staff to report the presence of "strangers" in the building and/or unusual or suspicious objects.

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)

- 5) Establish a policy whereby all "lost time" due to disruptive hoaxes will be made up.
- 6) To ensure testing integrity, develop contingency plans for bomb scares during times of academic examinations.
- 7) Train all persons in a school who would generally be the first recipient of a telephone bomb threat. Training should include the procedures established by the New York State Police. Law enforcement agencies are a good training source.
- 8) Conduct assembly programs on school safety plan procedures.
- 9) Invite law enforcement personnel to discuss the legal implications of calling in false alarms and bomb threats with students and staff.
- 10) Use trash receptacles of the wire basket type with clear plastic bags as liners.
- 11) Lock unassigned lockers with school locks turned backwards to identify those not occupied by students.
- 12) Lock custodial closets and rooms that are not occupied in order to limit access.
- 13) Keep lobby areas free of trash receptacles (other than wire mesh) and furniture that would allow for placing objects out of view.
- 14) Replace telephone booths with wall telephones.
- 15) Reconfigure display cases so as to prevent easy placement of explosive devices above or beneath them.
- 16) Place fire extinguishers in recessed areas with extinguishers in glass containers that require breakage to be used.
- 17) Eliminate parking areas immediately adjacent to the building, except for official school vehicles.
- 18) Have school health and safety committees discuss with the State Police or the local law enforcement agency other measures to ensure the building security.

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SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)**School Employee Involvement**

To prepare for school emergencies such as a bomb threat, schools may form teams of volunteers from administration, faculty and staff to assist in looking or sweeping a building or grounds for suspect objects. Volunteer school teams familiar with the building would shorten the time needed to look for suspect items. Prior to an emergency incident, school officials should make certain volunteer personnel are trained and aware of their responsibilities and are willing to carry out such activities. School employees who volunteer or by job duty are assigned to assist should have access to building keys, floor plans, and information about shut-off valves for heat, electricity, and water.

Reporting Bomb Threats

School officials must inform parents and guardians as soon as possible of an incident that results in the activation of the applicable school safety plan(s), along with actions taken to protect the safety and well-being of students, staff, and property.

Section 155.17(h) of the Commissioner's Regulations requires that Superintendents not in a Supervisory District are to notify the State Education Department as soon as possible whenever the District-wide school safety plan or building-level school safety plan is activated and results in the closure of a school building in the District. A Superintendent of a school within a Supervisory District is to notify the BOCES District Superintendent as soon as possible whenever such school safety plans are activated and result in the closure of a school building. The BOCES District Superintendent is to notify the State Education Department of all school building closures not related to routine snow emergencies.

Regulatory Basis for School Bomb Threat Actions

Section 155.17 of the Commissioner's Regulations requires BOCES and School District Boards of Education to prepare and annually update the school safety plans as enumerated in law and Commissioner's Regulations to ensure the safety and health of children and staff, and to ensure integration and coordination with local, county, and State emergency plans. This Plan further requires annual instruction and drills to ensure its effectiveness. In updating the school safety plans, conducting drills and training, and providing education and notification, the following issues should be considered:

- 1) Formulating guidelines specifying how students and employees are to leave the school premises during an emergency.
- 2) Formulating guidelines regarding how to provide security for school premises during an emergency (i.e., public access, emergency responders, etc.).

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)

- 3) Media intervention guidelines.
- 4) Communication procedures and access of details.

School emergencies have an impact on many people and other community operations. School administrators must cooperate and coordinate plans with their local and county emergency coordinators to ensure that the school safety plans are congruent with local and county plans and procedures. Issues of mutual concern might include:

- 1) Traffic routing for emergency vehicles;
- 2) Emergency area perimeter security;
- 3) Parents or guardians rushing to school; and
- 4) Telephone and communication overload.

Case law under liability and negligence has established that a Board of Education has the duty to exercise due care toward its students, as would a reasonable, prudent parent under comparable circumstance [Mirand vs. City of New York, 84 NY2d 44 (1994)]. Based upon Duty of Reasonable Care, a District's responsibility begins when a child is picked up and ends when a child is dropped off.

Section 807 of the Education Law¹ imposes a duty on the "Principal or other person in charge of the school" to instruct and train the students by means of drills so that they may, in a sudden emergency, be able to leave the school building in the shortest time possible without confusion or panic. An Attorney General's opinion declares a bomb threat as a potential emergency.

(Continued)

¹ Section 807 is headed "Fire Drills" but the section itself speaks to emergencies, not fires. A section heading does not restrict broader language contained in the body of the section. [People v. Long Island R.R. Co., 194 NY 130 (1909)]

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)**Criminal Penalties: False Reporting of Emergencies**

Schools need to educate the entire school community about the seriousness and penalties of reporting a false bomb threat. Information should be disseminated informing students and employees that the mere reporting of a false bomb threat is a crime that may result in imprisonment and/or civil penalties being imposed against the individual. When a person reports a false bomb threat on school grounds, they commit a crime that is punishable by up to seven (7) years imprisonment and a fine of up to five thousand dollars (\$5,000). (Falsely Reporting an Incident in the First Degree: Section 240.60 subsection 5 of the New York State Penal Law: Class "D" Violent Felony).

Recently, laws dealing with this issue have been expanded to include instances where someone places a device fashioned to resemble or contain a bomb on school grounds, when in fact it is an inoperative facsimile or imitation. In these circumstances, a person would also be guilty of a crime punishable by up to seven (7) years imprisonment and a fine of up to five thousand dollars (\$5,000). (Placing a False Bomb in the First Degree: Section 240.62 of the New York State Penal Law: Class "D" Violent Felony).

PORT BYRON CENTRAL SCHOOL DISTRICT
BOMB THREAT INSTRUCTION CARD

PLACE THIS CARD
UNDER YOUR
TELEPHONE



QUESTIONS TO ASK:

1. When is bomb going to explode?
2. Where is it right now?
3. What does it look like?
4. What kind of bomb is it?
5. What will cause it to explode?
6. Did you place the bomb?
7. Why?
8. What is your address?
9. What is your name?

EXACT WORDING OF THE THREAT:

Sex of caller: _____ Race: _____

Age: _____ Length of call: _____

Additional Information on Reverse

**BOMB THREAT
INSTRUCTIONS**

Number at which
call was received: _____

Time: _____ Date: _____

CALLER'S VOICE:

- | | |
|------------------------------------|-----------------|
| _____ Loud | _____ Soft |
| _____ High | _____ Deep |
| _____ Intoxicated | _____ Disguised |
| _____ Calm | _____ Angry |
| _____ Fast | _____ Slow |
| _____ Stutter | _____ Nasal |
| _____ Distinct | _____ Slurred |
| _____ Accent (type) _____ | |
| _____ Other Characteristics: _____ | |

If voice is familiar, who did it sound like? _____

BACKGROUND SOUNDS:

- | | |
|------------------------|-----------------|
| _____ Voices | _____ Airplanes |
| _____ Quiet | _____ Trains |
| _____ Animals | _____ Music |
| _____ Street Traffic | _____ Factory |
| _____ Office Machinery | _____ Machinery |
| _____ Other _____ | |

THREAT LANGUAGE:

- | | |
|----------------------------|------------------------------------|
| _____ Well spoken/educated | _____ Incoherent |
| _____ Foul | _____ Taped |
| _____ Irrational | _____ Message read by threat maker |

REMARKS:

Report call immediately to: _____

Phone Number: _____

Date: _____

Name: _____

Position: _____

Phone Number _____

**New York State Police
Bomb Threat Instruction Card**

As a community service, the New York State Police invites you to download, duplicate and distribute this information for educational and safety purposes and non-profit use.

Please do not alter the cards in any way.

The Bomb Threat Instruction Card should be printed double-sided, four across on 11 x 14-inch, card stock with .25-inch border.

SUBJECT: EXPOSURE CONTROL PROGRAM: RESPONSIBILITIES OF THE SCHOOL ADMINISTRATOR**Administrative Guidelines**

It is the responsibility of the Superintendent to:

- 1) Have a written Exposure Control Program based on New York State Department of Health (DOH), New York State Education Department (SED), and Occupational Safety and Health Administration (OSHA) or New York State Public Employee Safety and Health (PESH) Program guidelines;
- 2) Determine which employees regularly perform tasks with the potential for occupational exposure as a requirement of employment. (see Federal Guidelines);
- 3) Have written Standard Operating Procedures (SOP's) for all employee job descriptions, giving specific attention to those tasks that require protective equipment to be worn (see Exposure Categories);
- 4) Provide all materials and protective equipment necessary to implement job descriptions, giving specific attention to those tasks that require protective equipment to be worn (see Exposure Categories);
- 5) Designate a qualified person to coordinate, implement and provide education and training for all employees. In many situations that person would be the school's registered professional nurse;
- 6) Support on-going continuing education for the designated individual that is responsible for employee education/training;
- 7) Provide education/training for all school staff and for new employees before potential exposure to blood/body fluids:
 - a. Training must include all necessary elements as described in the Federal Register.
 - b. Each employee must receive annual training updates.
- 8) Have a written procedure of accountability for compliance to the Exposure Control Program;
- 9) Review the program, training, implementation, etc. on an annual basis;

(Continued)

SUBJECT: EXPOSURE CONTROL PROGRAM: RESPONSIBILITIES OF THE SCHOOL ADMINISTRATOR (Cont'd.)

- 10) Maintain employee education/training records that include date of training, contents or summary of training sessions, names and job titles of all persons in attendance, and the names and qualifications of persons conducting the training. Training records shall be maintained for three (3) years;
- 11) Provide copies of SOP's to all employees; specifically to employees with the potential for occupational exposure;
- 12) Post SOP's pertinent to each department in visible area;
- 13) Store, package, label and transport regulated medical waste according to regulations;
- 14) Provide medical counseling information to anyone involved in a blood/body fluid exposure incident;
- 15) Document each incident of mucous membrane or parenteral (other than through the digestive tract) exposure to blood/body fluids with follow-up measures taken. Maintain for duration of employment plus thirty (30) years;
- 16) If an exposure takes place, and if the source consents to blood screening, results may only be disclosed if consent has been given on official State Health Department Authorization forms;
- 17) Make available free, voluntary Hepatitis B vaccination to those employees whose job descriptions require them to perform tasks with the potential for occupational exposure.

**SUBJECT: STAFF EDUCATION/TRAINING REGARDING BLOODBORNE
PATHOGENS**

All school districts are required to provide training for all staff who are categorized as having occupational exposure to bloodborne pathogens. Annual updates for these staff members are also required. Such training programs should strive to help individuals recognize the importance of routine use of appropriate exposure control practices and protective equipment/materials in protecting the health of all. No staff member should engage in any task requiring occupational exposure before receiving training in standard operating procedures, work practices and protective equipment required for the task. Furthermore, it is recommended that all staff receive training in exposure control to assure their continued good health.

The training must include:

- 1) An explanation of the exposure control plan covering general and universal precautions to prevent transmission of all infectious diseases.
- 2) An overview of potentially infectious diseases.
- 3) An explanation of bloodborne diseases, specifically Hepatitis B/Human Immunodeficiency Virus, their modes of transmission and signs/symptoms.
- 4) A hands-on explanation of protective measures, equipment and materials, and how to use them. Staff should also know where equipment and materials will be stored and how to clean or dispose of contaminated materials.
- 5) A review of standard operating procedures that will ensure that all staff are prepared to take corrective action when the potential for exposure to bloodborne pathogens or other infectious agents exist.
- 6) Information about the Hepatitis B vaccine to ensure that staff are aware of its efficiency and safety as well as its benefits when applicable.
- 7) Information about exposure incidents, the appropriate reporting procedures and the medical monitoring recommended in cases of suspected parenteral exposure.
- 8) Available resources and services.

**PORT BYRON CENTRAL SCHOOL DISTRICT
BLOOD AND BODY FLUIDS INCIDENT FORM**

Employee Name _____ S.S. # (last 4 digits) _____

Home Address _____ Home Phone _____

School _____ School Code _____

Position _____ Supervisor/School Registered Professional Nurse _____

DESCRIPTION OF INCIDENT

1) Briefly describe what happened _____

Date of Incident _____ (use back if necessary)

2) Complete the following section:

a. Wounds:

(1) Did the incident involve a wound yes no

(2) Did the wound result in visible bleeding yes no

(3) Was the wound caused by: needle human bite other sharp instrument
(specify) _____

other (specify) _____

(4) Was the object causing the wound covered with blood/body fluids? yes no

b. Blood/Body fluid exposure to mucous membranes:

(1) Did the individual's blood/body fluids come in contact with your body? yes no

(2) What was the substance to which you were exposed?

N/A; I was not exposed blood feces emesis (vomit) sputum
 sexual fluids

(3) If the substance was anything other than blood, was there any blood visible in the fluid?
 N/A yes no unknown

(4) What part of your body was exposed to the substance? (check all that apply)

mouth eyes nose ears skin (specify location) none
 other (specify) _____

3) How long was your body part in contact with substance?

a. If the exposure was to your skin, was your skin bruised in any way? yes no

b. What was the nature of your skin abrasion? acne dermatitis cracks due to dry skin
 unhealed cuts or scratches no skin abrasion

other (specify) _____

4) Which of the following procedures were being used at the time of the incident? (check all that apply)

cuts/open wounds covered with bandages mask (vinyl/latex) gloves

pocket ventilator/ambu bag goggles/glasses

other (specify) _____

(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT
BLOOD AND BODY FLUIDS INCIDENT FORM (Cont'd.)**

- 5) First line intervention - after exposure, what did you do?
[] washed hands/exposed area [] changed clothes [] flushed eyes/rinsed mouth [] showered
[] other (specify) _____
- 6) The supervisor/school registered professional nurse was notified as follows: Date _____ Time _____
- 7) Medical Intervention - in the event of contact with blood and/or body fluid it is suggested that you discuss with school registered professional nurse:
- a. Hepatitis B (HBV) antibody or previous vaccination status for HBV.
 - b. The need for Hepatitis B (HBV)/Human Immunodeficiency Virus (HIV) antibody testing.
 - c. Notifying your physician or health care provider of the exposure to blood and body fluids immediately.
- 8) Return this completed form to supervisor/school registered professional nurse.
- 9) In case of incident or injury to the school registered professional nurse or health professional:
- a. Report incident to supervisor.
 - b. Complete form.

Signature of Employee

Date

Time

SUBJECT: COMMUNICABLE DISEASES**Definitions**

- 1) "Communicable Disease" - A disease caused by an infectious agent (bacterial, viral, parasitic, other) which can be spread from one individual to others.
- 2) "Agent" - Pathogenic bacteria, viruses, parasites or toxins which cause disease.
- 3) "Host" - Individual either infected with pathogenic agent or susceptible to infection.
- 4) "Environment" - All factors external to the agent and host which must be present to facilitate spread of agent.
- 5) "School Health Service Personnel" - School Physician, School Nurse Practitioner, School Registered Professional Nurse and other professional persons employed to render health care and services.

Delegation of Authority

The Superintendent of Schools is authorized to implement this regulation in accordance with the New York State Education Law, Public Health Law, and Sanitary Code.

Primary responsibility for implementation of this regulation lies with the Building Principal and School Registered Professional Nurse, with advice from the School Nurse Practitioner and/or School Physician as necessary. All School Health Service Personnel are charged with the responsibility to inform and advise Administration about current scientific knowledge concerning communicable disease control.

Basic Assumptions

The spread of communicable disease is halted by any one of the following:

- 1) Decreasing the pathogenicity of the agent;
- 2) Decreasing the susceptibility of the host;
- 3) Changing the environment which makes the spread of disease possible.

The focus of communicable disease control is prevention through:

- 1) Immunization;

(Continued)

SUBJECT: COMMUNICABLE DISEASES (Cont'd.)

- 2) Cleanliness and Sanitation;
- 3) Health Education;
- 4) Case finding by School Personnel;
- 5) Isolation, as appropriate, of person with communicable disease from others in the school setting;
- 6) Encouragement of appropriate medical management.

Isolation of Person with Communicable DiseaseStudents

Any student who shows symptoms of any communicable or infectious disease which is reportable under the Public Health Law and the State Sanitary Code that imposes a significant risk of infection of others in the school shall be immediately excluded from school until one of the following requirements for readmittance is fulfilled:

- 1) Submission of a certificate from the student's physician attesting to recovery;
- 2) Submission of a permit for readmittance to school, issued by the local Health Officer;
- 3) Submission of authorization for readmission issued by the Port Byron Central School District Director of School Health Services.

If it is determined by the School Health Service Personnel that a student's physical condition endangers the health or safety of the individual or others, that individual may be suspended from school under the authority of, and in accordance with procedures established by Education Law Sections 906 and 3214. This determination will be in accordance with informed medical opinion as to the infectiousness of the agent, the mode of transmission, the seriousness of the disease, and the treatment regimen. The goal is to prevent the spread of communicable disease and to facilitate the ill individual's return to health.

The Director of School Health Services shall immediately notify the local public health agency of any disease reportable under the Public Health Law.

(Continued)

SUBJECT: COMMUNICABLE DISEASES (Cont'd.)

If a student with a communicable disease is not required to be excluded from school, an individual care plan will be developed by the School Health Service Personnel, in conjunction with other appropriate building personnel, to include methods to prevent the spread of infection to others and to reduce the risk of exacerbation of the student's disease.

Decisions regarding the type of educational program and care setting for a student with a communicable disease shall be based on:

- 1) The age, behavior, neurological development, and physical condition of the child;
- 2) The expected interaction of the child with others in the school setting;
- 3) The risks and benefits to both the ill student and to others in that setting; and
- 4) Other relevant criteria.

If the student is excluded from school as a result of the communicable disease, the school administration shall provide said student with an adequate alternative education.

If a student with a communicable disease is suspected to be a child with a disability, such as to require special education by reason of his/her health impairment, the student shall be referred to the School District Committee on Special Education (CSE). The CSE shall conduct an evaluation and determine if the student is a child with a disability.

Employees

When the Superintendent has reasonable cause to believe that an employee has a communicable disease, the Superintendent shall:

- 1) Report the full name and address of the employee to the local Health Officer;
- 2) Request the Board of Education to require the employee to submit to an examination by the School Physician/Nurse Practitioner; and
- 3) Require the employee to grant written authorization for the release of medical reports, and for his/her personal physician to discuss the matter with the School Physician/Nurse Practitioner.

(Continued)

SUBJECT: COMMUNICABLE DISEASES (Cont'd.)

If it is determined that the employee has a disease which is designated as communicable by the State Sanitary Code, the Superintendent of Schools shall refer the matter to the School Physician/Nurse Practitioner who shall isolate the employee pending official action by the local Health Officer.

If the disease is highly communicable, but not designated as such by the State Sanitary Code, or if the School Physician/Nurse Practitioner determines that the individual is endangering himself/herself by continuing to work, the employee is encouraged and may be required to remain at home and seek appropriate medical management.

An employee with a communicable disease shall be granted paid sick leave in accordance with the applicable collective bargaining agreement.

If an employee with a communicable disease is able to be in school and there is little risk to others (as determined by the School Physician/Nurse Practitioner), the administration will attempt to accommodate the work environment to assist the individual. A plan will be developed as necessary to protect the ill individual and to prevent the spread of infection to others in the school setting. Said plan may include reassignment of the employee to a position where he/she works in isolation or limited contact with others.

If the School Physician/Nurse Practitioner determines that 1) the employee has a currently contagious disease or infection and 2) the presence of the employee on the job is and will continue to constitute a direct threat to the health, safety or welfare of that employee or other individuals by reason of his/her currently communicable disease or that the employee is unable to perform the duties of the job by reason of his/her currently communicable disease, such employee shall be removed from the regular workplace and his/her employment may be terminated or suspended in accordance with applicable statutes and regulations. Any employee, contagious or not, who is unable to perform his/her customary duties or those of any alternative assignment, shall be terminated or placed on disability retirement. The Superintendent of Schools shall see that procedural protections are complied with in any decision to terminate or retire an employee.

Encouragement of Appropriate Medication Management

In addition to the above procedures, any individual with a suspected communicable disease will be referred to his/her family. As appropriate, School Health Service Personnel will:

- 1) Advise the seeking of professional care or advice from the physician, pharmacist, clinic or other;

(Continued)

SUBJECT: COMMUNICABLE DISEASES (Cont'd.)

- 2) Aid the individual in complying with the treatment regimen in cooperation with the primary health care provided;
- 3) Encourage follow-up; and
- 4) Act as a resource to the family to facilitate the individual's return to optimum health. School attendance will be either encouraged or discouraged in the best interest of the ill individual.

Employee Obligation

No susceptible employee shall be required to work with or to have personal contact with an individual with a communicable disease unless safeguards have been made to avoid the spread of the disease within the school setting.

In the event that alternate instruction is planned which requires personal contact with an infected student, a school employee may decline such assignment without penalty.

Confidentiality

The individual's privacy shall be protected by school personnel. Except as otherwise required by law, the identity of any individual with a communicable disease shall not be revealed. All records shall be confidential.

Except if otherwise authorized by the infected employee, student or person in parental relation, the only persons who will be informed of an infected individual's condition are those who:

- 1) Require such knowledge to assure proper care of the ill individual; or
- 2) Should be informed to detect situations where the potential for transmission may increase;
or
- 3) Are individuals who, in the judgment of the family and School Health Service Personnel, should have such knowledge.

(Continued)

SUBJECT: COMMUNICABLE DISEASES (Cont'd.)**Cleanliness and Sanitation**

Pursuant to the Public Health Law, Regulations of the Commissioner of Education, and Recommendation of the Center for Disease Control, the School Administration shall establish, and all school personnel shall comply with, routine procedures for handling body fluids and wastes and storing, handling, and disposing of hypodermic syringes and needles. Procedures will be developed by the Superintendent of Schools.

Handwashing is fundamental in the prevention of the spread of infection. All personnel and students are required to thoroughly wash their hands with soap and water before handling food, after toileting, and after handling body fluids and discharges.

Under the authority of the Food Service Director, all Food Service Personnel are required to comply with the New York State Sanitary Code to best avoid the spread of food borne infection.

Under the authority of the Superintendent, all school buildings will be cleaned and maintained so as to best prevent the spread of infection.

Health Education

School Health Service Personnel shall keep informed of current scientific information to enable them to better prevent the spread of communicable disease and will share this knowledge with other school personnel as appropriate.

School Health Service Personnel shall give information to parents/guardians as appropriate to aid in the prevention, treatment, or interruption of the spread of communicable disease.

Students from grades K through 12 will receive instruction about the causes, prevention, and treatment of communicable diseases to enable them to remain as free from illness as possible.

**SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES:
EMPLOYEES****Confidentiality**Definitions (Public Health Law, Section 2780)

- 1) **"Confidential HIV related information"** means any information, obtained from individuals who provide health or social services or through a written authorization for disclosure of such information, concerning whether an individual has been the subject of an HIV related test, or has HIV infection, HIV related illness or AIDS, or information which identifies or **reasonably could identify** an individual as having one (1) or more of such conditions.
- 2) **"Capacity to consent"** means an individual's ability, determined without regard to such individual's age, to understand and appreciate the nature and consequences of a proposed health care service treatment or procedure, and to make an informed decision concerning such service, treatment or procedure. It is the responsibility of the HIV counselor to determine an individual's capacity to consent to medical care.
- 3) **"Release of confidential HIV related information"** means a written authorization for disclosure of confidential HIV related information which is signed by an individual who is the subject of an HIV related test or who has been diagnosed as having HIV infection, AIDS or an HIV related illness or a person authorized by law to consent to health care for that individual. Disclosure must be on a form approved by the New York State Department of Health.

Release of Information

Pursuant to New York State law, school officials and employees are required to keep HIV-related information confidential. The information cannot be disclosed to any person except under the following circumstances:

- 1) The protected individual or a person with the capacity to consent has completed and signed the New York State Department of Health "HIPAA Compliant Authorization for Release of Medical Information and Confidential HIV Related Information" form;
- 2) A court order has been issued; or
- 3) The person to whom the information has been furnished is authorized under the state law to receive the information without a release form (e.g., physicians providing care to the individual, agencies monitoring care, insurance companies for reimbursement purposes).

(Continued)

**SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES:
EMPLOYEES (Cont'd.)**

Employment

No disciplinary action or other adverse personnel action shall be taken against an employee solely because he/she has AIDS or HIV infection. Action may be taken against an employee only if he/she is disabled and the disability interferes with his/her ability to perform in a reasonable manner the activities involved in the job or occupation.

The District shall make such reasonable accommodations to enable the employee to perform employment duties as may be required by federal or state law.

Testing

No HIV-related testing of any employee shall be conducted without the receipt of a written "informed consent" document signed by the subject of the test (if he/she has the capacity to consent) or a person authorized pursuant to law to consent to health care for the individual, unless otherwise authorized or required by a state or federal law.

NOTE: For New York State Department of Health HIPAA Compliant Authorization for Release of Medical Information and Confidential HIV Related Information" form, see website: <http://www.health.state.ny.us/forms/doh-2557.pdf>

**SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES:
STUDENTS****Admission and Enrollment**

Every effort shall be made not to exclude Human Immunodeficiency Virus (HIV) infected students, or place such students in a restricted environment. On occasion, where the unique circumstances of the student's condition, apart from the mere existence of HIV infection or AIDS virus, warrant programmatic modifications for the benefit of the student, a referral will be made to the Committee on Special Education (CSE) for evaluation and recommendation. The CSE will then determine whether the student should be classified pursuant to the Commissioner's Regulations on students with disabilities and, if determined to be "educationally disabled," will recommend an appropriate educational placement.

If the parent/guardian disagrees with the CSE recommendation, he/she is entitled to due process under appeal procedures set forth in state and federal law. If a hearing is requested by the parent/guardian, the student will remain in his/her current placement pending all proceedings unless a court order is obtained.

ConfidentialityDefinitions (Public Health Law, Section 2780)

- 1) **"Confidential HIV related information"** means any information, obtained from individuals who provide health or social services or through a written authorization for disclosure of such information, concerning whether an individual has been the subject of an HIV related test, or has HIV infection, HIV related illness or AIDS, or information which identifies or **reasonably could identify** an individual as having one (1) or more of such conditions.
- 2) **"Capacity to consent"** means an individual's ability, determined without regard to such individual's age, to understand and appreciate the nature and consequences of a proposed health care service treatment or procedure, and to make an informed decision concerning such service, treatment or procedure. It is the responsibility of the HIV counselor to determine an individual's capacity for consent to medical care.
- 3) **"Release of confidential HIV related information"** means a written authorization for disclosure of confidential HIV related information which is signed by a student who has been determined as having the capacity to consent who is the subject of an HIV related test or who has been diagnosed as having HIV infection, AIDS or an HIV related illness or a person authorized by law to consent to health care for that individual. Disclosure must be on a form approved by the New York State Department of Health.

(Continued)

**SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES:
STUDENTS (Cont'd.)****Release of Information**

Under New York State Law, except for certain people, school officials and employees are required by law to maintain strict confidentiality of HIV related information concerning a student in the District and such information may not be disclosed to anyone unless the protected student, or the parent or guardian if student lacks capacity to consent, completes and signs a written authorization form. The form must be dated and specify to whom disclosure is authorized, the purpose for such disclosure and the time period during which the release is to be effective.

The New York State Department of Health has provided an authorization form for the release of medical information including HIV-related information. Medical and HIV-related information may be protected from disclosure or re-disclosure by federal privacy law and state law. Release of medical of HIV-related information may be granted to the School District using the "HIPAA Compliant Authorization for Release of Medical Information and Confidential HIV Related Information" form. This form is available on the New York State Department of Health website at <http://www.health.state.ny.us/forms/doh-2557.pdf>

Testing

No HIV related testing will be performed without first receiving the written informed consent of the student who has the capacity to consent or of a person authorized pursuant to law to consent to health care for such student.

Penalties

Any school official or employee who discloses confidential HIV related information to unauthorized persons may be subject to a civil penalty up to five thousand dollars (\$5000) and a criminal misdemeanor charge.

Personnel

Port Byron Central School District

NUMBER

PERSONNEL

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	Regulation.....	6121R
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1.2.2	Complaints and Grievances by Employees	
	Regulation: Employee Discrimination Grievance Guidelines.....	6122R
1.5	Alcohol, Drugs and Other Substances (School Personnel)	
	Regulation.....	6150R
1.5.1	Drug-Free Workplace	
	Regulation.....	6151R
	Form: Notice to Employees and Volunteers Engaged in Work on Federal Grants.....	6151F
	Form: Certification Regarding Drug-Free Workplace Requirements	6151F.1
1.6.1	Conference/Travel Expense Reimbursement	
	Regulation: Professional Development and Conference Attendance/ Expense Reimbursement.....	6161R
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1.7	Fingerprinting of Prospective School Employees	
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2.1.8	Professional Certification: 175 Hours of Professional Development Requirement	
	Regulation.....	6218R
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ACTIVITIES

4.2	Employee Personnel Records and Release of Information	
	Regulation: Personnel Records and Files	6420R
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	Regulation.....	6470R
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2009 6000

Personnel

Port Byron Central School District

NUMBER

COMPENSATION AND RELATED BENEFITS

5.5.1 Family and Medical Leave Act
Regulation.....6551R

Personnel

SUBJECT: SEXUAL HARASSMENT

The Port Byron Central School District is committed to creating and maintaining a working and learning environment which is free of discrimination and intimidation. Based upon the principle that every employee and student is entitled to be treated with dignity and respect, and a recognition that sexual harassment is a violation of law and District policy, the District strictly prohibits conduct which constitutes sexual harassment in any form.

Anyone who is in violation of District policy and/or regulation will be subject to sanctions and/or disciplinary action as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with District policy and regulation, the Code of Conduct, and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated District policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

Prohibition of Retaliatory Behavior

Retaliation against any individual for filing a sexual harassment charge or making a sexual harassment complaint is illegal and prohibited. Similarly, retaliation against any person who participates in an investigation or proceeding and/or hearing of a sexual harassment complaint is also prohibited. Any employee or student who retaliates against another shall be subject to disciplinary action, as warranted, in accordance with legal guidelines and applicable contractual mandates.

The District strictly prohibits all forms of sexual harassment on school grounds and at all school-sponsored programs, activities and events including those which take place off school premises and in another state.

Definitions/Examples of Prohibited Conduct

Sexual harassment consists of *unwanted and unwelcome* sexual or gender-based behavior which has the purpose or effect of:

- 1) Substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity;
- 2) Creating an intimidating, hostile or offensive learning environment;
- 3) Effectively barring the student's access to an educational opportunity or benefit; and/or

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT (Cont'd.)

- 4) Substantially or unreasonably interfering with an employee's ability to work, professional performance, productivity, physical security, career opportunities, services or other benefits of employment.

Sexual harassment includes, but is not limited to, overt or implicit bribes, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature or that is based on sexual/gender stereotypes. Sexual harassment does not depend on the "voluntary" nature of the behavior or activity, but instead focuses on whether the alleged advances or behavior were unwelcome.

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. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff. Prohibited conduct can be verbal, non-verbal, or physical (the latter may qualify as criminal sexual assault). Examples of such conduct include, but are not limited to, the following:

- 1) Verbal abuse or ridicule, including innuendoes, stories and jokes, which are of a sexual nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.
- 2) Direct or indirect threats or bribes for unwanted sexual activity.
- 3) Asking or commenting about a person's sexual activities.
- 4) 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.
- 5) Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.
- 6) The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.
- 7) 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.
- 8) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT (Cont'd.)

- 9) Unwelcome and/or offensive public displays of sexual/physical affection.
- 10) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.
- 11) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

Behavior shall be considered unwelcome and unwanted if the student or employee did not initiate, request or invite such conduct or communication and/or regarded such conduct or communication as undesirable or offensive.

Authority and Responsibility

It is the responsibility of all School District employees and students to ensure that their behavior and environment are maintained free of sexual harassment. Furthermore, each administrator and supervisor has the responsibility to maintain a non-threatening environment which includes discussing the District's policy and regulation pertaining to sexual harassment with all employees and students, and assuring students and staff that they are not required to endure insulting, degrading or exploitative sexual treatment.

All complaints of sexual harassment, whether written or verbal, formal or informal, will be thoroughly investigated to determine whether the totality of the alleged behavior and circumstances may constitute sexual harassment. It is recommended that any employee and/or student who believes he/she has been subjected to sexual harassment, or has reason to know of and/or witnesses any incident of sexual harassment, submit a *written* complaint; however, complaints may be filed verbally and the absence of a written complaint does not negate the District's responsibility to investigate such allegations as thoroughly as possible. School officials are required to provide a written report of investigation findings and any action taken to resolve the complaint within time frames as established by the District.

Any student or employee who believes he/she has been subjected to 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, shall promptly report such occurrence. The report is to be directed to or forwarded to the District's designated Complaint Officers or as otherwise indicated in this regulation. The District will designate, at a minimum, two (2) Complaint Officers, one of each gender. If the individual is in doubt as to the "seriousness" of the incident and/or whether such behavior constitutes sexual harassment, he/she is still encouraged to immediately report such conduct for resolution. If the Complaint Officer is the alleged offender, the report shall be directed to

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT (Cont'd.)

the next level of supervisory authority as indicated below. Allegations of sexual harassment may be reported through informal and/or formal complaint procedures. Utilization of the District's grievance guidelines does not preclude a student or employee from pursuing other avenues of legal recourse including the right to register complaints with the U.S. Department of Education's Office for Civil Rights, the federal Equal Employment Opportunity Commission or the New York State Department of Human Rights. These regulations are further not to be construed as to limit the right of any individual to file a lawsuit in either federal or state court.

If there is some reason why a student or employee cannot make a report to the designated Complaint Officer, he/she may report the matter to the next level of supervisory authority or building administrator as appropriate. If a **student** reports such occurrence to any other school employee, the student shall be informed of the employee's obligation to report the complaint to administration. The administrator or supervisor who is made aware of the occurrence of possible sexual harassment, whether or not a complaint has been filed, is required to promptly report the incident(s) to the Superintendent and/or designated Complaint Officer.

Complaints of sexual harassment will be investigated thoroughly, promptly and impartially in accordance with applicable law and regulations as well as any applicable collective bargaining agreement(s).

The Superintendent is to be informed as soon as possible regarding all complaints and/or reports regarding sexual harassment, and the status of any investigations.

Reporting of Complaints: General Guidelines

Any student or employee who believes that he/she has been subjected to sexual harassment or who is made aware of and/or witnesses any possible occurrence of sexual harassment shall report such complaint as soon as possible after the alleged incident occurs in order to help the District effectively and promptly investigate and resolve the complaint. In order to assist in the investigation, victims and/or witnesses should document the harassment as soon as it occurs, providing as much detail as possible including, but not limited to, the following:

- 1) The name, address and telephone number of the complainant.
- 2) The name and/or description of the alleged offender or offenders.
- 3) The specific nature of the alleged harassment including the complainant's explanation of why he/she believes it to be harassment.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT (Cont'd.)

- 4) A thorough and detailed account of the actions and/or dialogue which occurred between the alleged harasser and the complainant. This account should include the frequency of the conduct, the date, time, location of the incident, and the complainant's actions and responses during the incident(s).
- 5) The names of witnesses or of persons who have knowledge of the incident, including the names of persons with whom the complainant discussed the incident, and the time and date of this discussion.
- 6) Written material, documents, or other evidence related to the incident.

In investigating the complaint, the designated Complaint Officer will meet separately with the complainant and the alleged harasser, and will follow applicable law and regulations as well as any applicable collective bargaining agreement(s).

All parties will be assured that complaints and discussions will remain as confidential as possible, and will be disclosed only on a "need to know" basis in order to effectively investigate the complaint and/or as mandated by law or court order. However, a written record of the investigation and any action taken will be established. The complainant, the alleged harasser and any witnesses will be directed to refrain from talking about the investigation while it is pending.

Parents of students subjected to possible sexual harassment and/or students filing a sexual harassment complaint, as well as parents of accused students, may be notified by the appropriate administrator of such occurrence and/or allegations as warranted and in accordance with legal guidelines. If the accused student has been identified as having a disability (or is suspected of having a disability) pursuant to Section 504/Individuals with Disabilities Education Act, a student referral shall be made to the Section 504 Team/Committee on Special Education for evaluation/assessment and/or a manifestation determination, as may be applicable in accordance with state and federal law and regulations, to determine whether the student's conduct is caused or affected by his/her disability.

The designated complaint official will begin investigating the allegations of sexual harassment no later than three (3) working days following receipt of the complaint; and will report the findings of the investigation to the Superintendent no later than twenty (20) working days following receipt of the complaint. If necessary, the Complaint Officer is authorized to enlist the aid of additional investigators. In the case of extenuating circumstances, the Complaint Officer will file a status report with the Superintendent/designee if it becomes necessary to extend the timeline for completion of the investigation.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT (Cont'd.)

During the course of the investigation and thereafter, the Complaint Officer will instruct the alleged harasser to have no contact or communication regarding the complaint with the victim and/or any witnesses; and that retaliation, whether direct or indirect, against the victim and/or witnesses is prohibited and may be subject to disciplinary action. Similarly, the Complaint Officer will instruct the victim and/or witnesses to refrain from contacting or communicating with the alleged harasser regarding the complaint. The Complaint Officer will ask the victim what specific action the victim wants taken by the District in order to satisfactorily resolve the complaint.

If the complainant attempts to withdraw a complaint, the Complaint Officer will determine that the withdrawal is not caused by retaliation and then document the complainant's reasons and ask the complainant to sign the documentation. A copy of all written material pertaining to the case/investigation will be retained in a separate confidential file. Such records will be maintained for the period of time required by law.

Step 1 – Informal Complaints

A complainant who believes that he/she has been subjected to sexual harassment or anyone who is aware of or who has knowledge of or witnesses an occurrence of sexual harassment may file an informal complaint, whether verbal or written, by requesting a meeting between himself/herself and the Complaint Officer (or by reporting such occurrence as otherwise indicated in this regulation) in order to discuss the allegations and further appropriate actions, if any. The Complaint Officer will next discuss the complaint with the alleged offender. If the alleged offender is a District employee, the investigation will be in accordance with any applicable collective bargaining agreement. All complaints, whether formal or informal, concerning allegations of sexual harassment are to be reported immediately to the Building Principal* and Superintendent for his/her information; and the Complaint Officer will keep the Building Principal and Superintendent informed throughout all stages of the investigation. The Principal and Superintendent will be kept informed of the complainant's and/or accused's response and recommended course of action, if any.

*If the Building Principal is the alleged offender, then the Complaint Officer shall designate another school official who will take the place of the Building Principal in all applicable phases of the complaint process.

If the initial investigation results in a finding that sexual harassment did occur, the Complaint Officer will notify the Building Principal and Superintendent of his/her recommendations. If the Superintendent concurs with the report of the Complaint Officer, the Superintendent will then take prompt disciplinary action in accordance with the terms of District policy and regulations, federal and state law and regulations, and/or the applicable collective bargaining agreement. The Complaint Officer will notify the complainant and the accused, in person and in writing, as to the finding and/or course of action within twenty (20) working days following receipt of the complaint.

(Continued)

SUBJECT: SEXUAL HARASSMENT (Cont'd.)

If the complainant is satisfied with the report of the Complaint Officer, the complainant will so indicate in writing. If not satisfied with the Complaint Officer's report, the complainant and/or the accused may proceed to file a formal complaint.

Informal complaint procedures will generally take place at the building level and involve resolution steps short of a comprehensive investigation and/or formal hearing. For example, in attempting to resolve a complaint informally, the Complaint Officer may interview the alleged harasser, inform the alleged harasser of the complaint, question the harasser about the alleged incidents, and review the District's policy and regulations regarding sexual harassment. The Complaint Officer will inform the alleged harasser that he/she must immediately stop any offensive conduct or face appropriate disciplinary action. The Complaint Officer will follow the provisions of any applicable collective bargaining agreement(s) throughout the course of such investigation(s).

Some types of informal actions which may be instituted if agreeable to the victim include the following:

- 1) Conducting a workshop on the recognition and prevention of sexual harassment for the building or department.
- 2) Speaking to the alleged offender.
- 3) Separating the parties, if possible and appropriate.

Mediation

Where appropriate, the designated Complaint Officer may suggest mediation as an alternative means of resolving the complaint. The use of mediation is not intended to replace but, rather, is a supplement to utilization of the District's informal/formal complaint procedures. If mediation is requested and agreed to by the victim and the accused, the District will use qualified mediators as provided by an outside agency to help resolve the complaint.

Step 2 – Formal Complaint

A complainant may file a formal complaint of sexual harassment as an initial step or as a result of an unsatisfactory resolution of an informal complaint. The formal complaint should include all applicable information as indicated in this regulation as well as any other pertinent information which may be helpful in the course of the investigation.

As noted above, the complainant, the alleged harasser and any witnesses will be directed to refrain from talking about the investigation while it is pending. Disclosure of information will be on a "need to know" basis.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT (Cont'd.)

The formal complaint will be filed with the designated Complaint Officer who will submit a copy of the complaint to the Building Principal and Superintendent of Schools. The Complaint Officer will, in accordance with federal or state laws and regulations and any applicable collective bargaining agreement(s), conduct a prompt and thorough investigation no later than three (3) working days following receipt of the complaint.

If the formal investigation results in a finding that sexual harassment did occur, the Complaint Officer will notify the Building Principal and Superintendent of his/her recommendations. If the Superintendent concurs with the report of the Complaint Officer, the Superintendent will then take prompt disciplinary action in accordance with the terms of District policy and regulations, federal and state law and regulations, and/or the applicable collective bargaining agreement. The Complaint Officer will notify the complainant and the accused, in person and in writing, as to the finding and/or course of action within twenty (20) working days following receipt of the formal complaint.

If the complainant is satisfied with the report of the Complaint Officer, the complainant will so indicate in writing. If not satisfied with the Complaint Officer's report, the complainant and/or the accused may appeal the determination to the Superintendent of Schools. The appeal should be in writing and submitted no later than ten (10) working days following receipt of the Complaint Officer's decision.

Step 3 – Appeal to the Superintendent of Schools

All formal complaints, if not satisfactorily resolved at the initial stage of investigation, may be appealed by any party to the Superintendent of Schools.

If the Superintendent of Schools issues a finding that no sexual harassment has occurred, the complainant, if not satisfied with this resolution, may appeal the decision to the Board of Education within ten (10) working days following receipt of the report. If the complainant is satisfied with the Superintendent's finding, the complainant will so indicate in writing.

Should the Superintendent determine that corrective action is necessary, the Superintendent will follow all applicable law and regulations, District policy and guidelines, and appropriate collective bargaining agreements in the resolution of the complaint. If the accused is not satisfied with this resolution; he/she may appeal the decision to the Board of Education within ten (10) working days following receipt of the report.

The complainant and the accused will receive a copy of any and all reports issued by the Superintendent pertaining to the investigation/outcome of the formal complaint within thirty (30) working days following receipt of the complaint. If additional time is necessary to either complete the

(Continued)

SUBJECT: SEXUAL HARASSMENT (Cont'd.)

investigation or institute disciplinary/remedial action, the Superintendent will provide all parties and the Board of Education with a written status report requesting additional time to complete the investigation.

Step 4 – Appeal to the Board of Education

In the event that a complainant and/or accused files an appeal with the Board of Education following an investigation by the Superintendent of Schools, such appeal must be submitted in writing within ten (10) working days of receipt of the Superintendent's report. The Board of Education will conduct a hearing and issue a written response to the complainant and the accused following completion of the hearing within thirty (30) days of receipt of the complaint. If additional time is needed, a written status report shall be submitted to all parties, indicating the need for additional time.

Prohibition of Retaliation

Regardless of the stage of the investigation, the victim will be instructed by the Complaint Officer to report immediately if the offensive behavior occurs again and/or if the alleged harasser retaliates against him/her. Any witnesses who cooperated in the investigation of the complaint will be similarly instructed to report to the Complaint Officer immediately as to any retaliatory action(s). Additionally, the designated Complaint Officer will make follow-up inquiries to ensure that harassment has not resumed and 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.

Discipline/Penalties for Non-District Employees

Vendors/contractors and other individuals who do business with the District, who have been found to violate the terms of the sexual harassment policy and/or regulation by engaging in prohibited conduct, will be subject to appropriate sanctions up to and including loss of District business. School volunteers who are found to have violated District policy and regulation may face loss of volunteer status. The application of such disciplinary measures by the District does not preclude the appropriate filing of civil and/or criminal charges as may be warranted.

Finding That Sexual Harassment Did Not Occur

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

(Continued)

SUBJECT: SEXUAL HARASSMENT (Cont'd.)

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

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

Knowingly Makes False Accusations

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

Privacy Rights

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

District Responsibility/Training

Regardless of whether a complaint has been filed, if the District knows of the occurrence or the possible occurrence of any sexual harassment, the District will require a prompt and thorough investigation by appropriate personnel. Even if an anonymous complaint has been filed, the District will respond to the greatest extent possible.

Principals in each school building and/or program supervisors will be responsible for informing students and staff on a yearly basis of District policy and regulations regarding the prohibition of sexual harassment, including the procedures established for the investigation and resolution of sexual harassment complaints, the general legal issues pertaining to sexual harassment, and the rights and responsibilities of employees and students.

Those administrators and/or supervisors who have specific responsibilities for the investigation and resolution of sexual harassment complaints will receive specialized training on conducting such investigations and application to applicable laws and collective bargaining agreements.

The District also has a responsibility to remedy any lingering effects the misconduct may have had on a student, including providing information about available support services.

(Continued)

SUBJECT: SEXUAL HARASSMENT (Cont'd.)**Dissemination of District Policy/Regulation and Evaluation**

A copy of District policy and regulations pertaining to prohibition of sexual harassment will be available upon request. A copy of District policy and regulations may be posted in various locations throughout each school building. Additionally, the District's policy and regulations will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

The Superintendent of Schools, or his/her designee(s), has a responsibility to review District policy and regulations to ensure continued effectiveness and compliance with applicable law. The Superintendent will recommend revisions as may be warranted to the Board of Education.

NOTE: Refer also to Regulations #3420R -- Anti-Harassment in the School District
#6470R -- Staff Use of Computerized Information Resources
#7315R -- Student Use of Computerized Information Resources

**PORT BYRON CENTRAL SCHOOL DISTRICT
SEXUAL HARASSMENT COMPLAINT FORM**

Name and Position of Complainant _____

Date Complaint Filed _____

Name and/or Description of Alleged Harasser _____

Description of Alleged Harassment _____

Date and Place of Violation(s) _____

Names of Witnesses (if applicable) _____

Has the Incident Been Previously Reported? _____

(If Yes, When and to Whom?) _____

Describe the Outcome and/or Resolution _____

(Use additional sheets to provide additional information if necessary.)

Remedy Sought by Complainant _____

Date

Signature of Complainant

(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT
SEXUAL HARASSMENT COMPLAINT FORM (Cont'd.)**

(To be completed by various District Personnel)

Decision of Complaint Officer and Action Taken _____

Action Taken by Superintendent (if applicable) _____

Action by the Board (if applicable) _____

Other Comments _____

Date

Signature of Complaint Officer

Date

Signature of Superintendent

SUBJECT: EMPLOYEE DISCRIMINATION GRIEVANCE GUIDELINES**General Statement**

The Port Byron Central School District does not discriminate on the basis of sex, sexual orientation, age, military status, veteran status, marital status, political affiliation, race, creed or religion, color, national origin, use of a recognized guide dog, hearing dog or service dog, or disability in the employment and educational opportunities it offers, including vocational educational opportunities as required by Title IX of the 1972 Educational Amendments, Section 504 of the Rehabilitation Act of 1973 and Section 296 et seq. of the Executive Law of New York State.

Guidelines

Employees of the Port Byron Central School District are protected from discrimination in the following areas:

- 1) Access to employment, including:
 - a. Recruitment policies and practices;
 - b. Advertising;
 - c. Application procedures;
 - d. Testing and interviewing practices.
- 2) Hiring and promotion, including:
 - a. Selection practices;
 - b. Application of nepotism policies;
 - c. Demotion, lay off, termination;
 - d. Tenure.
- 3) Compensation, including:
 - a. Wages and salaries;
 - b. Extra compensations.
- 4) Job assignments, including:
 - a. Classification and position descriptions;
 - b. Lines of progression;
 - c. Seniority lists;
 - d. Assignment and placement.
- 5) Leaves of absence, including:
 - a. Leaves for temporary disability;
 - b. Childbearing leave and related medical conditions;
 - c. Childrearing leave.

(Continued)

Personnel

SUBJECT: EMPLOYEE DISCRIMINATION GRIEVANCE GUIDELINES (Cont'd.)

- 6) Fringe benefits, including:
 - a. Insurance plans;
 - b. Retirement plans;
 - c. Vacation time;
 - d. Travel opportunities;
 - e. Selection and support for training;
 - f. Employer-sponsored programs.

- 7) Labor organization contracts or professional agreements.

Grievance Process

Any employee suspecting discrimination on the basis of sex, sexual orientation, age, marital status, military status, veteran status, political affiliation, race, creed or religion, color, national origin, disability, or use of a recognized guide dog, hearing dog or service dog may make a claim of discrimination. This claim or grievance is filed with the Superintendent/designee who will assist with the grievance process if necessary. The following information should be included on the grievance:

- 1) The exact nature of the grievance - actions, policies, or practices believed to be discriminatory and any person(s) believed to be responsible.
- 2) The date, time and place of the alleged discriminatory action(s).
- 3) The names of witnesses or persons who have knowledge about the grievance.
- 4) Any available written documentation or evidence that is relevant to the grievance.
- 5) The actions that could be taken to correct the grievance.

The Superintendent/designee shall cause a review of the grievance to be conducted (including necessary meetings and interviews) and a written response mailed to the complainant within ten (10) school days after receipt of the complaint.

If it is agreed that discrimination occurred, corrective action will be taken to restore denied rights.

If there is not agreement, a written appeal may be submitted to the Board of Education indicating the reasons for disagreement. The Board of Education shall consider the appeal at its next regularly scheduled meeting following receipt of the appeal.

(Continued)

SUBJECT: EMPLOYEE DISCRIMINATION GRIEVANCE GUIDELINES (Cont'd.)

A complaint of illegal discrimination may also be filed with the Federal Office for Civil Rights, United States Department of Education, or the New York State Division of Human Rights.

Prohibition of Retaliatory Behavior

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

NOTE: Refer also to Regulation #3420R -- Anti-Harassment in the School District

Personnel

SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)

The District will use the following principles as guides for the development of its substance use/abuse prevention efforts and for any disciplinary measures related to alcohol and other substances:

- 1) While the District can and must assume a leadership role in alcohol, tobacco, and other substance use/abuse prevention, this goal will be accomplished only through coordinated, collaborative efforts with parents/guardians, students, staff, and the community as a whole.
- 2) Alcohol, tobacco, and other substance use/abuse is preventable and treatable.
- 3) Alcohol and other substance use/abuse inhibits the District from carrying out its central mission of educating students.
- 4) The behavior of the Board of Education, the administration, and all school staff should model the behavior asked of students.

The Board of Education recognizes that the problems of alcohol and other substance use/abuse are not limited to the student society. As such, the Board has established an Employee Assistance Program that provides appropriate, confidential prevention, intervention, assessment, referral, support, and follow-up services for District staff who seek assistance with alcohol and other substance use/abuse related problems, emotional problems, mental illness, and other human problems. District staff will be informed about the services they can receive through the Employee Assistance Program.

The District recognizes that it has no right to intervene unless employees' personal problems adversely affect their job performance. When unsatisfactory performance does occur, the District's supervisory personnel will encourage employees to manage and move toward a resolution of their problems on their own or with the help of the Employee Assistance Program.

Staff members who are disciplined for any of these infractions will be referred to the Employee Assistance Program.

The Board recognizes that if the administrative, instructional, and non-instructional staff are to be responsible for implementing and modeling Board policy and administrative regulations, they must be trained about the components of an effective alcohol and other substance prevention program. Staff training will be an on-going process including the following:

For all staff:

- 1) Awareness of personal risk factors for alcohol, tobacco, drugs, and other substance use/abuse so that they may identify personal use/abuse problems and seek assistance,

(Continued)

Personnel

**SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)
(Cont'd.)**

- 2) Their role in implementing Board policy and administrative regulations which includes how to identify students who exhibit high risk behaviors or who are using/abusing alcohol, tobacco, drugs, and other substances, and
- 3) Referral of students to the appropriate services established by the District.

Additionally for teachers:

The knowledge and skills necessary to implement the District's K through 12 alcohol, tobacco, drugs, and other substance prevention curriculum.

For intervention staff:

Appropriate staff training for those identified to carry out the intervention function to assure that their assessment, individual, group, and family counseling and referral skills support the needs of high risk, using, and abusing youth.

SUBJECT: DRUG-FREE WORKPLACE

The Board of Education maintains that it will provide a drug-free workplace by:

- 1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- 2) Establishing a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The District's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- 3) Making it a requirement that each employee engaged in the performance of a federal grant program be given a copy of the statement required by paragraph 1) of this regulation.
- 4) Notifying the employee in the statement required by paragraph 1) of this regulation that, as a condition of employment under the grant, the employee will:
 - a. Abide by the terms of the statement; and
 - b. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- 5) Notifying the federal granting agency within ten (10) days after receiving notice under subparagraph 4)b of this regulation from an employee or otherwise receiving actual notice of such conviction.
- 6) Taking one of the following actions, within thirty (30) days of receiving notice under subparagraph 4)b of this regulation with respect to any employee who is so convicted:
 - a. Taking appropriate personnel action against such an employee, up to and including termination; or

(Continued)

SUBJECT: DRUG-FREE WORKPLACE (Cont'd.)

- b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- 7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of the above paragraphs.

**PORT BYRON CENTRAL SCHOOL DISTRICT
NOTICE TO EMPLOYEES AND VOLUNTEERS ENGAGED IN
WORK ON FEDERAL GRANTS**

YOU ARE HEREBY NOTIFIED that it is a violation of Board of Education policy and administrative regulations of the Port Byron Central School District for any employee or volunteer engaged in work under a federal grant to unlawfully manufacture, distribute, dispense, possess or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substance Act (21 USC 812) and as further defined by regulation at 21 CFR 1300.11 through 1300.15.

YOU ARE FURTHER NOTIFIED that the Board of Education policy with respect to the use of drugs in the workplace by employees or volunteers engaged in work under federal grants is set forth in Policy #6151 and Administrative Regulation #6151R.

YOU ARE FURTHER NOTIFIED that it is a condition of continued employment or volunteer status that each employee or volunteer engaged in work on any federal grant comply with the above policy and regulation and that any employee or volunteer engaged in such work who is convicted of violating a criminal drug statute for a violation occurring in the workplace shall notify his/her supervisor of the conviction, no later than five (5) calendar days after such conviction.

YOU ARE FURTHER NOTIFIED that any employee or volunteer who violates the terms of the Port Byron Central School District's Drug-Free Workplace Policy or administrative regulation may have his/her employment suspended or terminated, or his/her volunteer status terminated, as the case may be.

PORT BYRON CENTRAL SCHOOL DISTRICT

By: _____
Superintendent of Schools

Date

**PORT BYRON CENTRAL SCHOOL DISTRICT
CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS**

This certification is required by the Drug-Free Workplace Act and is implemented through additions to the Debarment and Suspension regulations, published in the Federal Register.

An organizational applicant certifies that it will provide a drug-free workplace by:

- 1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- 2) Establishing a drug-free awareness program to inform employee about:
 - a. The dangers of drug abuse in the workplace;
 - b. The grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- 3) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1) of this regulation;
- 4) Notifying the employee in the statement required by paragraph 1) of this regulation that, as a condition of employment under the grant, the employee will:
 - a. Abide by the terms of the statement; and
 - b. Notifying the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five (5) days after such conviction;
- 5) Notifying the agency within ten (10) days after receiving notice under subparagraph 4)b of this regulation from an employee or otherwise receiving actual notice of such conviction;
- 6) Taking one of the following actions, within thirty (30) days of receiving notice under subparagraph 4)b of this regulation, with respect to any employee who is so convicted:
 - a. Taking appropriate personnel action against such an employee, up to and including termination; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- 7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of the above paragraphs.

(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT
CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS (Cont'd.)**

Place of Performance: The applicant shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: (street address, city, county, state, zip code)

An applicant who is an individual certifies that, as a condition of the grant, he/she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant.

This assurance is given in connection with any and all financial assistance from any federal agency after the date this form is signed. This includes payments after such date for financial assistance approved before such date. The applicant recognizes and agrees that any such assistance will be extended in reliance on the representations and agreements made in this assurance, and the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and on the authorized official (or individual applicant, as appropriate) whose signature appears below.

Organization Name

Name and Title of Authorized Representative

Signature

Date

**SUBJECT: PROFESSIONAL DEVELOPMENT AND CONFERENCE ATTENDANCE/
EXPENSE REIMBURSEMENT****Attendance at Professional Development Programs/Conferences/Workshops**

All District personnel are encouraged to attend professional development programs, conferences, conventions and the like, at District expense and subject to prior administrative approval, for the purpose of professional self-improvement or enhancement of educational services, within budgetary limitations as allocated by the Board of Education. Every effort should be made to submit a request for conference approval at least ten (10) days in advance. Staff should utilize the Conference Request Form (Form #6161F) for this purpose.

Staff members may be allowed to attend professional conferences in certain instances at their own expense if they have prior approval of the Superintendent. Such a request, if approved, must result in no expense to the District, other than the cost of the substitute, and will be at no loss of personal leave time or salary to employees.

After approval of staff attendance at the conference or professional development program, a purchase requisition will be completed by the Business Office in sufficient time prior to the conference so that the expenditure(s) may be encumbered against the proper code.

A brief written report of the conference should be presented to the Building Principal/immediate supervisor and/or the Superintendent of Schools after the conference, whenever requested.

Within budget limitations, the Superintendent or his/her designee may authorize requests for staff reimbursement of expenses for conference attendance and attendance at other professional development programs, as well as reimbursement of other authorized expenses, in accordance with the terms of this Regulation and upon completion of the Claim Form For Conference Expenses (Form #6161F.1), with receipts attached, upon the staff member's return. (see subheading "Guidelines for Conference Request and Claim Forms" of this regulation)

Travel or conference attendance without prior authorization will be at the participant's own expense.

General guidelines for expenses to be reimbursed by the District are outlined below and should be adhered to closely. Requests for further interpretation should be addressed to the immediate supervisor and/or Business Office.

In accordance with Section 77-b of the New York State General Municipal Law, an advance payment may be requested by those staff members duly authorized to attend the professional program, conference, convention and the like for estimated expenditures, for registration fees, travel, meals, lodging and tuition fees provided itemized vouchers showing actual expenditures are submitted after

(Continued)

**SUBJECT: PROFESSIONAL DEVELOPMENT AND CONFERENCE ATTENDANCE/
EXPENSE REIMBURSEMENT (Cont'd.)**

such attendance. (see subheading "Expense Form/Voucher" of this regulation) To the fullest extent possible, meals, public transportation, lodging expenses, and registration fees will be paid directly by the School District by Purchase Order.

Rules Relating To All Employee Travel

- 1) Meal expenses for overnight travel will only be reimbursed based on a per diem rate as outlined below. Expenses for overnight-approved travel will be reimbursed when accompanied by original receipts for lodging and other reimbursable expenses.
 - a. The United States General Services Administration publishes on the following website the per diem meals rates for all major cities in the United States. (see Travel Resources - Per Diem Rates)
 - b. When completing the Claim Form for Conference Expenses (#6161F.1), contact the Business Office with any questions.
- 2) All conference travel must have a completed and approved Conference Request Form (#6161F) on file.
- 3) All reimbursements must be submitted using a Claim Form for Conference Expenses (#6161F.1).
- 4) When traveling by air, District employees shall use the lowest commercial carrier rates available.
- 5) New York State sales taxes for lodging and meals cannot be reimbursed. A Sales Tax-Exempt Form can be obtained from the Treasurer's office prior to travel for hotel accommodations.
- 6) Travel over three hundred (300) miles per round trip must be by public carrier unless it can be demonstrated that automobile travel will be more economical with respect to the following: time involved, the cost of lodging and meals, the existing mileage allowance, and accessibility of the destination by public carrier.

Guidelines for Conference Request and Claim Forms

Conference Request Forms are only to be used by District employees. If there are no expenses to be paid by the District, the Conference Request Form requires only the approval of the Principal/designee and does not get sent to the Business Office. The Superintendent/designee approves those travel Conference Requests which have reimbursable employee expense greater than one hundred dollars (\$100).

(Continued)

**SUBJECT: PROFESSIONAL DEVELOPMENT AND CONFERENCE ATTENDANCE/
EXPENSE REIMBURSEMENT (Cont'd.)**

The Principal or Superintendent may impose restriction to the Conference Request, such as "time only", meaning the employee has personally incurred all costs of the conference.

The procedures for completing a Conference Request are as follows:

- 1) Complete all form information. Include a complete budget code.
- 2) Under District Prepaid or Billed," list only those expenses that will be paid using a District purchase order.
- 3) Under "To Be Reimbursed," list only those expenses that will be paid by the employee.
- 4) For regular local monthly meetings which have a meeting fee (\$50 or less), costs can be claimed on the Mileage Report Reimbursement Request. Specific divisions may have additional requirements.
- 5) Conference Requests that do not require any type of expenditure of District funds may not be required by your Supervisor. Each Supervisor will establish proper protocol in these cases.
- 6) Supervisor's approval is required.

The procedures for completing a Claim Form for Conference Expenses are as follows:

- 1) All appropriate original receipts must be attached. Reimbursements will not be approved if copies of receipts are used. In circumstances where a personal check or credit card is used, a copy of the check front and back or credit card statement will be acceptable.
- 2) Only one employee can submit for reimbursement per receipt.
- 3) Proper types of receipts include:
 - a. Store register tapes showing the store name, description/date need to accompany a brief description justifying purchase.
 - b. Invoices with company letterhead listing the employee as the purchaser and stamped paid in full.
 - c. Copy of front and back of canceled check along with order form or registration form.

(Continued)

**SUBJECT: PROFESSIONAL DEVELOPMENT AND CONFERENCE ATTENDANCE/
EXPENSE REIMBURSEMENT (Cont'd.)**

- d. Itemized hotel bills are required. A credit card receipt is not sufficient.
 - e. Entertainment costs will not be reimbursed.
 - f. If a meal receipt includes more than one meal that is being reimbursed, a list of the people included and district name/organization is required.
- 4) Only mileage and meal limits, per established rates for employee travel, do not require receipts.
 - 5) The complete budget code must be entered, or the claim form will be returned to the Supervisor, which could delay processing.
 - 6) Other expenses could include, but are not limited to, work related telephone costs and conference materials.
 - 7) Supervisor's approval is required.

Guidelines for Use of Mileage Report Reimbursement Request

A Mileage Request is to be used for employees only.

The procedures for completing a Mileage Request are as follows:

- 1) No mileage is allowed between your home and your regularly assigned location.
- 2) Mileage from home to a work assignment for job related activities after normal working hours is reimbursable.
- 3) If you travel directly from home to a location other than your regularly assigned location, you must deduct the miles from your home to your regularly assigned location.
- 4) Original receipts are required when submitting for Parking, Tolls and Other. If you use "EZ-Pass", submit your monthly statement with the appropriate charges highlighted.
- 5) Only appropriate budget codes.

(Continued)

Personnel

**SUBJECT: PROFESSIONAL DEVELOPMENT AND CONFERENCE ATTENDANCE/
EXPENSE REIMBURSEMENT (Cont'd.)**

- 6) For regular local monthly meetings which have a meeting fee (\$50 or less), costs can be claimed on this form with the appropriate receipts. A division may have additional requirements.
- 7) Supervisor's approval is required.

Tax Exempt Status

The Port Byron Central School District is exempt from sales and/or use taxes within New York State. Tax exempt forms should be obtained in advance for such items as hotel rooms, meals within the hotel, car rentals, etc. The School District is not exempt from sales or use taxes outside of New York State, so no deduction would be made in such instances.

Personal Expenses

Personal expenses must be borne by the individual and will be non-reimbursable.

Lodging

Costs for hotel and motel accommodations shall be reimbursable, excluding tax. Tax exemption forms are available in the Business Office and must be presented to the vendor. An invoice must accompany the request for reimbursement.

Registration Fees

Registration fees are reimbursable. A receipt must accompany the request for reimbursement.

Expense Form/Voucher

Upon return from the conference, workshop, or meeting the employee shall, within ten (10) days, file a completed Claim Form For Conference Expenses (#6161F.1). Said voucher shall list all reasonable and necessary reimbursable expenses for attendance at the conference, workshop or meeting from which shall be deducted any advanced payment, thereby indicating the net amount due to the individual or the balance to be returned to the Port Byron Central School District. Any balance due shall be reimbursed to the School District in the form of a personal check payable to the Port Byron Central School District.

Personnel

SUBJECT: REIMBURSEMENT OF BOARD MEMBER EXPENSES

Board members who incur expenses in carrying out their authorized duties shall be reimbursed upon submission of a properly completed and approved voucher and such supporting receipts as required by the President of the Board of Education and/or the Superintendent. All reimbursable expenses must be verified in accordance with standard auditing procedures and original receipts must be provided for all expenses including, but not limited to, taxis, car rentals, hotels, tolls, airline tickets, and registration fees, as appropriate. Receipts for reimbursement of the cost of meals must be submitted for payment by the District unless such costs are in accordance with established per diem meal allowances for travel on official District business.

Travel Expenses

When official travel by personally owned vehicles is made in fulfilling the Board member's responsibilities, the mileage payment shall be made at the rate currently approved by the Board at its Annual Organizational Meeting. Personal expenses incurred are the responsibility of the individual.

Advances

In accordance with Section 77-b of the New York State General Municipal Law, an advance payment may be requested by those Board members duly authorized to attend a conference for estimated expenditures, for registration fees, travel, meals, lodging and tuition fees provided itemized vouchers showing actual expenditures are submitted after such attendance. (see subheading "Expense Form/Voucher" of this regulation) To the fullest extent possible, meals, public transportation, lodging expenses, and registration fees will be paid directly by the Port Byron Central School District by Purchase Order or District Credit Card, as appropriate.

Tax Exempt Status

The Port Byron Central School District is exempt from sales tax within New York State. Tax exempt forms should be obtained in advance for such items as hotel rooms, meals within the hotel, car rentals, etc.

Expense Form/Voucher

Upon return from the conference, workshop, or meeting, the Board member shall, within ten (10) days, file a completed Claim Form for Conference Expenses (Form #6161F.1). Said voucher shall list all reasonable and necessary reimbursable expenses for attendance at the conference, workshop, or meeting from which shall be deducted any advanced payment, thereby indicating the net amount due to the individual or the balance to be returned to the School District. Any balance due shall be reimbursed to the School District in the form of a personal check payable to the Port Byron Central School District.

**PORT BYRON CENTRAL SCHOOL DISTRICT
CONFERENCE REQUEST FORM**

NAME _____ BUILDING _____

CONFERENCE TITLE _____

DATE(S) _____ NUMBER OF SCHOOL DAYS _____

BRIEFLY DESCRIBE WHAT SPECIFIC, OBSERVABLE, MEASURABLE CHANGES WILL RESULT THIS YEAR IN YOUR AREA OF RESPONSIBILITY BY ATTENDANCE AT THIS CONFERENCE:

Special Instructions

- 1) All conference requests must have prior approval. Requests must be submitted at least ten (10) days prior to conference dates. Do not make plans to attend a conference until approval is received.
- 2) Those attending the same conference should travel together whenever possible.
- 3) Approved participants should obtain tax exemption forms from the Business Office so that the employee will not be charged for taxes as the District is not responsible for this expense.
- 4) After attending the conference each individual must submit his/her expenses for reimbursement by completing a claim form and submitting receipts. The completed claim form is to be forwarded through the individual's supervisor to the Business Office for payment.
- 5) After attending any conference, all individuals are to submit a report of the conference to his/her supervisor.

I AM REQUESTING APPROVAL FOR ATTENDANCE AT THE ABOVE DESCRIBED CONFERENCE.

Signature _____ Date _____

TOTAL ESTIMATED COSTS TO THE DISTRICT:

Registration	_____
Transportation	_____
Meals	_____
Lodging	_____
Substitutes _____ x _____ days (up to \$85 per diem)	_____
Other (list individually)	_____

Signature of Principal/Supervisor _____ Date _____
 Signature of Business Manager _____ Date _____
 Signature of Superintendent _____ Date _____

Personnel

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES**District's Responsibilities under the Fingerprinting Law**

Unless otherwise authorized in accordance with law and regulation, the District shall not employ or utilize the prospective school employee, as defined below, unless such prospective employee has been granted a "full" clearance for employment by the State Education Department (SED). All prospective school employees who are not in the SED criminal history file shall be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. A "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).

- 1) Prior to initiating the fingerprinting process, the District shall:
 - a. Provide prospective employees with a form, developed and supplied by the Commissioner of Education. This form will, among other things, inform the prospective school employee of the criminal record check procedures and applicable fees, the employee's right to withdraw his/her application without prejudice at any time before employment is offered or declined, the right of the prospective employee to obtain, review and seek correction of his/her criminal history information, and the right to submit information directly to the Commissioner in relation to the individual's good conduct and rehabilitation. Forms are available on the State Education Department website.
 - b. Obtain the signed, informed consent for each prospective employee to perform the criminal history check.
- 2) Where the prospective school employee is already in the SED criminal history file, the District shall request clearance for employment on a form or in an equivalent manner as prescribed by SED. No fees shall be payable to SED for such request for clearance.
- 3) If an employee who has been fingerprinted ceases employment with the District or ceases providing services with the District, and does not become employed in this District or another district, charter school or BOCES within twelve (12) months of termination of employment, the Commissioner of Education shall notify DCJS, and the employee's fingerprints shall be destroyed and such individual shall be removed from the SED criminal history file.
- 4) The District shall provide the Commissioner with the name and position held by all employees upon commencement and termination of employment.

(Continued)

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)**Who Must Be Fingerprinted**

All "prospective school employees" of the Port Byron Central School District must be fingerprinted. For purposes of this regulation 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:

- 1) 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
- 2) An employee of a provider of contracted services to the Port Byron Central School District who is to be placed within the District; or
- 3) A worker who is to be placed within the District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law, directly or through contract; or
- 4) Any individual who is employed by or associated with a supplemental educational services provider and who will provide supplemental educational services through direct contact with eligible children, regardless of the location in which such services are delivered.

Individuals Who Are Specifically Excluded

Individuals excluded from a criminal history record check/fingerprinting pursuant to this provision of law and regulation are those individuals who:

- 1) 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
- 2) Have continuously provided services to the District since prior to July 1, 2001 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 Port Byron Central 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

(Continued)

Personnel

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

- 3) Will reasonably be expected by the Port Byron Central School District to provide services for the District on no more than five (5) days in the school year in which services are to be performed, provided that the District provides in-person supervision of such individual by one (1) or more employees of the District while that individual is providing such services.

Individuals providing such time-limited and supervised services may include but shall not be limited to artists, guest lecturers and speakers, and sports officials.

Any prospective employee who previously has been fingerprinted in order to obtain certification, and whose fingerprints remain on file with the Division of Criminal Justice Services (DCJS), will not be required to be fingerprinted again for purposes of a criminal history record check.

Who Must Perform the Fingerprinting

Although the District is responsible for securing the fingerprints of all prospective employees, a "designated fingerprinting entity" means one of the following types of entities: school districts, boards of cooperative educational services, charter schools, state and local criminal justice agencies, institutions of higher education, and other entities as designated by SED.

Fees for Fingerprinting

Both DCJS and the FBI impose a processing fee. The fees for the criminal history record search shall be an amount equal to the fees established, pursuant to law, by DCJS and the FBI for processing the criminal history information request. In addition, the entity that actually takes the fingerprints may impose a fee. The fees shall be payable to SED and paid by money order or check of the District or certified check.

Presumably, unless otherwise authorized by the Board of Education, the prospective employee pays the fees.

- 1) However, employees participating in a public assistance employment program or receiving employment services through the federal Temporary Assistance for Needy Families block grants are not responsible for the fees. Under those circumstances, the fees are paid by the Social Services District making the employment placement or assignment.
- 2) On a form prescribed by the Commissioner, a prospective employee may submit to the Board of Education a request that the fees be waived. The Board is permitted to waive payment of the fees in case 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.)**Responsibilities of State Education Department**

- 1) Upon receipt of fingerprints from a prospective employee (via the School District), SED shall submit the fingerprints of prospective employees in the District to DCJS and the FBI for criminal history background checks.
- 2) Where the criminal history record check reveals no criminal record, SED shall issue a clearance for employment to the District, and shall notify the prospective school employee of such clearance for employment.
- 3) Where the criminal history record check reveals that the prospective school employee was convicted of a crime or has a pending criminal charge, SED shall review such record and apply the standards for granting or denial of a license or employment application set forth in Correction Law Section 752 and shall consider the factors specified in Correction Law Section 753. Article 23-A of the Correction Law prohibits denying a license or employment to a convicted offender or from a finding that an applicant lacks "good moral character" when a finding is based on a criminal conviction, unless:
 - a. There is a direct relationship between the criminal offense(s) and the license/employment sought; or
 - b. Granting the license/employment sought would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

A certificate of relief from disabilities or a certificate of good conduct issued to the individual creates a presumption of rehabilitation regarding the offense(s) specified in the certificate.
- 4) The criminal history reports are also subject to Executive Law Section 296(16), which prohibits discrimination in licensing or employment based upon any arrest or criminal accusation no longer pending which was terminated in favor of an individual.
- 5) If, after such review, SED determines that clearance for employment shall be granted, the department shall "promptly" issue such clearance for employment to the Port Byron Central School District.
- 6) If, after such review, SED determines that a prospective school employee's criminal history record demonstrates a basis to deny clearance for employment, SED will issue a notice to the prospective school employee as mandated pursuant to Commissioner's Regulations. The notification will also inform the prospective school employee that he/she has a right to submit a

(Continued)

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

response to SED indicating why clearance for employment should be granted and the appeal process to be followed. Additional procedures to be followed by SED in determining clearance for employment will be as enumerated in Commissioner's Regulations.

Appeal Rights

A prospective employee may appeal a denial of clearance for employment by SED, based upon the review of his/her criminal record, by directing such appeal to the Executive Coordinator of the SED's Office of Teaching. The record review process will be in accordance with Commissioner's Regulations.

Confidentiality of Reports

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.

Refusal to Consent to Fingerprinting

If a prospective employee refuses to consent to be fingerprinted, the District cannot employ the prospective employee.

Conditional Appointments

Upon the recommendation of the Superintendent of Schools, the Board of Education may conditionally appoint a prospective employee.

- 1) A request for conditional clearance shall be forwarded by the District to SED along with the prospective employee's fingerprints as mandated pursuant to law.
- 2) SED sends fingerprints to DCJS (criminal history record check is estimated to be completed within two to four (2-4) days).
- 3) Prior to the commencement of such conditional appointment, the prospective employee must sign a statement indicating whether, to the best of his/her knowledge, he/she has a pending criminal charge or criminal conviction in any jurisdiction outside the state.
- 4) Such conditional appointment shall not commence until notification by the Commissioner that the prospective employee has been conditionally cleared for employment; and such conditional appointment will terminate when the Port Byron Central School District is notified of the determination by the Commissioner to grant or deny full clearance.

(Continued)

Personnel

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

- 5) If full clearance is granted, the appointment shall continue and the conditional status shall be removed.
- 6) If the Commissioner determines that more time is necessary for SED to make a clearance determination, the notification provided to the prospective employee and the School District shall include a "good faith estimate" of the amount of additional time needed.
- 7) SED shall notify the prospective employee and the Port Byron Central School District within fifteen (15) business days after receipt of a prospective employee's fingerprints and request for a determination on conditional clearance.

Emergency Conditional Appointments

Upon the recommendation of the Superintendent, the Board may make an emergency conditional appointment when an unforeseen emergency vacancy has occurred.

- 1) 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 time frame provision shall not apply if the Board finds that the 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.
- 2) When such an emergency conditional appointment is made, the process for conditional appointment as enumerated above must also be initiated.
- 3) Prior to the commencement of such emergency conditional appointment, the prospective employee must sign a statement indicating whether, to the best of his/her knowledge, he/she has a pending criminal charge or criminal conviction in any jurisdiction.

(Continued)

Personnel

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

- 4) The District must send the request for conditional appointment to SED, along with the prospective employee's fingerprints as mandated pursuant to law, for a criminal history record check by DCJS. However, employment pursuant to an emergency conditional appointment may start before SED notifies the District regarding conditional clearance.
- 5) Emergency conditional appointment 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.
- 6) If conditional clearance is granted, the appointment shall continue as a conditional appointment.

Safety of Students

Consistent with the District policy for the safety of the children who have contact with an employee holding conditional appointment or emergency conditional appointment, internal building and/or program procedures will be followed to ensure student safety in the classroom, while attending off-campus activities under the supervision of the Port Byron Central School District and while participating in extracurricular and/or co-curricular activities (including sports and athletic activities).

The immediate supervisor or Building Principal shall, upon the commencement of the staff member's employment, meet with the staff member to review safety considerations and expectations for any contact such staff member will have with students. The Superintendent or designee shall promptly notify the immediate supervisor or Building Principal of any changes in the employee's appointment status, including receipt of clearance for employment.

"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, 2007; and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

Personnel

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)

The School District is committed to providing a safe, productive and positive learning environment within its schools. All District employees are to maintain a professional, ethical relationship with District students that is conducive to creating and maintaining an effective learning environment; and shall serve as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

In order to help prevent the occurrence and/or appearance of inappropriate relationships between staff and students, staff must adhere to the following guidelines as a means to foster the safety and well being of students and to protect staff from unfounded accusations.

Prohibited Conduct by Staff Members Toward Students/Examples of Inappropriate Behavior

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy and regulations, 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 conduct directed toward students includes, but is not limited to, the following behavior:

- 1) Flirting.
- 2) Making suggestive comments.
- 3) Dating and/or asking students for dates.
- 4) Requests for sexual activity.
- 5) Physical displays of affection including kissing, caressing of face or body, and massages.
- 6) Giving inappropriate personal gifts.
- 7) Frequent personal communication with a student (whether by cell phone, regular telephone, e-mail, letters, or notes) unrelated to course work or official school matters.

(Continued)

Personnel

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

- 8) Providing alcohol or drugs to students; or permitting students, in the absence of parental/guardian supervision, to drink alcohol or take drugs in the presence of the employee.
- 9) Inviting a student to go somewhere alone with the employee.
- 10) Inappropriate touching.
- 11) Promoting, providing access to and/or sharing pornographic material including, but not limited to, viewing pornographic movies, videos, pictures, magazines, and web sites.
- 12) Engaging in sexual contact and/or sexual relations.

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against District policy and regulations, 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.

Inappropriate Behavior Initiated by Students

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to his/her Building Principal or supervisor. If appropriate, the Principal/supervisor will intervene and speak to the student and the student's parents about the inappropriate behavior.

Supervision of Students

Staff members shall maintain a reasonable standard of care for the supervision and protection of students commensurate with their assigned duties and responsibilities.

Reporting of Complaints/General Guidelines

- 1) Any student who believes that he/she has been subjected to inappropriate staff behavior as outlined in this regulation, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to any staff member or either the employee's supervisor, the student's Principal or the District's designated Complaint Officer.

(Continued)

Personnel

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

- 2) In all events such reports shall be forwarded to the District's designated Complaint Officer for further investigation.
- 3) Anonymous complaints of inappropriate fraternization of staff members with students shall also be investigated by the District.
- 4) Investigations of allegations of improper staff-student relations shall follow the procedures utilized for complaints of harassment/sexual harassment within the School District, including the filing of "informal" and/or "formal" complaints and levels of appeal.
- 5) All allegations of inappropriate staff-student relations, whether written or verbal, formal or informal, will be investigated thoroughly, promptly and impartially in accordance with law and/or regulations, the applicable collective bargaining agreement, District policy and administrative regulations.
- 6) To the extent possible, within legal constraints, all allegations of inappropriate staff-student conduct 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, Child Protective Services, and/or the State Education Department as warranted; and any disclosure will be provided on a "need to know" basis.
- 7) 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.
- 8) Administration shall also refer to and use, as appropriate, existing policies and administrative regulations (such as those addressing harassment/sexual harassment in the school setting and child abuse/child abuse in an educational setting) when investigating allegations of improper staff-student fraternization.
- 9) The Superintendent/designee is to be informed as soon as possible regarding all allegations and/or reports regarding inappropriate staff-student relations and the status of any investigations.
- 10) All investigations of allegations of improper fraternization between staff and students, as well as any action taken, shall be appropriately documented in order to create a written record that demonstrates the District's efforts to prevent such conduct and to facilitate the evaluation of the District's efforts.

(Continued)

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

- 11) Parents of students subjected to possible improper behavior on the part of a staff member and/or students filing a complaint of such inappropriate behavior will be notified by the appropriate administrator of such occurrence and/or allegations as warranted and in accordance with legal guidelines. Applicable due process procedures will be followed depending upon the nature of the investigation and possible disciplinary sanctions.

Prohibition of Retaliation

The District prohibits any retaliatory behavior directed against complainants, victims, witnesses and/or any other individuals who participated in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

District Responsibility/Training

Principals in each school building and/or program supervisors will be responsible for informing students, staff and volunteers on a yearly basis of District policy and regulations regarding the prohibition of inappropriate staff-student relations. At this time, the Principal/supervisor shall also review the procedures established for reporting, investigation and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student fraternization. Students shall be provided such training in an age appropriate manner.

Disciplinary Sanctions

Any staff member who engages in inappropriate conduct with a student, as prohibited by the terms of District policy and regulations, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulations, and the applicable collective bargaining agreement. A violation of District policy and regulations may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

Dissemination/Publication of District's Prohibition Against Inappropriate Staff-Student Relations

The District's policy and regulations (or a summary thereof) prohibiting inappropriate staff-student relations will be published in appropriate school publications such as teacher/employee handbooks, student handbooks and/or school calendars. A copy of the District policy and regulations prohibiting such inappropriate behavior will also be available upon request. Further, this topic shall be addressed in the District Code of Conduct.

Personnel

SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT

All District employees who hold professional teaching certificates for classroom teaching are required to complete professional development hours to maintain the validity of their certificates. Professional certificate holders must complete 175 hours every five (5) years. The five-year professional development period commences on July 1 after the effective date of the triggering certificate, and each subsequent five-year period thereafter. Each professional development year of the five-year cycle of professional development begins on July 1 and ends the following June 30. The professional development requirement may be completed at any time during the five-year professional development period.

Decisions regarding content, delivery and providers of such professional development are within the purview of the School District and shall be made within the context of the District Professional Development Plan. The Professional Development Plan shall describe how the School District will provide teachers it employs holding a professional certificate with opportunities to maintain such certificates in good standing based upon successfully completing 175 hours of professional development every five (5) years in accordance with Commissioner's Regulations.

If the professional certificate holder wishes to maintain the validity of his/her New York State professional certificate, he/she must satisfy the professional development requirement. If the certificate holder teaches less than ninety (90) days in a given school year for any reason, including an approved leave, the required hours are reduced by ten percent (10%) for each school year during which this is the case.

District Recordkeeping Responsibilities

If the School District provides professional development to teachers in its schools, or professional development is provided by other entities on behalf of the District, the District must maintain a record of professional development completed by its teachers who are required to complete this requirement. Such records shall include those items enumerated in Commissioner's Regulations Section 100.2(dd)(5):

- 1) The name of the professional certificate holder;
- 2) His/her teacher certification identification number;
- 3) The title of the program;
- 4) The number of hours completed; and
- 5) The date and location of the program.

These records shall be retained by the District for at least seven (7) years from the date of completion of the professional development by the professional certificate holder and shall be available for review by the State Education Department (SED).

(Continued)

SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT (Cont'd.)**District Reporting Responsibilities**

Annually, the School District must report to the New York State Education Department (SED) Office of Higher Education's Office of Teaching Initiatives (OTI) the number of all approved professional development hours completed by each teacher who is employed by the District and subject to the professional development requirement, regardless of the professional development provider.

All hours of completed professional development reported by Districts will become part of the certificate holder's certification record maintained by OTI. Teachers with professional certificates must complete the required number of hours of professional development every five (5) years for their certificates to remain valid.

The School District is required to report professional development hours for its employees online directly via the Web-based computer system TEACH (Teacher Education and Certification Help) which may be accessed at: <http://www.highered.nysed.gov/tcert/>. The TEACH public school training guide is also available on the Web at: <http://www.highered.nysed.gov/tcert/teach/resourcesd.htm>

Certificate Holder Responsibilities

All professional certificate holders must keep records of all of their approved professional development activities/programs/coursework, regardless of the provider, for at least seven (7) years from the date of completion of the program and shall be available for review by SED. Such records shall include those items enumerated in Commissioner's Regulations Section 80-3.6(f):

- 1) The title of the program;
- 2) The number of hours completed;
- 3) The sponsor's name and any identifying number;
- 4) Attendance verification; and
- 5) The date and location of the program.

While it is the responsibility of the District to report hours, it is in the interest of every professional certificate holder to verify that their professional development hours are reported and that their individual record is complete. It is recommended that professional certificate holders develop their personal professional development plan in consultation with the District, and obtain District approval before commencing any professional development activities. A suggested (optional) format for planning can be found at Continuing Professional Development District Planning Form (PDF), see website: <http://www.highered.nysed.gov/tcert/pdf/pdplanning.pdf>

(Continued)

SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT (Cont'd.)

Professional certificate holders should check their individual record periodically to verify that the completed hours are being reported by the District at least annually. Questions or discrepancies should be resolved with the District immediately. Certificate holders should not wait until the end of their five-year professional development cycle to resolve any issues. Since the certificate holder is ultimately responsible to maintain his/her certification, he/she will monitor his/her own professional development progress and request, as needed, assistance to fulfill these requirements.

Professional Development Hour

Generally, professional development activity may be considered to accrue according to the number of clock hours spent in the activity, e.g., inservice workshop, conference session, etc. However, the employing School District has the discretion to set the research, attendance at professional meetings, etc. In the case of credit-bearing college courses, Commissioner's Regulations Section 80-3.6(e) stipulates that each semester hour of credit is equal to fifteen (15) hours of professional development, and each quarter hour of credit is equal to ten (10) hours of professional development.

Suggested Professional Development Activities

Content of courses, workshops, and other professional development experiences should be directly related to:

- 1) Enhancing teacher subject matter knowledge,
- 2) Teacher knowledge, use and application of appropriate teaching techniques,
- 3) Broadening and enhancing teacher abilities to apply more accurate and appropriate assessment methodologies, and
- 4) Enhancing teacher skills in effectively managing individual students and classroom in both heterogeneous and homogeneous settings.

The following categories of activities are suggestions for meeting the needs of the District in building teacher capacity:

- 1) Participating in courses and other learning opportunities delivered from many providers, such as institutions of higher education, teacher centers, BOCES, school districts and independent professional development service providers.

(Continued)

SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT (Cont'd.)

- 2) Coursework linked to improvement of instructional technique or content knowledge, which may/or may not be in pursuit of a teaching or advanced teaching degree.
- 3) Completing coursework for more advanced certification or certificates in additional areas or in accordance with teaching assignment requirement for extension to certification.
- 4) Collaborating with other teachers and teaching assistants to examine case studies of student work and development.
- 5) Participating in regional scoring of State assessments, assessing student portfolios.
- 6) Creating and assessing teacher or teaching assistant portfolios.
- 7) Providing Mentoring Service.
- 8) Engaging in research projects (includes online research).
- 9) Participation in study (collegial) circles such as "Critical Friends" activities, structured guided reflection activities focused on student learning.
- 10) Participating in formal programs of peer coaching or participation in peer review.
- 11) Curriculum planning and development.
- 12) Pursuing National Board certification or re-certification (either as candidate or provider of support).
- 13) Sabbaticals (related to content specialty or enhancement of teaching strategies).
- 14) Participating in reviews of class performance data over time to make decisions about one's own professional development, based on student outcomes.
- 15) Developing or collaborating on the development of new programs and instructional methods.
- 16) Teacher of the Year activities.
- 17) New York State Teacher Certification Examinations (NYSTCE) "assessor" or test development committee member.

(Continued)

SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT (Cont'd.)

- 18) Delivering professional development (e.g., conducting workshops).
- 19) Development of Statewide curriculum.
- 20) Service as support teacher, helping teacher, or coach.
- 21) Service as a cooperating teacher for a student teacher or field internships; including attendant meetings and processes.
- 22) Service as an elected officer in professional organizations.
- 23) Service as teacher center director.
- 24) Service/designation as Master Teacher.
- 25) Service on the State Professional Standards and Practices Board.
- 26) Participating in Professional Development School activities or other school-college teacher development partnerships.
- 27) Publishing in educational/journals.
- 28) Developing and presenting a major paper.
- 29) Serving on Comprehensive District Education Plan (CDEP) or District Comprehensive Education Plan (DCEP), or School Leadership committees.

Personnel

SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT

<u>Responsibility</u>	<u>Action</u>
Employee who holds professional certification	1) Submits copy of professional certification to Human Resources Services Office and documentation of any relevant professional development.
Human Resources Services Director/ designee	2) Enters certification data in the District's computer database.
Employee who holds professional certification	3) a. Starting the July 1 following the effective date of the professional certificate, enters hours of appropriate professional development activities. b. Employee may wish to discuss professional development activity with building administrator prior to participation to ensure approval.
Building Administrator	4) a. Reviews documentation and acts on request. b. If approves, documents as such on the District's computer database. c. If declines, informs employee.
Employee who holds professional certification	5) Submits documentation of attendance and description of activity as required by Commissioner's Regulations to building administrator.
Human Resources Services Director	6) a. Periodically reviews professional development status of all certificated staff holding professional certification. b. Annually sends professional certificated staff a memo listing accumulated professional development hours.

(Continued)

Personnel

SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT (Cont'd.)ResponsibilityAction

Human Resources Services Director (Cont'd.)

- c. Annually reports to State Education Department Office of Teaching Initiatives the number of accumulated professional development hours per professional certificated employee as required by Commissioner's Regulations.

Employee who holds professional certification

- 6) Since the certificate holder is ultimately responsible to maintain his/her certification, he/she will monitor his/her own professional development progress.

Personnel

SUBJECT: PERSONNEL RECORDS AND FILES**Personnel Records**

District employees shall notify the District Office of their wish to inspect their personnel files at least one (1) day in advance.

Employees may obtain copies of any material in the personnel file, but may not remove any materials from it.

Inspection of the personnel file shall take place in the District Office.

Personnel Files

All personnel files are considered confidential. In this case confidential means that the file is available only to the individual, and his/her supervisors.

Faculty personnel files are to be kept in the District Office. Copies of observations and/or evaluation forms may be kept in the Principal's office but the signed original is to be sent to the District Office. The Building Principal's file is considered part of the District personnel file. Service personnel files are to be kept in the District and/or Business Office. Copies of evaluations may be kept in the Business Office but the original signed copy is to be kept in the District Office.

Personnel files are to include communications with the staff member, transcripts, letters of reference, employment records, etc. All items should be marked "c: personnel file," and the employee should get a copy. Personal notes by the supervisor or Building Principal and interoffice memos are not to be kept in the personnel file unless the employee receives a copy. Grievance materials/communications will be kept in the personnel file until the grievance is resolved. At that time, the original grievance and the resolution will be kept in the personnel file and all other information relating to the grievance will be placed in a grievance file.

Material kept in the personnel file is not to be released unless authorized by the staff member. This will normally be done through the District Office and will require written authorization. This does not prohibit the immediate supervisor, the Building Principal or the School Business Executive from sending a letter of personal reference if requested by a prospective employer.

Employees may review their personnel file by appointment in the presence of the Superintendent or his/her designee. Employees may have copies of any material in their folder except confidential recommendations.

Financial data and other information covered by the Freedom of Information Law will be made available only upon proper request.

Personnel

SUBJECT: PERSONNEL RECORDS

<u>Responsibility</u>	<u>Action</u>
District Employee	1) Requests permission to inspect his/her personnel file from the District Office at least one (1) day in advance.
Administrator	2) Grants or denies request. a. If request is granted, has file ready and an area set aside for inspection on the agreed upon day and time. b. If permission is denied for particular date requested, states the reason and arranges an alternate time.
District Employee	3) a. At agreed upon day and time, at designated area, inspects file. b. Requests copy of any material he/she wishes to have, but may not remove any original material from the file. c. Upon completion of inspection, returns the file to the Administrator.
Administrator	4) Returns the personnel file to its proper place.

Personnel

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

The District's computer system (DCS hereafter) is provided for staff to enhance the educational programs of the District, to further District goals and objectives; and to conduct research and communicate with others. However, the limited, occasional or incidental use of the DCS by employees for personal, non-business purposes is acceptable to the extent that there is no tangible cost to the District nor any negative impact on the DCS. Usage should be ethically correct in nature.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall apply to use of the DCS. The standards of acceptable use as well as prohibited conduct by staff accessing the DCS, as outlined in District policy and regulation, are not intended to be all-inclusive. The staff member who commits an act of misconduct which is not specifically addressed in District policy and/or regulation may also be subject to disciplinary action, including loss of access to the DCS as well as the imposition of discipline under the law and/or the applicable collective bargaining agreement. Legal action may also be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

Staff are encouraged to utilize electronic communications in their roles as employees of the District. Staff are also encouraged to utilize electronic means to exchange communications with parents/guardians or homebound students, subject to appropriate consideration for student privacy. Communications over the DCS are often public in nature; therefore, general rules and standards for professional behavior and communications will apply.

The District's policies and accompanying regulations on staff and student use of computerized information resources establish guidelines for staff to follow in instruction and in working with students on acceptable student use of the DCS, including access to external computer networks.

Privacy Rights

Staff data files, e-mail and electronic storage areas shall remain District property, subject to District control and inspection. The Computer Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with requirements of District policy and accompanying regulations. Staff should **NOT** expect that information stored on the DCS will be private.

Prohibitions

It is not the intention of this regulation to define all inappropriate usage. However, in addition to the general requirements of acceptable staff behavior, activities which shall be prohibited by staff members using the DCS include, but are not limited to, the following:

- 1) Using the DCS which in any way results in unauthorized charges or expense to the District.

(Continued)

Personnel

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)

- 2) Damaging, disabling or otherwise interfering with the operation of computers, computer systems, software or related equipment through physical action or by electronic means.
- 3) Using unauthorized software on the DCS.
- 4) Changing, copying, renaming, deleting, reading or otherwise accessing files or software not created by the staff member without express permission from the Computer Coordinator.
- 5) Violating copyright law, including the illegal file sharing of music, videos and software.
- 6) Employing the DCS for commercial purposes, product advertisement or political lobbying.
- 7) Disclosing an individual password to others or using others' passwords.
- 8) Sharing confidential information on students and employees.
- 9) Sending or displaying offensive messages or pictures.
- 10) Using obscene language.
- 11) Harassing, insulting, bullying, threatening or attacking others.
- 12) Engaging in practices that threaten the DCS (e.g., loading files that may introduce a virus).
- 13) Violating regulations prescribed by the network provider.
- 14) Assisting a student to violate District policy and/or regulation, or failing to report knowledge of any student violations of the District's policy and regulation on student use of computerized information resources.
- 15) Use which violates any other aspect of Port Byron Central School District policy and/or regulations, as well as local, state or federal laws or regulations.

Any user of the DCS that accesses another network or other computer resources shall be subject to that network's acceptable use policy.

(Continued)

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)**Sanctions**

The Computer Coordinator will report inappropriate behavior to the staff member's supervisor who will take appropriate disciplinary action. Any other reports of inappropriate behavior, violations or complaints will be routed to the staff member's supervisor for appropriate action. Violations may result in a loss of access to the DCS and/or disciplinary action. When applicable, law enforcement agencies may be involved.

Notification

All staff will be given a copy of the District's policies on staff and student use of computerized information resources and the regulations established in connection with those policies. Each staff member will sign an Acceptable Use Agreement (Form #6470F) before establishing an account or continuing their use of the DCS.

**PORT BYRON CENTRAL SCHOOL DISTRICT
AGREEMENT FOR STAFF USE OF COMPUTERIZED INFORMATION RESOURCES**

In consideration for the use of the Port Byron Central School District's Computer System (DCS), I agree that I have been provided with a copy of the District's policies on staff and student use of computerized information resources and the regulations established in connection with those policies. I agree to adhere to the staff policy and the regulations and to any changes or additions later adopted by the District. I also agree to adhere to related policies published in the Staff Handbook. I shall report all student violations of the District's policy on student use of computerized information resources to District officials.

I understand that failure to comply with these policies and accompanying regulations may result in the loss of my access to the DCS and may, in addition, result in the imposition of discipline under the law and/or the applicable collective bargaining agreement. I further understand that the District reserves the right to pursue legal action against me if I willfully, maliciously or unlawfully damage or destroy property of the District.

(Blank lines for items of staff information)

Staff Member Signature

Date

School/Building

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

The Family and Medical Leave Act of 1993 (FMLA) requires public agencies to provide up to twelve (12) weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are "eligible" if they have been employed by the District for at least twelve (12) months and for at least 1,250 hours of service during the previous twelve-month period. Full-time teachers are deemed to meet the 1,250 hour test. However, a break in employment for military service (i.e., call to active duty) should not interrupt the twelve (12) month/1,250 hours of employment requirement and should be counted toward fulfilling this prerequisite. The law covers both full-time and part-time employees.

The District uses a "rolling" twelve (12) month period measured backward from the date of any FMLA leave usage as its method for calculating the leave year period for the commencement of the FMLA leave period. In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

Reasons for Taking Leave

A District must grant unpaid leave to an eligible employee for one (1) or more of the following reasons:

- 1) For the care of the employee's child (birth, or placement for adoption or foster care);
- 2) For the care of the employee's spouse, son or daughter, or parent/guardian, who has a "serious health condition"; or,
- 3) For a "serious health condition" that makes the employee unable to perform their job. A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider that renders the employee incapacitated for more than three (3) consecutive calendar days and where the employee is required to see the health care provider at least twice with the first visit commencing within seven (7) days of the incapacitating event and the second visit commencing within thirty (30) days of the incapacitating event. A "serious health condition" is also defined as any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence.

Military Family Leave EntitlementsMilitary Caregiver 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

(Continued)

Personnel

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

(26) weeks of leave in a single twelve-month period to care for the service member. This military caregiver leave is available during a single twelve-month period during which an eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave. Military Caregiver Leave may be combined with other forms of FMLA-related leave providing a combined total of twenty-six (26) weeks of possible leave for any single twelve (12) month period; however, the other form of FMLA leave when combined can not exceed twelve (12) of the twenty-six (26) weeks of combined leave.

Military Caregiver Leave has a set "clock" for calculating the twelve (12) month period for when FMLA leave begins and tolling starts at the first day of leave taken.

The term "covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves.

"Qualifying Exigency" Leave/Call to Active Duty

An eligible employee is entitled to FMLA leave because of "a qualifying exigency" arising out of circumstances where the spouse, son, daughter, or parent of the employee is serving in either the National Guard or the Reserves and is on active duty called for by the President of the United States or Congress, or has been notified of an impending call to active duty status, in support of a contingency operation.

A "qualifying exigency" related to families of National Guard and Reserve personnel on (or called to) active duty to take FMLA protected leave to manage their affairs is defined as any one of the following reasons:

- 1) Short-notice deployment;
- 2) Military events and related activities;
- 3) Childcare and school activities;
- 4) Financial and legal arrangements;
- 5) Counseling;
- 6) Rest and recuperation;
- 7) Post-deployment activities; and
- 8) Any additional activities where the employer and employee agree to the leave.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

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. This military-related leave is for up to twelve (12) weeks during a single twelve-month period.

Substitution of Paid Leave

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

Advance Notice and Medical Certification

The employee may be required to provide advance leave notice and medical certification.

- 1) The employee ordinarily must provide thirty (30) days advance notice when the leave is "foreseeable."
- 2) A District may require medical certification to support a request for leave because of a "serious health condition".
- 3) A District may reinitiate the medical certification process with the first absence in a new twelve-month leave year.
- 4) A District may also require medical certification if the employee is unable to return from leave because of a "serious health condition".
- 5) A District may also require medical certification for an employee returning to work often called the "fitness for duty" certification.

Medical Treatment for a Serious Health Condition

The first visit to a health care provider for an employee claiming a "serious health condition" under FMLA must occur within seven (7) days of the aforementioned incapacity with the second required visit occurring within thirty (30) of the incapacitating event.

If the employee claiming FMLA under the "serious health condition" rationale is sustaining continuous treatment, their first visit to a health care provider must take place within seven (7) days of the claimed incapacitating event.

(Continued)

Personnel

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

"Chronic serious health conditions" require "periodic visits" ; the employee must see a health care provider a minimum of two (2) times per year. The definition of a "chronic" serious health condition includes:

- 1) Periodic visits [i.e., a minimum of two (2) visits per year] to a health care provider for treatment of the "chronic" serious health condition; and
- 2) The "chronic" serious health condition continues over an extended period of time (including reoccurring episodes of a single underlying condition); and
- 3) The "chronic" serious health condition may be categorized as causing episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

Intermittent or Reduced Leave

- 1) An employee may take intermittent leave or may work a reduced leave schedule to reduce the usual number of hours per day or work week.
- 2) Intermittent or reduced leave schedules are subject to District approval unless medically necessary.

Job and Benefits Protection

- 1) Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

The District may deny restoration to certain highly compensated employees, but only if necessary to avoid substantial and grievous economic injury to the District's operation.

- 2) The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
- 3) The use of unpaid FMLA leave cannot affect the exempt status of bona fide executive, administrative and professional employees under the Fair Labor Standards Act.

Medical Insurance Coverage

- 1) For the duration of FMLA leave, the District must maintain the employee's medical insurance coverage under any "group health plan," under the conditions coverage would have been provided if the employee had continued working.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

- 2) In some cases, the District may recover premiums paid for maintaining an employee's health coverage if the employee fails to return to work from FMLA leave.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- 1) Fail to comply with notice provisions to employees under FMLA;
- 2) Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- 3) Discharge or discriminate against any person for opposing any practice made unlawful by FMLA; and,
- 4) Discharge or discriminate against any person because of involvement in any proceeding under or related to FMLA.

Miscellaneous Provisions

The District shall post a notice approved by the Secretary of Labor explaining rights and responsibilities under FMLA; and a notice of an employee's FMLA rights and responsibilities shall be either placed in the District's employee handbook or furnished to each new employee upon hire. The District has five (5) days to supply such notice from the date of hire. A willful violation of this requirement may subject the District to a fine of up to one hundred ten dollars (\$110) for each separate offense.

FMLA Leave for Spouses Employed at the Same Employer

Unless a "serious health condition" is the reason for why spouses employed by the same employer are taking FMLA-related leave, spouses are limited to a combined total of twelve (12) weeks of FMLA leave during any twelve (12) month period. If a "serious health condition" is the reason why FMLA leave is being taken, whether it be for either spouse, parent, or child, etc., each spouse is entitled twelve (12) weeks of FMLA-related leave during any twelve (12) month period.

Spouses who are entitled to FMLA leave for the reason of being a military caregiver to an injured service member may be limited to a combined total of twenty-six (26) weeks of leave during a single twelve (12) month period.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)**Special Provisions for School District Employees**

An "instructional employee" is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting (e.g., teachers, coaches, driving instructors, special education assistants, etc.). Teaching assistants and aides who do not have instruction as the principal function of their job are not considered an "instructional employee."

Intermittent Leave Taken By Instructional Employees

FMLA leave that is taken at the end of the school year and resumes at the beginning of the next school year is not regarded as intermittent leave but rather continuous leave. The period in the interim (i.e., summer vacation) is not counted against an employee and the employee must continue to receive any benefits that are customarily given over the summer break.

Intermittent leave may be taken but must meet certain criteria. If the instructional employee requesting intermittent leave will be on that leave for more than twenty percent (20%) of the number of working days during the period for which the leave would extend, the following criteria may be required by the employer:

- 1) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- 2) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

Appropriate notice for foreseeable FMLA leave still applies and all employees must be returned to an equivalent position within the School District. Additional certifications, requirements and/or training may not be required of the employee as a contingent of their return to work.

Leave Taken by Instructional Employees Near the End of the Instructional Year

There are also special requirements for instructional employees taking leave and the leaves relation to the end of the term. If the instructional employee is taking leave more than five (5) weeks prior to the end of the term, the District may require that the employee take the leave until the end of the term if the leave lasts more than three (3) weeks and the employee was scheduled to return prior to three (3) weeks before the end of the term.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

If the instructional employee is taking leave less than five (5) weeks prior to the end of the term for any FMLA-related reasons except qualifying exigency, the District may require that the employee remain out for the rest of the term if the leave lasts more than two (2) weeks and the employee would return to work during that two (2) week period at the end of the instructional term.

If the instructional employee begins taking leave during the three (3) weeks prior to the end of the term for any reason except qualifying exigency, the District may require that the employee continue leave until the end of the term if the leave is scheduled to last more than five (5) working days.

Any additional time that is required by the District due to the timing of the end of the school year will not be charged against the employee as FMLA leave because it was the employer who requested that the leave extend until the end of the term.

FMLA Does Not

- 1) Affect any federal or state law prohibiting discrimination;
- 2) Supersede any state or local law which provides greater family or medical leave rights;
- 3) Diminish an employer's obligation to provide greater leave rights under a collective bargaining agreement or employment benefit plan, nor may the rights provided under FMLA be diminished by such agreement or plan; nor,
- 4) Discourage employers from adopting policies more generous than required by FMLA.

Enforcement

- 1) The Secretary of Labor is authorized to investigate and attempt to resolve complaints of violations, and may bring an action against an employer in any federal or state court of law.
- 2) FMLA's enforcement procedures parallel those of the federal Fair Labor Standards Act. The FMLA will be enforced by the Department's Wage and Hour Division.
- 3) An eligible employee may bring a civil action against an employer for violations.
- 4) Employers who act in good faith and have reasonable grounds to believe their actions did not violate FMLA may have any damages reduced to actual damages at the discretion of a judge.

For more information, please contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor, Employment Standards Administration.